

Guide for Golf Courses Using Class 9 Pesticides in Ontario: Requirement to Provide Notice of Public Meeting

The owner or operator of a golf course using Class 9 pesticides under the golf course exception to the cosmetic pesticides ban must prepare an annual report on Class 9 pesticide use and, starting in 2012, must hold a public meeting to present the annual report.

Annual report

As set out in Section 19 of Ontario Regulation 63/09 made under the Pesticides Act (O. Reg. 63/09), the annual report must be prepared before June 30, 2011 and every following year. This report should summarize the types and amounts of Class 9 pesticides being used on the golf course and why they are necessary.

The most recently prepared annual report must be made public by:

- Providing a copy to the public on request free of charge
- Posting it on the IPM Council of Canada's website
- Displaying it in a prominent place to allow access by club members, guests and the public such as posting it on a notice board or keeping it on the counter at the front desk.

Presentation of annual report

As set out in sections 20 and 21 of O. Reg. 63/09, the owner or operator, or his/her representative must attend and present the report at a public meeting held before December 1st each calendar year.

The intent of the public meeting is to host a meeting to verbally present the information in the previous year's annual report. There are no regulatory requirements on how golf courses must present the annual report at a public meeting.

Not later than 15 days before the date of the public meeting, the annual report must be:

- prepared
- displayed in a prominent place to allow access by club members, guests and the public
- posted on a ministry-approved website, such as the IPM Council of Canada.

Newspaper notice of public meeting

The golf course owner or operator must publish a notice in a newspaper, no more than 15 days before the date of the public meeting when the annual report will be presented.

The notice must include the following information:

- name and address of the golf course
- name and telephone number of the owner or a representative of the owner of the golf course
- the date, time and place of the public meeting at which the annual report will be presented.

Golf courses may also want to request confirmation of attendance/number attending to allow for planning room and seating arrangements. Also, if multiple golf courses are holding a meeting at the same location, this should be included in the notice, as well as the scheduled times for each golf course's presentation.

The newspaper must have a general circulation in the area where the golf course is located. The size of the newspaper notice should be at least 10 cm (4 inches) in width or the nearest equivalent in column layout.

Notice

A copy of the notice must be given to the occupants of each property that:

- abuts the golf course, or
- is within 100 metres of the golf course.

The size of the notice provided to occupants of each property should be at least 216mm X 279 mm (8.5 X 11 inches).

The notice provided to each property should contain the same information as provided in the newspaper notice.

Methods of notice

Notices must be delivered in accordance with Section 38(1) of the Pesticides Act using one of the following methods:

- personally (given directly to the person occupying the property)
- mail (addressed to the person to whom it is required to be given at the address for the person)
- courier (see conditions below)
- email (see conditions below)
- fax (see conditions below)

Conditions of notice

Conditions for delivering documents by courier, email and fax are set out in Section 2 of Ontario Regulation 228/07 under the Pesticides Act. In order to use any of these delivery methods, the following conditions must be met:

Method of notice	Conditions of notice
Courier	The envelope must show sender's name, address and telephone number.
Email	<p>1) The document is attached to the email in a portable format (e.g. PDF/HTML) and the body of the email must include:</p> <ul style="list-style-type: none">▪ the name of the recipient▪ the sender's name, address, telephone number, fax number, if any, and email address▪ the date and time that the email is sent▪ the name and phone number of an individual to call in the event of any technical problem with the email or attachments <p>2) The receiver must also provide an email to the sender indicating receipt of the email.</p>
Fax	<p>1) The fax transmission includes a cover sheet indicating:</p> <ul style="list-style-type: none">▪ the name of the recipient▪ the sender's name, address, telephone number and fax number▪ the date and time of the transmission

Method of notice	Conditions of notice
	<ul style="list-style-type: none"> ▪ the name and phone number of an individual to call in the event of a transmission problem ▪ the number of pages transmitted, including the cover sheet <p>2) A fax confirmation sheet is produced by the sender's fax machine indicating that the fax was successfully transmitted.</p>

Other means of notice

Subsection 20(2) of O. Reg. 63/09 provides authority to the MOE Director to approve other means of notice for the presentation of the annual report at a public meeting under subparagraph 20(1) 3 ii if:

- There are more than 50 properties abutting or within 100 m of the golf course which must be provided a copy of the notice, and,
- The Director is satisfied that it would be unduly onerous to give notice in accordance with clause 38(1) of the Pesticides Act or Ontario Regulation 228/07.

The owner or representative of the golf course may submit a written request to the MOE Director for consideration of other means of notice. The Director must be satisfied that the notice required in subparagraph 20(1) 3 ii is unduly onerous.

The MOE Director may consider approval of other means of notice in the following situations:

- 1) Apartments, condominiums or office buildings with more than 50 occupants:
Notice may be given by posting a notice in a common area(s) of the building, with the approval of the superintendent or owner of the building (attach a signed declaration of approval from the superintendent or owner) and by addressing the notice with "**Attention Occupants**".

Delivering notice to each occupant in a building would be considered by the Director as unduly onerous since there is generally no access to mail boxes.

- 2) More than 50 properties must be given notice:
Notice may be given by addressing the notice with "**Attention Occupant**" and delivering a copy of the notice to the mailbox(es) of each abutting property or

property within 100 m of the golf course, rather than having to give it directly to the occupant at the property.

Written request for other means of notice

A written request for other means of notice must include:

- Reason for requesting other means of notice (i.e. more than 50 occupants must be given notice)
- Other means of notice being requested (i.e. options 1 or 2, or both, as described above)
- Approximate number of properties that would have to be given notice in accordance with paragraph 3 ii of subsection 20 (1) of O. Reg. 63/09
- Outline why it would be unduly onerous to give notice to the number of properties
- If applicable, provide a signed declaration from a building superintendent/owner approving the posting of the notice in common area(s)
- Sample notice

A written request must be submitted to:

Director Under the Pesticides Act

Pesticides Management Section, Standards Development Branch

Mail: 40 St. Clair Avenue West, 7th Floor, Toronto, Ontario M4V 1M2

Fax: 416-327-2936

Email: SDB-PesticideApproval@ontario.ca

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