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Subject: Response to WorkSafe BC
Date: Tuesday, May 21, 2024 1:11:58 PM

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May 21, 2024

Mr. David Kirk
Manager Prevention Field Services.
WorkSafeBC
2300 Leckie Road, Kelowna, BC.,
Phone: 604-862-3527

Dear Mr. Kirk,

The West Kelowna Branch of the Kelowna Citizens Safety Association (WKB/KCSA) Thank you for your response to our concerns regarding the bacterial aerial pesticide applications by the Ministry of Forests and the role of WorkSafe BC. We appreciate the opportunity to seek further clarification on these matters. It is important to note that in your May13th letter of response you indicated that "WorkSafe BC has been monitoring the specific program you have referenced in your correspondence." You make no reference to what measures you will put in place with respect to your regulations that will protect employers and employees, students, and staff from exposure to a bacterial pesticide with 87% unknown/undisclosed ingredients. Have you conducted any exposure assessments or taken action to notify employers within the spray areas of the 13 BC communities that are or have been aerially sprayed?

We acknowledge that WorkSafe BC's mandate is to enforce the Workers Compensation Act and the Occupational Health and Safety Regulations (OHSR) to safeguard the health and safety of workers and employers across the province. In this case, the WKB/KCSA believes that you are not fulfilling your mandate and in fact are giving the Ministry of Forest an exemption from the OHSR regulations!

In the OHSR regulation, Section 6.71 Application states in part:

Sections 6.72 to 6.109 apply to any workplace where pesticides are used, stored, or handled...

The WKB/KCSA will use Constable Neil Bruce Middle school as an example. A bacterial pesticide (Strain unknown) with 87% unknown ingredients is being sprayed aerially and is being deposited on Constable Neil Bruce Middle School (CNB). As an employer, SD23 has been notified through the notification provisions in the Pesticide Use Permit issued to the Ministry of

Forests, thus have knowledge of said pesticide application. SD23, as an employer, is technically storing said pesticide on school fields, structures, air conditioner units, etc., and is handling it during any cleanup of residues entering the school on the feet of staff and students. If the air conditioner was running during the spray application, the bacterial load at or near ground level would be high and distributed throughout the school. Any residue left in the air flow equipment may continue to spread the breakdown metabolites if not cleaned off, including bacterial spores and insecticidal toxins and surfactants, stickers, UV blockers, etc. What procedures will WorkSafe BC implement to ensure limited toxic exposure to students and staff?

Other issues of concern include:

Worker Notification: While we understand that employers are responsible for informing their workers and other employers about potential hazards, including pesticide applications and their resulting residues, we seek assurance that WorkSafe BC will enforce compliance in this regard. It is crucial that workers receive appropriate warnings, information about the timing of applications, and any necessary safety measures to protect their health. These may include but are not limited to cleaning up of residues, and the cleaning or changing the filters in workplaces.

Cleanup Procedures: We request that WorkSafe BC provide detailed guidelines and enforce proper cleanup procedures to manage pesticide residues. Employers should ensure that affected areas are cleaned according to safety standards and that workers have the appropriate protective equipment, washing facilities and training to handle these situations safely. WorkSafe regulations do not speak to the testing and removal of bacterial and insecticidal toxins or their removal if found to be contaminated. How would you know if the product is contaminated without testing it?

Regulatory Compliance:

Aerial Pesticide Applications by Government Agencies: We seek clarification on how WorkSafe BC ensures that aerial pesticide applications by government agencies are monitored and regulated for pesticide deposition and residue accumulation in and on a workplace? The Ministry of Forests monitors its' own aerial applications for compliance.

Government Exemptions: Please advise if you consider or treat the Ministry of Forests as being exempt from WorkSafe BC OHSR regulations.

Secret Meetings and lack of Transparency:

The WKB/KCSA is concerned about the transparency of meetings and decisions involving safety regulations and worker protection, particularly those involving the Ministry of Forests, a government body. We request that WorkSafe BC ensures transparency and accountability in all such meetings and decisions. Your delay tactic to withhold information (must file an FOI to get meeting information) as indicated in your letter is not acceptable. For example, did you discuss the breakdown metabolites of the bacterial pesticide residue or were you told it is safe? In the degradation process are spores and insecticidal toxins continue to be released? Do you know what strain of bacteria you are dealing with given it is not stated in the permit? Do you have procedures to decontaminate a workplace that has bacteria that was contaminated prior to and during application?

We are requesting that you seek clarification from your Board of Directors on this matter and let the WKB/KCSA know if you plan to enforce the OHSR regulations to protect employers and workers from potential hazards, including those arising from government activities such as the aerial spraying of a bacterial pesticide with the strain unknown.

We request that WorkSafe BC address our concerns and answer the questions posed in this letter. We continue to expect that as a government created safety agency, that you ensure that all regulatory requirements are met to protect workers' health and safety in all 13 communities in the Province including West Kelowna and Cranbrook that may be sprayed this week. We look forward to a timely response given spraying is imminent in both communities and your decision whether or not you will enforce compliance for these aerial spray zones in the 13 communities is important to know.

Sincerely yours,

On behalf of the West Kelowna Branch of the Kelowna Citizens Safety Association

Lloyd Manchester
President
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Cc: Premier Eby
Cc: Minister of Forests
Cc: Deputy Minister of Forests
Cc: West Kelowna City Council

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