

Guide to Pesticide Classes

NOTICE:

This document has been created for the purpose of seeking public comment on proposed statutory and regulatory amendments that have not yet been made.

This guide represents a draft of the guide that would be used to describe the proposed statutory and regulatory amendments if they were to come into effect as proposed.

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Contents

- 1. Overview 4
- 2. Federal Registration and Provincial Classification 5
 - Federal Registration 5
 - Ontario’s Pesticide Classes 6
- 3. Cosmetic Pesticide Ban 7
 - Exceptions 8
 - Identifying Cosmetic and Excepted uses 9
- 4. Ontario’s Allowable List 10
 - Allowable list criteria 10
 - Moving forward 11
 - How to get on the list 13
- 5. Selling Pesticides in Ontario 13
 - Vendor’s licence 15
 - Exemptions to vendor licensing 15
 - Special rules for Class D (Domestic) pesticides 16
 - A special note on bear repellent 18
 - Class E 18
- 6. Using Pesticides Around your Home 18
 - Insect repellent/rodenticides 19
- 7. Using Pesticides on your Farm 20
 - Licence exemption requirements for farmers 20
 - Qualified Farmer 20
 - Supervised and Assistant Farmers 21
 - Exemption from licensing for farmers 21
 - Pesticide permits on farms 21
 - Class E on farms 22
- 8. Using Pesticides as a Licensed Exterminator 22
 - Licensing requirements 23
 - Technicians and Trainees 23
 - Changes to use by Licensed Exterminators 24
 - Changes to signage requirements 24

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Appendix A – List of Active Ingredients Authorized for Cosmetic Uses	26
Appendix B – Sample Request to consider adding a pesticide to the Allowable List .	28
Appendix C – Controlled Sales Handouts.....	30
Appendix D – Vendor Guidance Charts.....	32
Appendix E – Sample sign "C" for residential area land exterminations	34

1. Overview

The management of pesticides in Canada is a joint responsibility of the federal and provincial/territorial governments.

Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for registering pesticides to allow for their sale and use in Canada, based on a review of scientific studies, to ensure that their use poses minimal risk to human health and the environment if used in accordance with approved product labels, and that they are effective in controlling pests.

Ontario is responsible for regulating the sale, use, storage, transportation and disposal of pesticides, including issuing licences and permits to protect human health and environment.

Amendments to the *Pesticides Act* ("the Act") and Ontario Regulation 63/09 ("the Regulation"), made in 2020, harmonize Ontario's classification approach with the federal product class designations (i.e. Manufacturing, Restricted, Commercial and Domestic) and align it with other provinces. In 2020, the Ontario-specific application process to classify pesticides before they are allowed for sale and use was eliminated, allowing pesticides to be immediately available for sale and use in Ontario once they are federally registered (see section 2 of the Regulation).

Pesticide classes previously used to manage Ontario's cosmetic pesticides ban (i.e., Classes 7-11) have been eliminated. However, the cosmetic pesticides ban and its related requirements have generally been maintained as requirements in the Regulation.

A single list of permitted pesticides, entitled "List of Active Ingredients Authorized for Cosmetic Uses" (referred to as the "Allowable List"), replaces the former list of Class 11 pesticides related to the cosmetic pesticides ban, and contains pesticides that may be used under the ban.

Class 12 was previously used to manage requirements related to the sale and use of neonicotinoid (NNI) treated seeds (i.e. corn and soybean seeds treated with clothianidin, imidacloprid or thiamethoxam) and has been changed to Class E in the Regulation, a stand-alone class specific to NNI-treated seeds.

The purpose of this guide is to provide details of Ontario's pesticide regulatory framework and to provide guidance on complying with requirements to pesticide manufacturers, vendors, farmers/growers, licensed exterminators, homeowners and other users.

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While every effort has been made to ensure the accuracy of the information contained in this document, it should not be construed as legal advice. In the event of conflict with requirements identified in the Act or Regulation, the legal requirements will apply.

2. Federal Registration and Provincial Classification

Most pesticides must first be registered by the federal government before they are allowed for sale and use in Canada. Health Canada's PMRA registers pesticides at the federal level under the federal *Pest Control Products Act*. Federally registered pesticide products are assigned one of four federal product class designations (i.e., Manufacturing, Restricted, Commercial and Domestic). Federally registered pesticides are immediately allowed for sale and use in Ontario. No applications are required to classify a pesticide in Ontario (see **section 2** of the Regulation).

The Regulation specifies provincial requirements that relate to the sale, use, storage, transportation and disposal of pesticides in Ontario.

Federal Registration

The federal process of pesticide registration (including product class designation) is based on a scientific approach of evaluating the health and environmental risks of a pest control product and determining that a pesticide, if approved, would not pose any unacceptable risks to human health or the environment when used according to the label requirements.

The regulation under the federal *Pest Control Products Act* defines four classes of pest control products:

- **Manufacturing:** if the pest control product is to be used only in the manufacture of a pest control product or a product regulated under the *Feeds Act* or the *Fertilizers Act*;
- **Restricted:** if the pest control product is one for which the Federal Minister of Health, out of concern for its health or environmental risks, has set out additional information to be shown on the label concerning essential conditions respecting the display, distribution or limitations on use of, or qualifications of persons who may use, the product;
- **Commercial:** if the pest control product is to be distributed for use in commercial activities that are specified on the label;
- **Domestic:** if the pest control product is to be distributed primarily to the general public for personal use in and around their homes.

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When a pesticide product is registered, PMRA approves a label which specifies the federal class designation. Commercial pesticides are sometimes identified as Agricultural, Institutional or Industrial on the label, but these pesticides are Class C pesticides in Ontario. A pesticide label is a legal document, and by law pesticides can only be used in accordance with the label. PMRA has tools to [search for pesticide labels](#) online or using an app.

For more information on how pesticides are registered federally, please visit PMRA's [Frequently Asked Questions](#) page.

Ontario's Pesticide Classes

Ontario's regulatory framework ensures requirements are in place for the sale, use, transportation, storage and disposal of pesticides in Ontario. Ontario's classification system allows the Regulation to specify rules for classes of pesticides. Ontario's classification system is aligned with PMRA's product class designations, as set out in the table below. Ontario has an additional class of pesticides designated as Class E, to regulate the sale and use of corn and soybean seeds treated with clothianidin, imidacloprid or thiamethoxam (i.e. neonicotinoid treated seed).

Federal Pesticide Class	Post-2020 Ontario Pesticide Class	Pre-2020 Ontario Pesticide Class
Manufacturing	Class A	Class 1
Restricted	Class B	Class 2,3,4,7
Commercial	Class C	Class 2,3,4,
Domestic	Class D	Class 5,6,7,8
N/A	Class E – Treated Seeds	Class 12

Applications are not required for a pesticide to be classified in Ontario. Pesticide classification occurs automatically with the federal registration of a pesticide product. **Section 2** of the Regulation operates to classify a pesticide according to the federal class designation.

2. (1) A pesticide is a Class A pesticide if it is registered under the *Pest Control Products Act* (Canada) and designated under that Act as a pesticide of the Manufacturing class.

