

PESTICIDE VENDORS

Spring 1998

Vendor's Gatekeeper Role

The agrichemical industry and Alberta Environmental Protection share a common goal to minimize the risk of pesticides to human health and the environment.

One way to achieve this is to ensure only qualified people receive the pesticide products you sell or distribute. In selling only to qualified people the risk of product misuse or accidents is lessened.

This is sound product stewardship and a legal requirement in Alberta. As wholesalers (distributors) or retailers (dealers) of pesticides you have a legal responsibility to ensure your customers are qualified to buy the pesticides products you sell or distribute.

Who can buy Schedule 1, 2 or 3 pesticides from a Wholesale Vendor?

The only persons qualified to purchase pesticides from the holder of a Wholesale Vendor Registration are:

- the holder of a Wholesale Vendor Registration,
- for pesticide in Schedules 1 or 2, the holder of a Retail Vendor Registration who employs a certified commercial dispenser, and
- for pesticide in Schedule 3, a retail vendor who employs a certified Lawn & Garden Dispenser.

Who can buy Schedule 1 and 2 pesticides from a Retail Vendor?

The only persons qualified to purchase Schedule 1 or 2 pesticides from the holder of a Retail Vendor Registration are:

- farmers (commercial agriculturalists) for use in crop production on property under their control,
- rural acreage or hobby greenhouse owners for the pesticides identified in the *Environmental Code of Practice for Pesticides*,
- certified pesticide applicators, or
- holders of a Pesticide Service Registration.

Pesticide vendors must keep a record of pesticide sales (or transfers). While all vendors record their sales, the record verifying the purchaser's status is not always recorded. In cases when the purchaser is unknown to the vendor, the vendor must be able to demonstrate an attempt to verify that the person can legally purchase the product. It is suggested that the vendor request and keep on record the following information:

- the Pesticide Vendor Registration Number, if a pesticide vendor;
- the legal land description, if a farmer, acreage owner or hobby greenhouse owner,
- the Pesticide Service Registration Number, if a custom application service (pesticide service), or
- the Pesticide Applicator Certificate Number, if a pesticide applicator.

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Be sure to check the expiry date on the certificate or registration to ensure it is valid.

Remember it is your responsibility to satisfy yourself of the purchaser's status and maintain the records required by regulation. This includes sales made to government departments and agencies, hospitals and school boards.

Commercial Dispenser Training & Reciprocity

The Commercial Pesticide Dispenser Training Course has been developed to meet the National Standard for Pesticide Education, Training and Certification. The course was initially developed by the Saskatchewan Institute of Applied Science and Technology (SIAST) to meet the certification needs for the prairie provinces. Several years later, additional information was added by Lakeland College and Alberta Environmental Protection to meet the national standards. As such the course training is recognized (for a five year period) by all prairie provinces. To obtain the Dispenser Certificate, a candidate has to apply to the appropriate provincial regulatory agency (or the agency appointed to issue certificates) in the province where they wish to dispense pesticides. The agencies providing the certificate in each of the prairie provinces are:

- Alberta: Lakeland College at 1-800-661-6490;
 - Saskatchewan: Saskatchewan Agriculture and Food at (306)787-4662;
 - Manitoba: the training taken in Alberta is recognized as the ~~Ac~~core part of the dispenser training, however, additional training is required for dispensers. Contact Assiniboine Community College at (204) 726-6511 to obtain the additional training/examination. Once additional training is completed, contact Manitoba Agriculture at (204) 945-7706 for Dispenser Certification.
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Commercial Pesticide Dispenser Re-certification Required Prior to January 1, 1999

All certified Dispensers selling commercial or restricted pesticides must re-certify prior to January 1, 1999 or the expiry date on their Dispenser Certificate. **If there is no expiry date on the certificate, then the dispenser must re-certify by January 1, 1999.** If a certified Dispenser also holds a valid Alberta Pesticide Applicator Certificate, then that individual will not have to re-certify as Alberta Environmental Protection recognizes applicators as being sufficiently trained to sell as well as use pesticides. **Pesticide Vendors who do not employ at least one re-certified Pesticide Dispenser (or applicator) after January 1, 1999 will not be able to sell pesticides in Alberta.**

Re-certification is accomplished by passing the re-certification examination administered by Lakeland College. A number of colleges throughout the province provide general or client-specific in-class tutorials (which use the Lakeland College homestudy as the information base) to assist individuals who find homestudy courses difficult to complete. Contact the colleges directly for tutorial information.

