



Environmental Appeal Board

APPEAL NO. 94/11(a) - PESTICIDE CONTROL ACT

In the matter of appeal under s. 15 of the *Pesticide Control Act*, R.S.1979 c. 322, against Pesticide Use Permit 214-031-95 issued by the Deputy Administrator, Pesticide Control Act, to the Canada Minister of Agriculture.

BETWEEN	Linda Armstrong	APPELLANT
AND	Canada Minister of Agriculture	RESPONDENT
BEFORE	Mr. David Perry Chair Dr. E. Keay Member Mr. G. Robinson Member	
DATE OF HEARING	April 6, 1995	
PLACE OF HEARING	Best Western Rainbow Country Inn Chilliwack, BC	

INTERIM DECISION

This was a one day hearing appealing the use of FORAY 48B against an infestation of gypsy moths in the Chilliwack area. At that time the Panel heard evidence that the proposed spray of FORAY 48B in the Chilliwack area was scheduled to begin within 2 to 3 weeks of the hearing date. Given the very short time before the program would commence, the Panel agreed to provide an interim decision which would be later followed by more detailed written reasons.

The Panel upheld the issuance of Pesticide Permit Use No. 214-031-95 with the following changes:

Paragraph A is amended to include:

A(1) Publish all or part of the permit in one or more newspapers with local distribution, including:

(iii) the Vancouver Sun

The published notice shall contain the following information:

- (i) the name, address and phone number of the local public health officer.**
- (j) anyone with concerns can contact the permit holder or the public health officer.**

A(2) Post a copy of the permit with relevant maps and have a minimum of 15 copies available at each of the following locations to allow inspection by the public:

(iii) any recreational facilities within the spray area.

Paragraph C is amended to include:

The local Parks authority shall also be notified in writing at least 18 hours prior to each aerial pesticide application and each of the listed schools shall be provided with sufficient pamphlet material to allow each student to be advised that a spray program is about to be commenced. The Permit Holder shall inform CFB Chilliwack 18 hours prior to the spray.

Paragraph F is amended to include:

This application is for 4 applications by air to 352 hectares plus 4 ground applications to selected sites within the 352 hectares to ensure adequate coverage. Ground applications are not to exceed 15 percent of the treatment area. The fourth application shall only be applied in the event of a poor or rained out prior application.

Paragraph H is amended to read:

The pesticide user must observe a 10 metre Pesticide Free Zone (PFZ), around natural water bodies. In order to achieve this it is recommended that a buffer zone outside the 10 metre PFZ should be observed around the banks of water bodies within the treatment site for 100 metres if a helicopter is used and for 200 metres if a fixed wing aircraft is used.

The Permittee shall cause Kromacote cards to be placed outside the spray boundaries before each application of the aerial spray. They shall be placed approximately 200 metres apart and shall be between 30 and 40 metres outside the spray area. The cards shall remain in place for at least 30 minutes after the conclusion of the spraying, but shall be collected and analyzed by the Permittee for drift and the analysis and cards shall be furnished to the Deputy Administrator, Pesticide Control Act, who shall permit any member of the public to inspect such cards and to make copies of such analysis.

David Perry, Chair
Environmental Appeal Board

April 12, 1995