



Date: March 1, 2021

PUP No. 738-0032-21-24

VIA EMAIL AND MAIL

Attn: Babita Bains

Ministry of Forests, Lands, Natural Resource Operations & Rural Development
P.O. Box 9513 Stn. Prov. Govt.
Victoria, BC V8W 9C2

Dear Ms Bains:

In response to your application dated December 14, 2020, enclosed is Pesticide Use Permit No. **738-0032-21/24** issued under the provisions of the *Integrated Pest Management Act*. Your attention is respectfully directed to the conditions of the permit that must be complied with.

It is the responsibility of the permit holder to ensure that all activities conducted under this permit are carried out with due regard to the rights of third parties, and comply with other applicable legislation that may be in force - including, but not limited to, using pesticide only for the use described on the label and in accordance with the instructions on that label.

This decision may be appealed to the Environmental Appeal Board in accordance with Section 14 of the *Integrated Pest Management Act*. An appeal must be delivered within 30 days from the date that notice of the decision is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

Administration of this permit will be carried out by staff from the Environmental Protection Division's Regional Operations Branch. Plans, data and reports pertinent to the permit are to be submitted by email or electronic transfer to the Administrator, designated officer, or as further instructed.

Yours truly,

Shelley Metcalfe, MEL, P.Ag.
Authorizations Section Head, Industry and IPM
On behalf of the Administrator, *Integrated Pest Management Act*

Attachments

Ministry of Environment &
Climate Change Strategy

Integrated Pest Management
Environmental Protection
Division

Mailing Address:
200-10470 152nd Street
Surrey BC V3R 0Y3

Telephone: 604 582-5200
Facsimile: 604 930-7119
Website: www.gov.bc.ca/env



MINISTRY OF ENVIRONMENT & CLIMATE CHANGE STRATEGY

PESTICIDE USE PERMIT No. 738-0032-22-24

Pursuant to Section 6 of the Integrated Pest Management Act

British Columbia Minister of Forests, Lands, Natural Resource Operations & Rural Development
P.O. Box 9513 Stn. Prov. Govt.
Victoria, BC V8W 9C2

is authorized to use pesticides subject to conditions listed below. Contravention of any of these conditions is a violation of the *Integrated Pest Management Act* and may result in prosecution.

1 Authorized Pesticide Use

Pesticide use must be for the purpose of eradicating introduced populations of the Gypsy Moth (*Lymantria dispar*) from municipal and private land in the Courtenay area shown in the attached map.

- 1.1 The authorized pesticide is Foray® 48B, P.C.P. No. 24977, active ingredient: *Bacillus thuringiensis* sub species *kurstaki* at a rate of 4 L/ha or 50 Billion Cabbage Looper Units (BCLU/ha) per application.
 - 1.2 The authorized method of application is aerial by fixed-wing aircraft.
 - 1.3 A maximum of four aerial pesticide applications are permitted for each treatment location.
 - 1.4 The maximum treatment area per application must not exceed 187 ha.
- 2** Aerial application is permitted on or over lands that are within the treatment boundaries delineated on the attached map where permission has been granted by the land owner, the land holder, an Order In Council, or other legal instrument.

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3 Treatment Dates

- 3.1 The permit holder is authorized to conduct pesticide use from 10 (ten) days after the date of publication of the permit as described in Condition 4.1 until the permit expires on March 1, 2024.

4 Access to Permit Information

- 4.1 To allow inspection and copying by the public, the permit holder must post a copy of the permit within seven days of permit issuance with relevant maps:
- a) on the Ministry of Forests, Lands, Natural Resource Operations and Rural Development's web site, and
 - b) at the Comox Valley Regional District Office.
- 4.2 In each calendar year, the permit holder must post the permit and maps as described in Condition 4.1 at least 7 days before treatment begins and ensure postings remain at those locations until 7 days after all pesticide spray activities under the permit have ceased for that year.