(2) A pesticide is a Class B pesticide if it is registered under the *Pest Control Products Act* (Canada) and designated under that Act as a pesticide of the Restricted class.

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(3) A pesticide is a Class C pesticide if it is registered under the *Pest Control Products Act* (Canada) and designated under that Act as a pesticide of the Commercial class.

(4) A pesticide is a Class D pesticide if it is registered under the *Pest Control Products Act* (Canada) and designated under that Act as a pesticide of the Domestic class or if it is registered under the *Fertilizers Act* (Canada).

(5) A pesticide is a Class E pesticide if it is a corn seed or soybean seed that is treated with a pesticide that contains imidacloprid, clothianidin or thiamethoxam.

O. Reg 63/09, s. 2

Ontario does not maintain a database of classified pesticides. The information required to determine the pesticide class in Ontario (i.e. federal designation as Manufacturing, Restricted, Commercial or Domestic) is on the pesticide label which is available online through PMRA's databases. These databases also contain information on pesticide products including federal designation, active ingredient and registration status.

3. Cosmetic Pesticide Ban

Ontario's cosmetic pesticides ban is in place to protect Ontario families and children from the unnecessary risks of cosmetic pesticides by only allowing the use of certain low risk pesticides for controlling weeds and pests in lawns and gardens. Cosmetic is defined in the Act as "non-essential".

The cosmetic pesticide ban prohibits the use of all pesticides in, on or over land in Ontario unless an exception applies (see "Exceptions" below) or unless the only active ingredients in the pesticide are active ingredients listed on the Allowable List as per **section 18** of the Regulation. Active ingredients on the Allowable List are considered low risk and are only added to the list if they meet certain criteria set out in the Regulation.

7.1 (1) Subject to subsection (2), no person shall use or cause or

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permit the use in, on or over land of an active ingredient unless the active ingredient meets the following criteria:

1. The Director has determined, in accordance with the regulations, that the active ingredient is appropriate for use for a cosmetic purpose.
2. The Director has listed the active ingredient in a prescribed document, which may be amended from time to time, published by the Ministry and available on a website of the Government

Pesticides Act, R.S.O. 1990, c. **P.11, s. 7.1 (1)**

Exceptions

Exceptions to the cosmetic pesticide ban allow certain uses of pesticides in, on, or over land. Excepted uses (i.e. allowed) are set out in subsection **7.1(2) of the Act.**

7.1 (2) Subsection (1) does not apply to the following uses of an active ingredient:

1. Uses related to golf courses, if any prescribed conditions have been met.
2. Uses related to agriculture.
3. Uses related to forestry.
4. Uses related to the promotion of public health or safety.
5. Other prescribed uses, if any prescribed conditions have been met.

Pesticides Act, R.S.O. 1990, c. **P.11, s. 7.1 (2)**

Section 7.1(2) of the Act outlines the excepted uses of pesticides including uses for agriculture and forestry, the promotion of health and safety (including treatment of plants poisonous to the touch, insects that bite or sting, pests of buildings and structures

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or public works), golf courses (if prescribed conditions are met), and other prescribed uses. Sections 16 to 31 of the Regulation provide relevant definitions and prescribe other allowed uses, including use for specialty turf (lawn bowling, cricket, lawn tennis or croquet fields that use the same turf as golf greens), arboriculture (trees), maintaining a sports field specific to a national or international event, cemeteries, uses integral to a structural extermination, to meet other legislative requirements (e.g. *Weed Control Act*), for scientific purposes or to manage, protect, establish or restore natural resources, along with any conditions that must be met for pesticides to be used.

Any classified pesticide can be used for the above exceptions, provided that the pesticide is used in accordance with the label, and applicable conditions are met (e.g. appropriate licence/permit). Conditions that must be met (e.g. Integrated Pest Management Certification, annual reporting) in order to use the pesticide are set out in sections 16 to 31 of the Regulation.

The cosmetic pesticide ban does not apply to pesticide use that is not in, on, or over land. Accordingly, the cosmetic pesticide ban does not apply to pesticide use in water or inside buildings.

Identifying Cosmetic and Excepted uses

The cosmetic pesticide ban prohibits the use of pesticides with active ingredients that are not on the Allowable List, unless an exception applies. The pesticide label specifies the uses of the pesticide that are permitted and is a legal document. The pesticide label does not include any information that is specific to Ontario's pesticide ban. For many pesticide products some uses set out on the federal pesticide label are allowed in Ontario, while others are not.

In order to use a pesticide in, on or over land with active ingredients that are not on the Allowable List, the pesticide must have an excepted use set out on the label. Such a pesticide can only be used for those purposes.

If the federal label for a pesticide specifies it can be used, for example, to control weeds on lawns, this use is cosmetic. There is no exception to the cosmetic pesticide ban for the control of weeds on lawns, so this use is considered to be non-essential and is prohibited.

In describing the use of a pesticide, the federal government may specify a pest and target site, such as the control of weeds on roadsides. This use, under certain circumstances could be an exception to the ban. For instance, it may be allowed under the public health and safety exception to remove vegetation that is impacting sightlines or drainage on roadsides, but it cannot be used to remove vegetation on roadsides so that a garden could be planted in a municipal beautification project.

4. Ontario's Allowable List

The Act provides for the creation of a list of active ingredients found in pesticide products that may be used for cosmetic purposes (Allowable List). The use of pesticide products containing **only** active ingredients on the Allowable List for cosmetic purposes is allowed under the ban – i.e. anyone can use these pesticides to control weeds and other pests on lawns, gardens, driveways and other areas such as in parks or around the home.

Active ingredients contained in pesticide products are identified on the federally-approved product label. The active ingredients on the Allowable List were previously in Class 11.

The active ingredients in a pesticide that has cosmetic uses on its label are compared against the Allowable List to determine if the pesticide can be used for cosmetic purposes in, on or over land. If the **only** active ingredients listed on the pesticide label are on the Allowable List, the pesticide can be used for cosmetic purposes in Ontario.

Allowable list criteria

Background

Since 2009, the Ministry has been maintaining a list of active ingredients that can be used for cosmetic purposes under Ontario's cosmetic pesticides ban. This list was referred to as Class 11 and is now referred to in **section 18** of the Regulation as the "List of Active Ingredients Authorized for Cosmetic Uses" (Allowable List).

The criteria for adding pesticide active ingredients to Class 11 were set out in the previous Ministry guidance document, titled "Pesticide Classification Guideline for Ontario", version 1, February 24, 2009, which has been revoked. It included the following description:

"The characteristics used to determine if a pesticide is a Class 11 pesticide is that it is considered to be a "biopesticide" by the PMRA or meets the criteria based on the PMRA proposal for low-risk pesticides. Such lower-risk pesticides have some or all of the following characteristics:

- They have a non-toxic mode of action.
- They are of low toxicity to organisms the product is not targeting.
- They do not persist in the environment.
- The product is used in ways that do not cause significant exposure. For example, the product is pre-mixed or it is applied in a closed system, reducing human and environmental exposure.