Currently only 145 Dispensers have re-certified. The Pesticide Management Branch Commercial Dispenser database indicates that there are approximately 1,400 Dispensers that will require re-certification in 1998. On average approximately 60% of those writing the examination are passing on their first attempt. The course is comprehensive and candidates should ensure they have thorough knowledge of the course prior to attempting to write the re-certification examination.

Domestic (Schedule 3) Pesticide - Retail Sales

The Pesticide Management Branch has received numerous inquiries regarding renewal of Class 2 Retail Vendor Approvals. **Class 2 Retail Vendor Approvals are no longer required to sell Schedule 3 pesticides (those that are federally classed as "DOMESTIC" lawn and garden). However, these retail vendors must employ at least one certified Lawn & Garden Dispenser at each sales outlet.** A factsheet "Domestic Pesticides: Wholesale /Retail Vendor Requirements (Schedule 3)" is available free of charge through the Pesticide Management Branch.

Registered wholesale pesticide vendors are expected, as part of their "gatekeeper" role, to advise their retail customers of this and other pertinent changes in Alberta's pesticide regulations. The wholesale vendor also is required to ensure that their retail customers selling Schedule 3 pesticides have a certified Pesticide Dispenser at the sales outlet.

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A retail vendor selling “RESTRICTED” and “COMMERCIAL” pesticides listed in Schedule 1 or 2 is required to hold a Retail Vendor Registration and employ at least one certified Commercial Dispenser.

Wholesale Vendor Registration

The *Pesticide (Ministerial) Regulation* requires anyone who sells at wholesale a pesticide in Schedule 1, 2 or 3 to hold a pesticide Wholesale Registration. “To sell at wholesale” is defined by regulation as “to transfer a pesticide or to sell or offer to sell a pesticide, other than at retail, and includes the operation of a storage facility”.

The purpose of requiring a Wholesale Registration is to know who supplies and distributes pesticide in Alberta for the purpose of resale, and to regulate the sale of pesticides in Schedules 1, 2 or 3 to qualified Wholesale or Retail Vendors.

The extent of the transfer of product between retail vendors for purposes other than for resale (eg. redistribution of surplus product between retail vendors) was not recognized by AEP during the last regulatory review. The following is intended to clarify under what circumstances a Wholesale Vendor Registration is required and would include to:

- operate a storage facility (eg. Acropolis Warehousing Inc., Fort Storage) or pesticide distribution centre,
- sell or offer to sell a pesticide in Schedule 1, 2 or 3 other than at retail, and
- transfer pesticide for the purposes of resale (versus redistribution of surplus product from one location to another)

A registered Retail Vendor would not require a Wholesale Vendor Registration where the transfer of the pesticide is not for resale purposes, but rather:

- to redistribute surplus product between registered retail vendor outlets operated by the same company,
- to return surplus product to the supplier or distribution centre, or
- to redistribute surplus product between two registered retail vendors, as part of a mutual agreement, when the product being transferred is not readily available from their wholesale supplier.

The registered Retail Vendor would be expected to maintain a record of these transfers that is consistent with the record keeping requirements for a wholesale sale.

Joint Warehouse Audits

Since December 1996, industry certified warehouse auditors have conducted over 214 combined Agrichemical Warehousing Standards Association (AWSA) warehouse audits and Pesticide Vendor regulatory audits of commercial pesticide vendors in Alberta.

