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Ontario's Cosmetic Pesticides Ban What Public Works Commissioners 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.

Public Works Exception

The use of pesticides for the promotion of public health or safety in public works and in and around buildings and other structures (to manage carpenter ants and termites, for example) is exempted from the ban. Industrial vegetation and structural exterminators already have stringent rules on the use, handling, storage and application of pesticides, and these rules will continue.

Public work, as defined in the regulation, means a structure that provides a benefit to the public and that is owned or operated by the Government of Ontario or Canada or by any board or commission thereof, or by any municipal corporation, public utility commission or by private enterprise and includes:

- (a) any railway, canal, highway, bridge, power works including all property used for the generation, transformation, transmission, distribution or supply of hydraulic or electrical power, gas works, water works, public utility or other work, including sewers, telephone cables and hydro turbines
- (b) any provincial and any municipal public building.

**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 can be used only for the following:

- To prevent structural damage to a public work, if the potential damage caused by the pest would place the health or safety of a person at risk
- For essential maintenance of the public work, if the pest would interfere with or prevent the essential maintenance
- To allow for emergency access to the public work
- To ensure the security of the public work if the pest would place the security at risk (i.e. vegetation-free security perimeters at power generating facilities)
- To prevent structural damage of a building or other structure that is not part of a public work, if the potential damage caused by the pest could place the health or safety of a person at risk.

The use of pesticides for the above mentioned applications does not include portions of highways that are accessed by pedestrians on a regular basis or other portions where the public is invited to stop, including a rest area or picnic area.

Pesticides must be applied by a licensed exterminator who is certified by a integrated pest management (IPM) body or licensed exterminator working under written instructions of a person who is certified by an IPM body. The licensed exterminator is responsible for ensuring they have their certificate or a copy of their certificate issued by the approved IPM is located on their person or at the extermination site, or written instructions must be readily available at the extermination site.

The owner or operator of the public work is responsible for ensuring an annual report is prepared that summarizes all pesticide used and includes the following information:

- The name and quantity of each pesticide active ingredient used
- The method of use and reason for using each pesticide
- The location of all application areas
- An explanation of how the use of the pesticide ingredients will be minimized in the future
- The name, contact information, and signature of the person who is certified in IPM.

A copy of this report must be kept at the head office of the owner of the public work for at least five years after it has been prepared, and must be made available to any member of the public upon request.

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.