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- They have been widely available to the public for other uses for some time.

Examples of pesticides that were considered to be biopesticides or low-risk pesticides include microbials; biochemical pesticides; substances that are naturally present or derived by simple processing; certain types of plant extracts and essential oils; and certain commodity chemicals.”

The Ministry’s determination of whether an active ingredient was allowed for cosmetic use considered PMRA’s assessment of the pesticide during the registration process.

PMRA’s assessment of an active ingredient was considered alongside PMRA directives that describe federal processes for the assessment of biopesticides or lower risk pesticides, including the following directives published since 2009:

- 1) Regulatory Directive DIR2001-02 - Guidelines for the Registration of Microbial Pest Control Agents and Products.
- 2) Regulatory Directive DIR2002-02 - The PMRA Initiative for Reduced-Risk Pesticides.
- 3) Regulatory Directive DIR2012-01: Guidelines for the Registration of Non-Conventional Pest Control Products.
- 4) Essential oil-based personal insect repellents (EOPIR): information requirements for assessment of risks to human health: Addendum (DIR2017-02) to the Guidelines for the Registration of Non-Conventional Pest Control Products (DIR2012-01).

The ministry has been using the applicable directives above, as they have been developed and published by PMRA, in determining whether to add a pesticide active ingredient to Class 11.

PMRA’s most recent regulatory directive titled “Guidelines for the Registration of Non-Conventional Pest Control Products” (DIR2012-01) sets out criteria that is consistent with how the Ministry has been adding active ingredients to Class 11.

Moving forward

Given the above, at the time that the 2020 amendments were made, the criteria used to add an active ingredient to Class 11 is consistent with the criteria set out in section 17 of the Regulation, the Director has listed all pesticides that were previously classified as Class 11 pesticides on the Allowable List (see Appendix A).

As new pesticides are reviewed and registered by PMRA at the federal level, the registration of a non-conventional pesticide under DIR2012-01 will be considered in the Director’s decision when following the rules set out in section 17 of the Regulation to determine whether an active ingredient is appropriate for use for a cosmetic purpose.

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Only active ingredients that are biopesticides (microbials, pheromones or semiochemicals), as defined by PMRA^{1,2}, will be considered to be biopesticides. Furthermore, only active ingredients contained in pesticides registered as non-conventional pesticides under DIR2012-01 are eligible for consideration as to whether an active ingredient is an active ingredient that poses a low risk to human health and the environment (section 17(1) paragraph 2.)

Pesticides registered as conventional pesticides by PMRA will not be considered in the Director's decision when following the rules set out in **section 17** of the Regulation to determine whether an active ingredient is appropriate for use for a cosmetic purpose.

17. (1) For the purposes of paragraph 1 of subsection 7.1 (1) of the Act, the Director shall apply the following rules for the purpose of determining whether an active ingredient is appropriate for use for a cosmetic purpose:

1. An active ingredient is appropriate for use for a cosmetic purpose only if it is contained in a Class B, C or D pesticide with a label that indicates at least one use that is not mentioned in subsection 7.1 (2) of the Act.

2. An active ingredient is appropriate for use for a cosmetic purpose only if the Director is satisfied that,

i. The active ingredient is a biopesticide; or

ii. Based on consideration of the following factors, the active ingredient poses a low risk to human health and the environment:

A. The active ingredient has a low inherent toxicity to non-target organisms.

B. The products in which the active ingredient is contained are unlikely to be used in a manner that is likely to cause significant exposure to humans.

¹ Regulatory Proposal PRO2002-02, Guidelines for the Research and Registration of Pest Control Products Containing Pheromones and Other Semiochemicals.

² Regulatory Directive DIR2001-02, Guidelines for the Registration of Microbial Pest Control Agents and Products.

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C. The active ingredient is not persistent in the environment.

D. The active ingredient is widely available to the public with a history of safe use.

E. The active ingredient has a non-toxic mode of action

O. Reg 63/09, s. 17 (1)

How to get on the list

Applications are not required to have an active ingredient added to the Allowable List.

As new pesticides are federally registered by PMRA, the Director will consider the criteria set out in section 17 of the Regulation and determine whether the active ingredient should be added to the Allowable List.

However, if a person who has registered a pesticide (or Canadian agent thereof) feels an active ingredient meets the criteria for inclusion on the Allowable List, they may submit a request to the Director for consideration (See subsection 17(2) of the Regulation). Please see Appendix B for a sample of this request.

The decision to add or remove an active ingredient from the Allowable List is subject to posting on Ontario's Environmental Registry (Registry) for a 30-day consultation period.

A decision to include an active ingredient on the Allowable List cannot be posted on the Environmental Registry until a product containing the active ingredient has been registered by PMRA (see paragraph 1 of subsection 17(1) of the Regulation).

Once a decision notice is posted on the Registry, the Allowable List available on Ontario.ca will be updated.

5. Selling Pesticides in Ontario

You must hold a pesticide vendor's licence if you or your business sells, offers to sell, or transfers most pesticides in Ontario. The rules regarding the sale of pesticides relate to both Ontario's pesticide classes and the cosmetic pesticide ban. Changes to Ontario's *Pesticide Act* and Ontario Regulation 63/09 made in 2020 did not change the types of pesticides that could be sold by licensed vendors in Ontario. However, as a result of changes, vendors that do not have a licence can no longer sell most pesticides, including many pesticides labelled for use on home lawns and gardens or for use inside the home (see "Exemptions to vendor's licence").

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Because Ontario has a cosmetic pesticide ban, there are some federally registered pesticides that cannot be sold in Ontario. Pesticides that can be used in, on or over land can only be sold if they meet the description of a pesticide allowed for sale (i.e. prescribed) in the Regulation (see subsection 7.1(4) of the Act). The pesticides that can be used in, on or over land and can be sold in Ontario are prescribed by section 97 of the Regulation and described in the sections below.

97 (1) A pesticide is prescribed for the purposes of subsection 7.1 (4) of the Act if it meets one or more of the following criteria:

1. The pesticide is a Class A, B, C or D pesticide with a label that indicates that its only active ingredients are listed active ingredients.

2. The pesticide is a Class B or C pesticide, other than a pesticide mentioned in paragraph 1, with a label that indicates a use set out in subsection 7.1 (2) of the Act.

3. The pesticide is a Class D pesticide, other than a pesticide mentioned in paragraph 1, and its label indicates a use related to clause (a) of the definition of the promotion of public health or safety in section 16.

4. The pesticide is a Class D pesticide, other than a pesticide mentioned in paragraph 1, and its label,

i. indicates a use related to the destruction, prevention or control of plants that are poisonous to humans by touch,

ii. indicates that the only active ingredient it contains is glufosinate ammonium or glyphosate or both, and

iii. does not indicate that any mixing or dilution is required in order to use the pesticide.

5. The pesticide is a Class D pesticide not mentioned in paragraph 1 that is not a herbicide or fungicide and its label indicates a use related to a structural extermination.

