

## Part 6: Substance specific requirements

### TITLE: Pesticides

## Sections 6.89 – 6.90: Restricted entry intervals; and consequential amendments to other sections within the same part

The Policy, Regulation and Research Division (“PRRD”) held Public Consultations on the proposed amendments to Part 6 of the *Occupational Health and Safety Regulation (“OHSR”)* between June 6 and September 27, 2019. All issues raised by stakeholders were analyzed by the PRRD and WorkSafeBC subject matter experts, resulting in further changes to the proposed amendments.

The following chart contains a summary of the key changes made to the proposed amendments since the Public Consultation. Please note editorial revisions are not included in the changes listed below.

Section(s) of the <i>OHSR</i>	What was changed
6.76 <i>Informing workers</i>	A new subsection is added requiring the name or type of pesticide to be used in the information that must be provided to the worker.
6.77 <i>Qualifications</i>	Section 6.77 (2) has been revised to clarify that assistant applicators are exempt from the qualification requirements set out in section 6.77(1) providing they are acting in accordance with the <i>Integrated Pest Management Regulation (IPMR)</i> .
6.89 <i>Restricted entry intervals</i>	Section 6.89 has been revised to <ul style="list-style-type: none"><li>(a) remove any reference to Schedule 2, and</li><li>(b) re-order the paragraphs to focus on following the REIs on the pesticide label. When no REI is stated on the pesticide label, the default REIs apply depending on the toxicity classification of the pesticide: (i) 24 hours if the pesticide is classified as slightly toxic, or (ii) 48 Hours if the pesticide is classified as moderately or very to iv, or is part of a mixture in which a moderately or very toxic pesticide is present.</li></ul>

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PART 6: SUBSTANCE SPECIFIC REQUIREMENT

PESTICIDES

Definitions

6.70 (1) In sections 6.70 to 6.109:

“label”

has the same meaning as in the *Pest Control Products Act* (Canada);

“restricted entry interval”

means the length of time representing a period of precaution that must elapse after the application of a pesticide, before an unprotected worker may be authorized to enter the **treated area**; ~~treated portion of a building, structure, or field to which the pesticide has been applied;~~

“slightly toxic”,  
“moderately toxic” or “very toxic”

means, in reference to a pesticide, one containing active ingredients which have acute mammalian toxicities determined by an authority acceptable to the Board, expressed as the Lethal Dose 50% (LD<sub>50</sub>) by oral or dermal routes of entry as follows:

Category	Oral LD <sub>50</sub> (mg/kg)	Dermal LD <sub>50</sub> (mg/kg)
Very toxic	0-50 mg/kg	0-200 mg/kg
Moderately toxic	over 50-500 mg/kg	over 200-1000 mg/kg
Slightly toxic	over 500 mg/kg	over 1000 mg/kg

and where the lowest LD<sub>50</sub> by the oral or dermal route of entry determines the category of the pesticide, and if the LD<sub>50</sub> is reported as a range, the lowest reported LD<sub>50</sub> is used.

“toxic”

in reference to a pesticide, means a formulation or a pesticide containing active ingredients that, by oral or dermal routes of entry, have acute mammalian toxicities expressed as the Lethal Dose 50% (LD<sub>50</sub>), and, for this purpose, a pesticide is considered to be

- (a) very toxic, if the LD<sub>50</sub> is less than 500 mg/kg,
- (b) moderately toxic, if the LD<sub>50</sub> is 500 mg/kg or more but less than or equal to 1000 mg/kg, and
- (c) slightly toxic, if the LD<sub>50</sub> is more than 1000 mg/kg but less than or equal to 2000 mg/kg;

“treated area”

means that portion of a field, building, structure or area in which a pesticide has been applied;

(2) For the purposes of the definition of “toxic” in subsection (1), if the LD<sub>50</sub> of a pesticide is reported as a range, the lowest LD<sub>50</sub> must be used to determine the class of the pesticide as very toxic, moderately toxic or slightly toxic.

