



representing the plant science industry  
représentant de l'industrie de la phytologie

**CropLife Canada Submission to EBR Registry Number 010-3348:  
Legislative Amendments to the Pesticides Act to ban the use and  
sale of pesticides for cosmetic purposes  
(*Pesticides Act, R.S.O. 1990*)**

**May 22, 2008**

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purposes (*Pesticides Act, R.S.O. 1990*)**

CropLife Canada is the trade association representing the manufacturers, developers and distributors of plant science innovations - pest control products and plant biotechnology - for use in agriculture, urban and public health settings. We appreciate the opportunity to review and comment on Bill 64, the proposed Cosmetic Pesticides Ban Act.

CropLife Canada and its member companies share the same objective as the Ontario government – a healthy, safe environment for Ontario families and we would like to work with you to address the concerns related to unnecessary pesticide use. However, we are not supportive of the Ontario government's approach of a pesticide ban that overlooks sound scientific evidence that government policy on health and safety should be based upon. The plant science industry, like other innovative, research-based industries, relies on a regulatory system that uses an approach based in internationally accepted science and that provides predictable outcomes for research and infrastructure investments.

**Canada and Ontario already have a world-class regulatory system in place**

All pesticides used in Ontario, whether they be for urban use, agriculture, golf, forestry or micro biocides, must first be evaluated for human health and environmental safety by Health Canada. Then the same pesticides must be re-evaluated by the Ministry of the Environment and the Ontario Pesticide Advisory Committee before sale in Ontario. Pesticides are then periodically re-evaluated both in Canada and by regulatory agencies around the world to ensure the highest health science standards are maintained. For example, one of the most common lawn herbicides, 2,4-D, was recently re-evaluated for use by lawn care professionals and homeowners. On May 16, 2008, Health Canada published the re-evaluation decision document for 2,4-D. Health Canada has determined that the risk to homeowners and their children from contact with 2,4-D treated lawns and turf are not of concern. The decision on 2,4-D is consistent with that of regulators in other Organization for Economic Co-operation and Development countries, including the United States, New Zealand and countries of the European Union, as well as the World Health Organization.

**Support for essential pesticide use**

Bill 64 defined “cosmetic” as meaning non-essential. CropLife Canada supports the removal of the term “cosmetic”. CropLife Canada does not support using pesticides when they are not required to control important pests – every use of a pesticide should be essential. CropLife Canada actively works with our member companies, retail vendors and consumers to ensure safe and proper pest management. Proper pest management includes many techniques including improving plant health with proper soil, adequate fertility and moisture, pest reduction by mechanical and cultural means and the responsible use of pesticides where necessary.

### **Support for golf course exception**

CropLife Canada supports the exception in Bill 64 for the use of pesticides on golf courses. Golf courses consist of specialized turf species cultivated in a manner to produce standards required for the game of golf. The golf course superintendents use many strategies to grow the specialized grass that their customers demand. These strategies include shade management, fertility, irrigation, proper mowing and cultural practices, and the use of pesticides when necessary as determined using Integrated Pest Management (IPM). Conditions associated with the golf course exception can be met with the established Integrated Pest Management (IPM) Accreditation program offered by the IPM/PHC Council of Ontario that provides training and documentation for golf courses.

The golf course exception should also include tree and ornamental plant protection, because these elements are often part of the design of the course and impact the play of the game. For example, losing a tree to gypsy moth because it was not treated with a pesticide affects the integrity of the golf course as it is played. Golf courses use licensed applicators to apply products, they have certified storage facilities, they are trained in IPM, records are kept and reviewed, and sprays are applied in accordance with buffer zones and spray drift reduction. For these reasons, an exception in the Act for golf courses is supported by CropLife Canada.

### **Support for agriculture exception**

The exception for Agriculture is necessary to ensure Ontario farmers can continue to produce abundant and safe food, fiber, fuel and horticultural plantings. One of the many challenges of the Act as currently proposed is to avoid creating regulations that do not impact the farmers' ability to protect their crops from the many competing and damaging pests. For example, many pests are harboured in the long grass of fencerows that may be adjacent to the farm home lawn. This area should be treated if a grower is following good IPM practices. Furthermore, reservoirs of pests may reside in unprotected vegetables or fruit trees in the private gardens of farmers or their neighbours. Pest management that includes treatment of these reservoirs is necessary to successfully grow commercial crops.

Ontario health care professionals encourage healthy eating. Growing fruits and vegetables in their own backyards allows Ontario families to produce their own healthy food. If warranted, these growers should be allowed to use pest control products approved by Health Canada to protect their gardens and fruit trees so they can literally enjoy the fruits of their labour.