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6. The pesticide is a Class D pesticide, other than a pesticide mentioned in paragraph 1, and its label indicates an indoor use or a use in water.

O. Reg 63/09, s. 97(1)

Vendor's licence

The type of vendor's licence required depends on the class of pesticides you sell. There are three types of vendor's licences:

- Limited Vendor's licence
- General Vendor's licence
- Treated Seed Vendor's licence

The holder of a Limited Vendor's licence is allowed to sell Class D pesticides. A Limited Vendor's licence also allows the sale of bear repellent containing capsaicin (Class B), but no other Class A, B or C pesticides. The holder of a Limited Vendor's licence must follow rules for Class D pesticides (see "Special rules for Class D (Domestic) pesticides" below).

The holder of a General Vendor's Licence is allowed to sell Class A, B, C and D pesticides. No person, including the holder of a General Vendor's Licence, can sell Class B and C pesticides for use in, on or over land that contain active ingredients that are not on the Allowable List, and have only cosmetic uses (see **paragraph 2 of subsection 97(1)** of the Regulation). The holder of a General Vendor's licence must employ at least one certified outlet representative (training administered by The University of Guelph's Ridgetown Campus) and must also follow the rules for Class D pesticides (see "Special rules for Class D (Domestic) pesticides" below).

The holder of a Treated Seed Vendor's licence can sell Class E pesticides.

All vendor sales are subject to the requirements of the Regulation. Pesticide vendor's licences can be obtained by completing the online application with a ServiceOntario and ministry account. More information about licence requirements to sell pesticides in Ontario can be found in the Guide to Pesticide Licensing (as amended), the Pesticide Vendor Certification Course Manual (as amended) and the Regulation.

Exemptions to vendor licensing

A vendor's licence is not required to sell certain pesticides in Ontario. These include

- a Class D personal insect repellent

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- a Class D rodenticide
- any class of chemicals for use in treating a pool

Exemptions that apply to pesticide sales are in sections 13, 14, 15 and 96 of the Regulation. Some of these exemptions changed when the *Pesticides Act* and the Regulation were amended in 2020. For more information, please refer to the Regulation (as amended).

Special rules for Class D (Domestic) pesticides

Certain restrictions and prohibitions on the sale and display of Class D pesticides relate to Ontario's cosmetic pesticide ban.

- Class D pesticides that contain active ingredients other than those on the Allowable List and have only cosmetic uses are prohibited for sale.
- Class D pesticides that contain active ingredients other than those on the Allowable List and have both cosmetic and excepted uses, or both cosmetic uses and uses to which the ban does not apply, are controlled sale pesticides. These pesticides must be displayed so that they are inaccessible to purchasers. Purchasers must be provided with a handout (Appendix C) indicating that the pesticide may only be used for excepted uses.

The prohibition on sale (subsection 7.1 (4) of the Act) ensures that only pesticides that are allowed for use under the cosmetic pesticide ban are available to the public. Some pesticides have multiple uses and some of these uses are allowed under the ban and some of them are not. Restrictions on controlled sale pesticides ensure the public is informed (i.e. given a handout, Appendix C) when they purchase a pesticide that can be used for some, but not all, of the uses specified on the pesticide label.

Licensed vendors that sell Class D pesticides must determine if a pesticide is allowed for sale in Ontario and if the pesticide is considered as a controlled sale pesticide. The ministry no longer maintains a database listing banned and controlled sales pesticides. Appendix D assists vendors in determining restrictions that apply to domestic pesticides.

The information below describes how vendors can use the pesticide label to determine if prohibitions and restrictions apply to the sales and display of a Class D pesticide. A product label provides important information including the active ingredient, the pest that may be controlled, as well as the use area. This information is essential in determining if a pesticide has cosmetic and/or excepted uses.

The cosmetic pesticide ban does not apply to pesticides unless they are used in, on, or over land. Accordingly, there are no prohibitions or restrictions that are related to the ban and apply to the sale of pesticides that are not for use in, on or over land

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(subsection 7.1(4) of the Act). Class D pesticides used exclusively in water or inside buildings are allowed for sale and are not controlled sale pesticides.

Class D pesticides that contain only active ingredients on the Allowable List are allowed for sale and are not controlled sale pesticides (paragraph 1 of subsection 97(1) of the Regulation). Class D pesticides for use in, on or over land that contain an active ingredient that is not on the Allowable List can be sold in Ontario if it meets one of the following criteria:

- For health and safety purposes, if it has a use related to the destruction, prevention or control of animals that bite, sting, are venomous or carry disease (paragraph 3 of subsection 97(1) of the Regulation).
- For health and safety purposes to control plants that are poisonous to the touch if the product contains either glyphosate or glufosinate ammonium as the only active ingredient, does not require mixing or dilution and the label specifies it can be used for at least one plant that is poisonous to the touch (paragraph 4 of subsection 97(1) of the Regulation).
- For uses related to a structural extermination if it is not a fungicide or herbicide (paragraph 5 of subsection 97(1) of the Regulation). These pesticide products are allowed to be used for health and safety purposes and uses integral to a structural extermination.
- For uses to which the ban does not apply, including water exterminations and use inside buildings.

Pesticides that are for use only as described in the bulleted list above are not controlled sales pesticides. For example, if the label of a Class D pesticide specifies only use to control wasps, the sale of the pesticide would be allowed in Ontario because it has a use related to the destruction of an animal that stings. This pesticide can then be used under the exception for the promotion of public health or safety (as defined in section 16 of the Regulation). Similarly, if a Class D pesticide is labelled only for use around the outside of a home to prevent ants from entering the home, the sale of the pesticide would be allowed in Ontario because it is an insecticide that controls a pest of a structure. This pesticide can then be used under the exception for use integral to a structural extermination (section 30 of the Regulation). These pesticides would not be considered controlled sale pesticides, as they have only excepted (allowed) uses on the label. For guidance in determining if a pesticide is controlled sale pesticide, see Appendix D.

Some pesticides have uses on the label that are allowed in Ontario (described above), as well as cosmetic uses that are not allowed. A Class D pesticide is considered a controlled sale pesticide and is subject to additional sales restrictions if it contains at least one of the uses described above, and at least one other use, not described (see section 101 and 103).

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The sale of Class D pesticides for use in, on or over land that contains a pesticide active ingredient that is not on the Allowable List is banned in Ontario, unless one of the scenarios described above applies. For example, the sale of a pesticide that is only for use to manage weeds in lawns is prohibited, unless all of the active ingredients are on the Allowable List.

A special note on bear repellent

A Limited or General Vendor can sell a Class B pesticide that is to be used to repel any animal and if the only active ingredient is capsaicin (e.g. bear repellent). The federal rules require certain conditions to be met in order to sell these products. These Class B pesticides are available through a Limited or General Vendor but are considered controlled sales pesticides in Ontario and additional sales and display restrictions apply (section 101 and paragraph 1 of section 103 of the Regulation). Bear repellents must be displayed so that they are inaccessible to customers and vendors must give customers purchasing these pesticides a handout (Appendix C).

