



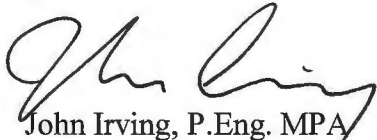
City of Richmond


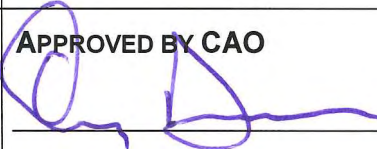
Report to Committee

To: Public Works & Transportation Committee **Date:** June 29, 2016
From: John Irving, P.Eng. MPA **File:** 10-6125-04-01/2016-
 Director, Engineering Vol 01
Re: **Pesticide Use Control Bylaw Amendments in Response to the Provincial
 Integrated Pest Management Regulation Amendments**

Staff Recommendation

That the Pesticide Use Control Bylaw No. 8514, Amendment Bylaw No. 9574 be introduced and given first, second, and third readings.


 John Irving, P.Eng. MPA
 Director, Engineering
 (604-276-4140)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW	APPROVED BY CAO 

Staff Report

Origin

On January 26, 2016 an update memo was sent to Council regarding the amendments to the Provincial Integrated Pest Management Regulation and general impacts of the amendments to the City's Enhanced Pesticide Management Program. Staff have reviewed the pertinence of the Integrated Pest Management Regulation amendments to the City's Pesticide Use Control Bylaw No. 8514 regarding the use of traditional pesticides for the purposes of controlling weeds and invasive plants. This report addresses the amendments required to align the Pesticide Use Control Bylaw No. 8514 appropriately with the amended Integrated Pest Management Regulation and proposed bylaw provisions regarding the use of traditional pesticides for noxious weed species under the Weed Control Regulation.

Background

The Enhanced Pesticide Management Program was adopted by Council on April 27, 2009. The related Pesticide Use Control Bylaw No. 8514 was subsequently adopted on October 13, 2009 with Municipal Ticketing provisions. Annual funding for the Enhanced Pesticide Management Program is provided through the Sanitation and Recycling utility budget. Since adoption, the Enhanced Pesticide Management Program has been well received by the community and continues to support risk reduction for the management of pesticide use and invasive species.

The Province has not undertaken any action towards the development of a regulation to ban the use of pesticides for cosmetic purposes. Staff have provided Council with regular updates regarding the BC Ministry of Environment's (Ministry) proposed revisions to the Integrated Pest Management Regulation, following a public consultation process on the use of traditional pesticides for cosmetic purposes initiated in 2009. The Special Committee on Cosmetic Pesticides review provided 19 recommendations to consider for amendment under the Integrated Pest Management Regulation. The Ministry reports that these changes are intended to ensure that:

- Pesticides are used by people with knowledge and training;
- Pesticides will be used as part of an Integrated Pest Management process; and
- Public interaction with pesticide vendors at the point of sale will increase.

The Ministry announced the enactment of amendments to the Integrated Pest Management Regulation on December 15, 2015 with the amendments coming into effect on July 1, 2016.

In order to maintain the existing Pesticide Use Control Bylaw rigor, and reduce risks related to infrastructure and biodiversity, two amendments are required. The amendments will align the judicious use of traditional pesticides with the Integrated Pest Management Regulation amendments and align appropriate powers related to traditional pesticide treatment for noxious weeds regulated under the Weed Control Regulation.

Analysis

Staff have reviewed the Integrated Pest Management Regulation amendments to determine their alignment with the City’s Pesticide Use Control Bylaw (Attachment 1).

Pesticide Use Control Bylaw Amendments related to the Integrated Pest Management Regulation

The following list highlights the changes to the Integrated Pest Management Regulation and subsequent amendments required to align with the City’s Pesticide Use Control Bylaw.

Table 1

Integrated Pest Management Regulation Highlights	City Recommendations for the Pesticide Use Control Bylaw
<p>A) Residents and commercial operators will not require a Residential Applicator Certificate for the use of Domestic class glyphosate for the treatment of weeds growing through cracks in hard surfaces (e.g. driveways, sidewalks, paths, etc); plants poisonous to humans by touch (e.g. giant hogweed); and classified noxious weeds (e.g. knotweed species).</p>	<p>The City can regulate the application of pesticides except allowable pesticides listed in Schedule 2 of the Integrated Pest Management Regulation. The revised Schedule 2 does not list glyphosate, as such, the City is permitted to regulate its application for cosmetic purposes on residential and City lands via the Pesticide Use Control Bylaw. Staff are proposing an amendment to the Pesticide Use Control Bylaw for the provision to disallow the use of glyphosate for the treatment of weeds growing through cracks in hard surfaces.</p>
<p>B) Schedule 2 is an existing list of pesticides; neither a licence nor a Residential Applicator Certificate is required to sell or use listed pesticides. Under the Integrated Pest Management Regulation, there were minor changes to Schedule 2 to accommodate the creation of the new Schedule 5 and to address product changes in the marketplace.</p>	<p>The Pesticide Use Control Bylaw Schedule “A” is proposed for amendment to reflect changes in the Integrated Pest Management Regulation Schedule 2 pesticide list. The revised list of Schedule 2 is an allowable list of pesticides and is provided in Attachment 2.</p>
<p>C) Schedule 5 is a new list of pesticides that has been created to allow owners of private land to apply these pesticides without a licence or RAC. Schedule 5 pesticides must be displayed with restricted access in stores and certified dispensers must interact with customers.</p>	<p>The Pesticide Use Control Bylaw Schedule “A” is proposed for amendment to include the Schedule 5 pesticide list as amended in the Integrated Pest Management Regulation and is provided in Attachment 2.</p>

