MINISTRY OF ENVIRONMENT AND PARKS
COMPLIANCE AND ENVIRONMENTAL ENFORCEMENT BRANCH

DETERMINATION OF ADMINISTRATIVE PENALTY

April 28, 2026

File: 2026-01
763

Email: jjonker@western-aerial.com

Western Aerial Applications Ltd.
8450 Broadway Street
Chilliwack, BC V2P 5V5

Attention: Western Aerial Applications Ltd.

RE: Final Determination of Administrative Penalty

Further to the Notice Prior to Determination of Administrative Penalty and accompanying Penalty Assessment Form ("PAF") issued to you on February 2, 2026, and your Opportunity to be Heard ("OTBH") respecting the alleged contraventions, I have now made a Determination of Administrative Penalty ("Determination") in this matter.

After reviewing the information available to me, I have concluded that Western Aerial Applications Ltd. ("WAA") has contravened Section 6(4) of the *Environmental Management Act* ("EMA") in respect of which an administrative penalty is being imposed pursuant to Section 115 of EMA and the Administrative Penalties (EMA) Regulation ("APR").

The detailed reasons for my decision are provided in the attached PAF.

Final Penalty Assessment

TOTAL: $ 32,500

Reasons for Decision

In making this Determination, I have considered all of the information available to me, including the OTBH Submission provided by WAA. In reaching this Determination, I have carefully considered all the arguments, relevant documents, evidence, and submissions before me, whether they are specifically referred to or not. My reasons for decision include a consideration of the contravention as well as the matters listed in Section 7(1) of the APR, as applicable.

The "Administrative Penalty Handbook: Version 2 – Ministry of Environment and Parks – *Environmental Management Act* and *Integrated Pest Management Act*" ("AMP Handbook") provides high level guidance to Ministry staff considering the assignment of administrative penalties. Statutory Decision Makers consider, and decisions are informed by, this document. I have considered the AMP Handbook in making this Determination.

Considering the AMP Handbook in making my Determination is consistent with the Environmental Appeal Board's ("EAB") findings in *United Concrete & Gravel Ltd. v Director, Environmental Management Act* (Decision No. EAB-EMA-21-A005(a), September 27, 2021)[1], at para. 72:

> "Throughout my reasons, I have referred to the Handbook. After having reviewed the Handbook, I find it to be a reasonable guide for determining the appropriate quantum of an administrative penalty under the Act. It fosters consistency and predictability in decision-making. No other resources or authorities were provided to me. For these reasons, I have found the Handbook persuasive in my reasoning."

Due Date & Payment

Payment of this administrative penalty is due within thirty (30) calendar days after the date of service of this Determination. You will be sent an invoice, to be paid via cheque or money order made payable to the Minister of Finance. Payment can be mailed to Business Services at:

> Financial Services Branch
> Corporate Services for the Natural Resource Ministries
> Ministry of Water, Land and Resource Stewardship
> PO Box 9356 Stn Prov Govt
> Victoria, BC V8W 9M2

Please do not mail cash. A $30 service fee will be charged for dishonoured payments.

If payment has not been received in the thirty (30) calendar day period, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the Province per month and the amount payable is recoverable as a debt due to the government. In the event of non-payment you will be ineligible for a permit or approval, or to amend a permit or approval, until the penalty is paid in full. Further, I am authorized by Section 18 of EMA to cancel or suspend your current authorization in the event of non-payment and if I decide to do so, you will be notified accordingly.

Right to Appeal

If you disagree with this Determination, Division 2 of Part 8 of EMA provides information for how to appeal my decision to the EAB. In accordance with EMA and with the EAB Procedures Regulation, the EAB must receive Notice of the Appeal no later than 30 calendar days after the date you receive this Determination of Administrative Penalty. The notice must include:

- your name and contact information (including address, phone number, and email)
- the name and contact information (including address, phone number, and email) of anyone who will represent you in the appeal

[1] EAB-EMA-21-A005a.pdf (bceab.ca)

- details of the decision (the date it was made – if known, who made it, and how and when you received the decision)
- the reasons(s) you think the decision is wrong
- what you would like the EAB to do about the decision you are appealing
- sign and complete all sections of the notice and submit it to the EAB via mail or email, including a $25 appeal fee via cheque, money order, or bank draft payable to the Minister of Finance

The Notice of Appeal form is available online at https://www.bceab.ca/resources/forms-and-templates. It should be completed and sent by email to info@bceab.ca, or by registered mail to:

Environmental Appeal Board
1175 Douglas Street, Suite 200
Victoria, BC V8W 2E1

For further information, please consult the EAB website at https://www.bceab.ca. If the administrative penalty is appealed to the EAB and the penalty is upheld, payment is due within 30 calendar days after receiving a copy of the order or decision of the appeal board, or, if the EAB has sent the matter back to the decision maker, within 30 calendar days after a new Determination of Administrative Penalty is served.

Publication

Seven days after the date of service, this Determination will be published on the Natural Resource Compliance and Enforcement Database ("NRCED") Website: https://nrced.gov.bc.ca/

If you have any questions with regards to this Determination, please contact me at 250-420-6369 or Kelly.Mills@gov.bc.ca.

Sincerely,

Kelly Mills
Delegate of the Director, *Environmental Management Act*

Attachments:
2026-01 Final Penalty Assessment Form

cc: Christine Turlet, Enforcement Section Head
Christine.Turlet@gov.bc.ca

Nadine Schwager, Environmental Protection Officer
Nadine.Schwager@gov.bc.ca

Brady Nelless, Executive Director, Compliance and Environmental Enforcement Branch
Brady.Nelless@gov.bc.ca

COS Zone Mailbox

Ministry of Environment and Parks

PENALTY ASSESSMENT FORM FILE: 2026-01

Name of Party

Western Aerial Applications Ltd. ("WAA")

Contravention or Failure

Contravention of the *Environmental Management Act* Section 6(4) (Waste disposal):

6 (4) Subject to subsection (5), a person must not introduce waste into the environment in such a manner or quantity as to cause pollution.

Date of Contravention

September 26 to October 2, 2025

Background

1. The contravention associated with this Administrative Penalty ("AMP") assessment took place on Crown land near the 300 Road and 500 Road off Highway 26, near Quesnel, British Columbia ("BC"). For the purposes of this AMP assessment, the area encompassed by all deceased cows and spilled fertilizer blend is referred to as the "Impacted Area". The attached map shows locations observed by Ministry of Forests, Range Officer ("RO") Tim Singer.

   [RAN077291_map]

2. Central Interior Mapping Company Ltd. ("CIMC") acted as project manager for the fertilization project. WAA was subcontracted to apply fertilizer. WAA is a precision aerial application company registered in BC that has been operating for over 39 years.

   [2026-01-05 BCOL Company Summary]
   [Western Aerial]

3. The *Environmental Management Act* ("EMA") defines an Officer as "(a) a person or class of persons employed by the government, a government corporation or a municipality and designated in writing by a director as an officer, or (b) a conservation officer". EMA defines a Conservation Officer ("CO") as "a person described in section 106 (2) (a) or (b) [conservation officer service] and includes, in relation to a specific power or duty, an auxiliary conservation officer and a special conservation officer who has been authorized under section 106 (3) (b) (iv) to exercise the power or perform the duty".

4. Environmental Enforcement Officer ("EEO") Christine Turlet is a designated Officer with the Compliance and Environmental Enforcement Branch and has the authority to conduct inspections and investigations, guided by the BC Ministry of Environment and Parks ("Ministry") Compliance and Enforcement Policy and Procedure ("C&E Policy"). EEO Turlet is also an Auxiliary CO with the Conservation Officer Service ("COS") under EMA 106(3)(b)(ii).

