



Ministry of
Environment and
Climate Change Strategy

2018

IPM COMPLIANCE INSPECTION REPORT INTEGRATED PEST MANAGEMENT ACT



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GUIDE TO UNDERSTANDING THE INSPECTION RESULTS

WHAT IS INCLUDED IN THIS REPORT?

This report covers the results of inspections under the *Integrated Pest Management Act* (IPMA or the Act) from January to December 2018. This report is a point in time assessment of the compliance of a regulated party, often for a large number of parameters chosen by an inspector. All data used to compile this report is available online via the [Government of B.C.'s website](#).

WHAT IS IMPORTANT TO NOTE?

Not all non-compliances present a threat to the environment or human health: the majority of non-compliances are administrative in nature or have minor, temporary impacts to the environment and human health. Just because a regulated party is out of compliance, it does not necessarily mean they are a “bad operator” or that there has been environmental damage or human health impacts.

In 2018, a total of 254 inspections were conducted by IPM Officers. Of these, 46% were in compliance and 54% were out of compliance.

HOW DO WE DETERMINE NON-COMPLIANCE?

When determining which sites and facilities to inspect, the ministry intentionally targets areas where there may be non-compliance. A problem focused approach is used to best protect the province against environmental and human health harms. This approach, however, often yields higher than expected rates of non-compliance because the ministry is looking for problems.

When a single problem is found during an inspection, the whole inspection is marked out of compliance – regardless of how many items were checked or how minor the non-compliance. During an inspection many parameters may be checked, especially in cases where the ministry is working with large scale operators.

WHAT DID WE FIND?

254 INSPECTIONS WERE CONDUCTED under the *Integrated Pest Management Act*.

Of these 254 Inspections:

- 117 (46%) resulted in a notice of compliance (to confirm all parameters inspected were in compliance).
- 116 (45%) resulted in an advisory (to address minor administrative issues or lower risk issues).
- 19 (7%) resulted in a warning (to warn of a possible escalated enforcement response if non-compliance continues).
- 2 (1%) resulted in an Administrative Penalty (a discretionary financial penalty imposed on those failing to comply with a statute, regulation or an authorization).
- 1 (<1%) was referred for investigation (non-compliance that poses an actual or potential risk to the environment, human health or public safety, or when the regulated party is unlikely to comply).

HOW DOES THE MINISTRY RESPOND TO NON-COMPLIANCE?

The ministry is committed to ensuring compliance with all aspects of the Act. To best protect the environment, human health and public safety, the ministry directs resources to the areas of highest risk and of most serious concern. Different responses are chosen to address non-compliances based on the severity of actual or potential impact to the environment, human health or public safety and the compliance history of the operator. Definitions of the various types of responses are described in this report.

INTRODUCTION

Over the past several years, the ministry has been actively working to expand public reporting to include compliance inspections. Reports for [compliance inspections under the *Environmental Management Act*](#) have been issued in the last 3 years, from 2015 to 2017. In 2018, the second report for [compliance inspections under the *Integrated Pest Management Act \(2017\)*](#) was issued.

The purpose of this compliance inspection report is to examine program performance, to inform future management decisions, and to share the results of the ministry's work with the public.

Data used in this report was collected by ministry staff and managed through an online data management program designed specifically for the ministry. Data was thematically analyzed and interpreted by staff for the purpose of this report.

The report is organized into two main sections:

Part A: Overview

- Regulatory Context
- Approach to Compliance and Enforcement
- Compliance Inspections

Part B: Compliance Activities for 2018

- Promoting Compliance
- Compliance Inspection Results
- Enforcement

The ministry is committed to providing technical and skills-based training for staff, with most inspectors receiving at least 35 hours of training annually. The ministry wishes to express its appreciation to the dedicated and professional staff who carry out this important role throughout the province.

Note: the term "regulated party" used throughout this report includes large corporations, small companies, local and provincial government agencies, and private individuals. It is also worth noting that in the ministry, inspectors are classified as Integrated Pest Management Officers. This title demonstrates the true significance of the inspection program.

PART A: OVERVIEW

REGULATORY CONTEXT

Effective regulations ensure a safe and healthy environment for British Columbians, sustainable economic development, and clear and predictable decisions for the public and business community.

MINISTRY MANDATE

The Ministry of Environment and Climate Change Strategy is responsible for the protection, management and conservation of B.C.'s water, land, air, and living resources. In order to fulfil this mandate, the ministry establishes and administers a broad suite of regulatory requirements.

INTEGRATED PEST MANAGEMENT ACT AND REGULATION

The IPMA establishes conditions for the sale and use of pesticides in B.C. Under the Act, a person must not “use, handle, release, transport, store, dispose of or sell a pesticide in a manner that causes or is likely to cause an unreasonable adverse effect”. This general prohibition, in concert with the requirements for integrated pest management, underpins the ministry’s approach to regulation of pesticides in B.C. The Act also provides ministry staff with the authority to inspect for compliance and enforce provisions of the Act and associated regulation (the Regulation).

[Integrated pest management \(IPM\)](#) is a science-based decision-making process that uses a number of different strategies, including both chemical and non-chemical control methods, to manage pests effectively. It is based on continuous improvement, seeks to minimize the use of pesticides whenever possible, and encourages long-term solutions to prevent pests. To the best of our knowledge, B.C. is currently the only jurisdiction in Canada to require an IPM approach to pest management.