Pesticide Use Control Bylaw Amendments related to the Weed Control Regulation

The Provincial Weed Control Regulation designates certain plant species as noxious weeds within British Columbia. The amended Integrated Pest Management Regulation enables traditional pesticide use for the control of provincially listed noxious weeds under specific circumstances. For example, the use of glyphosate products is allowable within specific

proximity to water bodies and the use of pesticides by residents for noxious weeds on residential property is allowable without a Residential Applicator Certificate.

An amendment to the Pesticide Use Control Bylaw No. 8514 (Attachment 2) is required for the management of provincially listed noxious weeds under the Weed Control Regulation on City and residential lands. The proposed amendment includes an allowance of traditional pesticides for the control of provincially listed noxious weeds (Attachment 3) under the Weed Control Regulation on City and residential lands.

Financial Impact

None.

Conclusion

While the Integrated Pest Management Regulation amendments will increase restrictions on traditional pesticide use for cosmetic purposes on July 1, 2016, there will be a transitional period whereby landscapers and the public will require clarity regarding the allowable pesticides in Richmond. Staff have recommended amendments to the City’s Pesticide Use Control Bylaw No. 8514 to continue the disallowance of traditional pesticides for cosmetic purposes in our community; these proposed amendments continue to exceed the provincial Integrated Pest Management Regulation provisions. In addition, an amendment to allow the use of traditional pesticides for the control of noxious weeds under the Weed Control Regulation is recommended. To ensure compliance with the City’s Bylaw, staff will continue to work with local pesticide retailers, Community Bylaws and update City workshops and all applicable communication materials. The amendments to the Pesticide Use Control Bylaw No. 8514 will support greater clarity on the provisions of judicious and sound pesticide use on City owned and residential lands.

Lesley Douglas, B.Sc., R.P.Bio.
Manager Environmental Sustainability
(604-247-4672)

Peter Russell, B.Sc., MSc., MCIP., RPP
Sr. Manager Sustainability & District Energy
(604-276-4130)

LD:th

- Att. 1: Provincial Integrated Pest Management Act Amendment Update – January 26, 2016
- 2: Pesticide Use Control Bylaw No. 8514, Amendment Bylaw 9574
- 3: Weed Control Regulation, Noxious Weed List



City of Richmond

Memorandum Engineering and Public Works Sustainability

To: Mayor and Councillors
From: Lesley Douglas, B.Sc., R.P.Bio.
 Manager Environmental Sustainability
Date: January 26, 2016
File: 10-6125-04-01/2015-Vol 01
Re: **Provincial Integrated Pest Management Act Amendment Update**

On September 28, 2015 a staff memo was provided advising of upcoming amendments to the Provincial Integrated Pest Management (IPM) Act. This memo provides an update on the official enactment of these amendments and how it relates to the City's Enhanced Pesticide Management Program (EPMP). The EPMP was adopted in 2009 to reduce the exposure of Richmond residents to unnecessary pesticide use. Since adoption, the EPMP has been well received by the community and continues to support the reduction of costs and risks related to this new era of pesticide, vegetation and invasive species management. The new IPM Act amendments include new provisions that are contrary to the provisions within the City's Pesticide Use Control (PUC) Bylaw No. 8514. Although the amendments contain some improvements to the processes and transactions between retailers and customers, staff expect there may be some confusion regarding the application of the provisions and the scope of the City's EPMP. The highlights below identify potential areas for confusion. The Province also endorsed a permissive approach regarding the use of the traditional pesticide glyphosate to residents for cosmetic purposes which is in direct conflict with the intent of the City's PUC Bylaw.

As previously reported, the Province has not taken any action towards the development of an industry-wide regulation to ban the use of traditional pesticides for cosmetic purposes. The Ministry of Environment announced the enactment of amendments to the Integrated Pest Management (IPM) Regulation on December 15, 2015. The Ministry reports that these changes are intended to ensure that:

- Pesticides are used by people with knowledge and training,
- Pesticides will be used as part of an IPM process; and
- Public interaction with pesticide vendors at the point of sale will increase.

