

Amendments to the Pesticide Act | Environmental Registry of Ontario

This proposal notice is part of the proposal for the [Better for People, Smarter for Business Act](#).

These proposals would support the objectives of removing duplication and updating Ontario's *Pesticide Act*, first passed in 1990.

To achieve this objective, we are proposing to end Ontario's duplicative classification of pesticides and align with the federal government's pesticide categories, as other provinces do. Health Canada's Pest Management Regulatory Agency (PMRA), under the authority of the *Pest Control Products Act*, registers pesticides after completing a rigorous review of scientific studies on potential impacts on human health and the environment. Health Canada's PMRA is resourced and equipped to review and register pesticides for all of Canada, something all other provinces have recognized. Ontario would continue to maintain Ontario's general regulatory requirements, including licensing and permitting realigned to the federal categories.

Consistent with these objectives, the *Pesticides Act* would be amended to remove the Ontario Pesticide Advisory Committee (OPAC). OPAC's main role in providing advice to support classification would no longer be needed without a duplicative provincial application and classification process.

The general cosmetic pesticides ban will be retained, including existing exceptions, but a single list of permitted pesticides would replace the current classes. This is required as the federal government's registration process currently does not restrict the use of pesticides for cosmetic use. This will require amendments to provide an alternate approach for regulating the cosmetic pesticides ban without the need for classification.

Overview

Ontario's *Pesticides Act* and *Ontario Regulation 63/09 (General)* regulate pesticide use and sale. This includes restrictions and requirements, such as licensing and permitting, associated with classes of pesticides. OPAC currently advises on the classification of pesticides, after Health Canada's PMRA completes its rigorous review of scientific studies on potential impacts on human health and the environment. The Act and Regulation also include a ban on the use of prescribed cosmetic pesticides, with exceptions.

Ontario Pesticides Advisory Committee (OPAC)

The *Pesticides Act* is proposed to be amended to repeal provisions that provide for the Ontario Pesticides Advisory Committee, including its functions and other associated provisions. This is consistent with eliminating the current upfront classification process before pesticides can be sold or used in Ontario. The major function of this Committee is to provide advice on classification. This function would no longer be needed when aligning with the federal categories of pesticides.

The Act is also proposed to be amended by replacing the current cosmetic pesticides ban provisions in support of eliminating the need for a classification process. Alternative provisions would continue to prohibit the use of pesticides for cosmetic purposes and restrict the sale of cosmetic use products unless the Director has determined that the pesticide (the active ingredient) is appropriate for use for a cosmetic purpose and listed the active ingredients in a prescribed document.

Pesticides appropriate for a cosmetic use would be listed in a prescribed document. The Director would use criteria to identify active ingredients to be added to the list. These criteria would be the same as those currently used (e.g. naturally occurring, low toxicity), and are proposed to be prescribed in regulation.

The Act amendments, together with the proposed regulatory amendments would maintain the cosmetic pesticides ban. Exceptions to the cosmetic ban would remain in place (e.g. use on golf courses, agricultural operations, forestry, health and safety and other prescribed exceptions). The proposed legislative amendments are only intended to remove the need for classes associated with the ban, and not alter the ban itself.

Other minor consequential amendments are also proposed.

Estimated impacts

There are no financial impacts to Ontarians associated with this proposal.

The proposed legislation and associated regulatory changes are expected to have positive impacts on commercial users and vendors of pesticides who would be able to bring pesticides to market and access pesticides immediately upon federal registration. Eliminating Ontario's classification process would also remove administrative cost and time delays associated with the application and classification process, improving the efficiency in accessing pesticides for sale and use in Ontario.

Positive impacts are also estimated for small businesses and farmers by making pesticides immediately available for sale and use upon federal registration, eliminating the time-lag in pesticides available in Ontario compared to those available in other provinces.

The proposed legislation and regulatory changes are not anticipated to have significant environmental impacts.