TYPES OF REQUIREMENTS INSPECTED

In B.C., any industry, business, activity, or operation must comply with all applicable regulatory requirements under the Act. Different pest control activities have different authorization requirements. The specific authorization required depends on the type of activity and area of use. Most inspections are conducted on authorized pesticide users, however, when an issue or concern is discovered or brought to the ministry’s attention, inspections are also conducted on unauthorized pesticide users.

PESTICIDE USE PERMITS: A permit for use of pesticides is required for particular products or uses of concern, including aerial applications over urban or residential areas, use of a permit-restricted pesticide, and to allow for deviations from standards and requirements set out in the Regulation. Compliance with permit conditions established by the ministry is verified by on-site inspections or reviews of required data submissions.

PESTICIDE USE NOTICE CONFIRMATIONS: A Pesticide Use Notice (PUN) Confirmation is required for many large-scale pesticide uses, including those in forestry, mosquito management, industrial vegetation, and noxious weed control. A confirmation holder is required to prepare and adhere to a Pest Management Plan (PMP) that is compliant with the Regulation, and to consult with the public on the proposed pest management activities. Compliance with specific aspects of the PMP is verified by ministry inspectors.

LICENCES FOR PESTICIDE USERS AND VENDORS: Licenses make up the majority of the authorizations issued by the ministry, and therefore the majority of inspections are conducted on pesticide user and vendor license holders each year. Inspectors conduct compliance verification with a wide range of requirements in the Regulation that apply to this group, such as the proper storage and use of pesticides, the maintenance of records of pesticide sales and use, and appropriate measures taken to protect human health and the environment.

RANGE OF
ACTIVITIES
REGULATED

The Act regulates a broad and diverse spectrum of pesticide users and vendors.

Regulated pesticide users include those conducting vegetation management and mosquito control programs on public land, structural pest control operators, and landscapers. Regulated pesticide vendors include

those who sell commercial and agricultural pesticides, as well as garden centres and other stores who sell domestic pesticides for use in residential settings.



Ministry inspector verifying compliance

REGULATORY PARTNERS

The ministry depends on a number of internal and external regulatory partners to help manage pesticide use in B.C. [Health Canada's Pest Management Regulatory Agency](#) is responsible for legislation under the federal *Pest Control Products Act* that includes regulatory authority over requirements for pesticide labels. The ministry routinely conduct joint inspections with Health Canada inspectors. WorkSafeBC also has extensive legislative tools to respond to non-compliances involving workers and pesticides. The ministry partners with the Ministry of Agriculture in promoting best management practices and training and certification of the agriculture sector. The Conservation Officer Service (COS) have both inspection and investigation powers under the IPMA, and can conduct inspections on behalf of the ministry in responding to complaints in locations where IPM Officers are not located.

WHAT ARE PESTS AND PESTICIDES?

A pest is any kind of living organism causing undesirable effects (e.g., weeds, insects, rodents, fungi).

A pesticide is any kind of material that is intended to prevent, destroy, repel, attract, or manage pests. Pesticides are grouped according to the pest they control (e.g., herbicide, insecticide, fungicide, rodenticide). Pesticides must be registered through Health Canada for legal use in Canada.



WHEN ARE PESTICIDES USED?

Pesticides are used in situations where alternatives to pesticides are not effective to control pests, for example when the exclusion of rodents or planting of disease-resistant plants is ineffective.

Pesticides can also be used to mitigate environmental and economic damage, in addition to the protection of human health (e.g. the use of the natural pesticide Btk to control invasive gypsy moth).



APPROACH TO COMPLIANCE AND ENFORCEMENT

The ministry uses a variety of compliance and enforcement tools to ensure compliance with regulatory requirements. When responding to non-compliance, ministry staff consider the severity of actual or potential impact to the environment, human health or public safety, as well as the factual circumstances of the alleged contravention, and the compliance history of the offender.

In many cases, voluntary compliance can be achieved through promoting an understanding of the applicable regulatory requirements and early intervention through the issuance of advisories and warnings. However, in cases where the impact to the environment, human health or public safety is more serious, or where there is a continued lack of regard for the regulatory requirements, inspection staff will refer the non-compliance for investigation, which may lead to prosecution or an administrative penalty.

COMPLIANCE MANAGEMENT FRAMEWORK

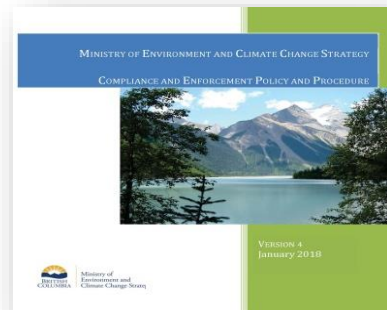
The ministry's [Compliance Management Framework](#) (the framework) outlines a consistent approach and vision for ensuring compliance. The framework describes in detail the model that guides all ministry compliance and enforcement activities. The model outlines four key steps to compliance management:



The framework also highlights the ministry's commitment to continuous improvement, accountability and public reporting of compliance and enforcement results.

COMPLIANCE AND ENFORCEMENT POLICY AND PROCEDURE

The [Compliance and Enforcement Policy and Procedure](#) sets out how ministry inspectors assess and respond to non-compliance. It provides consistency, clarity and predictability regarding the consequences of non-compliance, and ensures that ministry resources are directed to the highest priorities. The Non-Compliance Decision Matrix, a key part of the policy, is a risk-based tool that guides staff in their selection of appropriate responses to non-compliances.



