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Ontario's Cosmetic Pesticides Ban What the Tree Care Specialist Needs 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.

Arboriculture

The regulation provides an exception from the ban for the use of pesticides to maintain the health of trees, if certain conditions are met. A licensed exterminator (e.g., a landscape exterminator licence holder) is able to use banned pesticides (Class 9) under this exception.

A written opinion from a tree care specialist who meets the specific qualifications set out in the regulation must be obtained. The opinion must indicate that the use of a pesticide, as part of an integrated pest management strategy, is necessary in order to maintain the health of the tree

A biopesticide or lower risk pesticide can be applied by the tree owner without an opinion provided by a tree care specialist. A licensed exterminator can also use a low risk or biopesticide without an opinion. Any person must post a green notice sign on non-residential property, and a licensed exterminator must post a green notice sign on residential property. Exact wording and dimensions for the green sign are available on the ministry's website.

**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.*

The tree care specialist giving the written opinion must have one of the following qualifications:

- Be certified as an arborist by the International Society of Arboriculture
- Be registered as a member under the Professional Foresters Act
- Hold an applicable certificate of qualification under the Apprenticeship and Certification Act
- Have qualifications considered equivalent to those listed above by the Ministry Director.

Notification

The person using the pesticide must provide a written notice to the occupants of all properties in residential areas that abut the application area. (Note: the tree is considered to be the application area and therefore all properties that abut the tree or trees (includes branches or trunk) must receive written notification). This written notice must be provided one to seven days in advance and include:

- Date the pesticide will be used
- Application area
- Active ingredient of the pesticide being used
- Name of the pesticide and its registration number
- Pest being exterminated
- Contact phone number.

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.