5 Notification

- 5.1 Within 15 days of issuance of the permit, the permit holder must publish a notice in at least one community newspaper circulated within the treatment areas.
- 5.2 A notice for the purpose of Condition 5.1 must contain the following information:
- a) the name, address and telephone number of the permit holder,
 - b) the permit number,
 - c) the purpose of pesticide use,
 - d) the trade name, P.C.P No., and the active ingredient of the pesticide used,
 - e) the method of application,
 - f) a map showing the location of the treatment area and primary zone of spray drift deposition,
 - g) the date of project commencement and completion,
 - h) information on where copies of the permit and map of the treatment area may be examined,
 - i) information on how and when telephone support lines can be accessed by the public to obtain information on the pesticide use.
- 5.3 In each calendar year the permit holder must issue a press release about the pending local pesticide use at least 7 days prior to commencement of the first pesticide application. The press release must be sent to a minimum of one community newspaper, one locally

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broadcast AM radio station, one locally broadcast FM station, and one locally broadcast television station that serve the communities in and around the treatment areas.

- 5.4 A press release for the purpose of Condition 5.3 must contain at least the following, or comparable, wording:

The first in a series of aerial spray operations using the pesticide product Foray 48B (active ingredient Btk) to control introduced populations of the Gypsy Moth may commence as early as April 15, 2021. A maximum of four sprays will take place at approximately ten day intervals until June 30, 2021. Each spray is expected to commence 1 hour before sunrise to no later than 8:30am on each of four spray application mornings. People who wish to minimize their exposure may remain indoors with their windows and doors closed during the spraying and for at least 30 minutes thereafter. Changes in weather conditions may cause proposed applications to be cancelled or delayed with little advance notice.

- 5.5 At least 24 hours before commencing each pesticide application, the permit holder must provide notification (in writing if possible) to the following persons or their representatives:
- a) the Medical Health Officer for each Health Authority in which an application will take place,
 - b) the Principals of all schools within the treatment area and primary zone of spray drift deposition,
 - c) the owners or managers of any licensed care facilities within the authorized spray area and primary zone of spray drift deposition,
 - d) all persons subscribed to the list serve or other subscription email application,
 - e) the Mayor of each town or City in which an application will take place,
 - f) IPM Officer ConradBerube@gov.bc.ca via email and to ipmreporting@gov.bc.ca.
- 5.6 Notification for the purpose of Condition 5.5 must include:
- a) the date and estimated start time of pesticide application, and
 - b) estimates of how long the upcoming pesticide application will take to be completed.
- 5.7 Immediate notification must be provided to the persons outlined in Condition 5.5 when a pending pesticide application has been cancelled, delayed or deferred and when a deferred pesticide application has been rescheduled, or when the next pesticide application is likely

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to occur.

- 5.8 At least 48 hours before commencement of each spray application, the permit holder must place treatment notices so they are clearly visible to anyone entering the treatment areas.
- 5.9 A treatment notice for the purpose of Condition 5.8 must:
- a) be at least 75 cm x 65 cm in size,
 - b) be constructed of water resistant material,
 - c) display, in bold, block letters, the words “NOTICE OF PESTICIDE USE”, or in place of the words “pesticide use”, the words “GYPSY MOTH AERIAL SPRAYING”,
 - d) contain a cautionary symbol, like a stop sign or a raised hand,
 - e) indicate the name of the permit holder,
 - f) indicate the permit number,
 - g) indicate the treatment date,
 - h) indicate the purpose of pesticide use,
 - i) indicate the trade name, P.C.P. No., and active ingredient of the pesticide used,
 - j) indicate the method of application,
 - k) contain a map showing the location of the treatment area and primary zone of spray drift deposition,
 - l) contain the date of project commencement and completion, and
 - m) contain information on telephone lines and websites that can be accessed by the public to obtain spray-related information or to discuss health-related concerns associated with the pesticide use.
- 5.10 At least one hour before commencement of each pesticide application, the permit holder must ensure that treatment signs are displayed via LED variable message boards on the north and south bound lanes of the Island Highway N so that each sign is clearly visible and will inform any person approaching the area of the pesticide use.
- 5.11 The permit holder must conduct any additional notification agreed upon during the consultation process in the manner agreed upon with the parties to be notified.
- 5.12 Prior to the first pesticide application, the permit holder must submit a copy of the signed Order In Council to IPM Officer Scott Bennett via email scott.bennett@gov.bc.ca and to ipmreporting@gov.bc.ca.