Agriculture pesticide users also have many programs and initiatives that promote and ensure safety to human health and the environment. Environmental Farm Plans (EFP) are assessments voluntarily prepared by farm families to increase their environmental awareness in many different areas on their farm, including pest management. With over 27,000 participants since the program began in 1993, this internationally recognized program has been very successful in helping Ontario farmers adopt more environmentally sustainable practices. The Ontario Pesticide Education Program has been providing pesticide safety and application training to Ontario farmers and pesticide vendors since 1987. Certified Growers (farms and forestry), Licensed Vendors and Licensed Exterminators (including those who apply pesticides to lawns, municipal properties, golf courses and rights of way) are trained in proper transportation, storage and application of pesticides in Ontario. These are a few of the many programs in support the safe use of pesticides in Ontario. The process of licensing applicators, establishing environmental plans or educating growers is to provide pesticide users with the knowledge to mitigate the risk of applying the pest control products.

### **Support for forestry exception**

The exception for Forestry is reasonable given that applicators are licensed and this industry is currently highly regulated. Protection of the tree canopy is important in forests, but also in urban areas. The tree canopy provides many benefits, including wildlife habitat, shade and cooling, species diversification and beautification. Over the last few generations, trees have been devastated by exotic pest species, such as the gypsy moth, Dutch elm disease, emerald ash borer, chestnut blight, and many more. These diseases and insects have changed the look of entire communities and completely eliminated certain species from our forests. Under these dire circumstances, every pest management tool must be used and therefore pesticides are required.

### **Support for other industry exceptions**

Forestry, Golf Courses, and Agriculture received specific exceptions based on the fact that these industries are already highly regulated and the applicators must be licensed. Other use areas should also be 'excepted', specifically industrial vegetation management, waterweeds, structural pest control and tree, shrub and ornamental nurseries. CropLife Canada can provide more information about these unique use patterns if required by the Ministry.

### **Support for health & safety exception**

The exception for Health and Safety is also necessary; however, constructing regulations to define health and safety as it relates to pesticide use in Ontario will be a complicated task based on the myriad of possible pest and use scenarios. Exceptions for health and safety must allow for management of pests such as poison ivy, allergen producing weeds such as ragweed and weed control in sports fields to allow safe play. Another example - the parents of an allergic child can presumably treat the wasp nest attached to the deck, but regulations must allow for the same option if the nest is built by the wasp colony in a shrub or in a hole on the lawn. Regulations must allow Ontario residents to manage their own health and safety risks on their own properties. CropLife Canada encourages the MOE to discuss probable Health and Safety scenarios with the Asthma Society of Canada, physicians and Public Health Units to ensure the health and safety of Ontarians is entirely addressed.

### **Support for "essential use" and "infestation" exceptions**

Bill 64 allows for exceptions for "Other prescribed uses". CropLife Canada understands that this exception to the Act will be defined through regulation. Two areas of consideration include defining "essential use" and "infestation". Some uses on lawns may be considered by some as non-essential (e.g., removal of dandelions) but it is important to consider that significant damage including the destruction of an entire turf area can occur if the number of invasive weeds reaches economic thresholds. An essential use of herbicides is to control broadleaf weeds so that the turf is protected. Another example is turf insects, once an infestation of white grubs occurs (the infestation can be classified by methods developed by OMAFRA), there are limited methods to manage the damage. Damage can be loss of grass plants or destruction of the turf by rodents that eat the grubs. When a grub population is in this destructive phase it is too late for effective pest management. Preventative application of a pesticide may be warranted if pest levels are predicted to reach damaging levels. Exceptions should be allowed for when damaging pests reach infestation or pest numbers so that Ontario residents can protect their homes, their properties and their investment, whether it is turf grass, hardscapes threatened by weed invasion, or trees and ornamental plants.

### **Support for one provincial standard**

CropLife Canada supports the inclusion in the bill of the clause that makes inoperative municipal pesticide bylaws. CropLife Canada believes that sufficient legislation is in place for pesticide regulation and the variation across municipalities causes confusion for homeowners, applicators and retailers alike. One standard of pesticide safety for all Ontarians is vital component of this Act.

**Adequate implementation timelines required**

When announcing Bill 64, the Environment Minister indicated that a timeline for having the Bill, regulations and policy developed and implemented by spring of 2009. Although discussions regarding implementation are not directly connected to this consultation, CropLife Canada would like to ensure at this early stage that adequate timeline are put in place. Any proposed regulatory change - whether it is promoting new product development, consumer education or to the way products are sold – all require adequate implementation time typically achieved by being phased in over a number of years.

CropLife Canada appreciates the opportunity to comment on the proposed Bill 64 and looks forward to working with the government of Ontario to implement new pesticide regulatory policy based on sound science and safety for Ontarians.