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Ontario's Cosmetic Pesticides Ban What the Agriculture Industry Needs to Know

Ontario's cosmetic pesticides ban will take effect April 22, 2009. The requirements of the ban are detailed in Ontario Regulation 63/09 made under the Pesticides Act, which has been amended by the Cosmetic Pesticides Ban Act, 2008.

The ban is part of the McGuinty government's toxics reduction strategy to reduce pollution and protect families from toxic chemicals.

There are 11 classes* of pesticides in Ontario Regulation 63/09 and these, the regulation and the act are available on the Ministry of the Environment's web site at www.Ontario.ca/pesticideban. Pesticide products with controlled sales or banned sales are listed in Classes 7 and 8, respectively. Pesticide ingredients banned for use are listed in Class 9.

The ban contains exceptions for public health and safety (including the protection of public works structures), golf courses, specialty turf, specified sports fields, arboriculture and to protect natural resources, if certain conditions are met. There are also exceptions for agriculture, forestry, research and scientific purposes, and uses of pesticides for structural exterminations (e.g., in and around homes to control insects) and uses of pesticides required by other legislation.

The provincial ban supersedes local municipal pesticides bylaws to create one clear, transparent and understandable set of rules across the province.

Agricultural Use Exception

The regulation provides an exception from the ban for agriculture. Ontario farmers already have stringent rules on the use, handling, storage and application of pesticides, and these rules will continue. The regulation contains changes to these rules which has improved their clarity and organization.

An agricultural operation, as defined in the regulation, does not include such activities as:

- Agricultural production primarily for use or consumption by members of the owner/operator's household
- Production related to the growing of agricultural crops in a park, on a property used primarily for residential purposes or in a garden located in a public space
- Production related to the growing of plants in a park, cemetery, on a lawn or similar location where plants are grown primarily for display purposes.

**Note: All classes are subject to change as newly registered pesticides are classified for sale and use in Ontario, or as products are reclassified or declassified.*

Other Relevant Exceptions

The regulation provides an exception for the use of pesticides in, on or over land in Ontario when the use is required under other pieces of legislation, such as the Weed Control Act, and the Plant Diseases Act.

Pesticide Use Around the Farm House and Lawn

Farmers are not excepted from the cosmetic pesticides ban when using pesticides for maintaining lawns and gardens around the farm house, which are not part of an agricultural operation. There are no exceptions for pest infestations (insects, fungi or weeds) on lawns, gardens and other outdoor areas. Biopesticides and certain lower risk pesticides can be used to manage weeds, insects and plant diseases on lawns and gardens. Natural ways of caring for lawns and gardens, including the use of biopesticides and lower risk pesticides, are on the ministry's website.

Certified and Uncertified Farmers

Farmers, as defined in the regulation, can purchase and use pesticides in Classes 4, 5, 6 and 7 without a licence. Licensed vendors will require uncertified farmers to present a Farm Business Registration Number or to sign a self-declaration form to authorize the purchase of Class 4 pesticides for use in their agricultural operation.

Bee Inspectors

An inspector under the Bees Act is exempt from holding an exterminator licence to perform a structural extermination under the authority of that act if the inspector holds a permit for the extermination issued by the Director.

Beekeepers

A beekeeper may purchase a Class 3 or 4 pesticide that is labelled for the control of bee pests if the beekeeper presents to a licensed vendor his/her certificate of registration from the Provincial Apiarist.

Compliance and Enforcement

The ministry manages its approach to compliance and enforcement through education and outreach, inspections, response to incidents, voluntary abatement, orders, tickets and prosecutions. In the case of the pesticides ban, the ministry will focus its initial efforts on education when responding to reports of suspected non-compliance. Questions or non-compliance reports should be directed to a ministry district office during regular business hours (look in the Blue Pages in your telephone directory or see a listing on the ministry's web site at www.ene.gov.on.ca/en/about/org/index.php#4). After business hours call the ministry's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

For more information:

Questions about the ban can be directed to the Ministry of the Environment's Public Information Centre at 1-800-565-4923 or 416-325-4000.

Several fact sheets are available on the ministry's website for specific audiences, as well as a general fact sheet about the regulation and suggestions on caring for lawns and gardens with greener alternatives.