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Ontario's Cosmetic Pesticides Ban What Pesticide Manufacturers/Formulators Need to Know

Ontario's cosmetic pesticides ban took effect on 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 or 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 amended Act renders local municipal bylaws that regulate the use, sale or transfer of cosmetic pesticides inoperative and creates one clear, transparent and comprehensive law across the province.

Manufacturing Operations

A definition of a "manufacturer" is provided in s.1(1) of O. Reg.63/09.

A person who carries on business respecting any of the following activities is a manufacturer:

- Formulation of a Class 1 pesticide into another pesticide
- Manufacturing of a pesticide into a product
- Incorporation of a pesticide into a product
- Packaging or distribution of a pesticide or a product containing a pesticide

Sales and Transfer Requirements

Under subsection 98(2), licensed vendors shall not sell or transfer Class 1, 2, 3 or 4 pesticides to a person who is a manufacturer as described above unless that person is a licensed general vendor or presents written confirmation from a Ministry of the Environment Director under the *Pesticides Act* confirming that the person is a manufacturer. Persons who carry on manufacturing operations of pesticides and do not hold a valid vendor licence of the appropriate class will need to write to the Director under the *Pesticides Act* (40 St. Clair Ave. West, 7th Floor Toronto, Ontario, M4V 1M2) stating they are involved in manufacturing operations of pesticides, and request written confirmation by the Director confirming that they are a manufacturer.

**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 7 Controlled Sales Pesticides

Pesticide products with both non-cosmetic and cosmetic uses are listed in Class 7. Use of such products will only be allowed for non-cosmetic purposes. According to s. 101 of O. Reg. 63/09, information in a form approved by the Director, must be provided to the purchaser or transferee at the time of sale or transfer, informing them that only certain uses are legal. Vendors are to receive a copy of the written information when they purchase their stock of Class 7 pesticides from the distributor or manufacturer.

The Class 7 handout can take the following forms, provided that Director-approved wording is used:

- Manufacturers can choose to use a ministry supplied handout. These are available in pads of 100 with English on one side and French on the other. The size is 4.25 x 5.25 inches. You can request handouts from the ministry's Public Information Centre (1-800-565-4923) or download it from this website to print your own copies.
- Manufacturers can choose to incorporate the approved wording into cash register receipts or shipping receipts.
- Manufacturers can choose to deliver the information in another form, providing they obtain approval from the Director of the Ministry of the Environment's Standards Development Branch (416-327-4638 or email sdb.coordinator.moe@ontario.ca).

Rules for Storage and Fire Department Notification

O. Reg. 63/09 harmonizes the storage and fire department notification requirements for manufacturers with the requirements for operators and vendors. These requirements help ensure that local fire departments know where pesticides are stored to protect human health and the environment.

Pesticide Storage

A person who is a manufacturer must meet new storage requirements such as security, ventilation of storage areas and signage to protect human health and safety and the environment. These requirements are outlined in s.107 to 110 of O. Reg. 63/09.

Fire Department Notification

Section 112 of O. Reg.63/09 requires a person who is a manufacturer to notify the local fire department on an annual basis by providing a Fire Department Pesticide Storage Notification form. The form provides the local fire department with information regarding the pesticides in storage, location and conditions of storage and identifies a person responsible for the pesticides. The form is available through the Environmental Assessment and Approval Branch (Toll free: 1-800-461-6290 or 416-314-8001).

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.