[Compliance and Enforcement Policy and Procedure]

5. Chapters 5 and 6 of the C&E Policy provides guidance which includes assessing non-compliances using the Non-Compliance Decision Matrix ("NCDM"). Chapter 4 of the C&E Policy further describes how officers can assess the levels of environmental, human health or safety impacts (actual or potential) and likelihood of achieving compliance in determining the most appropriate enforcement response using the NCDM.

6. Please refer to the Summary of Relevant Facts for further information related to this AMP, including Contaminants of Concern and Receiving Environment information.

Unauthorized Discharge

7. An unauthorized discharge occurs when waste is introduced into the environment in such a manner or quantity as to cause pollution, and the discharge is not authorized by the Ministry.

8. There are select definitions in Section 1 of EMA that are key to this AMP assessment:

- "**environment**" means "air, land, water and all other external conditions or influences under which humans, animals and plants live or are developed;"
- **"pollution"** means "the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment;"
- **"refuse"** means "discarded or abandoned materials, substances or objects;"
- **"waste"** includes
  " …
  (d) refuse,
  …
  whether or not the type of waste referred to in paragraphs (a) to (f) or prescribed under paragraph (g) has any commercial value or is capable of being used for a useful purpose;"

9. Section 6(4) of EMA includes the wording "Subject to subsection (5)". Section 6(5) states that

> "Nothing in this section or in a regulation made under subsection (2) or (3) prohibits any of the following:
>
> (a) the disposition of waste in compliance with this Act and with all of the following that are required or apply in respect of the disposition:
> (i) a valid and subsisting permit;
> (ii) a valid and subsisting approval;
> (iii) a valid and subsisting order;
> (iv) a regulation;
> (v) a waste management plan approved by the minister;
> …"

PENALTY CALCULATION

2026-01: EMA Section 6(4) (Waste disposal)

The Contravention or Failure – Findings:

10. While the "environment" under EMA includes air, land, water and all other external conditions or influences under which humans, animals, and plants live or are developed, the specific environment for the purposes of this AMP assessment is both land and standing water that were accessible to the cows, and other wildlife, in the Impacted Area.

11. WAA was subcontracted to conduct precision aerial application of fertilizer in the Impacted Area. WAA reported that work occurred in the Impacted Area along the 300 Road from September 23 to 30, 2025.

12. On September 26, 27, and 28, 2025, CIMC cleaned up spilled fertilizer blend at six locations in the Impacted Area, along or off the 300 Road.

13. The material discharged to ground in the Impacted Area was a fertilizer blend that contained, among other ingredients, urea. At the time that the material was spilled to the ground, without proper cleanup, it became a discarded or abandoned substance and became a "waste" under EMA.

14. On September 28 and 30 and October 1, 2, and 4, 2025, the Range Agreement Holder, or their staff, observed spilled fertilizer blend and 13 deceased cows in the Impacted Area at six locations along or off the 300 Road and 500 Road.

15. On October 1, 2025, RO Singer observed spilled fertilizer blend and 11 of the deceased cows in the Impacted Area at four locations along or off the 300 Road and 500 Road. At the location with six deceased cows, spilled fertilizer, standing water, and hoof prints were also observed. On October 2, 2025, RO Singer observed remaining spilled fertilizer blend at one of the locations.

16. The Animal Health Centre of the Ministry of Agriculture reported that "Based on the history of sudden death in multiple cattle, fertilizer exposure, blue possible fertilizer material in the rumen, and the lack of lesions in the tissues examined histologically to indicate an alternate cause of death, urea toxicity secondary to fertilizer ingestion is considered the most likely cause of death in these cattle."

17. The discharge of the waste fertilizer blend into the environment in the Impacted Area substantially altered or impaired the usefulness of the environment, resulting in the cattle fatalities. The discharge of the waste into the environment is "pollution" under EMA.

18. WAA is not currently authorized, under EMA, to discharge any waste from any location to the environment.

19. From September 26 to October 2, 2025, WAA contravened Section 6(4) of EMA when it introduced waste into the environment in such a manner or quantity as to cause pollution.

20. Based on the information provided above, an administrative penalty was being considered for contravention of Section 6(4) between September 26 and October 2, 2025.

21. Based on the information provided above, I find that WAA contravened Section 6(4) between September 26 and October 2, 2025.

22. The maximum penalty allowable under the Administrative Penalty Regulation (EMA) ("APR") for each day of contravention of Section 6(4) is $75,000.

Factors to be Considered in Penalty Calculation:

BASE PENALTY

The base penalty reflects the seriousness of the contravention or failure, based on the following two factors:

Factor a): Nature of the Contravention or Failure

23. **Major.** In the "Administrative Penalty Handbook: Version 2 – Ministry of Environment and Parks – *Environmental Management Act* and *Integrated Pest Management Act*" ("AMP Handbook"), a "major" contravention or failure includes the most serious compliance issues that by their nature result in a threat to the integrity of the environment or to human health or where a contravention undermines the basic integrity of the overarching regulatory regime and significantly interferes with the Ministry's capacity to protect and conserve the natural environment.*"* Examples of major contraventions include "an unauthorized discharge, … actions that result in significant pollution, contamination or spills".

24. The discharge of waste fertilizer blend into the environment within the Impacted Area, specifically to ground and standing water, can result in a very serious threat to the environment. The discharge of waste into the environment resulted in the death of 13 cows.

25. The risk of harm to the environment will be considered in more detail below in Factor b).

26. The nature of the contravention was proposed as major.

27. This factor was not disputed in the OTBH Submission.

28. After considering the relevant information above, I confirm the contravention is major.

Factor b): Real or Potential Adverse Effect

29. **Very High.** In the AMP Handbook, a "very high" real or potential adverse effect includes "caused or has the potential to cause widespread injury or damage to animal or plant life".

30. Section 7(1)(b) of the APR requires that I must consider the real **or potential** adverse effect of the contravention. A finding of potential adverse effect of the contravention is enough to apply this factor.

31. The discharge of waste fertilizer blend into the environment within the Impacted Area occurred over multiple days and resulted in the death of 13 cows at multiple locations.

32. The real or potential adverse effect of the contravention was proposed as "very high".

33. This factor was not disputed in the OTBH Submission.

34. After considering the relevant information above, I confirm that the contravention is very high.

35. The base penalty is therefore confirmed at $65,000 as proposed at Notice Prior to Determination of Administrative Penalty ("Notice").

APPLICATION OF PENALTY ADJUSTMENT FACTORS

The following factors reflect the unique circumstances of this file, including what happened before, during, and after the contravention.

Factor c): Previous contraventions or failures, penalties imposed, or orders issued (+):

36. I am guided by the AMP Handbook for this factor, to consider WAA's compliance history. This factor could increase the penalty.

37. I am not aware of any previous contraventions or failures, penalties imposed, or orders issued.

38. No adjustment was proposed for this factor.

39. This factor was not disputed in the OTBH Submission.

40. After considering the relevant information above, I confirm no adjustment is applied under this factor.

Factor d): Whether contravention or failure was repeated or continuous (+):

41. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence of the repeated or continuing nature of the contravention. If I am persuaded that the contravention was repeated or continuous, this factor could increase the penalty.

42. The contravention was continuous from September 26 to October 2, 2025 (seven days). This is the period during which spilled fertilizer blend was observed.

43. Separate penalties for each day described in this administrative penalty are possible since there was a continuous contravention between September 26 and October 2, 2025; however, for this AMP only, this contravention will be treated as continuous.

