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Ontario to Simplify Pesticide Management

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The Ministry of Environment, Conservation and Parks (MECP) is proposing to "reduce complexity and modernize pesticide management in Ontario". On October 28, 2019, the MECP posted a proposal to the Environmental Registry of Ontario for amendments to Ontario Regulation 63/09 made under the Ontario *Pesticides Act*, (see [Amendments to the Pesticide Regulation \(63/09 General\)](#), including links to the guidance documents that will accompany the revised Regulation, at the Environmental Registry of Ontario). Importantly, the proposed amendments would align the Ontario regime with the federal regime by ending the classification of pesticides currently required under the Regulation. Ontario is the only province that has this duplicative application process.

While the amendments and neonicotinoid provisions are to come into effect on filing, the implementation of some provisions may be staggered over a few months. The comment period is open until December 12, 2019.

Reducing Duplication

Health Canada's Pest Management Regulatory Agency (PMRA) is charged with the review and registration of pest control products in Canada, undertaking an assessment of the risks to human health and the environment and confirming the product's value. At the provincial level, the MECP is responsible for regulating the

sale, use, storage, transportation and disposal of pesticides in Ontario.

Currently, even though a pest control product has undergone an assessment by the PMRA, pesticides are required to be classified into 1 of 12 categories at the provincial level in Ontario, which can result in a time-lag for pesticides being available in Ontario as compared to those available in other provinces. The proposed regulatory amendment would see the replacement of Classes 1 to 6 with four classes as established by the PMRA – Class A (manufacturing), Class B (restricted), Class C (commercial) and Class D (domestic). This would eliminate the need for the Ontario Pesticides Advisory Committee, whose primary function has been to provide advice on the classifications of pesticides. Class 12, which relates to neonicotinoid treated seeds, would be replaced with a separate class of its own, Class E. Classes 7 to 11, which relate to classes of pesticides associated with the cosmetic ban, would no longer be needed as they would be expressly incorporated into the Regulation. Licensing and permitting requirements are proposed to be maintained to ensure safe sale and use of pesticides.

Other Notable Changes

Other notable proposed changes include:

- Classification of new active ingredients in pesticides would no longer be required to be posted to the Environmental Registry.
- While the restrictions on the use of neonicotinoid treated seed are to remain in place, which caused significant concern when they were first introduced, a pest assessment report would only need to be completed once by a professional pest advisor, as opposed to being required to be completed every one to three years, depending on the type of inspection forming the basis for the report.
- Those selling treated seeds would no longer be required to retain copies of the farmer's pest assessment report and integrated pest management declarations, nor would they need to submit annual sales data reports, a list of the Class 12 (proposed Class E) pesticides for sale or copies of the reports received from farmers.

- Cemeteries would be added to the exceptions to the cosmetic pesticide ban (other exceptions include use for agriculture, playing fields and golf courses, which will remain).

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