COMPLIANCE AND ENFORCEMENT TOOLS

The ministry has at its disposal a variety of compliance and enforcement tools. Some tools are administrative and can be issued by ministry staff such as

warnings, orders, and administrative penalties. Some tools can only be issued by a Conservation Officer subject to an investigation, i.e. violation tickets and recommendation of charges to Crown Counsel that may result in a court prosecution.

Key compliance and enforcement tools:

NOTICE OF COMPLIANCE: issued by an inspector when all parameters of an inspection are found in compliance.

ADVISORY: issued by an inspector advising a non-compliant party that they are not in compliance and often recommending a course of action to achieve compliance.

WARNING: issued by an inspector and is similar to an advisory, but warns of a possible escalated enforcement response if non-compliance continues.

ORDER: a tool issued by designated ministry officials to address non-compliance and/or manage environmental risk. Orders may create new requirements to undertake specific, time bound actions or cease specific actions. Non-compliance with an order is an offence and may be prosecuted accordingly. Alternatively, non-compliance with an order may be dealt with by imposing an administrative penalty.

ADMINISTRATIVE SANCTION: issued by the IPMA Administrator to suspend or cancel an authorization.

ADMINISTRATIVE PENALTY: a financial penalty that can be imposed by designated ministry officials on regulated parties for failing to comply with a particular provision of a statute, regulation, an order or the terms of an authorization. These penalties can be administered with less onerous procedural and legal requirements than required by a court prosecution.

COMMUNITY ENVIRONMENTAL JUSTICE FORUM: a dispute resolution process that uses the principles of restorative justice to address non-compliance. The forum, conducted by a certified ministry facilitator, is designed to ensure offender accountability, repair the harm caused by the offence and restore compliance.

VIOLATION TICKET: issued by a Conservation Officer and provides a summary means of dealing effectively and quickly with minor offences.



COURT PROSECUTION: a legal proceeding that is recommended by a Conservation Officer and initiated by Crown Counsel to hold accountable a party alleged to have committed an offence.

NON-COMPLIANCE DECISION MATRIX

The Non-Compliance Decision Matrix is a guidance tool that helps to ensure a consistent and principled approach to assessing and responding to regulatory non-compliance; it is to be used with discretion by staff when considering the context and specifics of individual cases of non-compliance.

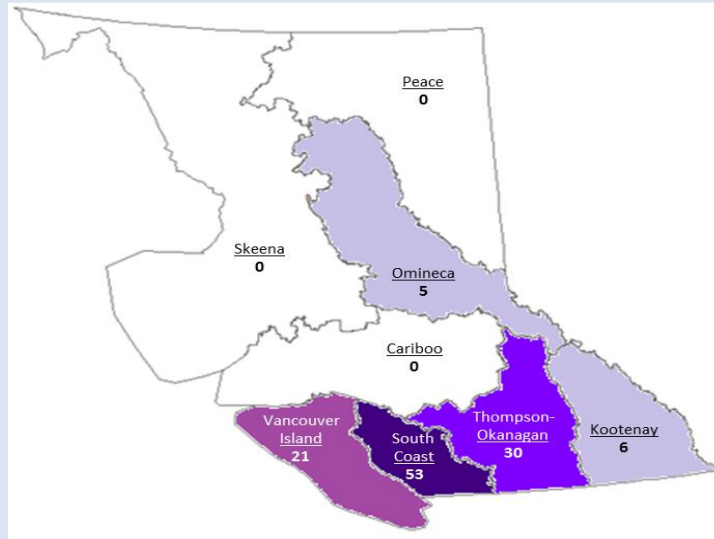
The Non-Compliance Decision Matrix is designed to assist staff in assessing individual cases of non-compliance. It is a guidance tool; and is in no way to impair the professional judgment, discretion, and autonomy exercised by ministry Statutory Decision Makers.

The Non-Compliance Decision Matrix is displayed below.

		Escalating Environmental, Human Health or Safety (Actual or Potential)				
		Level 1	Level 2	Level 3	Level 4	Level 5
Diminishing Likelihood of Compliance (Compliance History/Willingness and Capacity to Comply)	Category A (High)	Advisory	Advisory • Warning	Warning • Order • Admin Sanction • Admin Penalty	Order • Admin Sanction • Admin Penalty • Investigation	 <p>Levels of Escalating Environmental, Human Health and/or Safety Impacts (Actual or Potential)</p> <p>LEVEL 1 - Does not or is not likely to result in impact, minor administrative.</p> <p>LEVEL 2 - Minor temporary impact, significant administrative.</p> <p>LEVEL 3 - Moderate temporary impact.</p> <p>LEVEL 4 - Significant temporary or permanent impact.</p> <p>LEVEL 5 - Severe known, or likely human health impact.</p>
	Category B	Advisory • Warning	Warning • Admin Penalty	Admin Penalty • Investigation		
	Category C	Warning • Admin Penalty	Warning • Order • Admin Sanction • Admin Penalty	Order • Admin Sanction • Admin Penalty • Investigation		
	Category D	Warning • Order • Admin Sanction • Admin Penalty	Admin Penalty • Investigation	INVESTIGATION		
	Category E (Low)	Order • Admin Sanction • Admin Penalty • Investigation	<p>Note: Increasing significance of real or potential impacts and diminishing likelihood of compliance warrant the full investigative process (referral to COS). The outcome of the investigation may still be a lower level response, but should the process uncover more than expected, prosecutorial tools will be available.</p> <p>Violation tickets, restorative justice and prosecution are all additional enforcement tools that do not show up on the matrix because they would be selected after an investigation occurs.</p>			
		<p>Categories of Likelihood of Compliance (Compliance History/Willingness to Comply)</p> <p>CATEGORY A - Indications of future and ongoing compliance are very high.</p> <p>CATEGORY B - Indications of future and ongoing compliance are uncertain.</p> <p>CATEGORY C - Indications of future and ongoing compliance are unlikely.</p> <p>CATEGORY D - No Indication of future and ongoing compliance.</p> <p>CATEGORY E - Indications of deliberate obstruction and non-compliance.</p> 				