44. An increase of 30% of the base penalty (+ $19,500) was proposed to account for the continuous nature of the contravention.

45. WAA disputes the 30% increase. At pages 1-2 of the Opportunity to be Heard ("OTBH") Submission, it stated:

> "The Notice characterizes the contravention as continuous over seven days. However, the underlying conduct involved spill and cleanup events. There is no evidence of repeated, ongoing active discharge over seven days.

Environmental persistence of material does not equate to repeated contraventions. If persistence alone were sufficient, nearly every spill case would be "continuous" until fully remediated.

The duration identified in the Notice reflects the period during which the consequences of a spill event remained in the environment, not a period during which Western Aerial continued to contravene the Act.

Once the spills occurred and remediation efforts were undertaken, Western Aerial was no longer engaged in conduct capable of continuing the contravention. Fertilizer applications had remaining material represented the residual effects of completed operational events rather than ongoing activity under Western Aerial's control. The seven-day period referenced in the Notice therefore reflects the persistence of environmental effects, not a period during which Western Aerial continued to contravene the Act.

At the time the cleanup efforts were undertaken, Western Aerial believed the affected areas had been adequately remediated and had no knowledge that hazardous quantities of fertilizer remained accessible to livestock. The subsequent discovery of livestock deaths demonstrated that remediation was incomplete under the specific conditions. However, information obtained after the fact cannot retroactively convert operational errors into deliberate or continuing noncompliance. Once the risk became known, Western Aerial undertook corrective measures and implemented operational reforms to prevent recurrence.

The Director elected not to apply daily penalties, recognizing proportionality concerns. That same logic should apply here. The 30% uplift penalizes duration of impact rather than repeated unlawful conduct and should be recalibrated."

46. Upon consideration of WAA's submissions, I am persuaded that the contravention should not be characterized as continuous for the purpose of applying an increase under this factor. While I am satisfied that at least one spill occurred between September 26 and October 2, 2025, I am not convinced that additional or ongoing spills occurred during each of the seven days within this period.

47. After considering the relevant information above, I confirm no adjustment is applied under this factor.

Factor e): Whether contravention or failure was deliberate (+):

48. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that WAA deliberately introduced waste into the environment. If I am persuaded that WAA deliberately introduced waste into the environment, this factor could increase the penalty.

49. This was the first year of using this fertilizer blend and there may have been a lack of understanding of the toxicity of the fertilizer blend. However, there is an expectation that any business dealing with chemicals in its work would educate itself on the hazards, including environmental, of those chemicals. WAA has over 39 years of experience in precision aerial application and is expected to be aware of the hazards of chemicals that it works with.

50. WAA and CIMC failed to contact the Range Agreement Holder to notify them of the work to be conducted. While this may have contributed to the fatalities, it is unclear whether this would have been the responsibility of WAA or CIMC.

51. WAA failed to meet the standard of care expected by not preventing spillage or promptly cleaning it up. While WAA may not have taken direct action to contravene the requirements, inaction by WAA increased the likelihood of the contravention.

52. The AMP Handbook outlines the guiding concepts of standard of care, intent, source of contravention, and predictability. I find that WAA underperformed the expected standard of care by failing to both prevent and promptly clean up spillage. While WAA did not take direct action to contravene the applicable requirement, their inaction resulted in the contravention occurring. The source of the contravention, the spillage of fertilizer, was known by WAA, yet they made minimal efforts to prevent, address, or mitigate the non-compliance. The events constituting the contravention were easy to predict, and WAA took insufficient steps to prevent them from occurring. Taken together, these factors demonstrate a medium level of deliberateness.

53. An increase of 70% of the base penalty (+ $45,500) was proposed for the deliberate nature of the contravention.

54. WAA disputes the 70% increase. At pages 2-3 of the OTBH Submission, it stated:

> "Western Aerial Applications Ltd. acknowledges that the deliberateness factor in Table 3 of the Administrative Penalty Regulation has been assessed at a "medium" level but request for a recalibration of the penalty increase range of between 20-70%.
>
> While WAA is aware of the hazards of fertilizer spills pose, the material differences in properties by the new fertilizer blend, such as unusual adhesion and persistence characteristics, causing pellets to adhere to soil and vegetation in ways that differed from previously used fertilizer products, affected the effectiveness of conventional cleanup techniques that had been used successfully with other fertilizer products over many years.
>
> The spill resulting from scale-bag being overfilled was promptly cleaned-up by the crew on the same day. The spilled fertilizer was used again to load the helicopter for aerial fertilizing and any spilled fertilizer that could not be used by the helicopter was cleaned up using the scatter method, where distribution into the forest is similar to normal aerial application rates. The purpose of this method was to avoid leaving fertilizer in concentrated piles and instead distribute it over a broader area, recognizing that concentrated deposits would present a higher risk than dispersed material.
> …
> The subsequent discovery of livestock impacts indicates that these mitigation efforts were not fully effective under the specific conditions present, including the characteristics of the fertilizer blend and site conditions. Nonetheless, the approach taken was directed toward minimizing exposure and reflects an attempt to manage the spill in a manner consistent with reducing, rather than exacerbating environmental and livestock risk.
>
> It is also recognized that livestock interaction with fertilizer is influenced by multiple variables—including palatability, pellet characteristics, environmental conditions, and

accessibility—and that risk is not determined solely by application rate or presence of material, particularly where fertilizer is dispersed rather than concentrated.

…

The available Safety Data Sheet (see Yara SDS reference) also did not clearly describe these characteristics, nor did it identify a specific acute ingestion hazard associated with the fertilizer in pellet form.

While there may have been minimal efforts performed by one disgruntled employee, other WAA employees performed as is expected by WAA standards. The circumstances reflect negligence in spill cleanup and risk assessment, rather than intentional or knowing noncompliance with the Act."

55. I have reconsidered the increase applied for this factor. Based on WAA's submissions, I am no longer satisfied that the events constituting the contravention were relatively easy to predict, nor that the specific risks associated with the new fertilizer blend were fully known or reasonably foreseeable at the time of the spill. I am also satisfied that the criteria for intent were not met. However, WAA's actions deviated from the expected standard of care, particularly with respect to spill prevention and risk management when faced with handling a new fertilizer blend.

56. After considering the relevant information above, I confirm an increase of 35% of the base penalty (+ $22,750) is applied for the deliberate nature of the contravention.

Factor f): Economic benefit derived by the party from the contravention or failure (+):

57. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that WAA obtained an economic benefit from the contravention. If I am persuaded that WAA obtained an economic benefit from the contravention, this could increase the penalty.

58. WAA likely derived economic benefit from failing to develop, maintain, and train staff to prevent and remediate spills of fertilizer prior to the contravention occurring. In addition, WAA likely derived economic benefit from failing to allocate sufficient time and resources towards ensuring cleanup of spills each day. However, for this AMP only, this economic benefit was considered but not pursued.

59. No adjustment was proposed for this factor.

60. This factor was not disputed in the OTBH Submission.

61. After considering the relevant information above, I confirm no adjustment is applied under this factor.

Factor g): Exercise of due diligence to prevent the contravention or failure (-):

62. I am guided by the AMP Handbook for this factor, to consider what WAA did **before** the contravention to prevent the contravention. If I am persuaded that WAA did take measures to prevent the contravention, this factor could decrease the penalty.

63. WAA reported that crews are trained to keep sites clean during operations and after leaving, and that spills are swept up and placed into the next helicopter bucket. However, a CIMC forester reported that on September 26, 27, and 28, they visited multiple sites and cleaned up spilled fertilizer, stating that they "needed to improve the clean up on every staging area after WAA completed fertilization", and that "This was a common situation that didn't seem to improve despite my requests and example."

