

March 4, 2009

## Ontario's Cosmetic Pesticides Ban What Schools 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](http://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.

### Allowed Pesticide Uses

Pesticides can continue to be used to control indoor pests or pests that can cause damage to the structural integrity of a building or other structure, if the potential damage would place the health or safety of a person at risk.

In addition, school custodial staff will still be able to buy certain types of pesticides to protect public health or safety including:

- Controlling wasps or mosquitoes that can transmit West Nile Virus
- Killing plants that are poisonous to the touch, such as poison ivy and giant hogweed
- Killing pests inside or on the exterior of a school building.

Pesticides with both non-cosmetic uses and cosmetic uses are listed in Class 7. Such pesticides will only be allowed for non-cosmetic purposes (as outlined in the previous paragraph). Retailers must notify purchasers of this. For example, the use of a pesticide to control poison ivy cannot be used on patios or driveways to control weeds.

Class 11 includes biopesticides and lower risk pesticides that may be ingredients in Class 2, 3, 4, 5 and 6 pesticide products. You can purchase and use biopesticides (e.g., microorganisms that control pests, such as the bacterial insecticide spray used to control Gypsy moths) and lower risk pesticides (such as acetic acid) to manage weeds, insects and plant diseases. Pesticides must be used in accordance with their label.

*\*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.*

If a school hires a licensed exterminator to look after the school yard that person is required to post a green notice sign to notify pupils, visitors and passers-by that biopesticides or certain lower risk pesticides are in use.

Biopesticides or lower risk pesticides can be used to maintain the health of trees. Under the ban schools can also hire a licensed exterminator authorized to use commercial<sup>1</sup> pesticides to care for trees provided they obtain a written opinion from a professional arborist that a pesticide is necessary to maintain the health of the tree.

Natural ways of caring for lawns and gardens, including the use of biopesticides and lower risk pesticides, are on the ministry's website.

### **Exception with Conditions for Sports Fields**

An exception under the ban is provided for the use of pesticides in the event that a school's sports field is being used to stage a national or international sporting event; at no other time is that sports field exempt.

Areas around the sports field including the remainder of the school yard, its lawns and gardens are not exempt under the ban. The person applying the pesticide must enter into a written agreement with the Minister of the Environment respecting the use of pesticides for the duration of the event only.

At least six months prior to the intended use of the pesticide (or by such other time approved by the Minister) the person applying the pesticide must:

- Submit to the Minister, in writing, a description of the application area, the purpose and expected duration of the use
- Request that the Minister enter into an agreement with respect to the use
- Demonstrate to the satisfaction of the Minister that the use is necessary for the hosting of the event
- Stop using pesticides once the event concludes.

### **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](http://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.

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<sup>1</sup> Commercial pesticides are registered and marketed for use by licensed exterminators operating pest control businesses.