Class E

A Treated Seed Vendor's Licence is required for the sale of Class E pesticides. Treated seed vendors may work with sales representatives and direct-to-farm vendors. For more information about selling Class E pesticides, see [Neonicotinoid rules for treated seed vendors](#) (as amended).

Some of the requirements for Treated Seed Vendors changed as a result of the amendments [in 2020](#) to Ontario's *Pesticide Act* and the Regulation. A person is required to [provide](#) an Integrated Pest Management (IPM) certification number and a copy of the pest risk assessment report (PRAR) to purchase treated seed, however vendors are no longer required to retain these records, and other record keeping requirements have been reduced. There are no longer rules associated with the advertisement of Class E pesticides. Treated seed vendors are no longer required to provide the Ministry with a list of Class E pesticides available for sale, report on sales or provide the Ontario Ministry of Agriculture, Food and Rural Affairs with copies of the PRAR. The Treated Seed Vendor licence does not expire.

6. Using Pesticides Around your Home

Homeowners managing pests on their property can purchase and use certain Class D pesticides or can hire a licensed exterminator to help them manage pests.

Ontario's cosmetic pesticide ban means that some pesticide products that have been registered for use by the federal PMRA are not allowed for use in Ontario. Ontario maintains an Allowable List that specifies the active ingredients that can be used for

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cosmetic purposes in Ontario. The rules regarding the use of cosmetic pesticides are the same for both homeowners and licensed exterminators, that is to say that only pesticides on the Allowable List can be used for cosmetic purposes by any person in Ontario.

Cosmetic uses of pesticides include (but are not limited to) the use of pesticides to control pests on lawns, gardens, patios, walkways, and driveways. There are exceptions to the cosmetic pesticide ban that allow pesticides with active ingredients that are not on the Allowable List to be used for specific purposes that are not cosmetic, such as to control poison ivy, destroy wasps or manage ants outdoors that could impact the structure of your home.

Most pesticides for sale to homeowners (Class D pesticides) are sold through licensed retail outlets (vendors). The pesticide label is a legal document that is approved when the pesticide is registered by PMRA (see Federal Registration), and by law, pesticides must be used according to the label (subsection 9(3) of the Regulation). Most pesticides available through a licensed vendor can be used in all of the ways that are listed on the pesticide label. However, if you purchase a pesticide that by law can only be used for some of the purposes specified on the pesticide label, the licensed vendor is required to provide you with information about the uses of that pesticide that are allowed under the cosmetic pesticide ban and the uses that are not. Please see Appendix C for a sample of this handout.

As an example, if you have poison ivy on your property, you can purchase certain pesticides containing glyphosate to manage the poison ivy. You are legally not allowed to use this pesticide to manage dandelions on your lawn, even if that use is specified on the pesticide product label.

The changes in 2020 to Ontario's *Pesticide Act* and the Regulation will not affect the way you buy pesticides from a licensed vendor. However, as a result of changes, retail locations that do not have a licence to sell pesticides will be able to sell fewer pesticides. There are no changes to the rules around the way you use pesticides in and around your home as a result of the changes in 2020 to Ontario's *Pesticide Act* and the Regulation.

Insect repellent/rodenticides

Some pesticides that are important for your protection can be sold or transferred by a person without a vendor's licence. These include Class D pesticides that are insect repellents for personal protection (e.g. mosquito repellent containing DEET) or Class D rodenticides.

7. Using Pesticides on your Farm

Farmers no longer need to wait for federally registered pesticides to be classified in Ontario to be able to use them on their farms. Pesticides are automatically classified in Ontario when they are federal registered for use by PMRA (see section 2 of the Regulation).

Farmers that meet the qualifications set out in **section 43** of the Regulation, including passing the Grower Pesticide Safety Course, can buy and use most Class B and C pesticides on their farm without an exterminator's licence. Class B and C pesticides were previously classified as Class 2, 3 or 4. Trained farmers working under the supervision of a person meeting the qualifications set out in section 43 of the Regulation can mix, load and apply most Class B and C pesticides. There are no exemptions that allow farmers to buy and use Class B and C pesticides without passing the Grower's Pesticide Safety Course or training.

Detailed information about the allowed use of pesticides in and around your farm can be found in the training manual for the Grower Pesticide Safety Course (as amended), or by referring to the *Pesticides Act* and the Regulation.

Licence exemption requirements for farmers

Qualified Farmer

To be exempt from needing an exterminator's licence, a farmer must be at least 16 years old and pass the Grower Pesticide Safety Course. This includes taking a one-day course as well as passing a two-part exam, delivered and administered by the University of Guelph's Ridgetown Campus.

If you meet the qualifications set out in **section 43** of the Regulation you do not need an exterminator's licence to use most Class B and C pesticides on an agricultural operation that you own or operate, or to perform a land extermination using Class B and C pesticides on an agricultural operation that you do not own or operate, provided certain requirements are met. Farmers cannot use fumigant gases (other than in the fumigation of groundhog burrows) without an exterminator's licence. Certain uses of pesticides require more than one qualified farmer, such as the use of a suspension in air. For more detailed information about the use of pesticides, refer to the *Pesticides Act* and the Regulation.

Farmers who meet the criteria in **section 43** of the Regulation are also able to supervise trained farmers that mix, load and apply Class B and C pesticides, provided certain conditions are met.

Supervised and Assistant Farmers

A person that is 16 years of age, has successfully completed an approved course for handling and using pesticides on an agricultural operation, and performs an extermination while under the supervision of a qualified farmer is considered a supervised farmer. A supervised farmer can use a Class B or C pesticide under supervision, however, they are restricted from performing certain tasks and supervising farmers are required to comply with certain conditions as described in [section 44](#) of the Regulation.

These rules apply to all supervised farmers, including family members, farm employees and seasonal workers. Similar rules apply to a person (assistant farmer) who assists with an extermination but does not perform the extermination (see [section 45](#) of the Regulation).

Exemption from licensing for farmers

All farmers in Ontario are exempt from requiring an exterminator's licence to use Class D pesticides on their farm. Prior to changes to Ontario's *Pesticide Act* and the Regulation [made in 2020](#), this exemption applied to certain Class B and C pesticides (previously Class 4). Farmers now must meet the qualifications in [section 43 or 44](#) of the Regulation to be exempt from licensing requirements for use of any Class B and C pesticides.

42. A farmer is exempt from subsection 5 (1) of the Act in respect of an extermination that he or she performs for the purposes of the agricultural operation that he or she owns or operates on a regular basis if the extermination is performed by means of a Class D pesticide.

O. Reg. 63/09, s. [42](#).

Pesticide permits on farms

Some uses of pesticides over land on a farm require a permit. A permit is required to use a Class B pesticide that is sprayed aerially. Amendments to the *Pesticides Act* and the Regulation [in 2020](#) mean that permits are no longer required to use certain pesticides (Class C pesticides that were previously in Class 2) when applied by air, however, you will now need a permit in the situations described above where you may not have needed one before (e.g. Class B pesticides that were previously in Class 3 or

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Class 4). There are also permit requirements that related to water and structural exterminations (e.g. fumigant gas).

