

**Regulation Proposal Notice:**

**Title: New General Regulation under the Pesticides Act, 1990 to implement the Cosmetic Pesticides Ban Act, 2008.**

**Description of Regulation:**

Ontario Regulation 914 is the current General Regulation under the *Pesticides Act*.

The major components of the proposed new [Regulation](#) to implement the *Cosmetic Pesticides Ban Act, 2008* are described below.

**1. New Classes of Pesticides**

In order to implement the ban, the ministry is proposing a new classification framework which includes eleven (11) classes of pesticides as described in sections 3 to 10 of the proposed Regulation:

[Class 1](#) pesticides are manufacturing concentrates used to formulate pesticide products or to be incorporated into other manufactured products and described in paragraph 1 of subsection 6(1) of the proposed Regulation.

[Class 2, 3 and 4](#) pesticides are non-domestic products and described in paragraph 2 of subsection 6(1) of the proposed Regulation.

[Class 5](#) and [6](#) are domestic products.

[Class 7](#) pesticides are domestic products proposed for restricted sale because they have both cosmetic and non-cosmetic uses. Vendors selling these products are required to provide purchasers with information provided by the ministry for the use of Class 7 pesticides as described in sections 98 and 99 of the proposed Regulation.

[Class 8](#) pesticides are domestic products proposed to be banned for sale (s.94).

[Class 9](#) pesticides are ingredients in pesticides products that are proposed to be banned for cosmetic use (s.17).

[Class 10](#) pesticides are ingredients in pesticides products proposed to be used under the health or safety exception (s.21).

[Class 11](#) pesticides include certain biopesticides and naturally occurring pesticides. It is proposed that the use of these pesticides would require the posting of the proposed green signs by licensed exterminators (s.70).

The ministry is proposing to change how pesticides are classified. The Ontario Pesticides Advisory Committee would recommend the classification of Classes 1 to 4 as described in section 6 and Classes 5 and 6 as described in subsection 7(4) to the Director under the *Pesticides Act*.

The Director under the *Pesticides Act* would continue to make decisions on the classification of all classes of pesticides. It is proposed that the Director would maintain the Compendium of Classified Products as described in section 3 and would make this information available in the form of a new database that would be posted on the ministry web site.

The ministry is proposing that living animals that are not registered under the *Pest Control Products Act* (Canada) would be exempt from the Act and Regulation.

**2. Banned or Restricted Pesticides**

A list of pesticides (Class 9 in the proposed Regulation) have been prescribed for the purposes of subsection 7.1 (1) of the Act; in other words, these pesticides may be used for cosmetic purposes and, therefore, are

proposed to be banned for use. Domestic products which contain these pesticides are proposed to be banned for sale under 7.1 (4) of the Act.

A list of domestic products that may be used for cosmetic and non-cosmetic uses are proposed for restricted sale. These products would be inaccessible to the public and the retail vendor would be required to provide information that these products must only be used for non-cosmetic or excepted uses (e.g. health or safety) (see Class 7 in the proposed Regulation).

### **3. Exceptions to the Ban**

For the purposes of subsection 7.1(2) of the Act, the following terms are defined in section 18 of the proposed Regulation as excepted uses:

- a) Agriculture;
- b) Forestry;
- c) Golf courses; and
- d) Promotion of public health or safety.

#### a) Agriculture

Section 18 defines agricultural uses excepted from the ban.

#### b) Forestry

Section 18 defines forestry uses excepted from the ban.

#### c) Golf Courses (defined in s.18)

Sections 19 and 20 outline the conditions that apply to the use of banned pesticides on golf courses including:

- The golf course must be fully accredited in integrated pest management (IPM) within three (3) years after the golf course is registered by an approved IPM accreditation body.
- There is a requirement to prepare annual reports on pesticide use explaining how pesticides will be minimized the following year.
- The reports must be presented annually at public meetings.

#### d) Promotion of public health or safety (defined in s.18)

Section 21 outlines the requirements for the use of banned pesticides for the promotion of public health or safety. Any person would be allowed to use Class 5, 6 or 7 pesticides under this use exception. Licensed exterminators would be allowed to use commercial Class 10 pesticides under this use exception. Pesticides otherwise banned for use are allowed to be used to maintain safe conditions and emergency access to public works, which include highways, railways, power works, gas works, and other utilities. See section 21.