RESPONDING TO COMPLAINTS

Within the ministry, the province is broken into eight regions for tracking and responding to complaints. The map below shows the number of complaints in each region.



In 2018, a total of **115 pesticide-related complaints** were received by the ministry. The province aims to assess and respond to at least 80% of complaints within seven days of receipt. Complaints are assessed based on potential risk to the environment and human health. If it is deemed that there is potential for an environmental or human health impact, the complaint is responded to and if necessary, an inspection is conducted. In 2018, **18 complaints resulted in an inspection**. Many complaints received may pertain to the same facility or site. In these cases, a response may be sent to inform complainants of ministry actions.

Region of Origin	Number of Complaints
Vancouver Island	21
South Coast	53
Thompson-Okanagan	30
Kootenay	6
Omineca	5
Total	115

Complaint response is dependent on a number of variables, including adequacy and completeness of information, jurisdiction of the issue and environmental impact. If the information received is incomplete (such as no location or contact information), or falls under another jurisdiction, then it cannot be responded to or is referred to the appropriate lead agency for action.

IPM Officers often work with other agencies in responding to pesticide-related complaints around the province. For example, joint complaint response to agricultural pesticide spraying concerns may be coordinated between IPM Officers and staff from the Ministry of Agriculture. Complaints involving workers and worker safety may be jointly handled by IPM Officers and WorkSafeBC Inspectors. IPM Officers also work very closely with Health Canada Regional Pesticide Compliance Program inspectors in B.C., whose mandate also includes responding to pesticide-related complaints. Coordinated complaint management often leads to more effective outcomes, and greater public confidence in the response.

COMPLIANCE INSPECTIONS

Compliance inspections are conducted to verify whether a party is in compliance with applicable regulatory requirements.

NATURE OF INSPECTIONS

The basic intent of an inspection is not to uncover a breach of regulatory requirements; rather, the intent is to verify compliance with the applicable requirements that have been defined for the specific activity in question. Inspectors select a few key parameters to examine out of the myriad of applicable permit conditions or regulatory requirements.

Inspectors conduct both proactive and reactive inspections. Proactive inspections are planned whereas reactive inspections are conducted in response to emerging problems or complaints. Inspections can include in-office reviews of data submitted by regulated parties or on-site examinations of facilities and works. Inspections can also include audits of key regulatory requirements across a sector or within a geographical area. It is important to note that inspections are a “point-in-time” assessment of these parameters.

FREQUENCY OF INSPECTIONS

The ministry inspection policy prescribes the frequency of inspections. Many factors dictate the frequency of these inspection activities including the environmental risk posed, prior findings of non-compliance, as well as the need to maintain contact with regulated parties. Inspections may also be conducted more frequently in newly regulated sectors or for sectors and facilities where trends of non-compliance are emerging.

NOTICE OF INSPECTIONS

Ordinarily, inspectors provide very little or no advance notice to regulated parties when they are conducting an on-site inspection; this ensures the site is inspected under typical operating conditions. In some cases, advance notice is required to ensure inspectors can conduct their work in a timely, thorough, and safe manner. This applies to instances when facilities are in a remote location, administrative records require advance preparation, inspectors require certain employees to be present or inspectors themselves must undergo site specific safety training prior to entering the work site.

INSPECTORS

Inspectors are ministry staff designated by the Administrator under the Act. The qualifications and backgrounds of inspectors are science-based and range from expertise in forestry, chemistry, entomology, biology, environmental risk assessment, and environmental sciences. Inspectors either hold a professional designation such as an agrologist, forester or engineer, or they hold a Bachelor of Science Degree in related natural sciences.



Ministry inspectors are located throughout B.C. in various regional offices. The spatial distribution of inspectors allows for access to regulated industries and facilities all over the province. Inspectors undertake a wide variety of activities including reviewing data, entering facilities or private land, and examining industrial works. Inspectors are also responsible for recommending enforcement action to address non-compliance.

ROLE OF THE INSPECTOR

The primary role of the inspector is to verify compliance. When an inspection results in a finding of non-compliance, the inspector may:

- Issue an advisory or warning;
- Recommend that a designated ministry official issue an order or administrative penalty; or
- Refer the matter for investigation.



Ministry inspector verifying compliance

While the majority of time spent by inspectors is on compliance verification duties, inspectors also play an important role in authorization administration, responding to complaints from the public, and compliance promotion. To this end, inspectors will conduct educational workshops, liaise with industry associations, and field a variety of inquiries from regulated parties and the public.