Upon the announcement of the amendments to the IPM Act, the Province created 5 factsheets for stakeholders to understand how the changes may affect their current pesticide use practices. Factsheets are tailored to residents (Attachment 1), vendors, landscapers, golf courses and cemeteries and Industrial Land Managers and are available on the Province's website: <http://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/regulations-consultations>. The amendments to the IPM Regulation will come into effect July 1st, 2016.

Staff are currently reviewing the details of these amendments as they pertain to the City’s PUC Bylaw and the use of pesticides for the purposes of controlling weeds and invasive plants regulated under both the IPM Act and the Weed Control Act. During the consultation conducted by the Ministry, City staff asserted the need for transparency regarding municipal cosmetic pesticide bylaws, these IMP Act amendments and the Provincial Weed Control Act. Unfortunately, the Provincial IPM Act amendments do not establish clarity and are often confusing in regards to what rules apply to each user (i.e. residential, commercial, retailer) and each pesticide product.

Highlights of the IPM Regulation

The following list highlights aspects of the IPM Regulation amendments that interface and potentially conflict with the City’s EPMP, City staff have provided comments to illustrate the confusion between the EPMP and the IPM Act amendments:

Table 1: IPM Act Highlights and Comments

IPM Regulation Highlights	City Staff Comments
<i>For residents using a Domestic class pesticide, they first need to obtain a Residential Applicator Certificate (RAC). The RAC is available through a free online course and exam and is valid for 10 years.</i>	The amendment guideline for residents (Attachment 2) notes that a RAC does not need to be presented when purchasing pesticides from a licensed vendor for Domestic class pesticides. Also, staff believe the RAC may cause confusion to Richmond residents and they may assume it would override the City’s PUC Bylaw, which takes precedence and prohibits the use of traditional pesticides on private properties for cosmetic purposes.
<i>Residents and commercial operators will not require a RAC for the use of Domestic class glyphosate for the treatment of weeds growing through cracks in hard surfaces (e.g. driveways, sidewalks, paths, etc); plants poisonous to humans by touch (e.g. giant hogweed); and classified noxious weeds (e.g. knotweed species).</i>	The amendments indicate that a resident requires a RAC for the use of a Domestic class pesticide, yet a resident does not require a RAC for certain Domestic class glyphosate products. The Province’s soft provisions on residential use of Domestic class glyphosate are in direct conflict with the PUC bylaw.
<i>Licensed vendors are not required to know if there is a municipal bylaw restricting the intended use where customers live, nor do they need to know the details of any such bylaws. It is the customer’s sole responsibility to ensure they are adhering to municipal bylaws before administering pesticides.</i>	The IPM Act amendments that apply to licensed pesticide vendors are intended to increase interaction between pesticide vendors and customers at point of sale to ensure the responsible use of pesticides. However, contrary to City recommendations, licensed pesticide vendors do not need to advise customers of the municipal bylaw but rather notify customers that there may be a municipal bylaw in effect. Since the adoption of the EPMP in 2009, staff have worked closely with local retailers of cosmetic pesticides to ensure compliance with the PUC Bylaw. Prior to these amendments coming into effect on July 1, 2016, staff will endeavour to work collaboratively with the Province and local retailers of pesticides for cosmetic and traditional purposes to ensure that pertinent local and Provincial requirements are understood and followed.
<i>The changes to the IPM Regulation do not override municipal bylaw in respect to the use of</i>	While staff support their inclusion in the IPM Act amendment, they are silent on support or clarity for the public when municipal bylaws do apply, putting the onus on

pesticides for cosmetic purposes

Licensed vendors are now required to display all Domestic class pesticides under restricted access (e.g. behind a counter or in a locked cabinet) with the exception of Schedule 2 listed pesticides.

municipalities.

Staff support the increased interaction between retailers and customers to ensure the proper use of pesticides. A provision in the IPM Act amendments requires vendors to consult with customers on the purposes of the pesticide purchased and provide instructions to follow the pesticide label. Certified pesticide vendors have the authority to withhold pesticides from customers if they believe intended pesticide use would not follow label specifications. During this thorough consultation period, it is disconcerting that retailers are not required to advise customers of the municipal bylaw within the City the pesticide is purchased in.

A license or certificate is generally not required for residents to use pesticides on food gardens or hobby farms.

Staff will continue to pursue a legal review regarding the regulatory powers of these Provincial amendments versus the City's PUC Bylaw specific to the use of pesticides on food gardens, including fruit trees.