Under subsection 7.1(2) of the Act, other prescribed uses that are proposed to be excepted from the ban are outlined in the proposed Regulation. These include:

- a) Trees;
- b) Natural Resources;
- c) Other legislative requirements;
- d) Specified sports fields;
- e) Uses integral to structural extermination; and
- f) Specialty turf.

#### a) Trees

Section 22 outlines the conditions that are required to maintain the health of trees.

#### b) Natural Resources

Section 23 defines where a banned pesticide would be allowed for use to protect or manage natural resources including the control of invasive species.

c) Other legislative requirements

Section 24 excepts the use of a banned pesticide for the purpose of complying with federal or provincial Acts.

d) Specified sports fields

Section 25 states that banned pesticides would be able to be used for the purpose of maintaining sports fields for national or international sporting events.

e) Uses integral to structural extermination

Section 26 excepts the use of banned pesticides if the use is integral to structural exterminations.

f) Specialty turf

Section 27 sets out that banned pesticides would be able to be used to maintain specialty turf that is similar to the turf grown on golf course greens such as specialty turf used for lawn bowling, cricket, lawn tennis and croquet. Conditions for this excepted use are also set out.

#### **4. Pesticide Storage and Fire Department Notification Requirements**

In response to a recent fire in a facility that packages pesticides the ministry is proposing to extend storage and fire department notification requirements for pesticide manufacturers to harmonize these requirements with those that exist for operators and vendors. The requirements for storage are described in section 103 to 107, and for fire department notification in section 108.

#### **5. Notice signs**

The ministry is proposing to require the posting of green-coloured notice signs to provide public notice of the use of certain pesticides including biopesticides and some naturally occurring pesticides. The requirements for the notice signs are described in sections 69 to 77. The ministry would post [samples of the notice signs](#) on the ministry web site.

#### **6. Other changes**

The ministry is proposing changes to clarify existing provisions, update technical information, correct drafting errors and omissions and make changes of an editorial or technical nature to improve the clarity and understanding of the proposed Regulation including the reorganization of the sections.

**NOTE:** Certain municipal by-laws could remain in operation if they are required under an Act. The only way to allow such by-laws to remain operational is to specify them in regulation. The ministry would welcome comments identifying municipal by-laws required by an Act that should be set out in regulation.

Purpose of Regulation:

The *Cosmetic Pesticides Ban Act, 2008* (formerly Bill 64), was passed in the Ontario Legislature on June 18, 2008. The Act amends the *Pesticides Act* to prohibit the use and sale of pesticides that may be used for cosmetic purposes. The Act takes a prudent approach to reduce potential risks, especially to the most vulnerable members of our society, associated with the cosmetic uses of pesticides. The ban is part of the government's toxics reduction plan in Ontario.

It is anticipated that the province-wide ban would take effect as early as spring 2009, once the regulation that makes the ban effective is in place. Once the ban comes into effect, it will take the place of existing by-laws,

bringing consistency and transparency across the province and protecting Ontarians regardless of where they live.

Certain municipal by-laws could remain in operation if they are required under an Act and specified in regulation.

**The documents linked below are provided for the purposes of enhancing public consultation. All links will open in a new window**

1. [Draft General Regulation](#)
2. [Pesticides Act](#)
3. [Proposed Class 1 Pesticides](#)
4. [Proposed Class 2 Pesticides](#)
5. [Proposed Class 3 Pesticides](#)
6. [Proposed Class 4 Pesticides](#)
7. [Proposed Class 5 Pesticides](#)
8. [Proposed Class 6 Pesticides](#)
9. [Proposed Class 7 Pesticides](#)
10. [Proposed Class 8 Pesticides](#)
11. [Proposed Class 9 Pesticides](#)
12. [Proposed Class 10 Pesticides](#)
13. [Proposed Class 11 Pesticides](#)
14. [Proposed Notice and Warning Signs](#)