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- 5.13 The permit holder must develop, maintain and implement a location-specific plan for communicating details to the public, relevant health authorities, government agencies and local government regarding the proposed and completed pesticide uses.

6 Monitoring

- 6.1 During the periods of pesticide use, the permit holder must ensure that wind speed is monitored using an appropriate anemometer within the permitted area.
- 6.2 The permit holder must use spray monitoring devices to determine the uniformity of coverage of the spray treatment and the extent of spray drift.

7 Restrictions

- 7.1 The permit holder must comply with the requirements of the label for the pesticide being applied.
- 7.2 All personnel involved in the project must be informed of the terms and conditions of the permit and any permit amendments prior to pesticide use.
- 7.3 Application equipment and droplet size must be selected to minimize drift while still achieving the primary treatment objective of Gypsy Moth eradication.
- 7.4 All spray equipment must be properly calibrated prior to use.
- 7.5 All pesticide products and application equipment used must be maintained in secure conditions that prevent tampering or the introduction of contaminants.
- 7.6 All individuals conducting aerial pesticide applications must possess a valid BC pesticide applicator certificate in the Aerial category.
- 7.7 Aerial applications must be conducted between civil morning twilight and 0830 hours.
- 7.8 At all times during aerial operations, the pilot(s) must be in continuous radio contact with ground-based personnel that are familiar with the permit and treatment area.
- 7.9 Pesticides must not be applied in areas where wind speeds are greater than 8 km/hr.

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7.10 Areas affected by pesticide spills that result in impacts not authorized by, or consistent with this permit, must be cleaned-up and decontaminated immediately.

8 Record Keeping and Reporting

- 8.1 All available information on public health concerns raised and addressed through the health lines listed in Conditions 5.2 (i) and 5.9 (m) must be documented and reported to IPM Officer Scott Bennett via email scott.bennett@gov.bc.ca and to ipmreporting@gov.bc.ca within 15 days of each period of pesticide use.
- 8.2 For each pesticide treatment under this permit, the permit holder must keep a record containing the following information:
- if the use was performed as a service, the name and license number of the licensee who performed the service,
 - if the use was not performed as a service, the name and certificate number of the pesticide applicator certificate holder who used the pesticide,
 - the date and time of the pesticide use,
 - the method and rate of application and the total quantity of pesticide used,
 - the prevailing meteorological conditions, including temperature, precipitation, and speed and direction of the wind,
 - the pesticide application flight path maps, and
 - the results from spray monitoring devices.
- 8.3 The permit holder must submit an annual report for each calendar year via email to ipmreporting@gov.bc.ca on or before January 31 of the next calendar year. The first report is due January 31, 2022. The annual report must include:
- the name and address of the permit holder,
 - the trade name, P.C.P No., active ingredient and the quantity (in L) of pesticide used per application and the total quantity of pesticide used,
 - the area treated (in ha),
 - a description of the timing of treatments,
 - a summary of information or concerns raised through the health lines in Condition 5.2 (i) and 5.9 (m) and recommended actions to address these concerns for future programs,
 - the pesticide treatment efficacy based on monitoring trap catches,
 - the results of the spray zone and drift zone monitoring required under Condition 6.2, and

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- h) all pertinent maps and recommended follow-up activities for the treatment area.
- 8.4 Pesticide spills that result in impacts not authorized by or consistent with this permit must be immediately reported to Emergency Management BC at 1-800-663-3456. Spill affected areas must be immediately evaluated and cleaned up/decontaminated as appropriate. As soon as practicable, the permit holder must provide the Administrator with a report via email to ipmreporting@gov.bc.ca on the nature of the spill, any impacts, as well as any clean up/decontamination activities planned or taken.
- 8.5 If the permit holder believes that the permit holder or another person has contravened the *Integrated Pest Management Act* or Regulation in a manner involving the release of pesticide into the environment, the permit holder must give written notice to the Administrator as soon as practicable.
- 8.6 If the permit holder believes that non-compliance with any terms and conditions of this permit has occurred, the permit holder must give written notice to the Administrator via email to ipmreporting@gov.bc.ca as soon as practicable. The permit holder must undertake actions to evaluate the potential impact of the non-compliance on human health and or the environment.

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Map 1. Courtenay Gypsy Moth Treatment Area