Upon full review of these amendments staff will consult with the Province; inform affected City staff and local pesticide retailers; amend EPMP website content; conduct information sessions for City Hall and Works Yard staff and continue to work with local pesticide retailers to support the transition to these IPM Act amendments effective July 1, 2016. Staff will also undertake a review regarding powers of the PUC Bylaw and the provisions of the Local Government Act in relation to the IPM amendments and report to Council with options for further action.

Lesley Douglas, B.Sc., R.P. Bio.
Manager Environmental Sustainability
(604-247-4672)

LD:th

Att. 1. The Rules Have Changed – A Guide for Residents

pc: SMT
John Irving, P. Eng, Director, Engineering
Peter Russell, Senior Manager, Sustainability and District Energy
Michelle Orsetti, Acting Manager, Community Bylaws
Ted de Crom, Manager, Parks

Introduction

The Ministry of Environment recently amended the Integrated Pest Management Regulation (IPMR) to further regulate the use and sale of pesticides. **The amendments will come into force on July 1, 2016.**

The changes are intended to ensure that pesticides are used by people with knowledge and training and to promote the use of Integrated Pest Management (IPM) and the responsible use of pesticides.

After July 1, 2016:

Pesticide Use in Landscapes

- The use of pesticides in landscaped areas on **public** land still requires a licence and must be conducted by trained people.
- For most uses of pesticides in landscaped areas on **private** land, the Ministry now requires either a certificate (for residents) or a licence (for commercial properties and service providers).
- This includes pesticide use on lawns, flower beds and ornamental trees and plants on such properties as single family homes, golf courses, botanical gardens and cemeteries.
- Residents do not generally require a licence or certificate to use pesticides on their own private land for:
 - Food gardens and hobby farms;
 - Pesticide use inside structures or in outside areas to control structural pests (e.g., rodents, carpenter ants, wasps);
 - Forests that are not managed for timber production; and
 - Areas used for commercial agriculture.

Options for Residents

- Residents have choices when managing pests in private landscapes. They are able to:
 - Hire a licensed company to provide the service;
 - Apply a Domestic class pesticide if they first obtain a Residential Applicator Certificate (RAC); or
 - Use a pesticide listed on either Schedule 2 or 5.
- Residents do not require a RAC for certain uses of Domestic class glyphosate. These include treating: plants that are poisonous for people to touch (e.g., poison ivy, poison oak); invasive plants and noxious weeds listed in legislation; and weeds growing through cracks in hard surfaces such as asphalt or concrete.

Key Points – After July 1, 2016:

- ➔ The use of pesticides in landscaped areas on private land now requires a licence or certificate.
- ➔ Landscaped areas include lawns, flower beds and ornamental trees and plants.
- ➔ Residents can obtain a Residential Applicator Certificate (RAC) to use Domestic class pesticides on their property.
- ➔ Residents can obtain a RAC through a free online course and exam.
- ➔ Residents can apply pesticides listed on Schedules 2 and 5 without a RAC.
- ➔ Service companies and landlords are required to notify residents about landscape pesticide treatments.
- ➔ Stores are required to restrict customer access to most pesticides.
- ➔ Certified dispensers must discuss the proposed pesticide use with customers before purchase and confirm it is appropriate.
- ➔ The changes to the IPMR do not override any municipal bylaws regarding landscape pesticide use.
- ➔ The new requirements will not come into force until July 1, 2016.

The Residential Applicator Certificate

- To obtain a RAC, residents are required to complete a free online course and pass an exam.
- Upon passing the exam, residents are issued a ten-year certificate.
- The online course should take approximately two hours to complete and includes information on:
 - Health and safety;
 - Environmental protection; and
 - The use of IPM when managing landscape pests.

Schedule 5

- Schedule 5 is a new list of Domestic class pesticides that are considered safe for use by untrained people.
- Owners of private land can apply these pesticides without the need for a licence or certificate.
- A licence is required **to offer a service** applying pesticides listed on Schedule 5.

Schedule 2

- Schedule 2 is an existing list of pesticides that are excluded from certain requirements in the IPMR.
- There are several reasons why a pesticide may be listed on Schedule 2, such as it is regulated in other ways or only used in very specific circumstances by highly trained individuals.
- Neither a licence nor certificate is required to use pesticides listed on Schedule 2.

Notification

- There are new rules for notifying residents.
- Licensed service companies who apply pesticides on residential land are required to notify their clients and any tenants before pesticides are used on outdoor landscaped areas.
- A landlord with an RAC who plans to apply pesticides to outdoor landscaped areas must provide written notice to tenants.
- Notification must provide information on what pesticide will be used, when the application will occur and if there are any safety precautions to follow.

Municipal Bylaws

- The changes to the IPMR do not override municipal bylaws. If a municipality you are living in has restrictions on the landscape use of pesticides, they must be followed.
- Contact your local municipality to learn if there are bylaws regarding pesticide use in residential landscapes.