Class E on farms

Farmers who want to buy and use certain neonicotinoid-treated corn and soybean seeds (Class E) must meet regulatory requirements, including completion of Integrated Pest management (IPM) training, a pest risk assessment report (PRAR) and a signed declaration that they have considered IPM principles. Farmers need to **submit** these pieces of information, along with their IPM training certificate number to buy treated seeds.

Farmers need to complete **a PRAR once for each farm property** on which they intend to plant Class E seed and do not need to repeat the pest risk assessment each year. A farmer does not need to hire someone to complete a PRAR, unless the farmer has not completed IPM training. IPM training is administered by the University of Guelph's Ridgetown Campus and only needs to be completed once (i.e. does not expire).

IPM-certified farmers can also supervise persons planting Class E seed. There are no limits to the number of people that an IPM-certified farmer can supervise.

Farmers do not need to take IPM training if they are a farm owner who hires people to purchase and plant seeds. In this case, the person they hire (e.g., farm manager or supervisor) will need to take IPM training.

For more information about using Class E pesticides, see Neonicotinoid rules for growers (as amended).

8. Using Pesticides as a Licensed Exterminator

Licensed exterminators no longer need to wait for federally registered pesticides to be classified in Ontario to be able to use them. Pesticides are automatically classified in Ontario when they are federally registered for use by PMRA (see **section 2** of the Regulation). Licensed exterminators use primarily Class B and C pesticides. These pesticides were previously classified as Class 2, 3 and 4.

Licensed exterminators can buy pesticides that are not allowed for some uses under Ontario's cosmetic pesticide ban. Licensed exterminators are required to understand Ontario's cosmetic pesticide ban including the Allowable list, in order to identify pesticides that are allowed for cosmetic use, exceptions to the ban that allow other pesticides to be used and to adhere to prohibitions on cosmetic use. The ministry no longer maintains a database to assist licensed exterminators in identifying pesticides that are only allowed to be used in, on or over land under an exception to the cosmetic

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pesticide ban, or assist them identifying the type of sign that must be used to notify the public of pesticide use.

Licensing requirements

Unless exempt, a person who uses pesticides requires an exterminator's licence. An example of a person exempt from requiring a licence is a person supervised by a licensed exterminator, if conditions are met (section 46 of the Regulation). Users of Class D pesticides on their own property are also exempt (**section 70** of the Regulation).

The exterminator's licence you require depends on the type of extermination you are performing. Ontario has 15 different licence categories that ensure pesticide users are trained for the type of structural, land or water extermination that they will be performing (e.g. Fumigation Soil, Aerial, Aquatic Vegetation etc.).

Each type of exterminator's licence has specific authorizations for the use of pesticides and conditions which may apply. Authorizations for pesticides used under a specific licence may limit the type of pesticides that can be used (e.g. herbicides only, specified fumigant gases).

To qualify for a licence, you must be 16 years of age as well as complete and pass a Ministry approved [pesticide certification course](#). The courses and exams are delivered and administered by University of Guelph's Ridgetown Campus. Once you have passed the exams, you need to [apply online](#) for a licence in Ontario with a ServiceOntario and ministry account.

Technicians and Trainees

Licensed exterminators work with Technicians and Trainees who can use most Class C and D pesticides.

A technician is at least 16 years of age and has passed a course approved by the Director for technicians concerning basic pesticide safety. A trainee is at least 16 years of age and uses pesticides under the direct supervision of a licensed exterminator at all times.

Technicians and Trainees must not use Class B pesticides. There are also certain Class C pesticides, including avicide, rodenticide, fumigant or suspension in air that can only be used in the presence of a licensed exterminator authorized to use the pesticide. For more information on conditions that must be met for a technician or trainee to use pesticides, see **sections 46-48** of the Regulation.

Changes to use by Licensed Exterminators

Changes to the Pesticides Act and the Regulation in 2020 increased the number of pesticides that can be used by certain licence holders. Fumigation Commodity licence holders can now use all insecticides (other than certain fumigant gases) to manage pests of commodities. New conditions added to the Fumigation Soil licence (Table to section 53 of the Regulation) provide authorization for certain land exterminations. Changes to the Regulation also expand the allowed uses of pesticides for some other licence holders. These include the control of animals that bite, sting, are venomous or carry disease on land (e.g. control of ticks on a lawn (subsection 71(1)(c) of the Regulation) by a structural exterminator, the control of plants that can affect certain structures (section 67.2 of the Regulation) by an Industrial Vegetation class exterminator, and the control of vegetation as described under sections 23, 28, or 29 of the Regulation by a Landscape class exterminator.

Changes to signage requirements

If you are providing written notice other than the posting of signs (in accordance with the Regulation) of a land extermination using a pesticide that is not on the Allowable List, written notice must include a description of the exception to the cosmetic pesticide ban that applies to the extermination (subsection 80 (1) of the Regulation).

New options have been added to provide notice of a land extermination other than the posting of signs. Additional notification methods provide options for golf courses, persons performing exterminations on portions of a highway or a public thoroughfare in a rural area and persons performing exterminations using only pesticides on the Allowable List. For more information on these alternative methods of notification, see section 79 of the Regulation. For a sample of notice sign C, please see Appendix E.

Changes to permits

The alignment of Ontario pesticide classes with federal classes resulted in some shifts in the uses of pesticides that are subject to permit requirements.

The requirement for a permit for aerial application of Class 2 pesticides is realigned to require a permit for aerial application of Class B pesticides. A permit is still not required for the aerial application of *Bacillus thuringiensis* serotype *kurstaki* (Btk) by municipalities (section 72 of the Regulation).

Structural extermination permits continue to be required for fumigations with a fumigant gas in buildings, vehicles and structures (section 58 of the Regulation). Water extermination permits continue to be required, unless exempt (section 7(2) of the Act). Land extermination permits continue to be required for the use of picloram and aerial application of pesticides to a Crown forest (section 72 of the Regulation).

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For more information about pesticides in Ontario, contact the ministry's Public Information Centre

[Toll free: 1-800-565-4923](tel:1-800-565-4923)

[In the GTA: 416-325-4000](tel:416-325-4000)

[TTY: 1-800-515-2759](tel:1-800-515-2759)

Email: picemail.moe@ontario.ca

Website: ontario.ca/pesticides

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Appendix A – List of Active Ingredients Authorized for Cosmetic Uses

NOTICE: The following version of the List of Active Ingredients Authorized for Cosmetic Uses (Allowable List) is presented below for illustrative purposes only and represents the list as of the date of this document. The Allowable List however is a dynamic list that is updated by the Ministry on a regular basis, as described in this document. Please refer to the most up to date version of the Allowable List that is available on Ontario.ca.