INVESTIGATIONS

If an instance of non-compliance poses an actual or potential risk to the environment, human health or public safety, or it is unlikely that the regulated party will comply, the inspector may refer the file for investigation.

In the Ministry of Environment and Climate Change Strategy, Conservation Officers conduct investigations under the Act. They are specially trained to gather evidence, execute search warrants, and take statements. Conservation Officers can issue violation tickets, as well as build a case for possible prosecution. Not all files referred for investigation will result in a violation ticket or court prosecution as the investigation may not yield supporting information and evidence. In those cases, files may be referred back to IPM inspectors for an administrative response.



An inspector conducting a pre-fumigation inspection

PART B: COMPLIANCE ACTIVITIES FOR 2018

PROMOTING COMPLIANCE

Compliance promotion involves educating and building awareness of environmental regulations in order to encourage voluntary compliance. Promotion can be conducted on a provincial or sector-wide scale, be targeted at a location or group, or it can occur in conjunction with site-specific inspection activities. Compliance promotion can take the form of workshops, presentations, technical assistance and guidance materials, outreach, and social marketing programs.

Whenever feasible, ministry staff present information at conferences and industry workshops to encourage a deeper understanding of the regulatory framework that exists in B.C.

In 2018, staff conducted compliance promotion activities by:

- Presenting at the Western Canada Turfgrass Association Annual Conference, to explain recent changes to the IPM Act and Regulation for golf courses on February 15th, 2018.
- Presenting to fumigation licensees at the Pest Management Regulatory Agency Office in Vancouver on March 26th, 2018.
- Presenting at the Vancouver Island Structural Pest Management Association Conference, to explain recent updates on pesticide regulations on April 11th, 2018.
- Meetings and public outreach concerning Japanese Beetle from March to July 2018.
- Delivering a joint workshop on IPM in vegetation management and providing compliance activity updates to the Integrated Vegetation Management Association of B.C.'s biennial conference in Richmond on November 6th to 8th, 2018.



Integrated Pest Management Section Head presenting at IVMA Conference

COMPLIANCE INSPECTION RESULTS

Ministry inspectors verify whether parties are in compliance with the regulations that apply to them by conducting compliance inspections.

COMPLIANCE INSPECTION OUTCOMES

In 2018, a total of 254 inspections were conducted by IPM Officers. Of these, 46% were in compliance and 54% were out of compliance. When any one parameter of an inspection is found out of compliance, the whole inspection is marked out of compliance – regardless of how many items were checked or how minor the non-compliance may be.

Figure 1: Compliance Inspection Outcomes

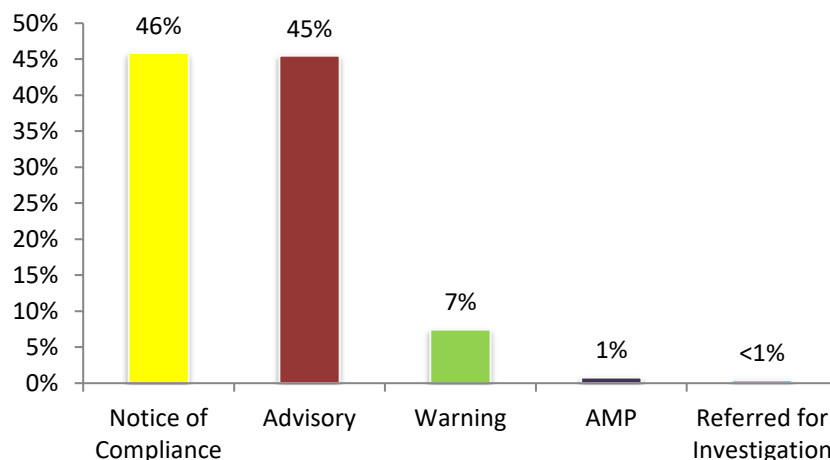


Figure 1 shows that 46% of inspections resulted in the issuance of a **notice of compliance**. Notices of compliance are issued when every parameter inspected is determined to be in compliance.

If one or more parameters are out of compliance and the non-compliance is minor, an **advisory** is issued. Forty-five percent of inspections resulted in the issuance of an advisory. Advisories are an official acknowledgement of non-compliance and are issued when the non-compliance has little to no environmental impact or is administrative in nature and the regulated party is cooperative. For example, a licensee failed to record all required information on a Pesticide Use Record.

Seven percent of inspections resulted in a **warning**. Warnings are issued when there is minor to moderate, temporary impact to the environment or a more significant administrative non-compliance, where the regulated party may have questionable awareness or capacity to meet the requirements, or where a previous advisory of non-compliance has failed to result in a return to compliance. Examples of non-compliances that might generate a warning include:

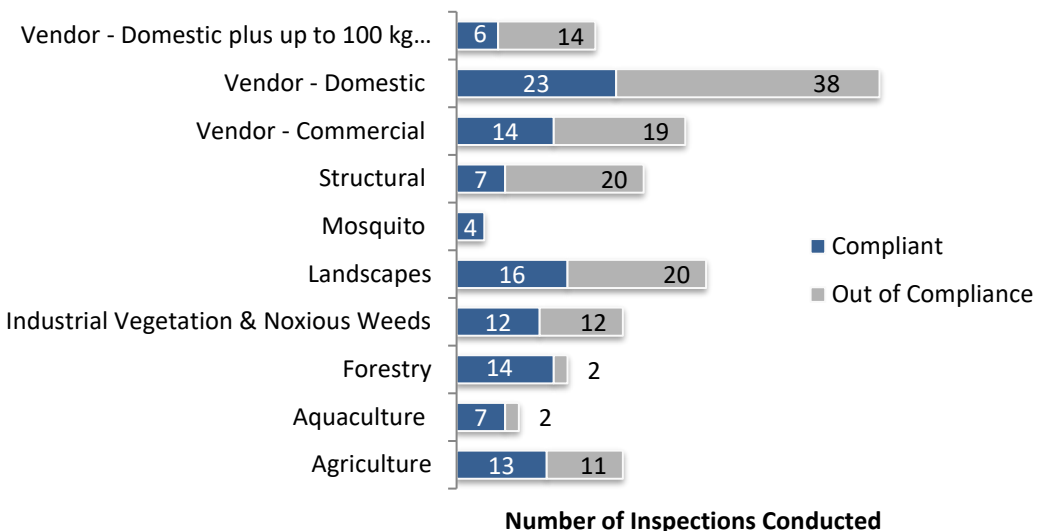
- A commercial pesticide left unattended in the passenger area of an unlocked vehicle.
- The off-label use of a pesticide that created a potential human health risk.

Less than two percent of inspections were **referred for investigation** or given an **Administrative Penalty**. Referrals for investigation or an Administrative Penalty are the result of a non-compliance which indicates a more serious risk to human health and the environment, poor compliance history, or no indication of future and ongoing compliance. This process entails recommending the non-compliance be addressed through the issuance of an administrative penalty or that the non-compliance be investigated with an eye to a prosecutorial response such as a violation ticket or court conviction. In both instances, further analysis or investigative work may reveal that enforcement action is not warranted or that a lesser response such as a warning is appropriate.

SECTOR PROFILE

Under the IPMA, the ministry serves as a regulator for a wide variety of industrial sectors. Given the diversity of the pest management field, it is not surprising to see a wide variety of sectors noted below.

Figure 2: 2018 Inspections by Sector



The sector with the highest number of inspections in 2018 was the domestic vendor sector, which consists of Pesticide Vendor Licensees. This is in part due to the fact that compared to the other areas, this sector typically has the highest number of authorizations. In addition, there continues to be a focus on this sector to verify compliance with recent changes to the IPM Regulation enacted in 2016.

Commercial vendors also received additional inspections in 2018, largely as a result of a provincial audit of pesticide sales records conducted this year. A separate report will be released for this audit that will complement this compliance report.

It is important to note that while inspection activities are generally distributed among multiple sectors throughout the year, in any given year there may be few or no inspections conducted in some sectors. These sectors will likely receive more attention in future years.

OVERVIEW OF SECTORS

Agriculture: management of pests associated with agricultural production of field, orchard, nursery and greenhouse crops, livestock, and poultry.

Aquaculture: management of sea lice in fish farms.

Forestry: management of weeds, insects, and diseases in forestry production, including noxious weed control on forested land.

Industrial Vegetation: management of weeds on industrial land, roads, power lines, railways, and pipeline right-of-ways.

Landscapes: management of insects, diseases and weeds of gardens, ornamental plantings, and turf on public or private land.

Mosquitoes: management of mosquitoes, including both larvaeciding and adulticiding.

Noxious Weeds: management of noxious weeds on public land.

Structural: management of pests in, near, or on a structure. Includes wood pole preservation and the use of fumigants to treat ships, containers, and structures.

Vendor: businesses that sell pesticides. The three vendor sub-categories are:

- Domestic pesticides only
- Domestic pesticides plus up to 100kg of commercial pesticides
- Commercial and domestic pesticides

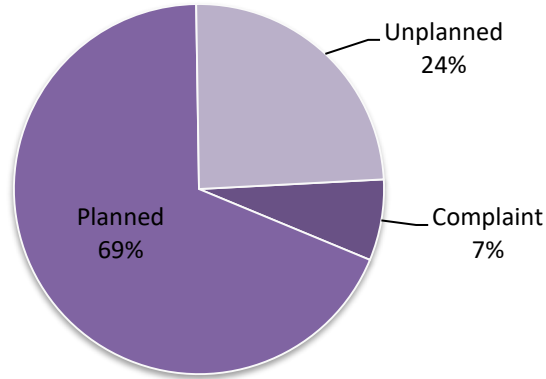
INSPECTION TRIGGERS

Planned inspections are based on a planned schedule which considers factors such as risk to human health and the environment, amount and type of annual pesticide use, proximity to watersheds, geographic location, and the need to maintain an appropriate level of contact with regulated parties. Planned inspections address previous findings of non-compliance, verify compliance with regulatory requirements, and are conducted as part of sector audits. The annual list of planned inspections is also determined by the ministry's inspection policy, which dictates the frequency of inspections for high, medium and low priority sites.

Unplanned inspections can occur when ministry staff observe issues in transit, when sites or issues are brought to their attention while on other business, or through a different avenue such as a referral from another agency.

Response to **complaints** received from the public and other government agencies can trigger an inspection if there is adequate information and it is deemed that there is an associated potential environmental risk. Complaint response is essentially considered a type of unplanned inspection.

Figure 3: Inspection Triggers



Planned inspections accounted for 69% of all inspections conducted in 2018.

