

Compliance under the *Integrated Pest Management Act*

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Industrial Vegetation Management Association of BC

Biennial Forum – November 2nd, 2021

Outline

Team and Branch structure update

Role of IPM Compliance team and our current mandate

Recent compliance work – Forestry and Industrial Vegetation audits

Enforcement overview

- Administrative Penalty Regulation structure
- Recent enforcement file – CN Rail Skeena

What industry can do to be successful

Public complaints and public reporting

Looking ahead – Indigenous Engagement in Compliance, online data submissions

A quick review...

Last IVMA meeting (Richmond 2018)...

Jon Mullan and I gave a workshop on implementation of IPM – focus on policy interpretation and compliance verification

Different types of inspections we do – on site, office review, linking the pieces

Audits, compliance policy, and guidance

Transparency and reporting

The IPM Compliance Team

Five IPM Officers and one
Section Head:

Prince George – Manny
Mariotto

Kamloops – Michael Lapham

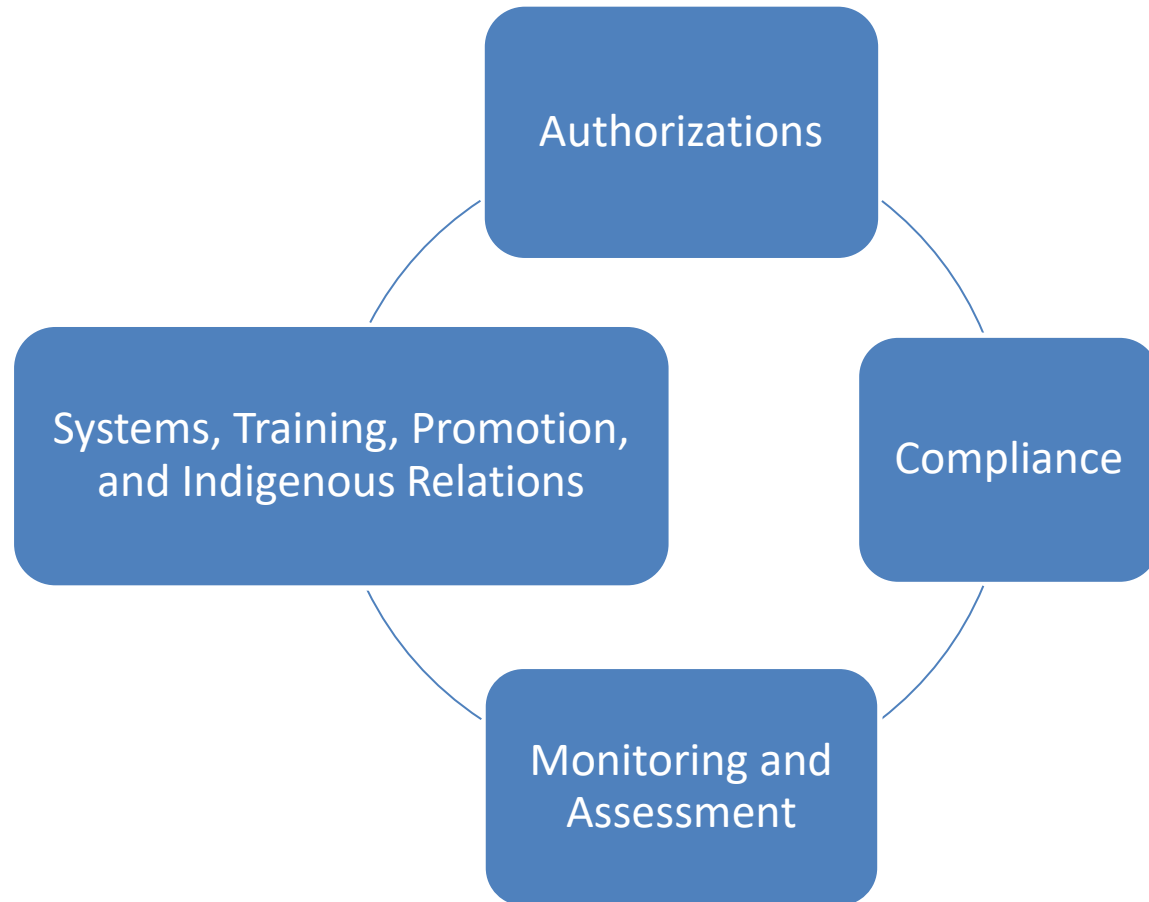
Penticton – Margot
Hollinger & Andreas Wins-
Purdy