Number	Active Ingredient Name
1	Acetic acid
2	Ammonium soaps of fatty acids
3	Ammonium soaps of higher fatty acids
4	Aureobasidium pullulans strain dsm 14940
5	Aureobasidium pullulans strain dsm 14941
6	Azadirachtin
7	Bacillus subtilis mbi 600
8	Bacillus subtilis qst 713
9	Bacillus thuringiensis kurstaki
10	Bacillus thuringiensis tenebrionis
11	Boracic acid (boric acid)
12	Borax
13	Brassica hirta white mustard seed powder
14	Canola Oil
15	Capsaicin
16	Castor oil
17	Chondrostereum purpureum strain pfc2139
18	Citric acid (present as fermentation products of lactobacillus rhamnosus strain r-11, lactobacillus casei strain r215, lactococcus lactis ssp. cremoris strain m11/csl, lactococcus lactis ssp. lactis strain ll102/csl, and lactococcus lactis ssp. lactis strain ll64/csl)
19	Codling moth and leaf roller pheromone
20	Copper as elemental, present as tribasic copper sulphate
21	Copper as elemental, (from picro cupric ammonium formate and tannate complex)
22	Copper, present as copper octanoate
23	Copper as elemental, present as copper oxychloride
24	Corn gluten meal
25	Diallyl disulfide and related sulfides
26	Dried blood
27	Dried whole eggs
28	Extract of reynoutria sachalinensis
29	Fatty acid
30	Fish meal mixture
31	Fish oil mixture
32	Garlic
33	Hydrogen peroxide
34	Iron (present as fehedta)
35	Iron (ferrous or ferric) phosphate
36	Iron (ferrous or ferric) sulfate
37	Iron (ferrous or ferric) sodium
38	Kaolin
39	Lactic acid (present as fermentation products of lactobacillus rhamnosus strain r-11, lactobacillus casei strain r215, lactococcus lactis ssp. cremoris strain m11/csl, lactococcus lactis ssp. lactis strain ll102/csl, and lactococcus lactis ssp. lactis strain ll64/csl)
40	Lime sulphur or calcium polysulphide
41	Liquid corn gluten

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Number	Active Ingredient Name
42	Meat meal mixture
43	Metarhizium anisopliae strain f-52
44	Methyl-anthranilate
45	Mono-and di-potassium salts of phosphorous acid
46	Mono-and dibasic sodium, potassium, and ammonium phosphites
47	Mineral oil (herbicidal or plant growth regulator or insecticidal or adjuvant)
48	Nuclear polyhedrosis virus of douglas firtussock
49	Nuclear polyhedrosis virus of the gypsy moth
50	Nuclear polyhedrosis virus of red-headed pine sawfly
51	Oil of black pepper
52	Pantoea agglomerans strain c9-1
53	Pantoea agglomerans strain e325
54	Phoma macrostoma strain 94-44b
55	Piperine
56	Polyoxin D zinc salt
57	Putrescent whole egg solid
58	Sclerotinia minor
59	Silicon dioxide -present as diatomaceous earth - salt water fossils
60	Soap (alkanolamine salts of fatty acid)
61	Soap (potassium salts of fatty acid)
62	Sodium chloride
63	Sodium alpha-olefin sulfonate
64	Streptomyces acidiscabies strain rl-110t and thaxtomin a
65	Sulphur
66	Trichoderma virens strain g-41
67	Trichoderma harzianum rifai strain krl-ag2
68	Trichoderma harzianum rifai strain t22
69	Typhula phacorrhiza strain 94671
70	Verticillium albo-atrum strain wcs850
71	Wintergreen oil
72	4-Chloroindole-3-Acetic Acid (Present As Potassium Salt)

Appendix B – Sample Request to consider adding a pesticide to the Allowable List

Instructions

Complete this form to request that the Director under the Pesticides Act consider adding an active ingredient to the List of Active Ingredients Authorized for Cosmetic Uses (“Allowable List”).

- The registrant is the name identified on the federal certificate of registration of the pesticide containing the active ingredient.
- The Canadian agent is the name of the person acting on behalf of the registrant, if applicable, as identified on the federal certificate of registration. If the registrant or Canadian agent is not an individual, the applicant is the name of the individual who is applying on behalf of the registrant or Canadian agent.

Note:

- It is an offence under subsection 17(5) of the Pesticides Act to provide false information. No person shall orally, in writing or electronically, give or submit false or misleading information in any statement, document or data to any provincial officer, the Minister, the Ministry, any employee in or agent of the Ministry or any person involved in carrying out a program of the Ministry in respect of any matter related to this Act or the regulations.

Section 1. Registrant

Registrant Name		
Address		
City/Town	Province	Postal Code

Section 2. Canadian Agent Information

Canadian Agent Name		
Address		
City/Town	Province	Postal Code

Section 3. Pesticide

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Active Ingredient in the Pesticide
Pest Control Product (PCP) registration number of Class B, C or D pesticide containing Active Ingredient
Indicate how the active ingredient meets the criteria in section 17 of Ontario Regulation 63/09:

Section 4. Applicant (Contact information for individual representing the registrant or Canadian agent)

Applicant Name			
Address			
City/Town	Phone	Province	Postal Code
Signature			Date

Appendix C – Controlled Sales Handouts



ATTENTION:

You have purchased a controlled sale pesticide. Certain uses of this domestic product are not allowed under Ontario's Cosmetic Pesticides Ban.

Weeds: Controlled sale products cannot be used on driveways, patios, lawns or gardens to control weeds or other vegetation but can be used to control plants that are poisonous to humans by touch (e.g., poison ivy, giant hogweed).

Pests: Controlled sale products cannot be used to control lawn or garden pests but can be used to control biting or stinging pests as directed on the label. These products can be used inside your home or immediately around the outside perimeter to control indoor pests as directed on the label.

For more information, visit www.ontario.ca/page/pesticides-home-lawns-and-gardens, or call 1-800-565-4923 or 416-325-4000