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- Labels and Signs for treated materials
- 6.73 If pesticide residues on treated seedlots, plants and similar materials supplied for planting may pose a hazard to workers, the employer must ensure ~~labels, placards or signs~~ **placards or signs** are provided with the treated material stating
- (a) the pesticide applied,
  - (a.1) the name or type of pesticide to be used,**
  - (b) the date of last application, and
  - (c) The hazards and precautions required for handling these materials.
- Informing workers
- 6.76 The employer must ensure that workers occupying, **or who may access, a treated area** ~~a building or structure~~ where a pesticide is to be applied are informed of
- (a) the intent to use the pesticide,
  - (a.1) the name or type of pesticide to be used,**
  - (b) the hazard associated with its use, and
  - (c) the precautions required during the operations.
- Mixing, Loading and Applying Pesticides**
- Qualifications
- 6.77 (1) The employer must ensure that a worker or applicator, who mixes, loads or applies a moderately or very toxic pesticide for use in a workplace or who cleans or maintains equipment used in the operations
- (a) is 16 years of age or over, and
  - (b) holds a valid pesticide applicator certificate issued under the BC Integrated Pest Management Act.
- ~~(2) Subsection (1)(b) does not apply to the use of biocides and slimicides in pulp and paper operations, or to antisaptain materials.~~
- [Amended by B.C. Reg. 188/2011.]
- (2) Section (1)(b) does not apply to any of the following:**
- (a) the use of biocides or slimicides in pulp and paper operations;**
  - (b) antisaptain materials;**
  - (c) the use of a pesticide by an assistant applicator within the meaning of, and in accordance with, the *Integrated Pest Management Act* and the regulations made under it.**
- (3) Workers involved in training for the purposes of obtaining a valid pesticide applicator certificate who are directly supervised by a qualified person are exempt from the requirement of subsection (1) (b) during the training period.
- Restricted entry intervals
- 6.89 ~~(1) Except where entry is permitted by section 6.90 or 6.91, the employer must ensure that a person does not enter a workplace or portion of a workplace where a pesticide has been applied, until the restricted entry interval has elapsed.~~

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- Authorization to enter**      **6.90**
- ~~2) The length of the restricted entry interval required by subsection (1) is a minimum of~~
- ~~(a) 24 hours for a pesticide which is classified as slightly toxic,~~
  - ~~(b) 48 hours for a pesticide which is classified as moderately or very toxic, and for any mixture in which a moderately or very toxic pesticide is present, or~~
  - ~~(c) the interval specified on a pesticide label if that interval is longer than the interval determined in paragraphs (a) or (b).~~
- ~~(1) If, before the expiry of the restricted entry interval, the employer authorizes a worker to enter a field, building or structure in which a pesticide has been applied the employer must ensure that~~
- ~~(a) the hazards to workers have been assessed by a qualified person,~~
  - ~~(b) the worker is provided with and wears the proper personal protective clothing and equipment required by this Regulation, and~~
  - ~~(c) the worker follows proper procedures.~~
- ~~(2) If the employer authorizes a worker to enter a building or structure in which a pesticide has been applied, the employer must ensure that~~
- ~~(a) where practicable, the treated area of the building is ventilated and the atmosphere has been tested or otherwise evaluated by a qualified person and declared safe to enter, and~~
  - ~~(b) if a worker may be incapacitated after re-entry, provision has been made for rescue in a manner that meet the requirements of section 6.80.~~
- Restricted entry intervals**      **6.89**
- (1) Except as permitted under section 6.90, an employer must ensure that a person does not enter a treated area until the restricted entry interval has expired.**
- (2) The length of the restricted entry interval required by subsection (1) is as follows:**
- (a) if the label of the applied pesticide states a single restricted entry interval, the length of time stated on the label;**
  - (b) if the label of the applied pesticide states different restricted entry intervals for different activities, the length of time stated on the label for the activity most closely resembling the activity being conducted;**
  - (c) if more than one pesticide is applied and the labels of each state different restricted entry intervals, the longest length of time stated;**
  - (d) if the label of an applied pesticide does not state a restricted entry interval,**
    - (i) 24 hours if the pesticide is classified as slightly toxic, or**
    - (ii) 48 hours if the pesticide is classified as moderately or very toxic or is part of a mixture in which a moderately or very toxic pesticide is present;**
  - (e) if more than one pesticide is applied and the label of at least one pesticide does not state a restricted entry interval, the longer of**