Surrey – Rana Sarfraz

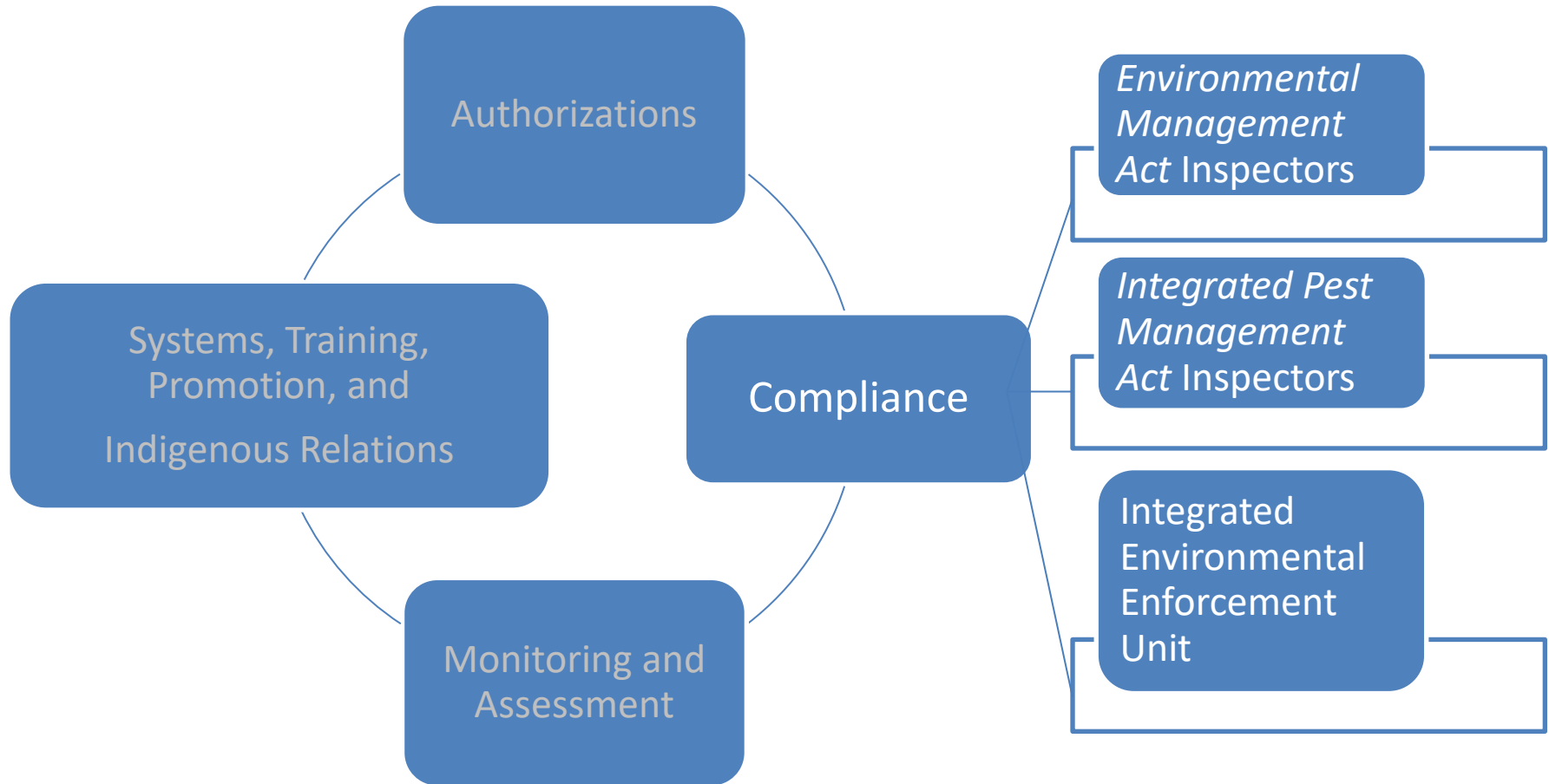
Nanaimo – Conrad Berube



Regional Operations Branch Structure



Regional Operations Branch Structure



Our current mandate

IPM Compliance Team Goals and Targets – fiscal 2021

Conduct 225 Inspections across the province in all sectors

Complete 2 Sector Audits – Landscape Service Providers and Industrial Vegetation Rights of Ways

Respond to 90% of public complaints within 7 days

Inspections under the Minister's Rodenticide Order

Inspections During COVID

Safety protocols for inspectors implemented for everyone's protection

Onsite inspections resumed in summer of 2020 and continue as normal today

Inspectors will follow safety protocols of any on-site facilities if applicable



IPM Officer Rana Sarfraz conducting a fumigation inspection

Recent work – Forestry Audit 2019

Objectives

Inspect both forestry confirmation holders and licensees working under confirmations in 2019

Report out on trends in pesticide and non-chemical treatments in forestry from 2014-2019

Report out to industry for compliance promotion



Ministry of
Environment and
Climate Change Strategy

2019

INTEGRATED PEST MANAGEMENT ACT
Forestry Pesticide User Audit



Environmental Protection Division | Regional Operations Branch

Recent work – Forestry Audit 2019

Methods

3 inspections of aerial licensees, 11 office review inspections of forestry confirmation holders, 7 field inspections of treated cutblocks

Office review inspections focused on PMP, maps, monitoring forms – do the records reviewed indicate compliance with IPM requirements?



Ministry of
Environment and
Climate Change Strategy

2019

INTEGRATED PEST MANAGEMENT ACT
Forestry Pesticide User Audit



Environmental Protection Division | Regional Operations Branch

Recent work – Forestry Audit 2019

Compliance Results

86% of inspections (18 of 21) were determined to be in compliance

Non-compliances were administrative in nature – advisories issued

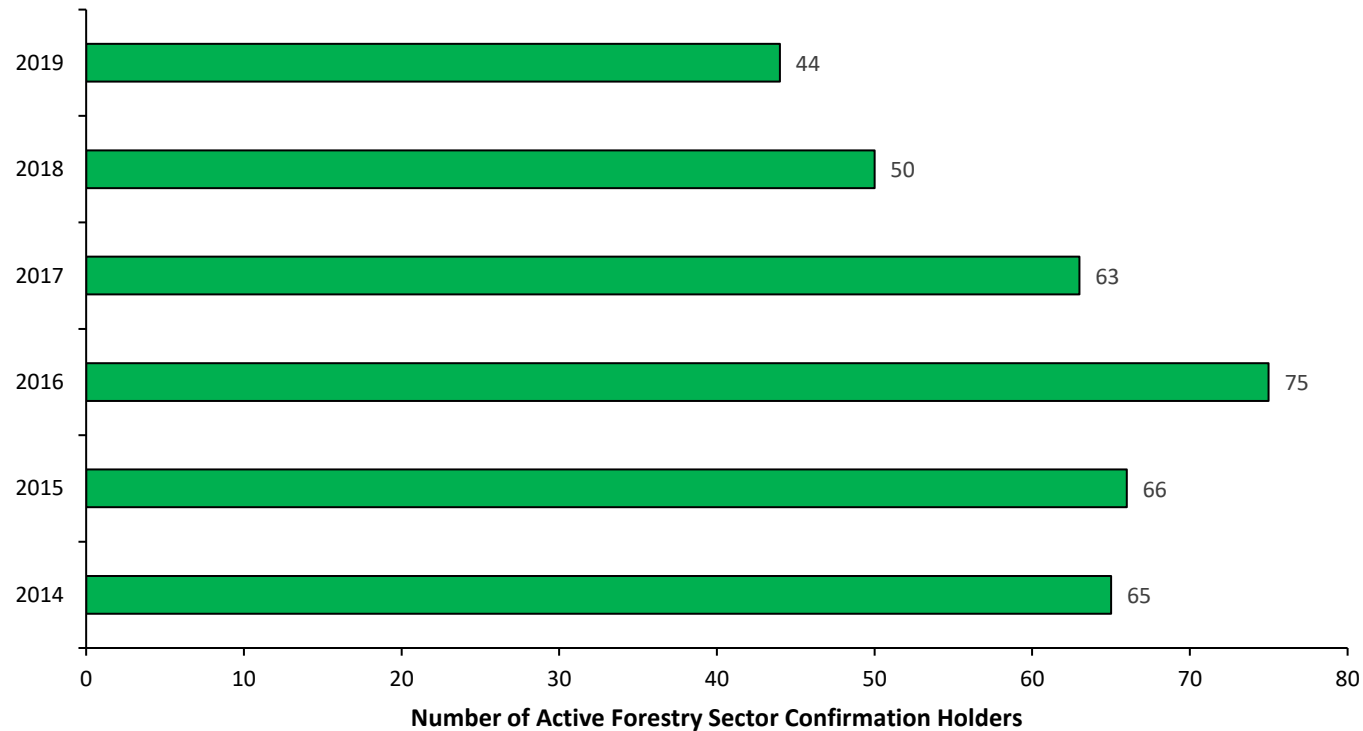
Of the 32 cutblocks inspected, none of them had Pesticide Free Zone infringements