Buying Pesticides

- Licensed vendors are now required to display most pesticides in a way that restricts access by customers, for example, behind a counter or in a locked cabinet.
- This is to ensure that a certified dispenser (employed by the vendor) communicates with customers prior to the purchase of a pesticide.
- When interacting with customers, certified dispensers are required to:
 - Offer advice on pest management and the safe use of pesticides;
 - Inform purchasers that pesticides must be used only for purposes stated on the label and according to the directions;
 - Confirm that the intended use is appropriate according to the pesticide label;
 - Inform the customer that a provincial licence or certificate may be required to use the pesticide; and
 - Inform the customer that municipal bylaws may restrict the use of the pesticide.
- Customers should expect pesticide vendors to ask them how they plan to use a pesticide before a purchase is made. This is to confirm that the intended use is appropriate.
- Vendors are not required to know if there is a municipal bylaw restricting the intended use where customers live, nor do they need to know the details of any such bylaws. Customers are responsible for contacting their municipality and understanding what restrictions may be in place.
- The requirements listed above apply to Schedule 5 pesticides but do not apply to pesticides listed on Schedule 2.

Next Steps

- The Ministry understands that residents and vendors will require time to prepare for these changes. For this reason, the new requirements will not come into force until July 1, 2016.
- For more information about the regulation and appropriate use of pesticides in British Columbia, please visit www.gov.bc.ca/PestManagement. Guidance documents for users and vendors of pesticides are available on this website.



**Pesticide Use Control Bylaw No. 8514,
Amendment Bylaw No. 9574**

The Council of the City of Richmond enacts as follows:

1. **Pesticide Use Control Bylaw No. 8514**, as amended, is further amended at Section 1.2 by:
 - (a) adding the following definition after the definition of “Excluded Pesticide”:

“**Noxious Weed** means a weed designated under the *Weed Control Regulation* BC Reg. 66/85 to be a noxious weed and includes the seeds of the **noxious weed**”;
 - (b) by deleting the definition of “Pest” and replacing it with the following:

“**Pest** means an animal, a plant or other organism that is injurious, noxious, or troublesome, whether directly or indirectly, including but not limited to a **noxious weed**, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in a human or animal”.
2. **Pesticide Use Control Bylaw No. 8514**, as amended, is further amended at Part Two: Prohibition by replacing the existing Section 2.1 with the following:

“**2.1** Except as otherwise provided under this bylaw, a person must not **use**, or permit or caused to be **used**, a **pesticide** for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants of turf, or controlling plants growing through cracks in hard surfaces, in, under or upon any **private residential land** or **city land**.”.
3. **Pesticide Use Control Bylaw No. 8514**, as amended, is further amended at Section 3.1 by adding the following as a new subsection after subsection 3.1(h):


“(i) the **use** of a **pesticide** to control, manage or eradicate a **noxious weed**.”.
4. **Pesticide Use Control Bylaw No. 8514**, as amended, is amended further by replacing Schedule A with Schedule A attached hereto as a new Schedule A to Bylaw No. 8514.
5. This Bylaw is cited as “**Pesticide Use Control Bylaw No. 8514, Amendment Bylaw No. 9574**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 9574**SCHEDULE A to BYLAW NO. 8514
EXCLUDED PESTICIDES**

- Acetic acid
- Animal repellents except thiram
- Anti-fouling paints
- Antisapstain wood preservatives
- Asphalt solids (pruning paints)
- *Bacillus sphaericus*, also referred to as Bs
- *Bacillus subtilis*
- *Bacillus thuringiensis* var. *israelensis*, also referred to as Bti
- *Bacillus thuringiensis* var. *kurstaki*, also referred to as Btk
- Bactericides used in petroleum products
- Boron compounds
- Boron compounds with up to 5% copper for insect control and wood preservation
- Capsaicin
- Citric acid
- Cleansers
- Copper (oxychloride and tribasic only)
- Corn cellulose
- Corn gluten
- Deodorizers
- d-phenothrin
- d-trans-allethrin, also referred to as d-cis-trans allethrin
- Fatty acids
- FeHEDTA
- Ferric phosphate
- Ferric sodium EDTA
- Ferrous sulphate
- Formic acid
- Garlic
- Hard surface disinfectants
- Insect repellents
- Insect semiochemicals, including pheromones, kairomones, attractants and repellents
- Insect bait stations
- Kaolin
- Lactic acid
- Laundry additives
- Material preservatives
- Methoprene
- Mineral oils for insect and mite control
- Naphthalene for fabric protection