(i) the longest length of time stated on the label of the other pesticides, and

(ii) the length of time required under paragraph (d) (i) or (ii), as applicable.

(3) An employer must ensure that, in addition to not entering the treated area until the applicable restricted entry interval has expired, workers must comply with all safety information, including user directions and safety precautions, stated on any label of the pesticides being applied.

Authorization to enter before restricted entry interval expires

6.90

(1) In this section

“emergency” means any sudden occurrence or set of circumstances

(a) that an employer could not have anticipated,

(b) over which an employer has no control, and

(c) that requires a worker to enter a treated area during a restricted entry interval because no alternative practices would prevent or mitigate

(i) injury to persons, or

(ii) a substantial economic loss due to crop loss or property loss;

“hand labour activity”

(a) subject to paragraph (b), means an activity or task performed by hand or using hand tools that causes a worker to have substantial dermal contact with plants or parts of plants, soil or a surface that may contain pesticide residues, and

(b) does not include operating, moving or repairing

(i) irrigation or watering equipment, except hand-set irrigation, or

(ii) other equipment that is not directly used to apply pesticides.

(2) If an employer authorizes a worker to enter a treated area before the restricted entry interval expires, the employer must ensure all of the following:

(a) that the worker

(i) does not enter the treated area earlier than 4 hours after the pesticide application is completed,

(ii) is not in the treated area for more than one hour in a 24-hour period, and

(iii) does not perform a hand labour activity until the expiry of the restricted entry interval;

- (b) that hazards to the worker have been assessed by a qualified person;
- (c) that the treated area is effectively ventilated using either natural or mechanical means, and
  - (i) the atmosphere has been tested, if practicable, or
  - (ii) evaluated by a qualified person and declared safe to enter;
- (d) that the worker is provided with, wears and uses correctly personal protective clothing and equipment appropriate to the hazards assessed under paragraph (b);
- (e) that the worker follows safe work procedures;
- (f) that, if a worker may be incapacitated after entry, provision has been made for rescue in a manner that meets the requirements of section 6.80.

(3) If an employer authorizes a worker to enter a treated area during an emergency before the restricted entry interval expires, the employer must ensure all of the following:

- (a) that the requirements of subsection (2) (b) to (f) are met;
- (b) that emergency washing facilities as required under section 5.85 are available.

Record of entry before restricted entry interval expires

6.90.1 (1) In addition to the record that must be kept under section 6.94, an employer must ensure that a record of all of the following is completed within 24 hours of a worker entering a treated area before the restricted entry interval expires:

- (a) if entry was during an emergency,
  - (i) the date and location of the emergency,
  - (ii) the time the emergency started and ended, and
  - (iii) a description of the emergency, including an estimate of the amount of loss or type of injury that would have occurred without early entry to the treated area;
- (b) the restricted entry interval that applies under section 6.89 (2);
- (c) the name of the worker who entered the treated area, and the times at which the worker entered and exited the treated area.

(2) The record referred to in subsection (1) must be kept for at least 10 years.