Pesticide Free Zone adjacent to a wetland and creek.

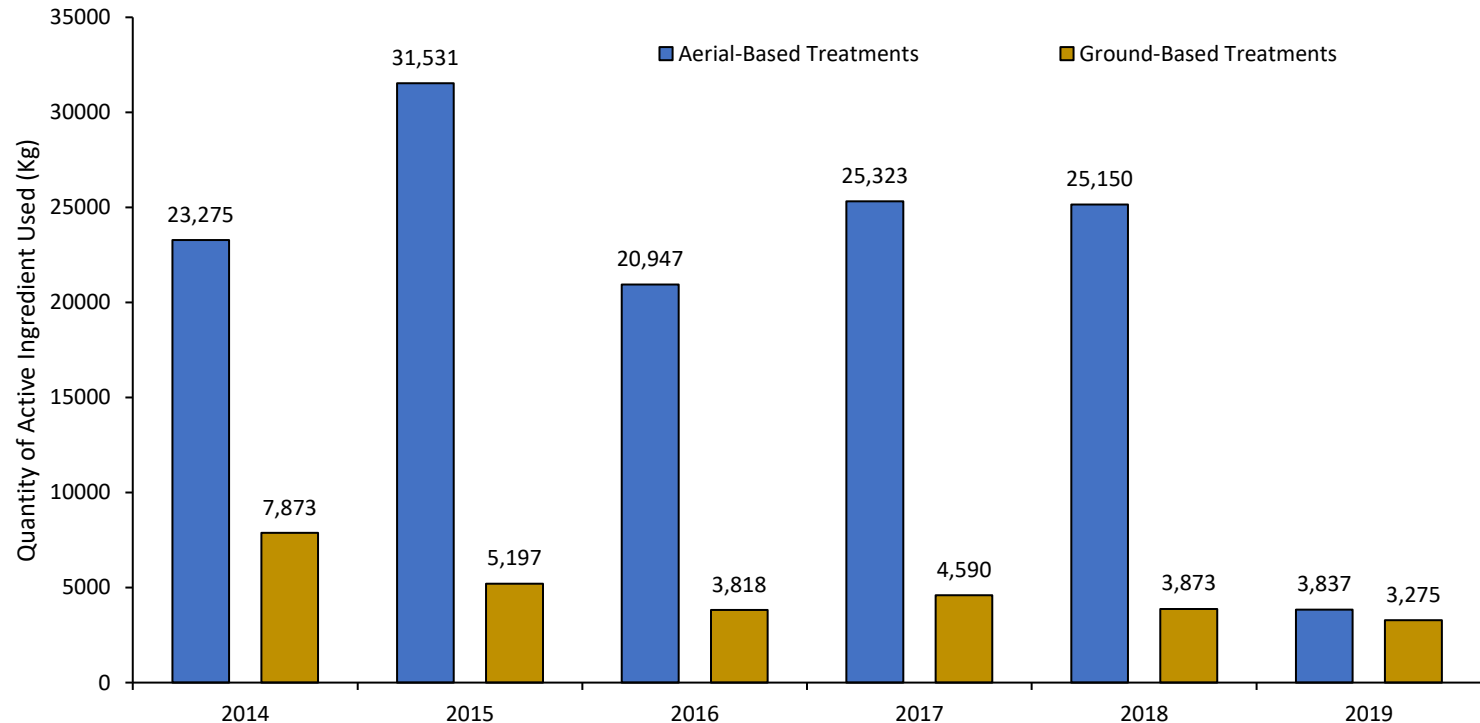
Recent work – Forestry Audit 2019

Additional Analysis - Authorizations



Recent work – Forestry Audit 2019

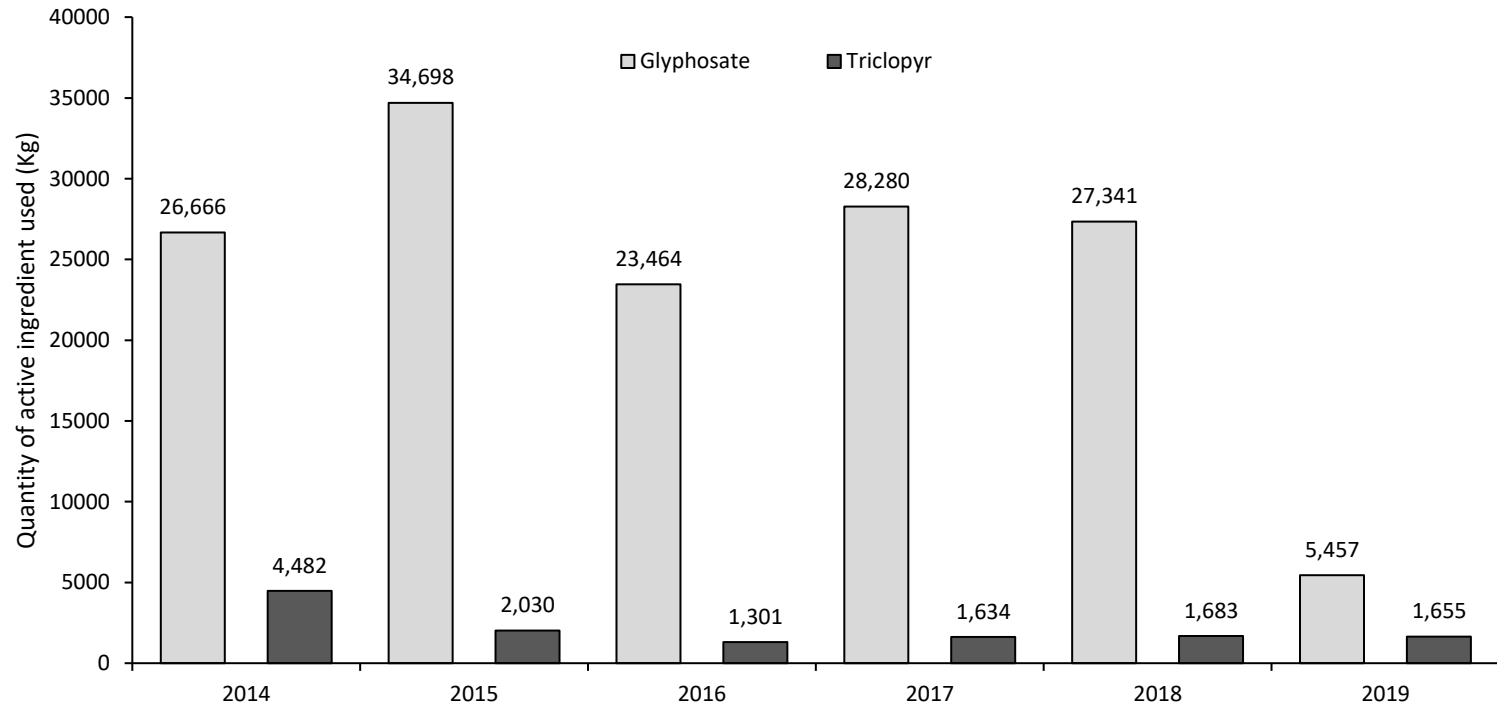
Additional Analysis – Pesticide Use



Total quantity of pesticide active ingredients applied through aerial and ground-based methods 2014-2019

Recent work – Forestry Audit 2019

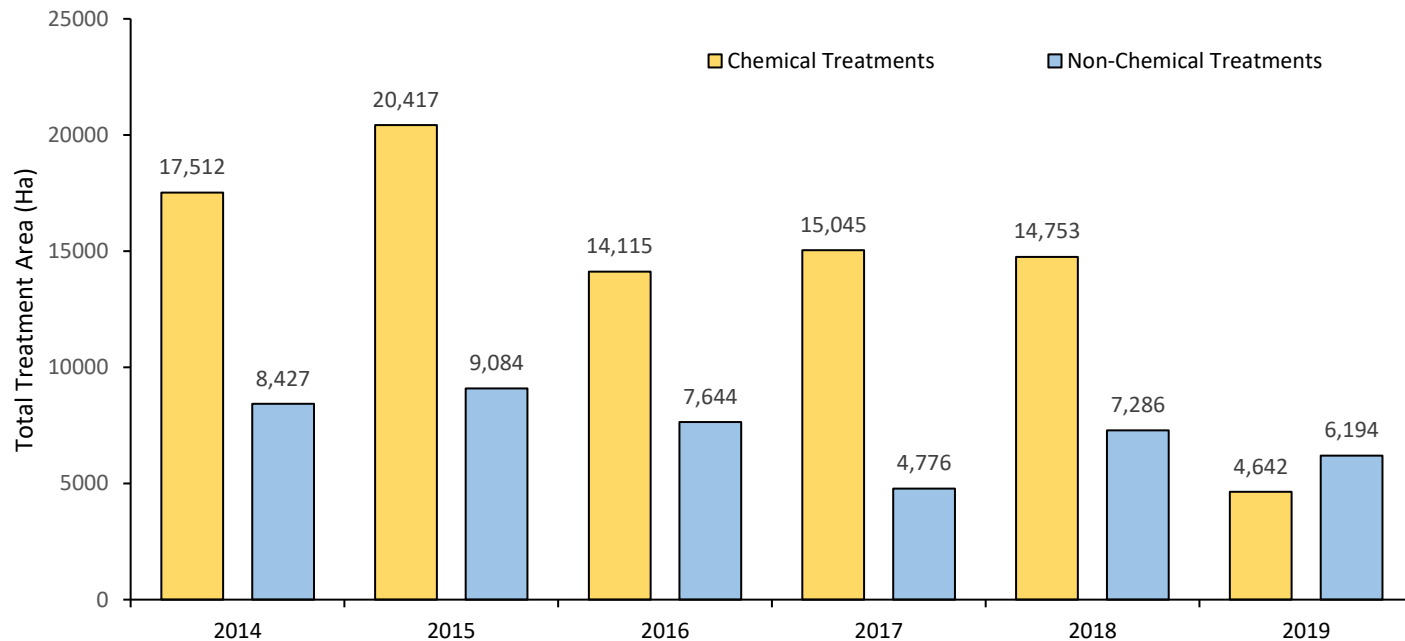
Additional Analysis – Pesticide Use



*Total quantity of each pesticide active ingredient applied
in forestry 2014-2019*

Recent work – Forestry Audit 2019

Additional Analysis – Chemical vs. non-chemical treatments



Total treatment area (in hectares) for chemical vs. non-chemical treatments in forestry 2014-2019

Recent work – Forestry Audit 2019

Compliance Promotion

Results discussed with
inspected parties

Results of the audit
presented at 2020 Northern
Silviculture Committee
Meeting (and at IVMA today)

Report published on the
ministry website



*Sr. IPM Officer Manny Mariotto at 2020
NSC meeting*

Industrial Vegetation Audit 2021

Audit currently taking place – inspections of approximately 25 confirmation holders and licensees

Focus is on treatments of Rights of Way

Combination of field and records review inspections

Inspections encompass a number of compliance points:

- field inspections verifying Pesticide Free Zone and other requirements
- all inspections involve reviews of NIT's, Annual Use Summaries, monitoring records, PMP's – looking at the linkage to determine compliance with the IPM requirements

From Compliance to Enforcement

What happens if you are inspected and found to be out of compliance?

