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Ontario's Cosmetic Pesticides Ban What Municipalities 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, 2009.

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.

Exceptions for Municipalities

An exception under the ban allows pesticides to be used to maintain a sports field if it is to be used for a national or international sporting event. The person applying the pesticide must enter into a written agreement with the Minister of the Environment respecting the use of pesticides for the duration of the event only. Areas around the sports field including lawns and gardens are not exempt under the ban.

Under the public health or safety exception, banned pesticides can be used to prevent 1) structural damage to a public work if the potential damage caused by a pest would place the health or safety of a person at risk, 2) for essential maintenance of the public work, and 3) to allow for emergency access to the public work. These exceptions are described in more detail in the fact sheet titled *What Public Work Commissioners Need to Know*.

Also under the public health or safety exception, banned pesticides are prohibited for use on a portion of a highway (including boulevards and sidewalks) to which pedestrians have access on a regular basis or other portions where the public is invited to stop, including a rest area or picnic area. Note that banned pesticides may be used for essential maintenance of highways (e.g. to maintain clear sightlines at intersections), but only where pedestrians do not have regular access and would not be exposed to the 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.

Pesticides cannot be used for the growing of plants in a park, cemetery, on a lawn or similar location where the plants are grown primarily for display purposes. Similarly, community gardens are not considered an agricultural operation and are not, therefore, exempted from the ban.

Other Allowed Pesticide Uses

Under the ban, Ontarians will still be able to buy certain types of pesticides for use around the home to protect the health or safety of their families 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.

Ontarians will also be able to purchase and use biopesticides (e.g., microorganisms that control pests, such as the bacterial spray used to control gypsy moths) and lower risk pesticides (such as acetic acid) to manage weeds, insects and plant diseases. These pesticides must be used in accordance with their label.

If a licensed exterminator is hired to look after a lawn, the licensed exterminator must post a green notice sign on to notify employees, visitors and passers-by that biopesticides or certain lower risk pesticides are in use.

Biopesticides or lower risk pesticides can also be used to maintain the health of trees. Under the ban a licensed exterminator authorized to use commercial¹ pesticides can be hired to care for trees provided they obtain a written opinion from a professional arborist 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.

¹ Commercial pesticides are registered and marketed for use by licensed exterminators operating pest control businesses.