64. I am not aware of any measures taken to prevent the contravention.

65. No adjustment was proposed for this factor.

66. WAA submits that measures were taken to prevent the contravention. At pages 4-6 of the OTBH Submission, it detailed measures taken, which are summarized as follows:

    - Existing systems in places included New Hire Orientation Checklists, Tailgate Safety Meetings, Worksite Hazard & Risk Assessments, and manuals like the Occupational Health, Safety, and Performance Plan and Emergency Response Plan (including Job Safety Breakdowns like Aerial Fertilization, Driving Procedures, Handling Fertilizer Spills)
    - Standard Operating Procedures for Fertilizer Hauling Trucks and Fertilizer Bin Truck
    - Operational staff were trained using documented procedures governing fertilizer loading operations, communication with pilots, and equipment handling.
    - Pre-season training documentation provided
    - Site cleanup expectations including working cooperatively with CIMC.

67. In support of the established site cleanup expectations, WAA submits that "The subsequent termination of the operator responsible for failing to meet cleanup standards further demonstrates that WAA maintained defined operational expectations and enforced them through supervision and disciplinary action."

68. WAA further submits that in 39 years there have been no previous livestock fatalities and that "Sustained operations over such a long period without comparable incidents strongly indicate the presence of effective operational systems, training practices, and supervisory oversight."

69. I have considered whether a decrease is warranted under this factor, having regard to whether the WAA maintained reasonable systems, training, and operational controls to prevent the contravention. The submissions demonstrate that WAA was aware of, and took steps to understand, its environmental protection obligations associated with fertilizer handling and aerial application activities. Prior to the incident, WAA maintained documented operational systems, including standard operating procedures, safety manuals, emergency response planning, job safety breakdowns related to fertilizer handling, and pre-season and on-site training. These systems addressed equipment inspection, communication protocols, loading procedures, and spill response, and are consistent with commonly acknowledged industry practices. WAA's operating history, including several decades of aerial fertilizer application without comparable incidents, further supports that these systems past been effective in managing routine operational risks.

70. While these preventative measures ultimately proved insufficient under the circumstances of this incident, the evidence supports that the contravention did not arise from a complete

absence of due diligence. I agree WAA's position that disciplinary action taken against an individual operator is indicative of the existence of defined standards. Further, I have considered that the incident occurred in the context of a fertilizer product. In these circumstances, I am satisfied that WAA exercised partial due diligence prior to the spill.

71. Additional information that WAA submitted under Factor g) is more appropriately considered under Factor i) as efforts to prevent recurrence.

72. After considering the relevant information above, I confirm a decrease of 20% of the base penalty (- $13,000) is applied for measures taken to prevent the contravention.

Factor h): Efforts to correct the contravention or failure (-):

73. I am guided by the AMP Handbook for this factor, to consider what WAA did **during or immediately surrounding** the contravention to restore compliance or reverse or mitigate the impacts. If I am persuaded that WAA did take actions after the contravention to restore compliance or reverse or mitigate the impacts, this factor could decrease the penalty.

74. On September 26, 27, and 28, 2025, CIMC took actions to clean up spilled fertilizer blend at multiple locations.

75. On October 1, 2025, under the direction of CIMC, a local contractor covered the deceased cows with dirt to discourage predation and covered spill areas with fresh dirt to ensure that standing water was covered. On October 2, 2025, the local contractor took the deceased cows to the landfill at 100 Mile House. Additional deceased cows located on October 2 and 4, 2025 were buried at the Range Agreement Holder's property.

76. WAA reported "After learning about the dead cattle, crews revisited sites to ensure thorough cleanup. Some sites were cleaner than others, but overall, cleanup was confirmed." It is not clear what, if any, efforts were involved in this confirmation.

77. While CIMC undertook actions to mitigate impacts, I am not aware of any actions taken by WAA to correct the contravention.

78. No adjustment was proposed for this factor.

79. WAA submits that efforts were taken to correct the contravention. At page 6 of the OTBH Submission, it stated:

> "Respectfully, the record indicates that corrective actions were undertaken in response to the incident, and the conclusion that WAA did not take steps to restore compliance or mitigate impacts does not fully reflect the circumstances.
>
> Once the livestock deaths were reported, actions were taken by WAA to address the environmental impacts and prevent further exposure, including immediate clean-up of spilled site and revisiting sites by crews to confirm that it had been addressed.
>
> While certain mitigation activities were physically carried out by CIMC and contractors, the response actions occurred within the operational context of the aerial fertilizer project and were undertaken in response to the incident associated with that work.

In operational environments such as aerial fertilizer application projects, it is common for mitigation activities to be performed by local contractors or project partners with appropriate equipment and access to the site. The fact that contractors carried out certain tasks does not mean that WAA was uninvolved in the corrective response.

While the Notice indicates that the specific steps involved in these confirmations are unclear, the revisits nonetheless demonstrate that post-incident verification of cleanup conditions occurred."

80. I acknowledge WAA's submission that corrective actions may be carried out through project partners or local contractors and that such arrangements can be common in operational contexts. However, for the purposes of this factor, the focus is on whether WAA demonstrated clear and direct efforts to correct the contravention. In this case, the substantive mitigation measures described in the evidence were undertaken by CIMC and contractors acting at its direction. No records or other evidence have been provided to establish that WAA directed, supervised, or carried out specific corrective actions sufficient to restore compliance or mitigate impacts beyond what had already occurred.

81. The internal corrective actions that WAA submitted under Factor h) was previously considered under Factor i) as efforts to prevent recurrence.

82. After considering the relevant information above, I confirm no adjustment is applied under this factor.

Factor i): Efforts to prevent recurrence of the contravention or failure (-):

83. I am guided by the AMP Handbook for this factor, to consider whether WAA has taken any action **after** to avoid the contravention happening again in the future. If I am persuaded that WAA has taken any action to avoid the contravention happening again in the future, this factor could decrease the penalty.

84. On November 14, 2025, WAA provided excerpts from its updated Emergency Response Plan ("ERP") and Occupational Health Surveillance and Prevention Plan ("OHSPP"). These documents contain guidance to:

- Ensure that no fertilizer is left exposed and unattended
- Be aware of the toxicity of urea to cows and wildlife including small quantities
- Inspect all areas for pooled water or fertilizer residue
- Verify area of clean and free of residue before leaving
- Document daily conditions at reload sites with photographs

85. The WAA – UREA Toxicity Memo outlined corrective actions following the incident including spill management, storage and containment, training, documentation, and communication. WAA reported this memo was reviewed with all employees.

86. A decrease of 30% of the base penalty (- $19,500) was proposed for efforts made to prevent recurrence of the contravention.

87. WAA submitted additional information under Factor g) that are being considered as efforts to prevent recurrence of the contravention. At page 5 of the OTBH Submission, it stated:

"After this incident, WAA has explicitly formalized roles and responsibilities and instructed all staff that WAA has sole responsibility of site cleanup, including measures that prove site cleanliness has been established prior to leaving any site. Third-party cleanup help is no longer acceptable or to be relied on.

The subsequent termination of the operator responsible for failing to meet cleanup standards further demonstrates that WAA maintained defined operational expectations and enforced them through supervision and disciplinary action."

88. The additional measures undertaken to ensure WAA retains sole responsibility for site cleanup and verification and termination of the operator responsible for failing to meet cleanup standards warrant a further reduction under this factor.