Exemptions 6.91

- ~~(1) In a structural pesticide application, the employer is exempt from sections 6.85 to 6.90 when small quantities of slightly toxic pesticides are applied in a manner that minimizes the release of aerosols and residues on work surfaces, or moderately toxic pesticides are safely applied in restricted exposure applications such as crack and crevice treatments provided that
  - ~~(a) areas treated with these pesticides are clearly identified to workers,~~~~

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- ~~(b) the treated indoor space has been adequately ventilated,~~
  - ~~(c) safe work procedures are used, including applicable restricted entry intervals stated on pesticide labels or provided by an authority acceptable to the Board,~~
  - ~~(d) a hazardous accidental release does not occur during the application, and~~
  - ~~(e) a qualified person inspects the area following application to determine that paragraphs (a) to (d) have been complied with and notifies the employer of the applicable restricted entry intervals and any additional entry precautions, and the employer implements the instructions of the qualified person.~~
- ~~(2) For a system used to handle and apply biocides and slimicides, the employer is exempt from the requirements of section 6.85 to 6.90 with respect to warning signs and restricted entry intervals provided that~~
- ~~(a) the system minimizes the release of aerosols and residues on work surfaces,~~
  - ~~(b) areas where these pesticides are handled or used are identified to workers, and~~
  - ~~(c) entry into these work areas is restricted to authorized workers~~

**Exemption**

**6.91**

**(1) In this section:**

**“structural pesticide application” means the use of any method or device, or the application of any substance, that contains a pesticide to prevent, control or exterminate a pest in, on, under or near a structure, except in relation to the prevention, control or extermination of pests that affect plants.**

**(2) An employer is exempt from the requirements of sections 6.85 to 6.90.1 with respect to structural pesticide applications as follows:**

- (a) the application, by means of spot treatment or crack and crevice treatment, of small quantities of slightly toxic pesticides if**
  - (i) the methods used minimize the release of aerosols and residues on work surfaces, and**
  - (ii) a qualified person determines that workers are not at risk of exposure;**
- (b) the application, in circumstances of restricted exposure including spot treatment and crack and crevice treatment, of small quantities of moderately toxic pesticides if**
  - (i) the methods used minimize the release of aerosols and residues in the treated area,**
  - (ii) the treated area is clearly identified,**
  - (iii) during application, no hazardous accidental release of pesticide occurs, and,**
  - (iv) a qualified person**
    - (A) determines, before application, that persons occupying the treated area are not at risk of exposure,**

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- (B) notifies persons occupying the treated area, before application, of any entry precautions applicable to the application, and**
  - (C) inspects the treated area after application to confirm compliance with this subsection.**
- (3) An employer is exempt from the requirements of sections 6.85 to 6.90.1 with respect to the handling and distribution of biocides and slimicides if all of the following conditions are met:**
- (a) the method of handling and distributing the biocide or slimicide minimizes the release of aerosols and residues on work surfaces;**
  - (b) areas where the biocide or slimicide is handled or distributed are clearly identified, and entry into these areas is restricted to authorized workers.**
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**Explanatory Notes:**

Restricted entry intervals (“REIs”) refer to the length of time that must elapse after the application of a pesticide, before an unprotected worker may be authorized to enter the treated area.

The purpose of the proposed amendments is to align the *Occupational Health and Safety Regulation* (“OHSR”) with Canada’s *Pest Control Products Act and Regulations* (“PCPA”) as well as the *BC Integrated Pest Management Act and Regulations*. It would also clarify the conditions under which the REIs would default to the provisions currently outlined in the *OHSR*.

Sections 6.89 and 6.90 of the *OHSR* set out the REIs for pesticides. At the time these sections were developed, there was little or no information available on REIs, so the safest reasonable duration was applied in the *OHSR* based on the classified toxicity of the pesticide: 24 hours for slightly toxic and 48 hours for moderately and very toxic pesticide. These durations were based on inter and intra-jurisdictional reviews as well as the best evidence available at the time.

Health Canada’s Pest Management Regulatory Agency (“PMRA”), under the authority of the *PCPA* regulates pesticides in Canada. All pesticides imported, sold or used in Canada must be registered with the PMRA. Registration provides marketing authorization (registration and labelling) in Canada. The *PCPA* requires that label directions, including the REIs, be followed. Complying with the REI on a label is a legal requirement.

