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Ontario's Cosmetic Pesticides Ban What All Landowners Need to Know to Protect Natural Resources

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.

Exception to Manage Natural Resources

Landowners may apply to the appropriate Director at the Ministry of Natural Resources (MNR) to receive a written opinion that states a Class 9 pesticide use is necessary to protect a natural resource. This written opinion must state that the purpose for which of the pesticide will be used is one of the following:

- To control an invasive species that may be detrimental to the health of a person, the environment or the economy of Ontario
- To benefit a species of plant or animal native to Ontario, through the protection of the species habitat, or the establishment, restoration or management of the species habitat
- To protect or restore a rare ecosystem or its components.

In addition, the opinion for pesticide use will be made in accordance with integrated pest management principles. IPM emphasizes pest prevention, and considers all options before deciding on the most effective, environmentally friendly and cost effective means of managing a pest problem and reducing reliance on pesticides.

**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.*

If MNR provides a written opinion that a Class 9 pesticide use is necessary, the landowner has two options: He/she can use a pesticide listed in Class 7¹ for the excepted use or hire a licensed exterminator authorized to use a commercial² pesticide.

A person who is excepted must use the pesticide for the purpose identified in the opinion and carry a copy of the written opinion or have it readily available at the extermination site at all times during the extermination.

MNR's written opinion shall include the following information:

- The name of the person authorized to use the pesticide
- Street address or legal description of the property that contains the application area
- The purpose for the pesticides to be used
- The time period, not exceeding five years, during which the opinion is valid.

For further information landowners are directed to the MNR website www.mnr.gov.on.ca or public contact centre at 1-800-667-1940.

You will be able to purchase and use Class 11 biopesticides (microorganisms that control pests, such as the bacterial insecticide used to control Gypsy moths) and lower risk pesticides (such as horticultural vinegar) to protect natural resources on your property without requiring a written opinion from MNR.

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.

¹ Class 7 pesticides include ready-to-use herbicides for landowner use under this exception

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