Figure 4: Compliance by Inspection Trigger

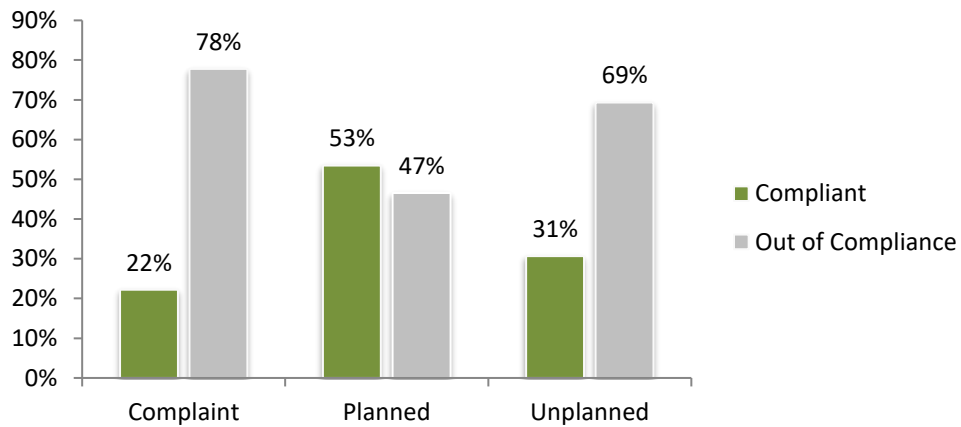


Figure 4 shows that in 2018, planned inspections were found to be in compliance 53% of the time while unplanned inspections were in compliance 31% of the time. Inspections triggered by complaints were in compliance 22% of the time.

Inspections triggered by complaints or unplanned avenues were in a wide variety of sectors. Notably, 33% of inspections triggered by complaints were in the structural sector.

GEOGRAPHIC DISTRIBUTION

Figure 5: Inspections by Region

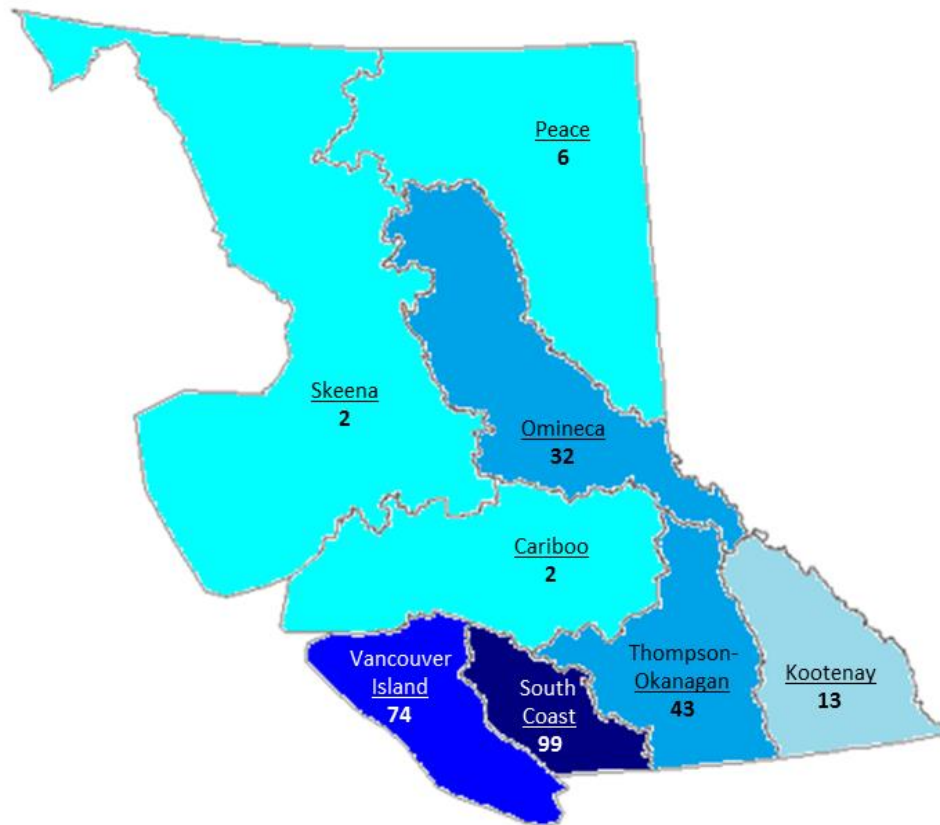
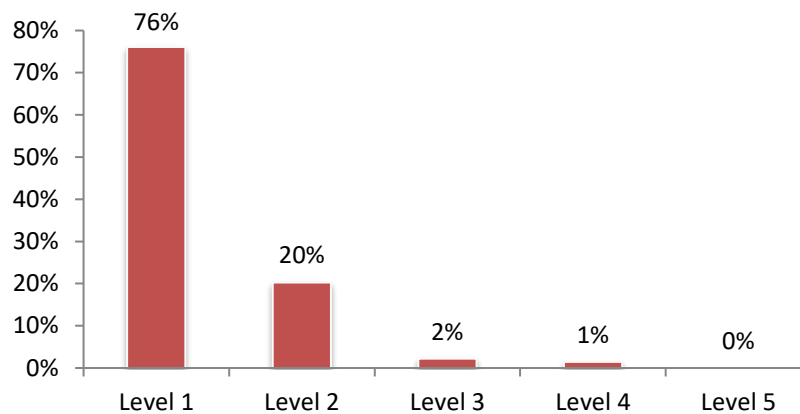


Figure 5 shows the distribution of inspections across the province. Inspection focus and frequency varies depending on population density and presence of regulated activities.