89. After considering the relevant information above, I confirm a decrease of 35% of the base penalty (- $22,750) is applied for efforts made to prevent recurrence of the contravention.

Factor j): Any other relevant factors (+/-):

90. I am guided by the AMP Handbook for this factor, to consider any additional factors which could increase or decrease the penalty. Such factors could include self-reporting, cost to government, cooperation, remorse and accountability, ability to pay, and financial impact of other obligations.

91. I am not aware of any additional relevant factors.

92. No adjustment was proposed for this factor.

93. WAA submits that additional relevant factors exist. At pages 7-9 of the OTBH Submission, it submitted additional factors, which are summarized as follows:

- WAA voluntarily provided compensation to the affected ranchers for livestock losses in the amount of [redacted], undertaken without litigation or enforcement proceedings requiring such payment.
- The Ministry did not incur costs associated with livestock compensation, carcass removal, or other financial remedies relating to the incident.
- WAA has also been cooperative with government agencies throughout the investigation and response process by providing statements, supplying operational information and documentation and maintaining open communication.
- WAA has consistently acknowledged the seriousness of the incident and expressed regret as demonstrated by accepting financial responsibility, conducting an internal review of operational practices, implementing procedural improvements, and enforcing operational accountability.
- WAA has experienced financial impacts from the contravention. In addition to the [redacted] paid in compensation to livestock owners, WAA incurred $91,664.79 in expenses associated with rail demurrage while the project was halted, as well as trucking and storage costs for fertilizer pending direction from the Province regarding the use of nonblended product. Further, WAA asserts that "indirect financial impacts have not been fully quantified, including the loss of income resulting from the cancellation of subsequent blend fertilizer projects for the remainder of the season, and potentially on an ongoing basis until a suitable

alternative fertilizer blend can be sourced. The company has also incurred costs related to operational disruptions, internal investigation, and the implementation of corrective measures, along with reputational impacts affecting future contracting opportunities. These cumulative impacts demonstrate that WAA has already borne substantial financial consequences as a result of the incident."

94. As reflected in the submissions quoted above, WAA voluntarily addressed the consequences of the contravention by compensating affected third parties. This conduct reflects an acceptance of responsibility and is consistent with EMA, which gives effect to the "polluter pays" principle. I have also considered WAA's cooperation with the Ministry and its demonstrated degree of remorse.

95. After considering the relevant information above, I confirm a decrease of 30% of the base penalty (- $19,500) is applied for WAA's degree of cooperation, remorse, and compensation to third parties in response to the contravention.

Penalty Calculation Table:

Factors to be considered in penalty calculation:	Notice	Final Determination
Gravity Penalty		
a) Nature of contravention or failure	major	major
b) Real or potential adverse effect	very high	very high
Base Penalty:	$65,000	$65,000
c) Previous contraventions or failures, penalties imposed, or orders issued	$0	$0
d) Whether contravention or failure was repeated or continuous	+ $19,500	**$0**
e) Whether contravention or failure was deliberate	+ $45,500	+ **$22,750**
g) Exercise of due diligence to prevent the contravention or failure	$0	- **$13,000**
h) Efforts to correct the contravention or failure	$0	$0
i) Efforts to prevent recurrence of the contravention or failure	- $19,500	- **$22,750**
j) Additional relevant factors	$0	- **$19,500**
Total Gravity Penalty	$110,500	**$32,500**
Application of multiplier: No	N/A	N/A
Economic Benefit Penalty		
f) Economic benefit derived by the party from the contravention or failure	$0	$0

Gravity Penalty + Economic Penalty	$110,500 *The APR prescribes $75,000 as the maximum daily penalty for this contravention or failure. Accordingly, the calculated penalty has been adjusted from $110,500 to $75,000.*	**$32,500**
Total Penalty:	$75,000	**$32,500**

Total Penalty:

96. After determining a gravity penalty of $32,500 for this contravention, the penalty is established at $32,500.

Summary of Relevant Facts

97. On October 1, 2025, the Range Agreement Holder of RAN077291 contacted RO Singer to report deceased cattle near 300 Road off Highway 26, near Quesnel, BC. A subsequent public report was received on October 2, 2025.

[Continuation Report_Redacted]

98. On October 3, 2025, Ministry of Forests, Director, Forests Investment and Reporting Branch, provided an incident overview. In their continuation report summary of the overview, EEO Turlet stated,

> "**Findings**
> - 11 dead cattle found: 6 at one site, 3 along 300 Road, 2 near 500 Road.
> - Sites are connected by a short trail, suggesting shared exposure.
>
> **Suspected Cause**
> - Hypothesis: cattle drank standing water (including tire tracks) contaminated with dissolved fertilizer.
> - Fertilizer may have spilled from a hopper …
>
> **Immediate Actions Taken**
> - A contractor was hired to collect carcasses and cap contaminated sites with local soil. Carcasses buried in a borrow pit to deter predators.
> - Cleanup concluded around 11:30 PM October 1.
>
> …
>
> **Veterinary & Sampling**
> - Vet arrived around 8:30–9:00 PM on October 1 and collected tissue samples from 2 animals.
> - Three water samples were taken but not yet sent for testing.
>
> …
>
> - Symptoms suggest nitrate poisoning, which may also cause cattle to abort fetuses—potential issue during pregnancy checks in December.
>
> **Disposal Plan**
> - Disposal permit pending; Cariboo Regional District cannot confirm delivery until permit is approved.
> - Carcasses to be transported to Big Lake Landfill, then to Gibraltar Mine.
>
> …

Site Management & Observations

- … (Western Aerial supervisor) noted:
- Site had control issues; new operator lasted one day.
- Cleanup was done to standard, but fertilizer blend this year is different (blue pellets).
- No direct evidence cattle consumed fertilizer from hopper. Likely ingested contaminated water.
- [CIMC] was of the understanding that fertilizer fell out of the hopper. There was apparently spillage.
- … asked if sites are fenced. [CIMC] confirmed they are not.

…

Policy & Range Management Discussion

- Range agreement holder was within tenure obligations.
- Fertilization occurred while cattle were on range. [CIMC] noted that this was a common practice historically.
- [CIMC] acknowledged no prior range referral was done due to early project start.

…

Project Timing & Operational Decisions

- Project started earlier than usual due to Western Aerial not securing fertilization contract in Prince George.
- [CIMC] confirmed they did not have to start early, but did so based on Western's timeline.

Community & Stakeholder Concerns

- [Lhtako Dene Nation] requested project shutdown until facts are known; elders are concerned.

…

- Lhtako Dene Nation also requested a halt to all fertilization projects overlapping their territory.

Health & Environmental Impacts

- [Range Branch Director] noted cattle were bleeding from orifices, consistent with nitrogen poisoning.
- Potential for reproductive impacts (abortions) in surviving cattle.
- [CIMC] confirmed approx. 300 head in the area, mostly southwest of fertilized zone.
- No salt blocks placed due to highway proximity.
- [Range Branch Director] noted cattle likely drank from nearest water source opportunistically."