This joint initiative between the Crop Protection Institute (CPI) and Alberta Environmental Protection (AEP):

- is cost effective,
- reduces the number of audits at each vendor outlet, and
- demonstrates industry’s commitment to self-regulation by ensuring its members are aware of and comply with provincial pesticide sales regulations.

Under this initiative Alberta Environmental Protection conducts spot inspections and responds to complaints.

The focus of the regulatory audit is to verify that pesticide vendors have:

- a valid pesticide vendor registration (Wholesale or Retail),
- at least one certified pesticide dispenser at each retail sales outlet,
- the required publications for distribution to purchasers available, and
- maintain the required records of their sales.

The regulatory audits take about 10 –15 minutes. The audit is documented on a standard form (**see sample form on next page**). The form is completed by the AWSA auditor, and forwarded by them to AEP for data entry and follow-up where required.

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Auditform.97

Pesticide Vendor Audit Form

Environmental Protection and Enhancement Act
Alberta Regulation 24/97 and 43/97

<p style="text-align: center;">REGISTRATION UPDATE</p> <p>Agrichemical Warehousing Standards Association - Certification # _____</p> <p>Alberta Vendor Registration # _____</p> <p>Pesticide Dispenser Name: _____</p> <p style="padding-left: 40px;">Dispenser Certificate # _____</p> <p style="padding-left: 40px;">or Applicator Certificate # _____</p>	<p style="text-align: center;">DATABASE FILE CHECK</p> <p>(Auditor please obtain AEP Database Print-Out prior to audit. Verify information with Authorized Representative and return with audit form)</p> <p>Business Name: _____</p> <p>Mailing Address: _____</p> <p>_____</p>
<p style="text-align: center;">RETAIL SALES and DISPLAY</p> <p>Groceries on the premises? Yes _____ No _____</p> <p>Food or personal use items on the premises? Yes _____ No _____</p> <p style="padding-left: 20px;">if yes: minimum distance from pesticide shelf display _____ metres</p> <p>Concerns in shelf display area? Yes _____ No _____</p> <p>Schedule 1 products sold at outlet? Yes _____ No _____</p> <p style="padding-left: 40px;">Appropriate Schedule 1 publications available? Yes _____ No _____</p> <p>Shelf display? Yes _____ No _____</p>	<p style="text-align: center;">SALES RECORDS</p> <p>Format: Electronic _____ Manual _____</p> <p>Number of records checked: _____</p> <p>Date range of records checked: _____ to _____</p> <p>Required Sales Information:</p> <p>Wholesale Records</p> <p>1) Vendor Name and Registration Number? Yes _____ No _____</p> <p>2) Dispenser Name and Certificate Number? Yes _____ No _____</p> <p style="padding-left: 40px;">-----</p> <p>Retail Records</p> <p>1) Name and address of purchaser provided? Yes _____ No _____</p> <p>2) Purchaser's Pesticide Service Registration number or Applicator certification number noted? Yes _____ No _____</p> <p>3) Verification of Farmer/Hobby Greenhouse /Acreage owner purchaser's status? Yes _____ No _____</p>

AUDITOR'S COMMENTS:

Date of Audit _____

Authorized Representative's Signature

Auditor's Signature

Authorized Representative's Name (print)

Auditor's Name & Auditor Number (print)

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Vendor Audit Summary

Vendor audits provide the Pesticide Management Branch with updated information on pesticide suppliers and retailers doing business in Alberta. This enables a closer working relationship with the crop protection industry to minimize the risk of pesticides to the environment and human health.

Since implementation of the combined audits in December 1996, industry auditors have conducted over 214 audits of pesticide vendor outlets. Over 64% of the vendor outlets audited met provincial regulatory requirements.

Auditors reported 96 regulatory deficiencies that are listed in table below.