RANKING OF NON-COMPLIANCES

The decision of how to respond to non-compliance is based on both the level of actual or potential environmental, human health or public safety impacts, and the likelihood of compliance by the authorization holder (based on history, willingness, and capacity to comply). The Non-Compliance Decision Matrix (highlighted earlier in the report) is used to determine the most appropriate enforcement tools to encourage compliance. As an inspection is a point in time assessment against various requirements, each inspection must be assessed on its own.

Figure 6: Non-compliances ranked by action or potential impact to environment, human health, or public safety

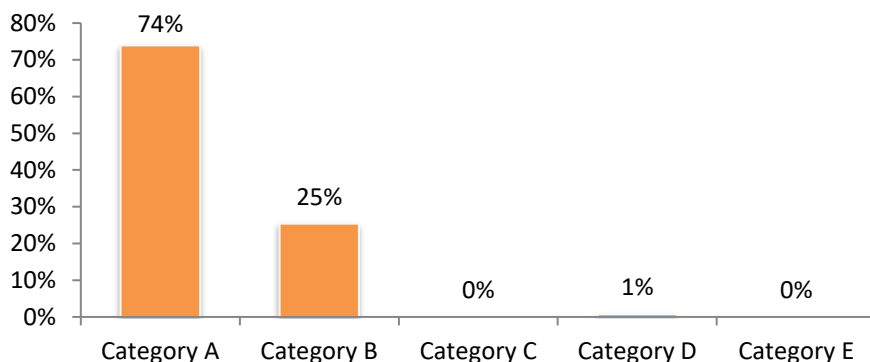


Actual or potential impacts are classified by levels 1 through 5.

- Level 1 is for minor non-compliances with no or little environmental impact;
- Level 2 is for significant administrative non-compliances or minor, temporary environmental impacts;
- Level 3 is for moderate, temporary environmental impacts;
- Level 4 is for significant temporary or permanent environmental impacts; and
- Level 5 is for severe known or likely human health impacts.

Figure 6 shows that the majority of inspections that were out of compliance were assessed as minor administrative non-compliances (level 1) or minor, temporary impacts (level 2). Very few were found to have moderate or significant impacts to the environment, human health or public safety. Out of all inspections found to be out of compliance, 76% were minor or administrative in nature. Approximately 20% of inspections were assessed to have actual or potential minor, temporary impacts, and only two percent and one percent of inspections found out of compliance were assessed as having actual or potential moderate to significant impacts respectively.

Figure 7: Non-Compliances Ranked by Likelihood of Compliance



The likelihood of compliance is assessed by categories A through E.

- Category A indicates that the likelihood of future and ongoing compliance is very high;
- Category B indicates that the likelihood of compliance is uncertain;
- Category C indicates that the likelihood of compliance is unlikely;
- Category D indicates that there is no indication of future and ongoing compliance; and
- Category E indicates there is deliberate obstruction and non-compliance.

Figure 7 shows that the majority of inspected parties in 2018 (74%) found to be out of compliance showed a very high likelihood of future and ongoing compliance (category A). Approximately 25% of inspections found to be out of compliance were assessed as having an uncertain likelihood of compliance. Few were assessed as unlikely to comply (1%) and no inspected parties were assessed to be deliberately obstructing compliance.

ENFORCEMENT

Enforcement is necessary to compel compliance when voluntary compliance cannot be achieved or where the nature of the circumstance warrants a more stringent response. The ministry's [Compliance and Enforcement Policy and Procedure](#) guides the selection of appropriate responses to non-compliance.

Enforcement responses serve to protect the environment, human health and public safety, create a level playing field, and provide a deterrent effect for other potential violators. To that end, the ministry publically reports all regulated parties, including individuals, issued enforcement responses via the [Quarterly Environmental Enforcement Summary](#) and the on-line searchable [Natural Resource Compliance and Enforcement Database](#).

Note: Not all of the enforcement actions can be directly correlated to 2018 inspections. For example, an inspection conducted in late 2018 may result in the issuance of a ticket in early 2019 or court conviction at an even later date.

ADMINISTRATIVE PENALTIES

Administrative penalties are financial penalties imposed outside of the court process by designated ministry officials, offering an alternative response to non-compliance.

Two Administrative Penalties, initiated in 2017, were completed and issued in 2018 for failure to comply with sections 66(1), 66(2), and 66(3) of the IPMR which requires a licensee to follow pesticide storage requirements. A certified fumigator employed by SGS Canada Inc. improperly placed and stored seven boxes of Weevil-Cide Pellets (PCP#:30013) in a grain ships office (Sakizaya Noble). The ships office, where the fumigants were stored, had no external ventilation, no signage, was accessible to unauthorized persons, and is located below the ships living accommodation. This major contravention of the pesticide storage requirements of the IPM Act and Regulations resulted in two Administrative Penalties being issued to SGS Canada Inc. and the certified fumigator. The amounts of the penalties issued were \$1500 and \$2,300 respectively.



Improper placement and storage of the fumigant Weevil-Cide Pellets (PCP#: 30013)

VIOLATION TICKETS

In 2018, no violation tickets were issued by the Conservation Officer Service.