99. On October 6, 2025, RO Singer provided a short summary. In their continuation report summary of the communication, EEO Turlet stated,

"Location of incident:
Location of Machinery: 52.970157/-122.116763
Livestock location
300rd. (R08577_AH)
2 cows @ 8.5-9km 53.005883/-122.169891
2 cow @ 13km 52.970296/-122.127233
6 cows @ 1+202.03m (R22785_7B) 52.980200/-122.117262

500rd. (R14274_100G)
1 cow (2nd cow in locale on ATV trail, located by rancher, I could not locate and assess) @ 9.5km 52.965272/-122.209012)"

100. On October 8, 2025, EEO Turlet took a statement from the Ministry of Forests, Resource Manager. In their continuation report summary of the statement, EEO Turlet stated,

"Project Background

- The project was managed under the **Forest Investment Program (FIP)**, not through the district.
- **Recipient**: Central Interior Mapping Co., … who acted as project manager.
- **Contract oversight**: PricewaterhouseCoopers (PWC), … monitored deliverables and payments but were not on-site.
- **Subcontractor**: Western Aerial (helicopter company) applied fertilizer on the ground.
- Fertilizer logistics: Delivered by B-train trucks, then transferred to smaller trucks for helicopter loading."

101. On October 15, 2025, EEO Turlet took a warned statement from the owner of CIMC. In their continuation report summary of the statement, EEO Turlet stated,

- "He does general forestry work layout and for the last four years he has been directly involved in the fertilization program and works directly for West Fraser.
- Their contract is with Weyerhaeuser Coopers.
- Western Aerial Applications got the tender for this project.
- Originally, he was expecting to start in November, but they moved the date up and they started it three weeks ago.
- The incident happened on the 300 Road, near Quesnel.
- They were spreading what's known as Urea Sulfur Boron blends in stands that have been previously fertilized.
- The blend comes in on a super Bs (big grain truck) and from there the fertilizer is transferred to bin trucks and then they drive to a staging area.
- The trucks have a contraption on the back where they weigh the fertilizer and then the helicopter comes in with a bucket where the blend is loaded.
- For the transfer they open the bottom of the truck and with the grain auger it goes to the top of the bin truck.
- The weight is always adjusted, and the helicopter spread the fertilizer.
- Urea is straight fertilizer.
- The blend was found on the 300 road on the ground.
- They had spills and [CIMC forester], who works for him, was out every day.
- They overfilled the helicopter; there were other issues with crew (Western Aerial).
- At one point at the end of the day, [CIMC forester] sent them back in to clean up so there was definitely a breakdown between how much fertilizer was spilled and the cleanup process.
- He had no idea how toxic it was.
- He thinks they probably cleaned up as much as they could. There were several

staging areas that they were running at the same time, so they were not on site all the time.

- They were unaware of the spill on the very first day and [CIMC forester] was doing his due diligence on the different sites and then he made them come back (Western Aerial staff).
- Traditionally they did not check with the ranchers to see if they were cows out.
- Where they left the auger which was on the 300 road there was no evidence that they were into it and that there were no major hoof prints.
- He didn't see any evidence of the cattle licking up the fertilizer from the equipment.
- He and [CIMC staff] submitted an Incident Report and there was an incident report from Western Aerial."

102. On October 15, 2025, RO Singer provided written file notes including photographs. Photos included in RO Singer's notes depict:

    - Deceased cows
    - Product spillage from the WAA transport bin truck and conveyor augers to ground
    - Hoof prints in the vicinity of spilled product
    - Accumulated fertilizer deposits

    [2026-01 Photo Log]

103. On November 3, 2025, EEO Turlet received a written statement from the Range Agreement Holder. In their Continuation Report summary of the statement, EEO Turlet stated:

    - "On Sunday, Sept 28th she was contacted by a few people saying there was a dead cow at 9.5 km on the 500 road.
    - [Staff], who works for them … found the cow and thought she had been shot as she had blood coming out of her head and eyes. He skinned the front of her head but did not find anything. He found a 2nd cow about 100 feet away. She was bloated and laying on her back.
    - On Tuesday, Sept 30th two dead cows were found at 8.5 km on the 300 road.
    - One of the cows had a lot of gas bubbles coming out of her nose and she had quite a bit of blood in front of her. The other had a lot of fluid that had come out of her mouth. Both of their calves were still there.
    - trucks and hopper and were parked at 15 km. She drove up there and could see a lot of fertilizer in the hopper and underneath the hopper tube was a pile of blue gunk. This supposedly was the coating on the fertilizer.
    - …
    - She met with the Contractor for the provincial tree fertilizer program, [CIMC] and commented that the fertilizer must have dissolved into the many water puddles that were there in vehicle ruts and that the cows would of drank from the puddles and had been poisoned by the fertilizer.
    - They drove d towards 15 km. At approx. 14 km there was another dead cow on the side of the road. She told [CIMC] that she was not there last night.
    - They then went to 15 km where the fertilizer hopper was.
    - [CIMC] then drove her to the next fill site which was on a road that went left at 15 and then left on a side road, approx. 2 km from where the hopper was.

- When they came around the corner she saw six dead cows. Some of the cows bled out their eyes, others bled out through their nose.
- [CIMC] told her that they used a new formulation this year that they had not used before that has Urea coating. She told him that Urea was lethal to cows in concentrated doses.
- At 7 pm she met … Quesnel Vet Clinic who was going to take samples of the dead cows. Two of the cows were sampled, one at 8.5 km and the other at the other fill site approx. 2 km left from 15 km.
- On Thursday the 2nd [CIMC] found another dead cow about 100 feet away further up the trail. These three cows were about 1.5 km away from the fill sites on a narrow cutoff road that runs between the 300 and 500 roads.
- On Sat Oct 4th one more dead cow was found at 9.5 km on the 500 road but on the opposite side of the road."

104. On November 14, 2025, EEO Turlet took a video statement from Josh Jonker, WAA General Manager. In their continuation report summary of the statement, EEO Turlet stated,

- "Their role is to provide aircraft, pilots, and ground crew to transport and apply the fertilizer.
- The fertilizer is typically picked up from TerraLink in Abbotsford or a rail yard, trucked by B-train to forestry roads, and then transloaded into smaller bin trucks. These trucks supply the helicopters, which apply the fertilizer using buckets suspended beneath the aircraft.
- The fertilizer gets transloaded using mobile conveyor belt type devices which then puts it into trucks that can get closer to the blocks
- Normally when they work in the Quesnel area, the cattle aren't there, they have already gone home.
- The pilot nor the crew ever saw any cattle in the blocks nor at the load sites when they were there.
- The fertilizer applied included two products: Straight urea (46-0-0) and a blend containing traces of boron and sulfur. The blend came from TerraLink and was pelletized (dry).
- There were no test results that were conclusive for Urea poisoning or any poisoning that might be in the fertilizer. Almost certainly it would have been urea poisoning.
- His understanding is that the Biome, the bacteria in the ruminant, are so good at converting this product that they create gases, whether it be an ammonia gas or things that can harm the animal. And so, when it consumes too much too quickly it is a problem.
- The only way they can assume that it happened is that cattle either got into the equipment into hoppers or of the equipment on the road at night. Or there was fertilizer left behind or possibly ingested fertilizer dust that accumulated in puddles after heavy rain.
- Their crews are trained to keep sites clean during operations and after leaving. Spills are swept up and placed into the next helicopter bucket.
- After learning about the dead cattle, crews revisited sites to ensure thorough cleanup. Some sites were cleaner than others, but overall, cleanup was confirmed.
- They have disciplined some people and reviewed all their loading practices because something must have happened at some of those load sites.

- The product was blue this year due to a government decision to source it from outside the U.S. for political reasons. Unfortunately, cattle can see blue well, which may have attracted them.
- The blue product was also problematic operationally—it was sticky and clogged equipment."

105. On November 14, 2025, EEO Turlet received an email from Josh Jonker that stated:

> "As requested, I have attached excerpts from both our OHSPP and ERP of pages which relate to Fertilizer work site cleanliness & spill cleanup. I have also attached a company memo we reviewed with all employees following the Quesnel incident, to remind everyone of the importance of keeping loadsites clean and to recover any spilled fertilizer.
> The dates that sites were used on the Quesnel FSR 300 road: The main load site: Sept. 26 & 27; the reload site: Sept. 23 to 30."