The PMRA also works with provincial, territorial and federal departments in Canada to help define and strengthen pesticide regulations across the country. The *Integrated Pest Management Act and Regulations* regulates the sale, use and handling of pesticides in British Columbia

The health effects of pesticides exposure on workers can be chronic or acute, local or systemic. Certain toxicological properties make it possible to establish or characterize the potential risks of each pesticide. This type of data is used by PMRA in the pesticide registration process and enables it to determine REIs and other safety precautions on pesticide labels.

Pesticide exposure is associated with an increase in respiratory symptoms, and respiratory and skin diseases. Pesticides have also been associated with neurotoxic, reproductive and carcinogenic effects. The institute national de la santé et de la recherché médicale (INSERM) of France<sup>1</sup> published a

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<sup>1</sup> Referenced in Tuduri L, Champoux D, Jolly C, Côté J, Bouchard M (2018), Preventing chemical risks of pesticide use among Quebec apple growers: status report and measures to improve personal protection. IRRST Studies and Research Projects R-994, 505 De Maisonneuve Blvd, West Montreal, Quebec M3A 3C2

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comprehensive review of the health effects of pesticides exposure. The following table 1 summarizes the strength of the association between pesticide exposure and pathology<sup>2</sup>.

**Table 1 Presumed association between occupational pesticide exposure and pathologies**

<b>Pathology</b>	<b>Association*</b>
Non-Hodgkin lymphoma	++
Multiple myeloma	++
Prostate cancer	++
Parkinson's disease	++
Leukemia	+
Alzheimer's disease	+
Impact on fertility	+
Hodgkin disease	±
Testicular cancer	±
Brain tumour	±

\*Strong association (++); Moderate association (+); Weak association (±)

The proposed amendments are as follows:

**Proposed Section 6.70: Definitions**

The following new terms and numbering are added to this section:

- section 6.70 has been renumbered as subsection (1);
- “*label*” – this new term has been added and has the same meaning as in the *Pest Control Products Act (Canada)*; and
- “*treated area*” – this new term creates consistency when referring to an area, field or structure that has been treated.

The definition for the following terms have been modified:

- “*restricted entry interval*” – the phrase “treated portion of a building, structure, or field to which a pesticide has been applied” is replaced with “treated area”. The rationale is the current provisions are inconsistent in how they refer to an area that has been treated;
- “*toxic*” – the previous definition of “slightly toxic”, “moderately toxic” or “very toxic” was repealed and replaced with new values that are consistent with those used by *PMRA*.<sup>3</sup> This alignment expands the ranges for “very toxic” (less than 500 mg/kg) and “moderately toxic” (500 mg/kg or more but less than or equal to 1000 mg/kg) pesticides. The range for “slightly toxic” pesticides is capped at 2000 mg/kg (more than 1000 mg/kg but less than or equal to 2000 mg/kg). This alignment with *PMRA* will affect sections 6.80, 6.85, 6.87, 6.89 and 6.91 of the *OHSR*.
- The comments associated with the previous table for “slightly toxic”, “moderately toxic” or “very toxic” are revised and renumbered as subsection (2).

**Proposed Section 6.73: Labels and signs for treated materials**

The phrase “labels, placards or signs” is deleted and “placards or signs” is substituted. The rationale is the term “label” is now defined differently in the definition section.

<sup>2</sup> Table is from Tuduri L, Champoux D, Jolly C, Côté J, Bouchard M (2018), Preventing chemical risks of pesticide use among Quebec apple growers: status report and measures to improve personal protection. IRRST Studies and Research Projects R-994, 505 De Maisonneuve Blvd, West Montreal, Quebec M3A 3C2

<sup>3</sup> Source document: PMRA Health Evaluation Directorate (2013): Guidance for waiving or bridging of mammalian acute toxicity tests for pesticides: [https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/cps-spc/alt\\_formats/pdf/pubs/pest/pol-guide/toxicity-guide-toxicite/toxicity-guide-toxicite.eng.pdf](https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/cps-spc/alt_formats/pdf/pubs/pest/pol-guide/toxicity-guide-toxicite/toxicity-guide-toxicite.eng.pdf) (accessed 25 March, 2019).