Responses to non-compliance are guided by ministry policy – primarily the non-compliance decision matrix

Responses include advisories, warnings, administrative penalties, sanctions, or referrals for investigation

		ESCALATING ENVIRONMENTAL, HUMAN HEALTH OR SAFETY IMPACTS (ACTUAL OR POTENTIAL)				
		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
DIMINISHING LIKELIHOOD OF COMPLIANCE (COMPLIANCE HISTORY / WILLINGNESS AND CAPACITY TO COMPLY)	CATEGORY A (high)	ADVISORY	ADVISORY - WARNING	WARNING - ADMIN PENALTY	ADMIN PENALTY	INVESTIGATION
	CATEGORY B	ADVISORY - WARNING	WARNING - ADMIN PENALTY	WARNING - ADMIN PENALTY	ADMIN PENALTY - CONSULT	
	CATEGORY C	WARNING - ADMIN PENALTY	WARNING - ADMIN PENALTY - ADMIN SANCTION	ADMIN PENALTY - ADMIN SANCTION - CONSULT	CONSULT	
	CATEGORY D	WARNING - ADMIN PENALTY - ADMIN SANCTION	ADMIN PENALTY - ADMIN SANCTION - CONSULT	ADMIN PENALTY - CONSULT	CONSULT	
	CATEGORY E (low)	CONSULT	INVESTIGATION			

Enforcement – Administrative Penalties

The IPM Act Administrative Penalties Regulation came into force in 2014

It allows for administrative penalties for contraventions of the Act and Regulation, or with the terms of a permit, license, or confirmation

Maximum penalties range depending on the contravention, e.g.:

Contravention	Maximum
IPM Act 3(1)(a) – cause unreasonable adverse effect	\$75,000
Permit or license requirement	\$40,000
Other Regulation provisions	\$10,000

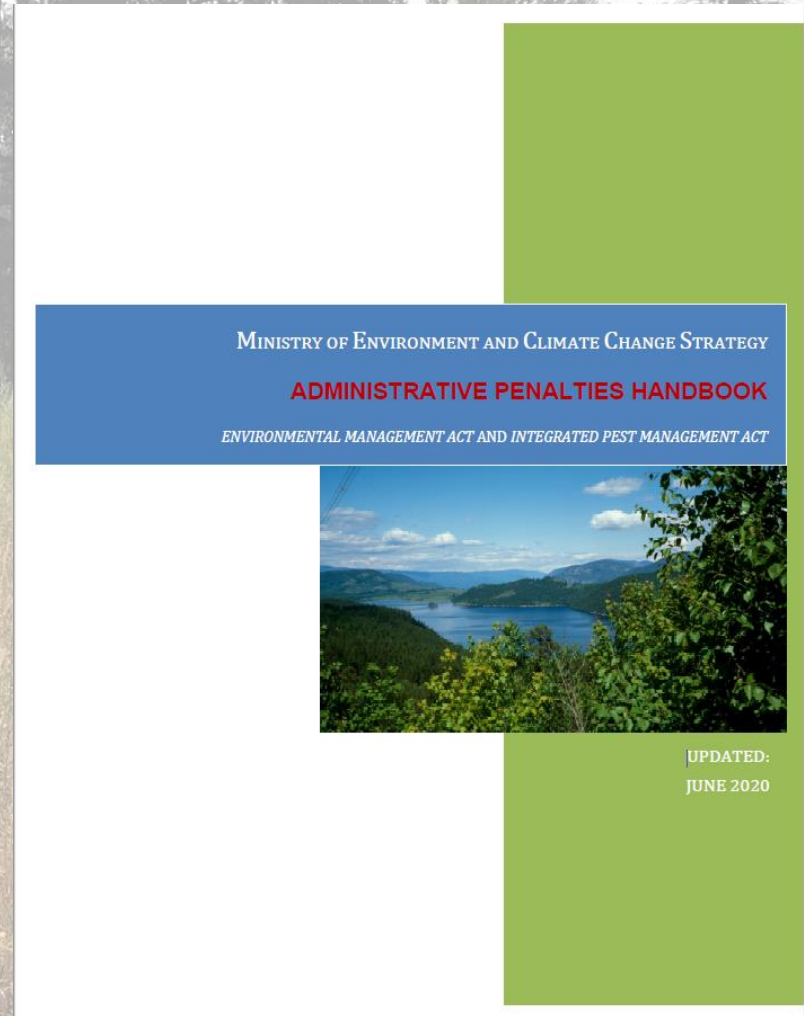
Enforcement – Administrative Penalties

All aspects of the process are guided by ministry policy

Any party receiving a penalty notice is provided an Opportunity to be Heard prior to a final determination

Multiple factors must be considered by the Statutory Decision Maker in determining the amount of the penalty