[2025-11-14 Re_ Fertilizer incident in Quesnel]

106. The WAA November 14, 2025 email also included the following three documents:

- Pages from WAA ERP 2025
- Pages from OHSPP 2025
- WAA – UREA Toxicity Memo

107. Page 21 of the WAA ERP 2025 stated, "**Under NO circumstances** should fertilizer be left exposed and unattended. Deer, elk, and cows find the taste of urea desirable, and even small quantities (~150 g or 3 tbsp) can be fatal to livestock."

[Pages from WAA ERP 2025]

108. Page 60 of the WAA OHSPP 2025, "Environmental and Wildlife Protection", stated:

> "Inspect all reload and staging areas for any pooled water or fertilizer residue. Contain, absorb, and remove any contaminated material using suitable absorbents. Ensure augers are covered when unattended, and verify areas are clean and free of residue before leaving site to prevent contamination and protect wildlife.
>
> *When the reload site is unattended, cover the auger hopper with a secured tarp or clean it thoroughly. Supervisors must take daily photos of reload sites and attach them to the Daily Supervisor Report."*

[Pages from WAA OHSPP 2025]

109. The WAA – UREA Toxicity Memo summarized key findings on urea toxicity and outlined corrective actions following the incident. The "Corrective Actions – Western Aerial Protocol" section of the WAA – UREA Toxicity Memo stated, ""

1. "**Spill Management:** Immediate cleanup of spills at load sites. Supervisors must photograph and submit cleaned site images in daily reports.

2. **Storage & Containment:** Reloads, bin trucks, and augers must remain secured when not in use. Product that cannot be applied immediately must **not be left exposed or unattended**. Remaining fertilizer must be covered, contained, or removed before leaving a site.
3. **Training:** All crews will review this memo and the visual summary during safety meetings.
4. **Documentation:** Daily Supervisor Reports must include "Urea Containment: Load Sites & Reload Area Verification."
5. **Communication: R**einforce safe handling and livestock protection."

[WAA - UREA TOXICITY MEMO]

110. On November 20, 2025, EEO Turlet received the Animal Health Centre Report ("AHC Report) from the Ministry of Agriculture. The "Case History" Section of the AHC Report stated, "The 3 cattle necropsy' sampled were in 3 different locations approx. ~few km apart. … Specimens had petechiation of rumen and rumen contents contained blue coloured contents".

[AHC Report]

111. The "Final Diagnosis" of the AHC Report stated:

"**Final Diagnosis:**

No Diagnosis, Urea intoxication suspected based on history

Comments:

Based on the history of sudden death in multiple cattle, fertilizer exposure, blue possible fertilizer material in the rumen, and the lack of lesions in the tissues examined histologically to indicate an alternate cause of death, urea toxicity secondary to fertilizer ingestion is considered the most likely cause of death in these cattle. Unfortunately, confirmation of this diagnosis would require Urea/Ammonia analysis of rumen or intestinal contents, which were not available for evaluation. There is ongoing urease activity in the rumen after death, so this analysis needs to be performed on rumen or intestinal contents collected relatively promptly after death and either analyzed or frozen shortly after collection."

112. On December 3, 2025, EEO Turlet received an incident report from a forester at CIMC. The incident report stated:

"Friday September 26,2025 Day of the fertilizer spill referenced by the WAA incident report Oct.3.2025.

At approximately 4:00 pm I drove to the 300 road, stopped at the 308 km staging site (location 2 referenced in the Western Aerial Applications Ltd (WAA) incident report) and cleaned up spilled fertilizer, then proceeded to the 315 km reload site and cleaned up any visible accumulations of fertilizer.

At approximately 6:45 pm I was back at the 315 km reload site and I drove up a side road connected to the reload junction, I proceeded following bin truck tracks to a staging

area. I noticed a prominent fertilizer spill (I was not directly informed about the nature of the spill on this site by the WAA crew). I drove back to the reload site to tell [WAA Project Supervisor] and the WAA crew that there was a big mess that needed to be cleaned up (Location 1 referenced in the WAA incident report). Then I drove back to the clean up site, it was dark by this time. After a few minutes [WAA Project Supervisor] and his crew arrived and [WAA Project Supervisor] said they would clean up the site. …

Saturday September 27, 2025

I left home at approximately noon. I drove to 315km and checked the staging area (Location 1, WAA incident report),that had been cleaned the previous evening by [WAA Project Supervisor] and the WAA crew. Some fertilizer accumulations were still visible, so I cleaned up any accumulations that I could see.

After this I drove up the 300 road to a side road at approximately 3624km road and checked a staging area located approximately 300 metres past a fuel truck location. There was a small pile of fertilizer on the road so I cleaned up the staging site.
Then I drove up the 300 road to approximately 321km and cleaned up a staging site.

I then went back to the 315 km reload site and cleaned up the visible accumulations of fertilizer with the assistance of the WAA crew and I reminded the WAA crew that staging areas were not yet clean enough.

Then I drove home.

Sunday September 28, 2025

At approximately 6pm I checked a staging area at approximately 330km on a side road. This site required cleaning and I shoveled up all of the fertilizer that I could.
Then I drove back to the 315km reload and cleaned up any accumulations of fertilizer and I drove home. The fertilization was finished on the 300 road at this time. The WAA crew were hooking up their trailers to go to 13A6 the following day.
…

Summary

…

On several occasions I told WAA crew members that clean up needed to improve.

My observation was that I needed to improve the clean up on every staging area after WAA completed fertilization. I also worked with WAA crew members many times providing clean up buckets to remove spilled fertilizer from staging and reload sites.

The attached photo is an example of a staging area that required further clean up after the bin truck had left the staging site. This was a common situation that didn't seem to improve despite my requests and example.”

[CIMC Forester_Fertilization_Cattle Incident Report]

113. On December 8, 2025, EEO Turlet took a statement from the same forester at CIMC. In their continuation report summary of the statement, EEO Turlet stated,

- “When the incident happened, he was on site to keep track of where Western Aerial was operating.
- He would check the staging areas that they were operating on, primarily to ensure that the staging areas were Clean.
- The first time he saw any activity on the 300 road was Thursday, September the 25th; there were two B-trains just parked at 315 kilometers.
- The fertilizer from the B-trains are unloaded, through an auger system, into bin trucks and then taken to the staging area.
- Fertilization on the 300 road Ended on Sunday. September 28th at approximately 6:45 pm.
- He went to 315 kilometer on the 300 Road at the B-train reload site and then to the staging area somewhere in the vicinity. At the staging area, he saw bigger than usual mess. He went back to the reload site where the whole western aerial crew was and told them they have a mess at the staging area, and they need to clean up. They agreed,
- The next morning, he drove back to the site and checked how their cleanup was. It was pretty good, but he cleaned up any additional accumulations that he could see.
- Western Aerial have written an incident report which stated that they had a new operator that overloaded the bucket for the helicopter and then spilled.
- They (Western Arial) took all fertilizer that they could and dumped it into subsequent loads of the helicopter to clean up the majority of it. The rest they cleaned up using whatever cleanup methods that they use.
- He doesn’t know about this new blend. Cows might have been attracted to it. While visible accumulations can be cleaned, fertilizer mixed into mud is harder to remove. Additionally, a small amount of straight Urea was used alongside the blend.
- There was no understanding of how Toxic this Fertilizer was and they had no training.
- Western Aerial cleanup procedures talk about dispersion. Dispersion is a cleanup method. Western Aerial is responsible for the cleaning. They don't do a perfect job. Their understanding of clean-up seems to just have different standards.
- It's impossible for him to see everything.
- They usually are fertilizing in the snow. For some reason fertilization started at least a month earlier than usual and usually later in the season the cows will be all home.
- One of the problems they're having and one of the reasons why it was messier than usual is that the new blend fertilizer was stickier and it doesn't get picked up as well by the augers. It seems to be harder to deal with this new blend.
- The main fertilizer used is urea, which provides nitrogen. For re-treatment, straight urea is not applied alone; instead, a blend is used that may include boron, sulfur, and other additives. Typically, the first treatment involves nitrogen urea, and the second treatment uses a mixed blend.
- When delivered by B-trains, the fertilizer is already pre-mixed and ready for application.”