Nature of Infraction	Percent of Deficiencies Reported
Vendor Registration	2
Pesticide Display	4
Certified Dispenser	7
Required Publications	20
Records of Sale	67

Of the regulatory deficiencies reported, those related to improper display of pesticide and the lack of Schedule 1 and 2 publications (notices) could be corrected at the time of the audit. With the other deficiencies, the auditors provided appropriate regulatory information and facilitated communication between the vendor and Pesticide Management Branch to correct the deficiency.

The movement of staff within the industry can temporarily leave retail vendors without a certified pesticide dispenser. Retail vendors are attempting to comply with this requirement by ensuring more than one employee has a Dispenser Certificate (or Applicator Certificate). National dispenser certification standards and reciprocity agreements make it easier to recognize certified Dispensers from other provinces.

Provincial regulations require pesticide vendors to keep a record of each pesticide sale (or transfer) for at least five years from the transaction date. Verification that the customer is qualified to purchase Restricted and Commercial labelled pesticide in Schedule 1 or 2 is the most common omission in the sales record. The information generally missing is:

- Retail Vendor Registration Number and Dispenser's name and Certification Number,
- Pesticide Service Registration Number or Pesticide Applicator Certification Number, or
- Legal land description for purchases by farmers (or rural acreage owners or hobby greenhouse operators purchasing Schedule 2 pesticide in accordance with the *Environmental Code of Practice for Pesticides*). Some pesticide vendors are maintaining a separate customer database with this information and cross-referencing the customer number on the sales invoice.

The Blue List – Pesticide Vendor Registrations

Wholesale and Retail Vendors registered with Alberta Environmental Protection will be receiving the current listing of Alberta registered pesticide vendors with this newsletter.

Wholesale vendors are encouraged to ensure their wholesale and retail vendor customers are included on this list prior to supplying product.

Alberta regulations restrict wholesale sales of pesticide listed in Schedule 1 or 2 (federally classed Restricted and Commercial pesticides) to the holder of a valid Pesticide Vendor Registration.

If any of your customers do not appear on the list please notify the Pesticide Management Branch so that these customers can be provided the information to register under the *Environmental Protection and Enhancement Act*.

For further information on pesticide vendor registration, please contact Yvonne Christensen at 403 297-8262.

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Non CPI Pesticide Vendors Surveyed

Alberta Environmental Protection will be updating their database to confirm the Retail vendors who are only selling limited types of Schedule 1 or 2 pesticides and who would not fall within the requirements of the industry's (Agrichemical Warehousing Standards Association) warehousing standards.

AEP is considering a regulatory change that will require vendors who sell/store any federally labeled "Restricted" and "Commercial" pesticides to meet the industry's warehousing standards. Survey responses are expected to provide insight into the impact of such a change in terms of the number of businesses affected, the potential impact on these businesses and the availability of product to end users. The information will be used for open discussion with the affected industry members later in 1998.

Any registered Retail Vendor who does not store at an industry certified warehouse and who has not received the survey **"1998 Pesticide Vendor Update"** should obtain a copy from the Pesticide Management Branch (Calgary 403/297-8262).

New Publication – Toxic Baits for Richardson's Ground Squirrel and Northern Pocket Gopher

An updated publication entitled "Toxic Baits for Richardson's Ground Squirrel and Northern Pocket Gopher - February 1998" has been distributed to retailers through their suppliers and is to be provided to end users/farmers purchasing ground squirrel and pocket gopher control products (earlier versions of this publication should be recycled).

The *Environmental Code of Practice for Pesticides* also identifies other publications the retail vendor is to distribute to the purchaser at the time of sale:

"Procedures for Grain Bin Fumigation"

- for purchases of grain bin fumigants with aluminum phosphide

"Procedures for Greenhouse Fumigation"

- for purchases of greenhouse fumigants with nicotine, parathion, or sulfotep.

"Killing Honey Bees with Calcium Cyanide"

- for purchases of bee hive fumigant with cyanide.

"Schedule 1 Pesticide: Notice to Purchasers"

- for purchases of any other pesticide in Schedule 1.

