

Pesticides on Shifting Ground

PROVINCIAL GOVERNMENTS ARE RE-EXAMINING PESTICIDE REGULATION ACROSS THE COUNTRY.

IT STARTED IN CENTRAL CANADA AND SEEMS TO BE MOVING OUT TOWARDS BOTH COASTS. YOU COULD CALL IT A KIND OF REGULATORY CLIMATE CHANGE; LIKE THE REAL THING, IT WILL PROBABLY MAKE ITSELF FELT ACROSS THE COUNTRY BEFORE TOO LONG. QUEBEC WAS THE FIRST PROVINCE TO RETHINK ITS PROVINCIAL LEGISLATION AND REGULATIONS COVERING THE USE OF PESTICIDES. ONTARIO HAS FOLLOWED, AND NOW BOTH BRITISH COLUMBIA AND NEW BRUNSWICK SEEM TO BE

HEADING IN THE SAME DIRECTION.



Ontario has moved towards standardization, which is, on the whole, "a good thing," says CGSA Executive Director Ken Cousineau. "Generally speaking, it's a simpler situation to deal with one entity, that is, the provincial government." Previously, he points out, the federal government, through Health Canada, was responsible for legislating product approval, while the province had jurisdiction over the sale and use of products, and municipalities were able to enact further restrictions on use, though not on sale.

With numerous municipalities taking the initiative to ban the use of certain pesticides, the situation was becoming complicated for golf course superintendents. "If you look at Ontario, there were 40 or 50 bylaws in place in several hundred municipalities," Cousineau says. "These by-laws imposed inconsistent regulatory frameworks from one municipality to the next. It was becoming very confusing for the professionals, the politicians and the public. There was at least one course that had some of its holes in one municipality that had a by-law and the others in another city without a by-law."

The Ontario Cosmetic Pesticide Ban Act 2008 has standardized pesticide regulation for the Province. "Now, every municipality is covered in the same way," he says. "With the change in law, municipalities will no longer be permitted to enact bylaws related to use, so the only restrictions will be provincial restrictions. It will make previously existing municipal bylaws null and void." There will be a very few exceptions, he notes. "Municipalities are still required to pass bylaws regulating the use of pesticides around source water areas."

Quebec's legislation is "a little bit different," he says. "They've

taken a slightly different approach and are regulating the user to some degree rather than the products. They're requiring each golf club to submit plans every three years, and plans have to outline how the golf club intends to reduce its use of pesticides. The first plans were submitted in April of 2006, and the second set of plans were due in April of this year. Those plans have to be signed off by a licensed agronomist."

In areas like environmental protection, it is common that new legislation in one or two provinces eventually leads to similar changes in every jurisdiction across the country, and there are some signs that pesticide legislation may follow that route over the course of the next five to ten years. "New Brunswick certainly has given indications that it is looking very seriously at an approach similar to that imposed in Ontario," says Cousineau.

"Saskatchewan, maybe somewhat surprisingly, given its historical agricultural focus, has expressed some interest in the Ontario approach, and British Columbia has also given some indications that it could take action along these same lines. However, they have some legislation that is more focused on controlling the user rather than the product," he says. "At this stage, the B.C. legislation is consistent with what we've asked for, and what the provincial government has agreed to for golf clubs in Ontario, but I wouldn't be surprised to see them take the next step and regulate the use as well."

It is not yet clear what other provinces are planning, but, says Cousineau, "If New Brunswick goes down that

> continued on page 28

Pest Control Legislation:

A REGIONAL ROUNDUP

Here's a rundown of the provincial legislation and regulations that pertain to the use of pest control products, available at a glance.

Newfoundland

The *Newfoundland Environmental Protection Act*, Part IX ("Pesticides") states that only a licensed person can supply or own pesticides but that they may employ unlicensed assistants. It regulates pesticide containment, storage and disposal. The *Pesticides Control Regulation, 2003* sets conditions regarding use of protective clothing and equipment, supervision of unlicensed employees, vendor's licenses, protection of open water and food, disposal of containers and insurance requirements.

Prince Edward Island

The *Pesticides Control Act* forbids the sale of a pesticide that does not meet registration, packaging, labeling and efficacy standards, and requires that applicants hold the appropriate license, certificate or permit. It also requires safe storage, containment, transportation and disposal and mandates the protection of open water. It sets up the powers of inspectors, insurance requirements and penalties for non-compliance. The associated *Regulations* cover in great detail pesticide-related training; requirements for licenses, certificates and permits; record keeping and reporting, display, containment, storage and transportation, and protection of foods and open water.

Nova Scotia

The *Environment Act* Part VII ("Dangerous Goods and Pesticides") covers storage and handling; prohibitions; destruction of crops and pesticide research, and the powers and duties of the Minister. The Pesticide Regulations made under Section 84 of the *Environment Act* provide further detail on such matters as pesticide approvals, public notification, prohibitions, pesticide research, protected water areas, storage and transportation, safety measures and labeling.

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New Brunswick

New Brunswick currently has a *Pesticides Control Act* and associated *Regulations*, but the government has been examining the issue of lawn care and landscape pesticide use. A public consultation ended October 15, 2008 that covered four areas including targeted regulatory changes and the regulatory role of municipal governments.