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***Proposed Section 6.76 Informing workers***

This section is revised to require information to be given to workers occupying or who may access a treated area. Subsection (a.1) has been added to require the name or type of pesticide used to be provided to the worker.

***Proposed section 6.77 Qualifications***

The revision to the toxicity classes in the definition section will affect this provision as more pesticides will be included under the classification of very toxic and moderately toxic pesticides in subsection (1).

Proposed subsection (2)(c) has been added to acknowledge and recognize an assistant applicator, within the meaning of the *Integrated Pest Management Act* and the regulations made under it. An assistant applicator who is supervised by a certified pesticide applicator does not need a pesticide applicator certificate. All authorization holders<sup>4</sup> and employers must adhere to specific practices when employing or working with assistant applicators.

A certified applicator can directly supervise up to four assistant pesticide applicators who have completed the required assistant applicator training. A certified individual supervising assistant applicators<sup>5</sup>

- must not be more than 500m from each assistant applicator;
- must maintain continuous visual or auditory contact with each assistant applicator;
- must review the record kept by the authorization holder for each assistant applicator; and
- must not permit an assistant applicator to apply a pesticide unless satisfied that the assistant applicator has completed the course required by the Ministry of Environment.

An assistant pesticide applicator can apply pesticides, safety transport pesticides to work sites, take pesticides in and out of storage, and ensure security of mobile, temporary and permanent pesticide storage facilities<sup>6</sup>. Assistant applicators are not allowed to perform the following activities:

- select the pesticides to be used in a treatment area;
- determine the method or rate of pesticide application in a treatment area;
- determine injury thresholds for each pest and apply them to the determination of when to use a pesticide;
- mix pesticide concentrates;
- calibrate pesticide application equipment;
- handle or use fumigants;
- use permit-restricted pesticides or restricted pesticides;
- use pesticides having a label indicating that the pesticide may be used only by persons holding a certificate or other authorization to use the pesticide; or
- conduct evaluations to determine the effectiveness of the pesticide use.

***Proposed section 6.89 Restricted entry intervals (“REIs”)***

The intent of the proposed amendments is to instruct users to follow the REIs posted on the pesticide label, and clarify when the REIs would default to the provisions currently outlined in the *OHSR*. PMRA

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<sup>4</sup> Authorization holder refers to anyone granted permission to use a pesticide. It does not necessarily mean they carry or have a pesticide applicator certificate. The two main types of authorizations under the *IPMR* are confirmations and licences. Authorization holders are required to practice IPM in order to ensure that pesticides are used appropriately and only when necessary. Authorization holders must also employ certified (trained) individuals to apply pesticides or supervise staff who are not certified. (Sources: [https://www2.gov.bc.ca/assets/gov/environment/pesticides-and-pest-management/business-and-industry/leg\\_summary.pdf](https://www2.gov.bc.ca/assets/gov/environment/pesticides-and-pest-management/business-and-industry/leg_summary.pdf) & <https://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification/certificate-categories/assistant-applicator>).

<sup>5</sup>[https://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification/certificate-categories/assistant-applicator#Auth\\_Holders](https://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification/certificate-categories/assistant-applicator#Auth_Holders) (accessed 26 April, 2019).

<sup>6</sup> [https://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification/certificate-categories/assistant-applicator#Super\\_Applicators](https://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification/certificate-categories/assistant-applicator#Super_Applicators) – (accessed 26 April, 2019).

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provides extensive published information on how it sets REIs for pesticides<sup>7,8</sup>.

Proposed subsection (2)(a) – (c) provides directions on which REIs would apply

- if a pesticide label states a single REI,
- if a pesticide label states different REIs for different activities, or
- if more than one pesticide is applied and each label states a different REI.