REGULATORY REMINDER

Schedule 1 or 2 pesticide may only be sold to qualified purchasers. Retail vendors are required to keep a record of the purchaser's:

- Pesticide Service Registration Number for a Pesticide Service,
- Pesticide Applicator Certificate Number for a Pesticide Applicator,

Legal land description for a farmer (commercial agriculturalist) or a rural acreage owner or hobby greenhouse operator purchasing a Schedule 2 pesticide in accordance with the *Environmental Code of Practice for Pesticides*.

Pesticide Disposal Publications

Three new information publications will be available to provide guidelines for the management of pesticide waste in Alberta. The publication which will be available early this summer on the Internet and from any Pesticide Management Branch office include:

- **"Pesticide Waste Disposal for: Commercial Pesticide Applicators, Services and Vendors",**
- **"Waste Management Guidelines for Commercial Seed Protectant Services",** and
- **"Disposal of Treated Seed".**

Pesticide Containers – Take Them Back Clean

"Take Them Back Clean" is the theme of the 1998 Crop Protection Institute (CPI) campaign to remind farmers and custom applicators to thoroughly rinse and safely dispose of their used pesticide containers.

The CPI's container management program is an industry program funded by the crop protection product manufacturers. But it is the combined support of farmers, custom applicators, dealers,

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contractors, provincial committees, governments and manufacturers that has made it a success. The program, which operates in nine provinces, led the world in 1995 with a return rate of 64% of the pesticide containers supplied to the market place. Germany, at 41%, ranked second and the USA, at 28%, ranked third.

In Alberta, over 1,079,000 pesticide containers were collected from 93 municipally operated container sites in 1997 (an increase of 90,000 over 1996). It is the first year over a million containers were collected.

Cleanliness of containers is a key issue in recycling containers. An Alberta Environmental Protection survey at container sites in 1997 indicated only 75% of the containers were rinsed. The Alberta Container Management Committee is asking pesticide dealers to **“take the time to do the right thing”**. **Please encourage customers to rinse empty containers before depositing at a container site, post the location and operating hours of the local container site, and inform customers of any return policy for excess adjuvant.**

Container collection sites are not designed to safely handle waste pesticide. Waste pesticide (concentrate or solution) or other refuse should not be disposed of at container collection sites. This includes containers of spray adjuvant which, if released, could compromise the integrity of the container site. Over 3,400 litres of adjuvant were reported at five container sites in 1997 (Wainwright, Vimy, Claresholm, Flagstaff and Clairmont) during the container rinsing survey. This adjuvant was either returned to the manufacturer or sent to Swan Hills for disposal. Please advise customers of the return policy for adjuvant at the time of sale. Empty granular bags, cardboard containers, or plastic liners should be disposed of at a Class II landfill.

Registration Requirements For Adjuvants

There is some confusion in the field about what products can/can not be mixed with pesticides (particularly herbicides) and whether these products require registration under the federal *Pest Control Products Act*.

The following information is summarized from the federal Pest Management Regulatory Agency’s document Regulatory Directive 93-15 “Registration Requirements for Adjuvant Products” dated October 28, 1993. It is available for viewing and printing through their website {<http://www.hc-sc.gc.ca/pmra/>}.

The requirement for registration depends largely on the intended use or label claim.

Products which are intended to directly improve the efficacy or to enhance biological performance of the control product (pesticide) by modifying or enhancing physical or chemical characteristics are subject to registration. Examples include:

Emulsifiers	Spreader stickers	Penetrants
Wetting agents	Oil carriers	Drift control agents

Products that do not directly improve efficacy, but widen the conditions under which a control product is useful or maintain the integrity of the spray

diluent are not subject to registration. Examples include:

Ammonium sulphate	pH adjusters (for water)
Defoamers	Marker dyes
Diluents	

The above are general statements and exceptions may apply. If you are in doubt about a product, check with the Pest Management Regulatory Agency by calling 1-800-267-6315. For example, some diluents may be considered

an additive (ie. mineral oil).

