

Pesticide Use In or Near Water

FACTS AT YOUR FINGERTIPS

July 2013

Regulation of pesticide use in or near water helps to protect the water, wildlife and surrounding riparian vegetation from pesticide exposure and contamination while allowing the control of pests that impact the waterbody and riparian areas.

Pesticide use or application in an “open body of water”; and the use, application, storage or washing of equipment within 30 horizontal metres of an “open body of water” are regulated activities in Alberta. Pesticide includes herbicides, insecticides, fungicides, rodenticides, and algaecides. An “open body of water” includes lakes, streams, rivers, irrigation canals and other natural water bodies. An “open body of water” does not include ponds or dugouts that have no outlet, are completely surrounded by private land, and are less than 4 hectares (10 acres) in area on private land or are less than 0.4 hectares on public land. Roadside ditches and small (less than 0.5 metres wide), dry intermittent streams are also not considered open bodies of water.

What is the Intent of Regulating Pesticide Use In and Near Water?

Regulating pesticide use near open bodies of water is intended to:

- prevent excessive vegetation removal from the sensitive, natural areas within or surrounding water bodies. This vegetation is critical to the health of aquatic ecosystems.
- ensure that pesticide selection and application methods in natural areas surrounding water bodies will not result in pesticides entering surface water;
- ensure that pesticide storage or washing of equipment are only conducted when absolutely necessary and will not result in pesticides entering surface water; and
- ensure that any pesticide use in an open body of water will not result in adverse effects on fish and other aquatic life.

Pesticide Use Within 30 Horizontal Metres of an Open Body of Water

Regulations concerning pesticide use near an open body of water apply only to undisturbed vegetation along rivers, streams and lakes. Pesticide applications to these areas must be conducted by a Pesticide Service Registration holder with pesticide treatments being supervised by a certified pesticide applicator.

Pesticide treatments must be in accordance with the *Environmental Code of Practice for Pesticides* published by Alberta Environment and Sustainable Resource Development to ensure that maximum environmental loadings are not exceeded. In situations where pesticide applications must deviate from the *Environmental Code of Practice for Pesticides* in order to achieve effective vegetation or pest control, a request can be made for a **Pesticide Special Use Approval**.

Persons applying a pesticide on cultivated land (cropland, improved pasture, managed turf, and landscaped areas) must follow pesticide label directions including any buffers specified for open bodies of water. A sufficient buffer of natural vegetation should be left (similar to the buffers identified in the *Environmental Code of Practice for Pesticides*) between cultivated land and open bodies of water to ensure the viability of these areas for wildlife habitat and water protection with respect to sedimentation, nutrient release, and pesticide entry.

Pesticide Use Directly Into an Open Body of Water

Diquat herbicide may be applied by a certified applicator in accordance with the *Environmental Code of Practice for Pesticides* in:

- private man-made recreational lakes that are under the control of a homeowner’s or resident’s association
- in a residential development; without any discharge from the lake beyond the property limits of the development.

All other applications of pesticide directly into an open body of water must be conducted under the authority of a Pesticide Special Use Approval. Exemptions apply for fish toxicant and vertebrate toxicant use on ice under government fish and wildlife management programs.

PESTICIDE USE IN OR NEAR WATER

How to Apply for a Special Use Approval

Application forms can be obtained from any Alberta Environment and Sustainable Resource Development Office or downloaded from the Department's Internet homepage at:

<http://www.environment.alberta.ca/01535.html>

Once the Department has received the completed application forms, they will be reviewed to ensure that all information necessary for the Director to review the proposed pesticide treatment has been provided. The applicant will then be required to give public notice.

Anyone concerned about a proposed treatment can submit a formal "Statement of Concern" to Alberta Environment and Sustainable Development for consideration in the application review. A Statement of Concern must be submitted within 30 days of the "Notice of Application". If the Departmental assessment is favourable, a Special Use Approval will be issued.

Anyone who has filed a Statement of Concern has the right to appeal issuance of a Special Use Approval by filing a "Notice of Objection" with the Environmental Appeal Board. Any applicant for a Special Use Approval has the right to appeal a decision **not** to issue a Special Use Approval by filing a Notice of Objection with the same Environmental Appeal Board.

A Special Use Approval application will require a minimum of six to eight weeks to review. In addition, it may take up to three months for processing given the time it takes for the completion of public notification, resolution of "Statements of Concern", the assessment of appropriate conditions to be assigned to the approval, and any resulting Notices of Objection. It is recommended that an application be submitted well in advance of the date that the approval is required.

Copies of the *Environmental Protection and Enhancement Act* and its regulations are available from the Queen's Printer website at:

<http://www.qp.gov.ab.ca>

Questions concerning pesticide regulatory requirements can be directed to the nearest Alberta Environment and Sustainable Resource Development office at these locations:

Grande Prairie 780-538-5351
Room 1701, Provincial Building
10320 - 99 Street
Grande Prairie, Alberta T8V 6J4

Edmonton 780-427-7614
Twin Atria Building
#111 4999-98 Avenue
Edmonton, Alberta T5K 2J6

Spruce Grove 780-960-8600
250 Diamond Avenue
Spruce Grove Alberta T7X 4C7

Red Deer 403-340-7052
3rd Floor, Provincial Building
4920 - 51 Street
Red Deer, Alberta T4N 6K8

Calgary 403-297-7602
2nd Floor, Deerfoot Square
2938 - 11 Street NE
Calgary, Alberta T2E 7L7

Lethbridge 403-381-5511
2nd Floor, Provincial Building
200 - 5 Avenue South
Lethbridge, Alberta T1J 4C7

To be connected toll free, dial 310-0000.