Quebec

The *Pesticides Act* (1987) focuses on understanding and controlling of the effects of pesticides. The *Regulation respecting permits and certificates for the sale and use of pesticides* (197, with amendments in 2003) ranks products into five classes according to level of risk and requires that vendors and applicators hold certificates and appropriate permits and keep records of sales and use. *Quebec's Environment Quality Act* also regulates areas like air-delivered

pesticides and pesticide waste. Quebec municipalities can add their own bylaws.

Ontario

The *Pesticides Act* was amended by the *Cosmetic Pesticides Ban Act, 2008* as of April 22 (Earth Day), 2009. In considerable detail, the Act mandates licensing for applicators and vendors, details the powers of inspectors, and provides for penalties in the case of infractions. The amendments, which ban cosmetic pesticides, override municipal pesticide bylaws. However, golf courses are conditionally exempted if they become accredited for Integrated Pest Management by an approved accreditation body, report annually and hold a public meeting annually to present the report.

Manitoba

The *Pesticides and Fertilizers Control Act* requires distributors and applicators to be licensed, and prohibits sale of aerial or ground-based spraying equipment to unlicensed persons. It sets out rules for the appointment and powers of inspectors; permitting and the appointment of a body to assist in overseeing the provisions of the Act. The *Pesticides and Fertilizers Licence Regulation* details restrictions on displaying products containing capsaicin; conditions of licences; records and disposal of pesticides and containers, while the *Prescribed Spraying Equipment and Controlled Products Regulation* regulates in more detail aerial and ground-based spraying equipment; controlled products; missing inventory and storage of equipment.



> continued on page 29

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road, then the other Atlantic provinces will be more likely to follow that same path. We're very early on, but we believe that's where things will go."

The CGSA is urging governments to take three main points into consideration as they examine their pesticide legislation and regulations. "The main issue for the CGSA is that governments make decisions based on science and not on emotion or an inaccurate or invalid interpretation of scientific research. Once a decision is made to regulate pesticides we've asked the governments to impose straightforward conditions," he says.

"First, the people who are applying the products need to be licensed professionals. We've always advocated for this and our members have always been licensed professionals. Second, they should involve the use of integrated pest management, or IPM," he

says, explaining that IPM trains people to use a number of different methods and cultural practices to control pests. IPM is recognized around the world as a valuable tool in limiting the use of pest control products. It can also be applied consistently across the country and involves third party auditors and uses third-party certification, such as that offered through Ridgetown College at the University of Guelph.

"This is all part of what we've asked the government of Ontario to implement," says Cousineau. "This is not a case of asking government to take all restrictions off and let us do what we want to do. We're asking governments to act responsibly with regard to the regulation of pesticides, while still allowing golf courses to operate as businesses that employ thousands of people and that have a significant economic impact."

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> continued from page 27

Saskatchewan

The *Pest Control Act* mandates the control of designated pests. The *Pest Control Products (Saskatchewan) Act* sets out rules for product standards, use, protection of open water, storage, containment and disposal, licensing, the powers of inspectors and boards, and fines for infractions. The *Pest Control Products Regulations, 1995* protects open water and foods, and lays out guidelines for storage, transportation, labeling, disposal, licensing and qualifications, records of use and qualifications for inspectors.

Alberta

The *Pesticide (Ministerial) Regulation* provides for the classification of pesticides, and deals with certification of applicators and the registration of vendors and businesses. The *Pesticide Sales, Handling, Use and Application Regulation* regulates the sale, handling, storage and disposal of various classes of pesticides. The *Environmental Code of Practice for Pesticides* further regulates applicators, services and vendors and lays out general standards for such areas as training, supervision, insurance, mixing and loading sites and sales.

British Columbia

British Columbia now has an *Integrated Pest Management Act* that "regulates the sale, use and handling of pesticides in the province; and promotes an Integrated Pest Management approach to managing pests." A "Summary of Requirements and Explanatory Notes for Landscape Pest Managers" has been made available through the Ministry of the Environment website under "Environment Popular Topics."

Nunavut

The *Pesticide Act* prohibits the application of pesticides near open water and regulates storage, containment and disposal, set up the requirement for licensing of applicators and the appointment and powers of inspectors, as well as fines for infringement and recording requirements. The *Pesticide Regulations* lay out guidelines for pesticide permits and business permits and reporting. Discharge of potential contaminants, including pesticides, is further covered under *The Environmental Protection Act*.

Northwest Territories

The *Pesticides Act* prohibits the use of pesticides near open water and regulates storage, containment and disposal, licensing of applicators, appointment of inspectors and fines for infringements. The *Pesticide Regulations* set out the procedure for applying for a permit to apply a pesticide, as well as requirements such as insurance, notification of intended use and reporting.

Yukon

The *Yukon Environment Act, Part 10* ("Hazardous Substances and Pesticides") provides general rules governing handling; risk assessment and prevention; reporting; protection of life; transportation; sale; packaging, labeling, containment and disposal; protection of open water; permit requirements and the use of pesticide from aircraft. The *Environment Act Pesticides Regulations* cover requirements for applicator certification; permits; application by aircraft; protection of water; insurance, notification and reporting requirements, and use of treated seeds.

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