The user accepts all liability for use of products that are added to spray mixtures. The registrant is not likely to incorporate the use of many of these products on their labels unless they have been tested to verify efficacy under a wide range of environmental, cropping and water conditions. Based on discussions with some registrants, we conclude that results of any testing conducted on a number of these spray additives are highly variable and therefore, registrants are not likely to include directions on their use as part of label statements.

Surplus Adjuvant

Surplus adjuvant should be returned to product dealers for pick-up by pesticide manufacturers. Please do not leave surplus adjuvant at pesticide container collection sites where it interferes with container collection operations.

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Pesticide Sales Survey

In 1993, the Pesticide Management Branch conducted a pesticide sales survey of the agricultural and domestic sectors. The data from the agricultural industry was compiled into a report entitled "Pesticide Sales Trends in Alberta". This report was a component in the design of monitoring studies for the Canada-Alberta Environmentally Sustainable Agriculture (CAESA) Initiative that recently released a major report on the effects of agriculture on Alberta surface and groundwaters. Data from both domestic and agricultural sectors was compiled into a factsheet on pesticide sales/usage in Alberta, which will be released in the near future. In order for Alberta Environmental Protection to properly undertake its regulatory role, and to revise ambient monitoring priorities, another sales survey is planned for 1998. Vendors will be contacted later this spring to outline our data needs, and the formal request for data will be forthcoming late this fall. It is expected that most of the required data will be obtained from the wholesalers, however some of the independent outlets will also be contacted directly for their sales records. Sales data for the 1998 calendar year from all sectors in Alberta (agricultural, industrial, structural, landscape, domestic, etc.) will be targeted for this survey.

Environmental Enforcement Historical Search Service

The Environmental Law Centre offers a computer search of enforcement action history of a company or individual under the *Environmental Protection & Enhancement Act* and its predecessor legislation back to 1971.

The service may be a valuable source of information for anyone involved in an environmental audit or assessment, the purchase or sale of land with environmental concerns, and defense of an environmental prosecution.

A search can be initiated upon written request with searches usually being completed within a day of the request. Payment (cheque, VISA, MasterCard or cash) must accompany request. For more information on the Environmental Enforcement Historical Search Service contact the Environmental Law Centre (phone 403/424-5099 or fax 403/424-5133).

SPECIAL NOTE

It is with sadness that the Pesticide Management Branch announces the sudden passing of our friend and colleague Dave Pledger on March 22, 1998. Dave served with the provincial government for the past 25 years, most recently working closely with the pesticide vendor industry.

Questions regarding pesticide vendor registration formerly directed to Dave should now be directed to Yvonne Christensen at 403 297-8262. Complaints may be directed to any regional office of the Pesticide Management Branch listed at the end of this newsletter.

If you require further information on any of the topics in this newsletter, please contact Alberta Environment:

Grande Prairie

Room 1701, Provincial Building
10320 - 99 Street
Grande Prairie, Alberta T8V 6J4
(780) 538-5460 / Fax: (780) 538-5336

Edmonton

5th Floor, Oxbridge Place
9820 - 106 Street
Edmonton, Alberta T5K 2J6
(780) 427-7617 / Fax: (780) 427-3178

Red Deer

3rd Floor, Provincial Building
4920 - 51 Street
Red Deer, Alberta T4N 6K8
(403) 340-5310 / Fax: (403) 340-5022

Calgary

2nd Floor, Deerfoot Square
2938 - 11 Street NE
Calgary, Alberta T2E 7L7
(403) 297-7602 / Fax: (403) 297-8232

Lethbridge

2nd Floor, Provincial Building
200 - 5th Avenue South
Lethbridge, Alberta T1J 4C7
(403) 381-5511 / Fax: (403) 382-4428

To be connected toll free, first dial 310-0000 from anywhere in Alberta.