

March 4, 2009

Ontario's Cosmetic Pesticides Ban What Cemeteries Need 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.

Allowed Pesticide Uses

Pesticides can continue to be used to control indoor pests or pests that can cause damage to the structural integrity of a building or other structure, if the potential damage would place the health or safety of a person at risk.

In addition, cemeteries will still be able to buy certain types of pesticides to protect public health or safety including:

- Controlling wasps or mosquitoes that can transmit West Nile Virus
- Killing plants that are poisonous to the touch, such as poison ivy and giant hogweed.

There are pesticides with both non-cosmetic uses and cosmetic uses listed in Class 7. Such pesticides will only be allowed for non-cosmetic purposes (as outlined in the previous paragraph). Retailers must notify you of this. For example, the use of a pesticide to control poison ivy cannot be used on patios or driveways to control weeds.

**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.*

Class 11 includes biopesticides and lower risk pesticides that may be ingredients in Class 2, 3, 4, 5 and 6 pesticide products. You can purchase and use biopesticides (e.g., microorganisms that control pests, such as the bacterial insecticide used to control Gypsy moths) and lower risk pesticides (such as acetic acid) to manage weeds, insects and plant diseases in cemeteries. Pesticides must be used in accordance with their label.

If you hire a licensed exterminator to look after the cemetery, that person is required to post a green notice sign on the lawn to notify visitors that biopesticides or lower risk pesticides are in use.

You can also use biopesticides or lower risk pesticides to maintain the health of your trees. Under the ban an exception also allows you to hire a licensed exterminator authorized to use commercial² pesticides to care for your trees provided they obtain a written opinion from a professional tree care specialist that a pesticide is necessary to maintain the health of the tree.

Natural ways of caring for lawns and gardens, including the use of biopesticides and lower risk pesticides, are on the ministry's website.

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.

² Commercial pesticides are registered and marketed for use by licensed exterminators operating pest control businesses.