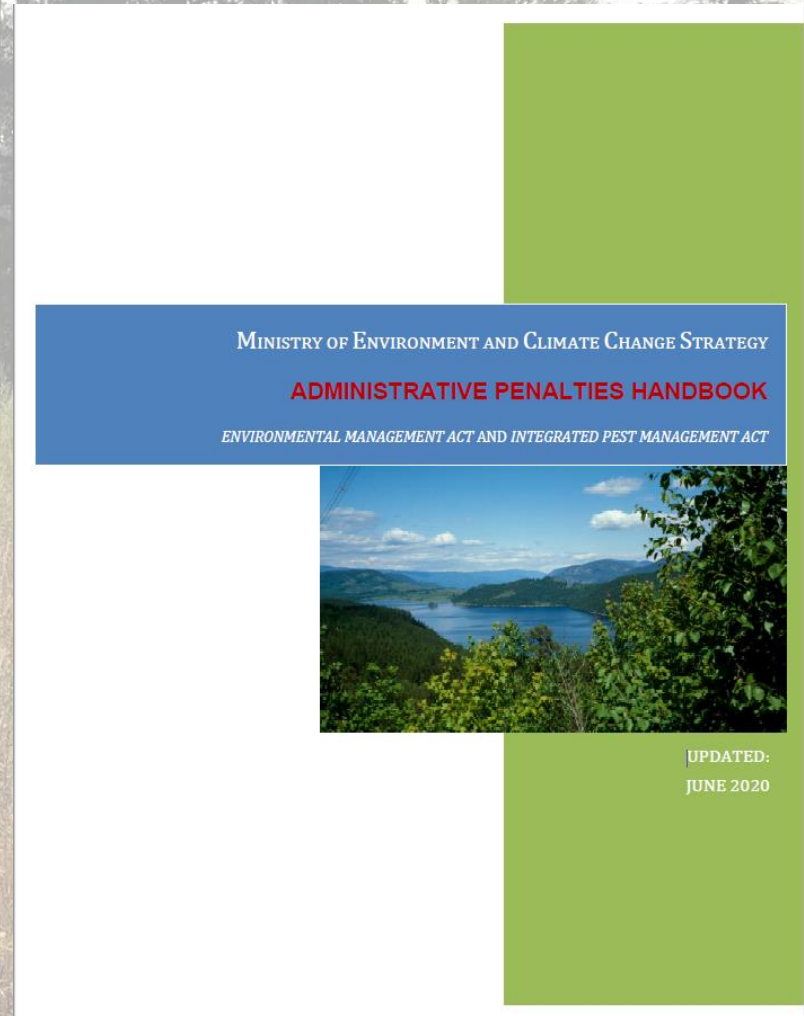
All penalties are appealable



Enforcement – Administrative Penalties

Factors that **must** be considered:

- a) Nature of the contravention
- b) Real or potential adverse affects
- c) Previous contraventions or penalties
- d) Repeated or continuous contravention
- e) Deliberateness
- f) Economic benefit
- g) Any due diligence exercised
- h) Efforts to correct the contravention
- i) Efforts to prevent re-occurrence
- j) Any other relevant factors



Enforcement – CN Rail Skeena file

Background

In June of 2017, CN Rail's Confirmation expired and no new application submitted

Ministry staff clearly communicated the requirements under the IPM Act

Starting in August of 2017, CN Rail hired a service licensee to conduct vegetation management on their rail lines throughout the province



Enforcement – CN Rail Skeena file

Inspection

In October 2017, Ministry staff conducted inspections of the work done in the Skeena

Inspections also conducted by Environment & Climate Change Canada

Significant damage to vegetation around water bodies found

File referred for investigation



Enforcement – CN Rail Skeena file

Authorization application

In early 2019, CN Rail staff conducted public consultation and First Nations engagement on two new PMP's, and submitted a Pesticide Use Notice (PUN) Application

Two new PUN's were confirmed in May 2019, and remain in place currently



Enforcement – CN Rail Skeena file

Enforcement Action

In 2020, charges were laid in Provincial Court:

IPM Act Section 7 - “A person must not use or authorize the use of a prescribed pesticide... unless a pest management plan has been prepared, a pesticide use notice has been provided, and a confirmation has been received”



Enforcement – CN Rail Skeena file

Enforcement Action

In 2021, CN Rail plead guilty to one count under the IPM Act and agreed to a fine of \$100,000

\$95,000 of that amount went to the Habitat Conservation Trust Foundation to be directed to fish, wildlife, and habitat restoration initiatives in the Skeena

Federal fines under the *Fisheries Act* amounted to \$2.5 million



Enforcement – CN Rail Skeena file

Why is this important?

CN Rail's decision to apply for a PUN Confirmation in 2019 demonstrated willingness to comply

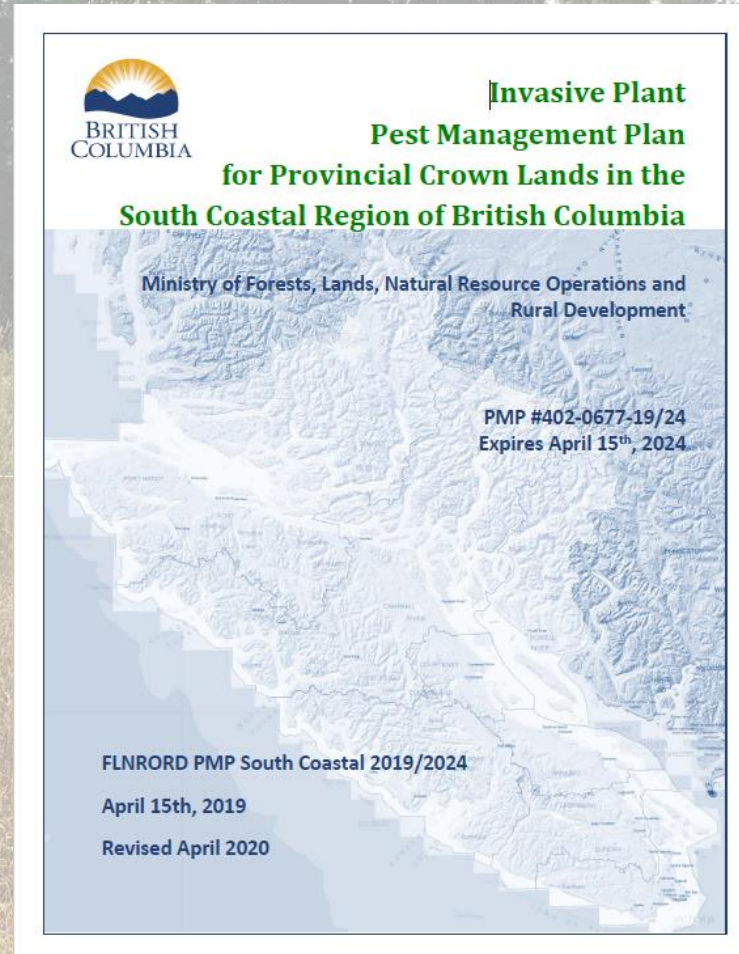
The file affirmed the applicability of the IPM Act for pesticide use in the province

Successful enforcement action demonstrated accountability



What industry can do to be successful

1) Be aware of all the requirements under your authorization, keep your Pest Management Plan up to date, and follow it



What industry can do to be successful

2) Keep really good records

Pesticide Use Record FORM REFERENCE CODE: EPD-IPM-08.2

This pesticide use record must be completed for every non-excluded pesticide that is used for each treatment location and day of use. It does not have to be submitted to the ministry unless requested.