- N-Octyl bicycloheptene dicarboximide
- Octenol
- Oxalic acid
- Paradichlorobenzene for fabric protection
- Pesticides in aerosol containers
- Pesticides registered under the Pest Control Products Act (Canada) for application to pets
- *Phoma macrostoma*
- Piperonyl butoxide
- Plant growth regulators
- Polybutene bird repellents
- Pyrethrins
- Pyriproxyfen
- Resmethrin
- *Sclerotinia minor*
- Silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel
- Silicon dioxide also referred to as “diatomaceous earth”
- Slimicides
- Soaps
- Sodium chloride
- Spinosad
- Sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide
- Surfactants
- Swimming pool algicides and bactericides
- Tetramethrin
- Thymol
- Wood preservatives
- Zinc strips

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B.C. Reg. 66/85
O.C. 480/85

Deposited March 15, 1985

Weed Control Act

WEED CONTROL REGULATION

Note: Check the Cumulative Regulation Bulletin 2015 and 2016
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 143/2011, July 21, 2011]

Link to Point in Time

Contents

- 1 Definitions
- 2 Designation of noxious weeds
- 3 Notice to control noxious weeds
- 4 Screenings
- 5 Transportation of grain, screenings, etc.
- 6 Movement of machinery or vehicles
- 7 Cleaning of agricultural equipment
- 8 Seeds, fertilizer, etc.

Schedule A

Schedule B

Schedule C

Schedule D

Definitions

- 1 In this regulation:

"Act" means the *Weed Control Act*;

"area" means a portion of a regional district or of a municipality;

"implement of husbandry" has the same meaning as in the *Motor Vehicle Act*;

"screenings" means seeds and other material removed in the process of cleaning or grading cereal, forage or oilseed crops.

Designation of noxious weeds

- 2 (1) The weeds set out in Part I of Schedule A of this regulation are designated as

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noxious weeds throughout British Columbia.

- (2) A weed listed in Part II of Schedule A of this regulation is a noxious weed in the regions of British Columbia listed to the right of that weed.

[en. B.C. Reg. 156/93, s. 1.]

Notice to control noxious weeds

- 3 For the purpose of section 4 of the Act, a notice issued by an inspector shall be in the form of Schedule B.

[am. B.C. Reg. 156/93, s. 3.]

Screenings

- 4 (1) No person shall transport, keep for sale, offer to buy or sell, or buy or sell any screenings containing seeds of a noxious weed unless

(a) the screenings are graded as No. 1 or No. 2 feed screenings under section 17 of the Off Grades of Grain and Grades of Screenings Order established by SOR 71-91 under the *Canada Grain Act*,

(b) he holds a valid and subsisting

(i) permit for removal of screenings in the form of Schedule C,
or

(ii) feeder's permit in the form of Schedule D

issued by the minister, and the permit holder complies with the terms and conditions set out in the permit, or

(c) the screenings have been treated so as to devitalize any weed seeds.

- (2) Nothing in the section prevents

(a) a farmer transporting from a grain elevator, mill or warehouse to his farm screenings that have been removed from grain grown on that farm, or

(b) a person keeping or selling for export from the Province any screenings from grain that is re-cleaned in the Province.

- (3) On the sale of any screenings, the person who sells the screenings shall file with the minister a report specifying

(a) the quantity of screenings sold,

(b) the date and place of shipment, and

(c) the person within the Province to whom the screenings are to be shipped.

[am. B.C. Reg. 156/93, s. 4.]

Transportation of grain, screenings, etc.

- 5** No person shall transport on a highway grain, screenings or other material that contains, or is likely to contain, seeds of a noxious weed unless
- (a) the grain, screenings or other material is transported in a covered container, or
 - (b) the horse trailer, recreational vehicle or other vehicle in which the grain, screenings or other material is transported is constructed so that no weed seeds can escape from the vehicle.

Movement of machinery or vehicles

- 6** No person shall move on a highway
- (a) any vehicle that has any knapweed on it, or
 - (b) any
 - (i) agricultural equipment or implement of husbandry,
 - (ii) construction machinery,
 - (iii) recreational vehicle, or
 - (iv) horse trailer

that has any noxious weed on it.

Cleaning of agricultural equipment

- 7** No person shall remove any agricultural equipment or implement of husbandry from any premises on which the equipment or implement has been operated unless it has first been cleaned and is free of any noxious weeds or seeds of a noxious weed.

Seeds, fertilizer, etc.

- 8** Where a noxious weed is not established in an area, no person shall
- (a) within that area
 - (i) sow any grain or other seed that is intermixed with seeds of the noxious weed, or
 - (ii) apply fertilizer, lime, topsoil or other substance that contains the noxious weed or seeds of the noxious weed, or
 - (b) sell for delivery within that area any fertilizer, lime, topsoil or other substance that contains the noxious weed or seeds of the noxious weed.

