

Ontario's Cosmetic Pesticides Ban What the Golf Course Owners/Operators Need to Know

Ontario's cosmetic pesticides ban came into 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 on the use of Class 9 pesticides 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 Act renders local municipal pesticides bylaws inoperative in order to create one clear, transparent and understandable set of rules across the province.

Definition

Golf courses are defined as the areas used or intended to be used as playing surfaces including tees, fairways, greens and rough. Mini-golf and mini-putt courses are not considered golf courses.

Exception for Golf Courses

The Act provides an exception from the ban for the use of Class 9 pesticides for golf courses, if certain conditions are met. Golf courses require high performance standards for their playing surfaces and have to use some pesticides to achieve those standards.

IPM Accreditation

In order to continue using Class 9 pesticides in their maintenance operations, golf courses must be fully accredited by the IPM Council of Canada (IPMCC), the integrated pest management (IPM) body approved for the purpose of Section 18 of O. Reg. 63/09. Accredited golf courses are able to use Class 9 pesticides only on the actual playing surfaces and not on lawns, gardens, patios and other outdoor areas associated with the facility. Golf courses that are not accredited can only use biopesticides and lower risk pesticides (not use Class 9 pesticides) to maintain their golf course. Biopesticides and lower risk pesticides can also be used to manage weeds, insects and plant diseases on lawns and gardens. These products may be listed in classes 3, 4 5 and 6 and contain ingredients listed in Class 11 under Ontario Regulation 63/09.

Golf courses that use Class 9 pesticides must be registered by April 22, 2010 (or the first day pesticides are used on the golf course, if that date is later), and must be Level 2 Accredited by April 22, 2012 (or the second anniversary of the first day pesticides are used on the golf course, if that date is later) in the IPM Accreditation Program of the IPMCC. The IPMCC IPM Accreditation Program for golf courses includes training, maintaining detailed records of pesticide use and participating in an audit process.

The IPMCC's golf course IPM Accreditation Program involves three phases:

- 1) Registration - Golf courses are registered once they have submitted the name and IPM certification number of the certified IPM Agent responsible for IPM at the golf course and have paid the annual registration fee. The owner or operator of the golf course is responsible for maintaining the golf course's annual registration in the IPM Accreditation Program.
- 2) Level 1 Accreditation - Golf courses that are registered must then successfully complete an annual Desk Review Audit to be Level 1 Accredited and have paid the annual registration fee.
- 3) Level 2 Accreditation - Golf courses that have successfully completed an on-site audit once every three years are Level 2 Accredited. The accredited golf course must continue to successfully complete the annual desk review audit, continue to employ a certified IPM Agent and have paid the annual registration fee.

Desk Review Audits and On-Site Audits are conducted by independent certified environmental auditors designated by the Canadian Environmental Certification Approvals Board.

IPMCC Registered and Accredited golf courses will be listed on the IPM Council of Canada website. Level of accreditation achieved (Level 1 or 2) will also be identified.

For information on IPMCC golf course IPM Accreditation Program contact:

Address: IPM Council of Canada
25 Brown Street, Box #7
Milton, ON L9T 2Y3
Phone: 416-919-3832
Email: info@ipmcouncilcanada.org
Website: www.ontarioipm.com

Certified IPM Agent

The IPMCC requires that IPM Agents hold a valid Ontario Landscape Exterminator licence and that they become certified by successfully completing the approved IPM examination. To renew certification, IPM Agents must obtain a minimum of 8 Continuing Education Credits (CEC) each year, or they may complete the certification exam if they have not obtained the required number of CEC's.

For information on how to apply to become an IPM Agent contact:

IPM Accreditation Program
c/o University of Guelph Ridgetown Campus
120 Main Street East
Ridgetown, Ontario CANADA N0P 2C0
Telephone: 1-866-385-4762 or 519-674-1538
Fax: 519-674-1585
E-mail: ipmap@ridgetownc.uoguelph.ca

Annual Report

Owner/operators of golf courses using Class 9 pesticides will be required to prepare an annual report by June 30, 2011 disclosing the locations and amounts of pesticides used on the golf course in the 2010 year. Owners or operators will need to maintain records of pesticide use in 2010 to comply with the annual reporting requirements required under Regulation 63/09, and to comply with IPM Council of Canada IPM Accreditation Program requirements.

The report must contain the following information:

- The name and quantity of each pesticide ingredient contained in the pesticides used and the reason for the use of pesticides containing those ingredients
- An explanation of any differences between the information regarding this year's pesticide use and the information provided in the previous annual report
- A map or plan of the golf course showing all application areas
- Once the golf course is accredited, it must provide an explanation of how maintaining accreditation by the IPM body minimized the use of the pesticide ingredients on the golf course and how it will minimize the use during the next year
- The name, contact information, registration number (i.e. IPM certification number issued by the IPMCC) and signature of the golf course's IPM agent
- Confirmation by the owner or a representative of the owner of the golf course that the report is complete
- Any other information that is asked for by Director under the Act.

The most recently prepared annual report must be made public and a copy must be provided to the public on request, free of charge within seven days of the request. Annual reports must be posted on a website approved by the Director. The Director has approved the IPM Council of Canada's website. It must also be displayed in a prominent place to allow access by the club members, guests and the public. A copy of the annual report must be kept by the accredited golf course for at least five years.

Public Meetings

Starting in 2012, the owner or operator of the registered or accredited golf course must notify the public when the annual report is available for inspection by:

- Publishing a notice in the newspaper, and
- Notifying all occupants of abutting properties and properties within 100 m of the golf course.

The owner or operator of a golf course or his or her representative must attend and present the report at a public meeting held before December 1st in each calendar year.

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 using greener alternatives.