Pesticide use records must be kept for a period of three (3) years following the pesticide use and must be made available to the ministry upon request. Please note that while a record of each pesticide use is required, the use of this specific form is voluntary and many applicators elect to use their own systems to record the required information. This information is used to generate an annual use summary.

Abbreviations or codes may be used to complete this record if a key to the abbreviations and codes is attached to this form.

Authorization Number ¹			
Authorization Holder Name ²			
Client Name ³ (if client holds an authorization)			
Client Authorization Number ³ (if applicable)			
Applicator Name			
Applicator Certificate Number			
Pesticide Use Details			
Date (YYYY/MM/DD)		Start time	
Name ⁴			
Address ⁴			
Treatment location ⁵ (address and/or description)			
Target Pest or Purpose of Treatment			
Pesticide Trade Name			
PCP Number			
Application Rate		Quantity Used	
Application Method			
Precautionary Advice Given ⁶			
Monitoring Method			
Injury Threshold			
Precipitation		Wind Speed ⁷	
Temperature		Wind Direction ⁷	
¹ Licence, Permit or PUN Confirmation number. ² Name of Licence, Permit or PUN Confirmation holder. ³ Complete if pesticide application is performed for a Licence, Permit or PUN confirmation Holder. Use separate pages to record information for each different Licence, Permit or PUN Confirmation holder. ⁴ Client name and address if pesticide is applied as a service, otherwise Property Manager name and address.		⁵ Include enough information to ensure that a person can determine exactly what was treated. ⁶ Safe re-entry time, days to harvest and other advice given. ⁷ Record if pesticide application is outdoors.	

Pesticide Use Record – Integrated Pest Management Regulation
EPD-IPM-08.2

What industry can do to be successful

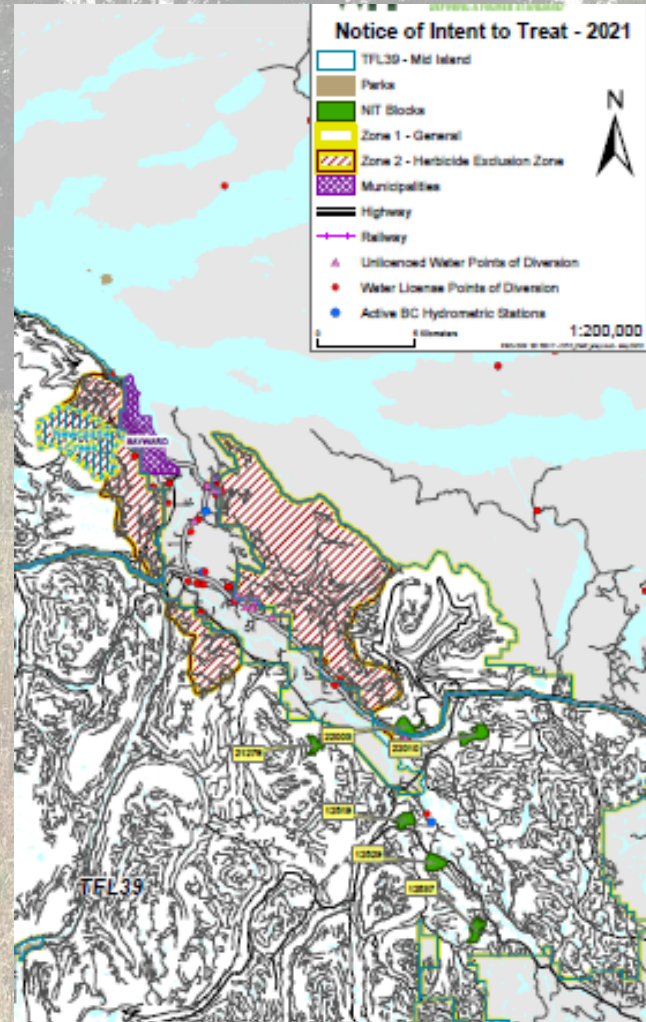
3) Manage the Confirmation Holder-Licensee relationship, and understand that both parties bear responsibility for compliance



Pesticide Free Zone infringement (2020)

What industry can do to be successful

4) Be transparent about your vegetation management programs whenever possible, and provide information when requested



What industry can do to be successful

5) Be very aware of the potential for drift, especially with sensitive features nearby



Ministry of
Agriculture

Avoiding Herbicide Drift Injury on Grape

October 2020

Introduction

In British Columbia we are seeing an increase in herbicide injury to grapes. The acreage of wine grapes has been increasing in areas traditionally planted with other crops. Grapes are particularly sensitive to pesticide drift and certain herbicide products can injure the vines and significantly reduce yields. Grapes are especially sensitive to several herbicides commonly used in agronomic crops, pasture, rangeland, forestry, and even non-crop areas. When applied nearby, these herbicides can cause injury to grapevines through drift. Grapes are a high-value crop, with an annual value of \$8,000 to \$10,000 per acre, and a processed value that may be ten times that amount. Losses to growers and liability of applicators can be considerable.

Drift

Non-target "drift" can occur in one of two ways: either as spray drift or vapor drift. Spray drift occurs when small droplets move off the treatment site at or near the time of application. This can happen with any type of herbicide. Vapor drift occurs when the spray material volatilizes or evaporates off the target area and is carried off-site by wind or temperature inversions as a vapor. Vapor drift is not visible and can cause damage to sensitive plants some distance away (sometimes over a kilometer) from the application site. The potential for vapor drift is chemical specific and based on the herbicides' vapor pressure. Vapor pressure is affected by temperature and relative humidity. Because 2,4-D has a high vapor pressure, it readily volatilizes, especially under higher temperatures and low humidity, a condition that occurs quite often in the interior of British Columbia.



Fan shaped leaf (2,4-D injury)



Fan leaves, short internode and wavy shoots (2,4-D injury)

Managing Public Complaints

We now direct everyone with a pesticide or IPM-related complaint to go through the RAPP line

Our target is to respond to 90% of complaints within seven days

A yellow rectangular sign with a dark blue border. The text is in bold blue and black fonts. It includes the RAPP logo, a 24-hour hotline number, a cellular dial number, and the website URL. At the bottom, it features the British Columbia and Conservation Officer Service logos.