Schedule A

[en. B.C. Reg. 156/93, s. 2; am. B.C. Regs. 209/96, s. 1; 51/99; 189/2001; 143/2011.]

Part I — Provincial Weeds

Weeds classed as noxious within all regions of the province:

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Annual Sow Thistle	(<i>Sonchus oleraceus</i>)
Bohemian Knotweed	(<i>Fallopia x bohemica</i>)
Bur Chervil	(<i>Anthriscus caucalis</i>)
Canada Thistle	(<i>Cirsium arvense</i>)
Common Crupina	(<i>Crupina vulgaris</i>)
Common Reed	(<i>Phragmites australis subspecies australis</i>)
Common Toadflax	(<i>Linaria vulgaris</i>)
Dalmatian Toadflax	(<i>Linaria dalmatica</i>)
Dense-flowered Cordgrass	(<i>Spartina densiflora</i>)
Diffuse Knapweed	(<i>Centaurea diffusa</i>)
Dodder	(<i>Cuscuta spp.</i>)
English Cordgrass	(<i>Spartina anglica</i>)
Flowering Rush	(<i>Butomus umbellatus</i>)
Garlic Mustard	(<i>Alliaria petiolata</i>)
Giant Hogweed	(<i>Heracleum mantegazzianum</i>)
Giant Knotweed	(<i>Fallopia sachalinensis</i>)
Giant Mannagrass/Reed Sweetgrass	(<i>Glyceria maxima</i>)
Gorse	(<i>Ulex europaeus</i>)
Himalayan Knotweed	(<i>Polygonum polystachyum</i>)
Hound's-tongue	(<i>Cynoglossum officinale</i>)
Japanese Knotweed	(<i>Fallopia japonica</i>)
Jointed Goatgrass	(<i>Aegilops cylindrica</i>)
Leafy Spurge	(<i>Euphorbia esula</i>)
Milk Thistle	(<i>Silybum marianum</i>)
North Africa Grass	(<i>Ventenata dubia</i>)
Perennial Sow Thistle	(<i>Sonchus arvensis</i>)
Purple Loosestrife	(<i>Lythrum salicaria</i>)
Purple Nutsedge	(<i>Cyperus rotundus</i>)
Rush Skeletonweed	(<i>Chondrilla juncea</i>)
Saltmeadow Cordgrass	(<i>Spartina patens</i>)
Scentless Chamomile	(<i>Matricaria maritima</i>)
Smooth Cordgrass	(<i>Spartina alterniflora</i>)
Spotted Knapweed	(<i>Centaurea maculosa</i>)
Tansy Ragwort	(<i>Senecio jacobaea</i>)
Velvetleaf	(<i>Abutilon theophrasti</i>)
Wild Oats	(<i>Avena fatua</i>)
Yellow Flag Iris	(<i>Iris pseudacorus</i>)
Yellow Nutsedge	(<i>Cyperus esculentus</i>)
Yellow Starthistle	(<i>Centaurea solstitialis</i>)

Part II – Regional Weeds

The following additional weeds listed are designated as noxious weeds within the boundaries of the corresponding regional districts:

Blueweed (*Echium vulgare*)

Cariboo, Central Kootenay, Columbia-Shuswap, East

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Burdock (<i>Arctium</i> spp.)	Kootenay, Okanagan-Similkameen, Thompson-Nicola Bulkley-Nechako, Cariboo, Columbia-Shuswap, Fraser-Fort George, Kitimat-Stikine, North Okanagan, Okanagan-Similkameen, Peace River, Thompson- Nicola
Cleavers (<i>Galium aparine</i>)	Peace River
Common Bugloss (<i>Anchusa officinalis</i>)	Kootenay-Boundary
Common Tansy (<i>Tanacetum vulgare</i>)	Bulkley-Nechako, Central Kootenay, Columbia- Shuswap, East Kootenay, North Okanagan
Field Scabious (<i>Knautia arvensis</i>)	Bulkley-Nechako, Kootenay-Boundary, Thompson-Nicola
Green Foxtail (<i>Setaria viridis</i>)	Peace River
Hoary Alyssum (<i>Berteroa incana</i>)	Kootenay-Boundary
Hoary Cress (<i>Cardaria</i> spp.)	Columbia-Shuswap, North Okanagan, Thompson-Nicola
Kochia (<i>Kochia scoparia</i>)	Peace River
Marsh Plume Thistle (<i>Cirsium palustre</i>)	Bulkley-Nechako, Fraser-Fort George
Meadow Knapweed (<i>Centaurea pratensis</i>)	Columbia-Shuswap
Night-flowering catchfly (<i>Silene noctiflora</i>)	Peace River
Orange Hawkweed (<i>Hieracium aurantiacum</i>)	Bulkley-Nechako, Cariboo, Central Kootenay, Columbia-Shuswap, East Kootenay, Thompson-Nicola
Oxeye Daisy (<i>Chrysanthemum leucanthemum</i>)	Cariboo, North Okanagan, Peace River, Thompson-Nicola
Perennial Pepperweed (<i>Lepidium latifolium</i>)	East Kootenay, Thompson-Nicola
Plumeless Thistle (<i>Carduus acanthoides</i>)	Central Kootenay
Puncturevine (<i>Tribulus terrestris</i>)	Okanagan-Similkameen
Quackgrass (<i>Agropyron repens</i>)	Peace River
Russian Knapweed (<i>Acroptilon repens</i>)	North Okanagan
Russian Thistle (<i>Salsola kali</i>)	Peace River
Scotch Thistle (<i>Onopordum acanthium</i>)	North Okanagan
Sulphur Cinquefoil (<i>Potentilla recta</i>)	Colombia-Shuswap, North Okanagan, Okanagan-Similkameen, Thompson-Nicola
Tartary Buckwheat (<i>Fagopyrum tataricum</i>)	Peace River
White Cockle (<i>Lychnis alba</i>)	Peace River
Wild Chervil (<i>Anthriscus sylvestris</i>)	Fraser Valley
Wild Mustard (<i>Sinapsis arvensis</i>)	Peace River