114. On February 2, 2026, the Ministry issued a Notice and accompanying Penalty Assessment Form (“PAF”) to WAA via email. The Notice recommended one penalty:

    - 2026-01: $75,000 for the contravention of Section 6(4) between September 26 and October 2, 2025

115. In the Notice, WAA was offered an OTBH and given thirty (30) days to request an OTBH.

116. On February 4, 2026, WAA confirmed receipt of the Notice and PAF via email.

117. On February 19, 2026, WAA requested an OTBH.

118. On February 23, 2026, the Ministry acknowledged WAA's request for an OTBH, confirmed the OTBH would be by written submission, and set a due date of March 25, 2026.

119. On March 25, 2026, WAA provided the OTBH Submission to the Ministry.

Contaminants of Concern

120. A fact sheet on "Urea Acute Oral Toxicity", dated March 12, 2008, prepared by Mel Scott Forestry Services stated:

> "A web search for urea and wildlife reinforced the procedural guidance of cleaning loading sites. Most of the information about urea and animal toxicity deals with cattle and other domestic ruminants because urea is regularly used as a nitrogen supplement in cattle feed.
>
> *Urea toxicity is highly dependent on the rate at which urea degrades to ammonia. Humans and monogastric animals do not rapidly convert urea to ammonia and urea is practically nontoxic following ingestion by these species. However, ruminant animals very rapidly convert urea to ammonia following oral ingestion and are much more susceptible to toxicity following ingestion of urea. Accidental ingestion of granules of urea should be considered nontoxic unless a large amount was ingested.*
> …
>
> Deer and moose are ruminants. No toxicity data specific to them was found. Given that they are ruminants, it seems reasonable to conclude that urea toxicity is similar to other ruminants, therefore in the vicinity of 500mg/kg of body weight. Cleaning of loading sites and spills should provide adequate protection from excessive exposure to urea, and the normal application rate of urea pellets on the forest floor should not pose a toxicity risk to ruminants."
>
> [Urea Acute Oral Toxicity]

121. TerraLink BC FORESTRY NSB is the solid granular portion of the fertilizer blend. The Safety Data Sheet ("SDS") for TerraLink BC FORESTRY NSB lists the ingredients as Urea, Ammonium Sulfate and Borates, tetra, sodium salts, pentahydrate. Under "Hazard(s) identification", the SDS states, "May damage fertility. May damage the unborn child."

[TerraLink_SDS]

122. YaraVita Procote B is the liquid suspension portion of the fertilizer blend. The SDS for YaraVita Procote B lists the ingredient as Boron calcium oxide (B6Ca2O11), hydrate (1:5). Under "Environmental precautions", the SDS states, "Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air)." Under "Reproductive Fertility", the SDS states, "Suspected of damaging fertility. Suspected of damaging the unborn child."

[YaraVita_Procote_B_4.1_20251008_SDS]

123. On December 16, 2025, Dr. Glenna McGregor, Veterinary Pathologist with the Ministry of Agriculture, provided a statement on Fertilizer Toxicity in Cattle ("Toxicity Statement"). The Toxicity Statement stated:

> "Based on the Safety Data Sheet provided by TerraLink the toxic compounds in the fertilizer are primarily Urea (45-70% by weight) and Ammonium Sulfate (30-60% by weight). Both the ammonium and urea primarily cause toxicity through the same mechanism, often grouped together under non-protein nitrogen (NPN) toxicity. Non-protein nitrogen toxicity is common in ruminants (includes cattle). The sulfate in the ammonium sulfate may also have contributed to the toxicity and is briefly described at the end of the discussion on NPN toxicity.
>
> **Mechanism of non-protein nitrogen toxicity:**
>
> Following ingestion, NPN sources, including both urea and ammonium salts, are rapidly converted to ammonia (NH3) by microbial metabolism in the rumen (the "first stomach" in cattle). …
>
> Hyperammonemia (high ammonia in the bloodstream) interferes with the citric acid cycle (also known as the TCA cycle or Kreb's cycle), which is essential for cellular energy production, interferes with brain energy metabolism, and causes failure of Na+/K+pumps with resultant hyperkalemia (high blood potassium), which among other things results in cardiac arrest, muscle weakness and paralysis. All of this results in death rapidly.
> …
>
> **Clinical signs:**
>
> NPN toxicity results in clinical signs very quickly; commonly within 30 min of consumption. Commonly reported clinical signs include uneasiness and ataxia, muscle tremors, excessive salivation, weakness, labored breathing, abdominal pain and bloat progressing to recumbency, convulsions and death typically within 4 hours. Due to the rapid progression of the clinical signs, sudden death is often all that is noted, particularly in cattle that are not monitored closely.
>
> **Diagnosis:**
>
> A diagnosis of NPN poisoning is suggested by a history of dietary exposure, combined with compatible clinical signs, and a lack of gross or histologic lesions on post-mortem examination to suggest an alternate explanation for the clinical signs. There are no definitive post-mortem changes associated with NPN toxicity. A high rumen pH (>8) is highly suggestive, but this needs to be measured shortly after death as an elevated rumen pH will gradually revert to normal after death due to continued microbial activity.
>
> Measurement of elevated ammonium/urea levels in ocular fluid and/or rumen content will confirm NPN toxicity, but these need to be collected and frozen or analyzed shortly after death as urease enzyme activity will continue for some time after death returning urea/ammonia levels closer to normal. Blood contamination of ocular fluid will also skew ammonia/urea results and render the sample unsuitable for testing. To my knowledge urea/ammonia testing is only available on ruminal content in Canada. For testing of ocular fluid and other samples, testing is offered by Iowa State Vet Lab and potentially other labs in the USA.

Sulfate Toxicity:

In this case the ammonium salt in the fertilizer was ammonium sulfate. Sulfate is also toxic if enough is consumed, and may have contributed to the death of these cattle. This is described only briefly as the urea/ammonium toxicity is more likely the primary problem. Ruminants are sensitive to the toxic effects of dietary sulfur/sulfate due to efficient microbial conversion to bioactive sulfur species in the rumen. But both dietary and water sources of sulfur/sulfate have similar toxic potential and must be factored into the total daily intake establish potential risk. The proposed mechanism of sulfate toxicity in cattle is due to reduction of the sulfate or other forms of sulfur to sulfide in the rumen which is absorbed in cytochrome C oxidase, which is essential for cellular respiration. As urea/ammonium toxicity also interferes with cellular respiration, this may have compounded the effects of the NPN toxicity in these cattle."

[Fertilizer Toxicity in Cattle]

Receiving Environment

124. The receiving environment for this AMP assessment is both land and standing water that were accessible to the cows, and other wildlife, in the Impacted Area.

Dated this 28th day of April, 2026.