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Subject: Notice of Complaint filed regarding non-compliance with WorkSafe BC ,OHSRegulations.
Date: Thursday, June 6, 2024 11:45:16 AM
Attachments: [Cranbrook-Pesticide-Spray-Map-2024-v1.1.pdf](#)
[No Trespassing Signs No pesticide spraying.pdf](#)

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June 6, 2024

Re: Notice of Complaint Filed Regarding Non-Compliance with WorkSafeBC's OHSR Regulations and the Workers Compensation Act

Attention:

Ms. Polloch
Interior Health Corporate Office
505 Doyle Ave.
Kelowna, BC
V1Y 0C5

Mayor Price and Cranbrook City Council
40-10th Avenue South
City of Cranbrook

School District #5
Viveka Johnson
Board of Education
1902 Theatre Road

Cranbrook. BC

Ministry of Forests
Cranbrook Office
1902 Industrial Road
Kelowna, BC.

Ms. Polloch, Mayor Price and Council of Cranbrook, School District #5, and Cranbrook Ministry of Forests Office & Spray Area Personnel,

The West Kelowna Branch of the Kelowna Citizens Safety Association (WKB/KCSA) and the Call To Action Cranbrook group are writing to inform Interior Health, City of Cranbrook, School District #5 and the Cranbrook Ministry of Forests (MOF) office and spray personnel. Please be advised that our organizations have filed a complaint with the WorkSafeBC Board of Directors. This complaint is regarding violations of the Workers Compensation Act and the WorkSafeBC Occupational Health and Safety Regulations (OHSR) due to non-compliance with OHSR pesticide regulations regarding the June 2, 2024 aerial application of an unknown strain of BTK. a bacterial pesticides with 87% of its' ingredients kept secret from governments over and on the City of Cranbrook.

As employers, Interior Health, the City of Cranbrook, School District #5 and the Ministry of Forests are responsible for ensuring the health and safety of their employees and the public in the spray area where the aerial application of the Foray 48B BTK bacterial pesticide occurred on June 2nd, 2024

It has come to our attention that:

- The Ministry of Forests conducted aerial spraying of the bacterial pesticide Foray 48B BTK over the City of Cranbrook on June 2, 2024.
- This pesticide was deposited on properties managed by the City of Cranbrook, Interior Health facilities, and other employers within the spray and drift zones, potentially extending beyond the 1km spray zone.
- As employers, you have obligations under the Workers Compensation Act and the OHSR to protect workers and other persons from exposure to hazardous substances, including biological agents such as BTK.
- Your workers have a responsibility under Section 3.12 of the OHSR which requires workers report any unsafe conditions or practices to their supervisor or employer which would include the application of a pesticide to their workplace.

Key Portions of the Workers Compensation Act and WorkSafeBC OHSR Regulations:

1. Definition of Hazardous Substance:

- The Act defines a "hazardous substance" as a biological, chemical, or physical agent that, by reason of its properties, is hazardous to the health or safety of persons exposed to it.

2. Purpose of OHS Provisions (Section 14.1):

- The OHS provisions aim to benefit all citizens of British Columbia by promoting occupational health and safety and protecting workers and other persons present at workplaces from work-related risks to their health and safety.

3. General Duties of Owners (Section 25):

- Every owner of a workplace must provide and maintain their premises in a manner that ensures the health and safety of persons at or near the workplace. This includes informing workers and others of the hazards, particularly when hazardous substances are used or stored on the property.

Specific Concerns:

- Interior Health, the City of Cranbrook, School District #5 and Ministry of Forests have facilities/personnel/contractors including the East Kootenay Regional Hospital, daycares, old age homes, and parks, and numerous other facilities within the spray area.
- OHSR regulations require that if a pesticide is stored or handled on an employer's property, an action plan must be in place to manage exposure and residue cleanup.
- Section 6.2 of the permit requires following the pesticide label, including informing workers of potential side effects, first aid steps and procedures for residue mitigation.
- The Ministry of Forests, as the pesticide applicator, the City of Cranbrook, School District #5 and Interior Health must ensure compliance with these regulations to protect workers and the community.

Actions Required:

- Stop this spraying immediately given you are not complying with WCB Act and WorkSafeBC OHSR regulations.
- Inform your workers about the exposure to the BTK bacterial pesticide and ensure they are aware of the potential side effects and the necessary procedures to deal with residue and first aid steps to deal with exposure.
- Develop and implement an action plan to address exposure and residue cleanup, especially in schools, parks, and other public areas as per OHS Regulations.
- Ensure Ministry of Forests personnel are enrolled in the Exposure Registry Program to track any long-term effects from pesticide exposure. Mr. Ebata has informed both groups that dermatitis is common in applicators spraying BTK.
- Conduct a pesticide notification program informing those within the spray area that a pesticide has been applied and the precautions to be taken after exposure. This would include notice of pesticide application and informing the public of the potential side effects of exposure and what to do if exposed.

Failure to comply with these requirements constitutes a violation of the Workers

Compensation Act and WorkSafeBC OHSR. We urge you to take immediate action to address these concerns and protect the health and safety of your workers and the public. The fact that all of you have been notified that as a health authority, a City, a Ministry and a School District #5, that you are all participating knowingly with the exposure of a toxic bacterial pesticide is unethical given the lack of informed consent within the community. Your part/role in this matter is knowingly exposing your citizens to a bacterial pathogen and is unwarranted. Your actions amount to a bacterial assault and trespass of downtown population, pets and passerby's of Cranbrook.

You have an obligation to inform all those that use this area before and after a bacterial pesticide application. The lack of health monitoring for these aerial bacterial pesticide applications is deplorable and unconscionable given the Ministry of Health through Interior Health is responsible for protecting the health of British Columbians. It is a sad day in our history, and will be remembered that we have a health authority that violates their mandate to protect BC citizens from harm, supports a blanket aerial spray of a bacterial pesticide with 87% of the formulation unknown and knowingly does not inform or track side effects from exposure or conform with Provincial WorkSafe OHSR regulations. There appears to be laws for all other employers in this Province but not for Interior Health, the City of Cranbrook, the Ministry of Forests and School District #5. You have no right to violate the property and bodily rights of the citizens of Cranbrook.

Your actions are exposing and inoculating many children, family, pets and passerby's unknowingly with a bacterial pathogen. There are children in those daycares, children going to school, people in old age homes and Hospital patients being potentially exposed through the air systems with no knowledge. How is this acceptable?

As you know, another Spray is planned for June 10th, a school day and a meeting of Cranbrook City Council. As noted in previous correspondence, Cranbrook spray area has 13 daycares, 6 schools and a hospital not to mention all of those present within the Spray area. You are encouraged to oppose this spray and inform your employees of the need to follow WorkSafe BC OHSR regulation. Please act in a way that protects your community and does not create unknown potential harm to the children, elderly, and immunocompromised individuals in your community. Think Local - Act Local

Sincerely yours,

On behalf of the West Kelowna Branch of the Kelowna Citizens Safety Association and
Call To Action Cranbrook

Lloyd Manchester
President
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Foundational Principles Pledge
www.fpPledge.ca

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