RAPP
Report All Poachers and Polluters

24 Hr Hotline:
1-877-952-RAPP

Cellular Dial: #7277
(on Telus Network)

  rapp.bc.ca

Public Reporting

NR C&E Database



Natural Resource
C&E Database

[Launch](#) the NR C&E Database

Reports, publications and guides for pesticides

Find reference materials designed to help pest control managers understand and navigate legislated requirements.

Reports

View reports collected for compliance and enforcement of the [Integrated Pest Management Act \(IPM\)](#).

Compliance reports

Results for inspections of parties regulated under the IPM.

Environmental Compliance Explained



Looking Ahead

New resources for
Indigenous Engagement
in Compliance
Verification

Focus on Accompanied
Inspections and
knowledge sharing



Accompanied Inspection Participation Guide

FOR INDIGENOUS NATION REPRESENTATIVES



Ministry of
Environment and
Climate Change Strategy



Looking Ahead

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Accompanied Inspection Participation Guide

FOR INDIGENOUS NATION REPRESENTATIVES



Ministry of
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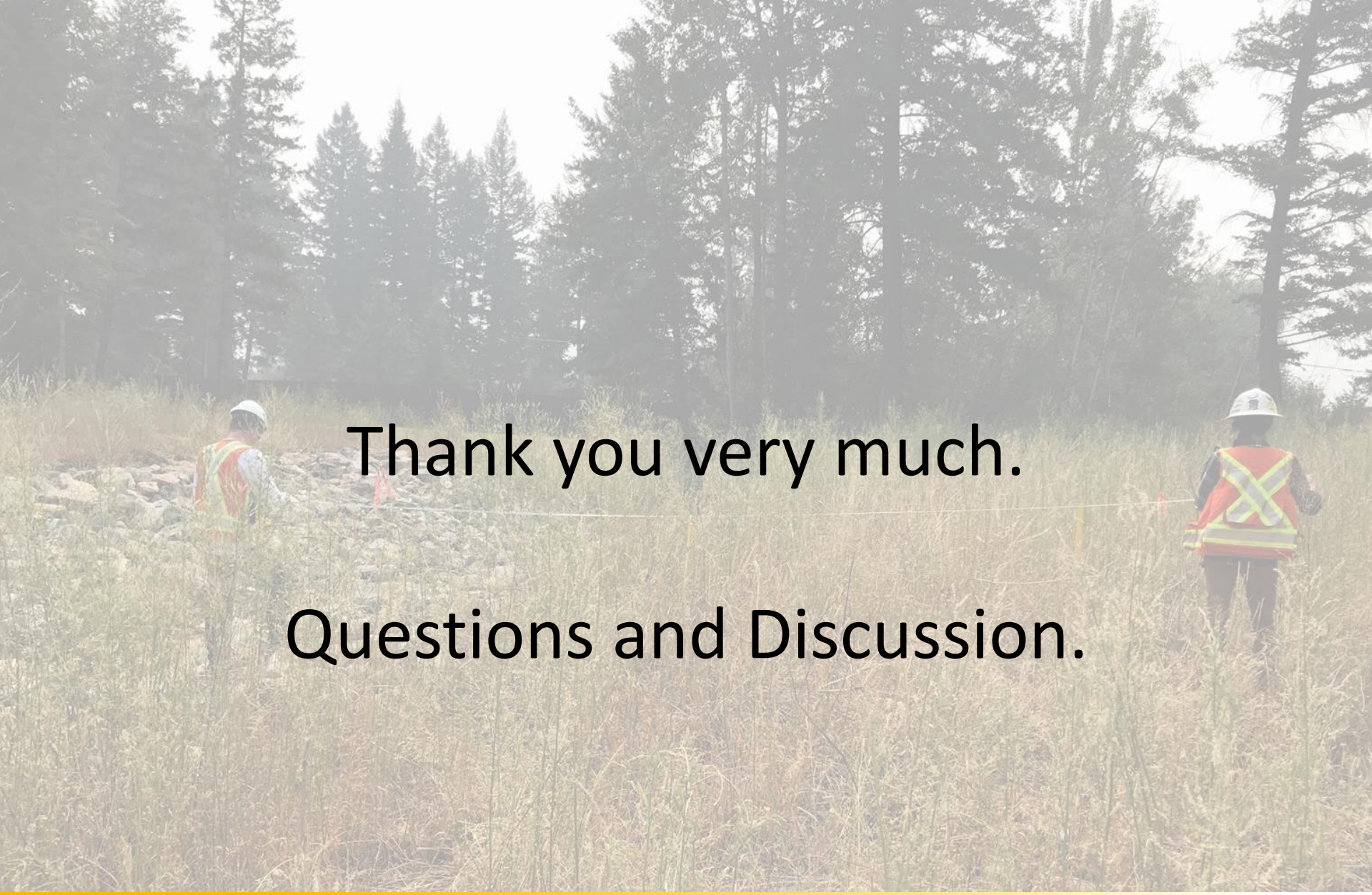
Looking Ahead

New Digital Annual Use Summary Forms

P.C.P. Registration Number	Pesticide Product Name	Active Ingredient Name	Quantity Used (kg of product)	Size of Area Treated (ha) ?	Product Type	Marketing Type	Current/Historical	
27634	GRAZON	2,4-D (PRE	20	7	HERBICI	COMMERC	Current	⊕
28517	MILESTO	AMINOPYI	44	97	HERBICI	COMMERC	Current	⊕
+ Add Another								
Total Quantity Used (kg of product)								
64								
Total Size of Area Treated (ha)								
104								

Final Thoughts and Takeaways

- 1) The IPM Program is now fully integrated into the ministry's Authorizations and Compliance model
- 2) The ministry's audits and inspections in industrial vegetation generally show high compliance
- 3) Enforcement options, including Administrative Penalties, exist and have been used for more serious or complex non-compliance
- 4) We look for continuous improvement

The background image shows two workers in a field of tall, dry grass. They are wearing white hard hats and high-visibility orange safety vests with reflective yellow stripes. They are positioned on either side of the frame, looking towards a dense forest of tall evergreen trees in the background. The scene is slightly hazy, suggesting an overcast day.

Thank you very much.

Questions and Discussion.