Schedule B

[en. B.C. Reg. 209/96, s. 2; am B.C. Reg. 4/2010, s. 3.]

PROVINCE OF BRITISH COLUMBIA
MINISTRY OF AGRICULTURE AND LANDS

Weed Control Act (section 4)

Weed Control Regulation (section 3)

NOTICE TO OCCUPIER TO CONTROL WEEDS

CNCL - 359

You must, within days from the date of this notice, control the listed noxious weeds growing on the following lands:

.....
.....

Weeds to be controlled:

.....
.....

To control the weeds, you must take the steps that are checked on the following list:

- eradicate the weeds
- prevent the weeds from producing viable seed
- prevent vegetative propagation of the weeds
- suppress the growth or vigour of the weeds

The land will be inspected after days from the date of this notice. If the weeds are not controlled, action will be taken under section 7 of the *Weed Control Act* to control the weeds. If this action is taken, you will be assessed the cost of weed control. If that cost is not paid it may, under section 8 of the Act, be collected and recovered as taxes in arrears under the *Municipal Act*¹ or as unpaid taxes under the *Taxation (Rural Area) Act*.

..... (Weed Control Inspector or Officer)

..... (Address)

.....(Date)

1. see now *Local Government Act*

Schedule C

[en. B.C. Reg. 156/93, s. 2; am B.C. Reg. 4/2010, s. 3.]

PROVINCE OF BRITISH COLUMBIA
MINISTRY OF AGRICULTURE AND LANDS

PERMIT FOR REMOVAL OF SCREENINGS

No.

Issued pursuant to the *Weed Control Act* and regulation made thereunder.

Authority is hereby given to(Name)(Address)(Business) to remove(Quantity) of screenings which contain weed seeds in excess of the percentage allowed by the *Canada Grain Act* or regulations thereunder for No. 1 or No. 2 Feed screenings, from(Name of grain elevator, mill or warehouse)(Location) and to keep for sale and sell the screenings so removed to those persons who devitalize screenings or who hold Feeders' Permits issued under the regulations.

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This permit shall be subject to the further conditions that all the provisions of the Weed Control Regulation shall be strictly observed in respect of this permit.

This permit will expire at midnight on December 31, 19... .

Dated at, this day of, 19... .

(Signature)

(Official designation)

Schedule D

[en. B.C. Reg. 156/93, s. 2; am B.C. Reg. 4/2010, s. 3.]

PROVINCE OF BRITISH COLUMBIA
MINISTRY OF AGRICULTURE AND LANDS

FEEDER'S PERMIT

No.

Issued pursuant to the *Weed Control Act* and regulation made thereunder.

Authority is hereby given to(Name)
.....(Address)(Business) to purchase from
.....(Name)(Address)
(Business)(Quantity) of screenings which contain weed seeds in excess of the
percentage allowed by the *Canada Grain Act* or regulations thereunder for No. 1 or No. 2
Feed screenings, for the purpose of feeding to
(Kind of stock) at(Nature of premises), situated at
(Describe exact location)

This permit shall be subject to the further conditions that all the provisions of the
regulations shall be strictly observed in respect of all screenings purchased by virtue of this
permit.

This permit will expire at midnight on December 31, 19... .

Dated at, this day of, 19... .

(Signature)

(Official designation)

[Provisions of the *Weed Control Act*, R.S.B.C. 1996, c. 487, relevant to the enactment of
this regulation: sections 3, 5, 6, 16]