



ENVIRONMENTAL APPEAL BOARD
Province of British Columbia

APPEAL NO. 90/10 PESTICIDE

In the matter of appeal under s. 15 of the *Pesticide Control Act*, RS Chap. 322, 1979 on Pesticide Use Permits 291-008-90/92 and 291-009-90/92, issued by the Administrator, Pesticide Control Act, to International Forest Products Ltd., Adams Lake Lumber Division.

BETWEEN Yellowhead Ecological Association
Thompson Watershed Coalition
Shuswap Forest Watch Committee **APPELLANTS**

AND International Forest Products Ltd
Adams Lake Lumber Division **RESPONDENT**

BEFORE A PANEL OF THE ENVIRONMENTAL APPEAL BOARD
Mrs. L. Michaluk, Chairman
Mr. H. Hunter, Member
Dr. O. Barrat, Member

DATE December 5 and 6, 1990

PLACE The Place Inn, Kamloops

APPEARING For Appellant
Spokesman: Mr. L. Manchester
Witnesses: Mr. S. MacDonald
Mr. L. Michel
Mr. J. Cooperman
Ms. A. Armstrong
Mr. W. McLennan
Ms. C. Foster
Mr. M. E. Wanyshyn
Ms. R. Madsen

For Respondent
Spokesman: Mr. B. Manfield, Sylva Management Ltd.
Witnesses: Mr. G.L. MacDougall, RPF
Mr. J.A. Northrop, RPF

Mr. Stuart Craig, Regional Manager, Pesticide Control Program, Southern Interior Region, Ministry of Environment, appeared as a witness for the Environmental Appeal Board.

EXHIBITS

No. 1 Ministry Environment Permit Inspection Schedule for pesticide permits and applications

- No. 2 Appellants' Submission (5 Tabs)
- No. 3 Paper on Soil Degradation from FRDA Report No. 25
- No. 4 Paper on alternatives to Forest Herbicides from BC Environmental Report Spring 1990
- No. 5 Newspaper Articles on Clearwater Springs - A, B
- No. 6 Selected articles from, Glyphosate Information Packet Northwest Coalition for Alternatives to Pesticides
- No. 7 Pesticide terms and definitions, selected references A, B
- No. 8 A. Legal Requirements, Sylva Management Services Ltd B.C . Copies of permits under appeal
- No. 9 Vegetation Management - Treatment Options, Sylva Management Services Ltd
- No. 10 Treatments Carried Out Safely: Measures Used to Ensure Safe Use of the Herbicide VISION During Silvicultural Applications'. ,Sylva Management Services Ltd
- No. 11 The Product "VISION", Sylva Management Services Ltd
- No. 12
 - A. Letter to Lancet
 - B. Report on Glyphosate
 - C. Judgment of Justice Lander
- No. 13 Soil Considerations, Sylva Management Services Ltd
- No. 14
 - A. Water Characteristics, Sylva Management Services Ltd
 - B. Extract of report by M. Wan
- No. 15 Wildlife Considerations, Sylva Management Services Ltd
- No. 16 The Topic of "Risk", Sylva Management Services Ltd

THE APPEAL

Yellowhead Ecological Association, Thompson Watershed Coalition and the Shuswap Forest Watch Committee were appealing Pesticide Use Permits 291-008-90/92 and 291-009-90/92 issued to International Forest Products Ltd., Adams Lake Lumber Division for the application of VISION on logged sites around the east and west shores of Adams Lake.

The evidence showed that the permit approval process, which requires input from several federal and provincial government departments to the Director to assist in the decision whether to issue a pesticide use permit, was not followed in respect of either permit. The evidence showed that the Fish and Wildlife Branch had stated they were not able to inspect the sites by reason of work load and/or insufficient funds for retaining contractors to inspect the sites and therefore were unable to comment on the applications.

THE DECISION

Therefore on a preliminary point and after considering the evidence above referred to presented at the hearing, it is the opinion of the Panel that the permits should not have been issued.

The appeal is allowed and Pesticide Use Permits 291-008-90/92 and 291-009-90/92 are cancelled.

In view of this decision there is no need to refer further to the rest of the evidence.

Linda Michaluk, Chairman
Environmental Appeal Board