Proposed subsection (2)(d) addresses the situation where a pesticide label does not state a REI. If a pesticide label does not contain an REI, then the REI defaults to

- (i) 24 hours if the pesticide is classified as slightly toxic, or
- (ii) 48 hours if the pesticide is classified as moderately or very toxic or is part of a mixture in which a moderately or very toxic pesticide is present.

These default time, based on toxicity, are more protective than the 12-hour required minimum stated on PMRA's website<sup>9</sup>. The existing definition of "slightly toxic" does not have an upper limit. There is an upper limit to the LD<sub>50</sub> range for the proposed definition of "slightly toxic" (more than 1000 mg/kg but less than or equal to 2000 mg/kg). This implies an REI may not apply for pesticides with LD<sub>50</sub> above this upper limit.

Proposed subsection (2)(e) provide directions on which REIs would apply when more than one pesticide is applied and the label of at least one pesticide does not state a REI.

***Proposed section 6.90: Authorization to enter before restricted entry interval expires***

This proposed section sets out an employer's obligations when a worker is authorized to enter a treated area (i) before the restricted entry interval expires and (ii) during an emergency before the restricted entry interval expires.

If an employer authorizes a worker to enter a treated area before the restricted entry interval expires, the employer must ensure that entry does not happen earlier than 4 hours after application, the time permitted in the treated area does not exceed one hour in a 24-hour period, and no hand labour activity is performed. In addition, the employer must ensure a qualified person assesses the hazards, and the risk to worker health and safety is minimized through safe work procedures, provision of PPE and rescue provisions.

A definition of "hand labour activity" is included.

If an employer authorizes a worker to enter a treated area during an emergency before the restricted entry interval expires, the employer must ensure a qualified person assesses the hazards, and the risk to worker health and safety is minimized through safe work procedures, provision of PPE, rescue provisions and the availability of emergency washing facilities.

A definition of what constitutes "emergency" is included.

***Proposed section 6.90.1 Record of entry before restricted entry interval expires***

An employer must, in addition to the record required under section 6.94, record the following information within 24 hours of a worker entering a treated area before the restricted entry interval expires:

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<sup>7</sup> Regulatory proposal PR02014-02, updated agricultural transfer coefficients for assessing occupational post application exposure to pesticides. <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/public consultations/regulatory-proposals/2014/updated-agricultural-transfer-coefficients-assessing-occupational-post-application-exposure-pesticides/document.html> (accessed 18 July, 2017).

<sup>8</sup> Health Canada PMRA (2014). Estimating dislodgeable foliar residues and turf transferrable residues in occupational and residential post application exposure assessments. Science Policy Note SPN2014-02, 6 November 2014 (accessed 18 July, 2017).

<sup>9</sup> <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/factsheets-other-resources/restricted-entry-intervals.html> (accessed 30 January 2020).

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- (a) if entry was during an emergency, the date, location as well as the start and end time of the emergency, a description of the emergency, including an estimate of the amount of loss or type of injury that would have occurred without early entry into the treated area;
- (b) the REI that applies; and
- (c) the name of the worker who entered the treated area, and the entry and exit times.

The recorded information must be kept for at least 10 years.

### **Section 6.91 Exemptions**

This section addresses exemptions during structural pesticide applications. These exemptions are applicable only when small amounts of slightly toxic or moderately toxic pesticides are applied in a manner that minimizes the release of aerosols and residues on work surfaces in restricted exposure applications such as in spot treatment or crack and crevice treatments.

A definition of “structural pesticide application” is proposed.

During structural pesticide applications an employer is exempt from the requirements of sections 6.85 to 6.90.1 when the conditions set out for each of the following are met:

- (a) the application, by means of spot treatment or crack and crevice treatment, of small quantities of slightly toxic pesticides; and
- (b) the application, by means of crack and crevice treatment, of small quantities of moderately toxic pesticides.

Subsection (3) sets out the conditions under which an employer is exempt from the requirements of section 6.85 to 6.90.1 with respect to the handling and application of biocides and slimicides.