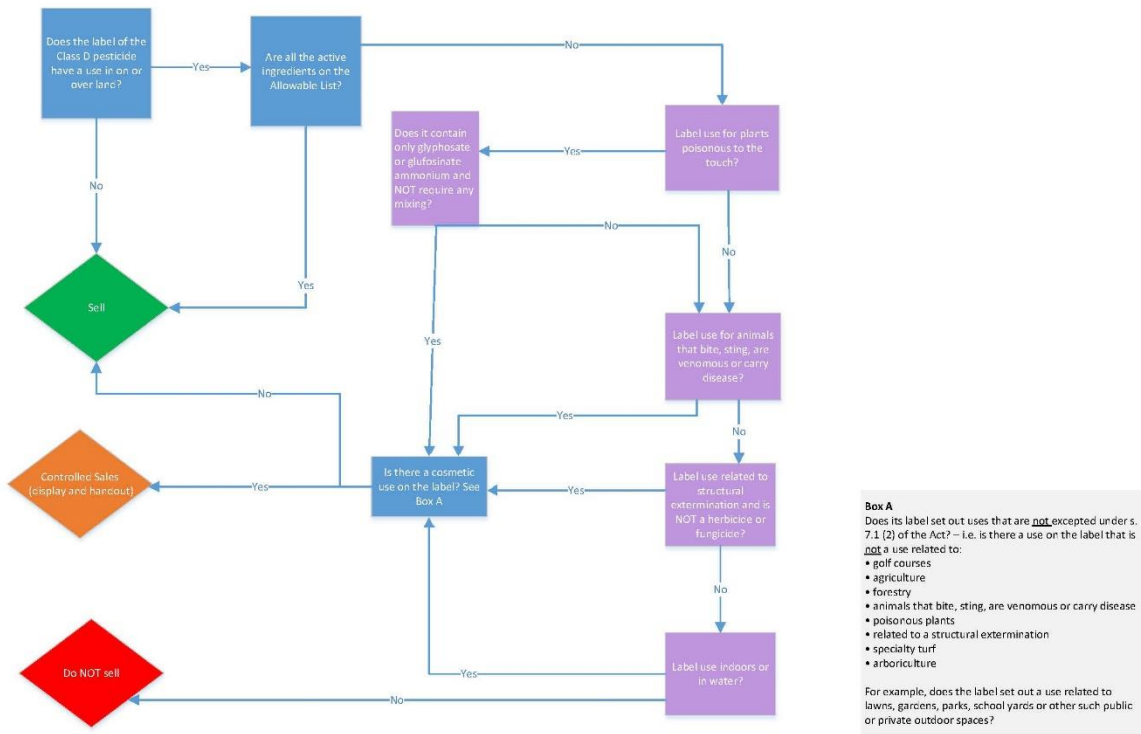
ATTENTION:

You have purchased a controlled sale product containing capsaicin for repelling bears. Controlled sale bear repellent products are restricted for sale to persons 18 years of age or older. Vendors are required to keep a signed record including the name and address of the purchaser and amount purchased.

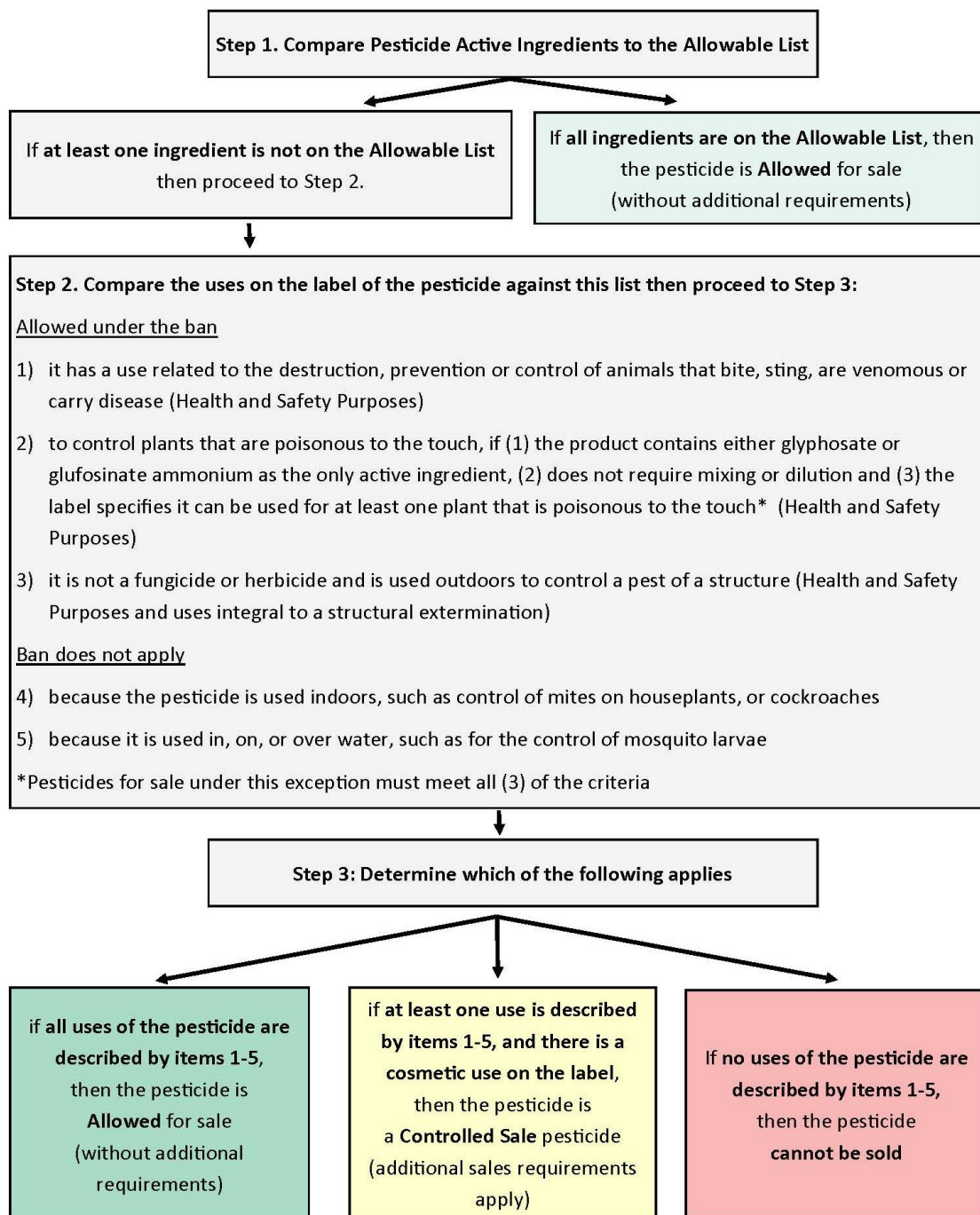
For more information, visit www.ontario.ca/pesticides, or call 1-800-565-4923 or 416-325-4000

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Appendix D – Vendor Guidance Charts



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Appendix E – Sample sign "C" for residential area land exterminations

<p>Sign "C" Example: Notice – Residential area land extermination – NOT TO SIZE</p>	<p><u>(Front) Notice - Residential area land extermination</u> Sign to be 28 cm high x 22 cm wide (minimum) with green border; rain resistant; sturdy; reusable</p> <p>The word "NOTICE" in capital green letters 2.5 cm high (minimum)</p> <p>Capital black letters 1 cm high (minimum) Information to be printed in capital letters or numbers that are 1 cm high (minimum)</p> <p>Words or markings that identify the employer of the person performing the land extermination or that identify the owner, occupier or person in charge and that do not detract from the sign; not to occupy more than bottom 2.5 cm of the sign</p> <p>Version date not required to be printed on sign</p>
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NOTICE

PRODUCT USED.....

REGISTRATION NUMBER.....

ACTIVE INGREDIENT.....

PEST.....

APPLICATION AREA.....

FOR INFORMATION CONTACT.....

CALL COLLECT/TOLL FREE....

DATE APPLIED.....

Version Date January 1, 2020

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PRODUCT USED.....
REGISTRATION NUMBER.....
ACTIVE INGREDIENT.....
PEST.....
APPLICATION AREA.....

PRODUCT USED.....
REGISTRATION NUMBER.....
ACTIVE INGREDIENT.....
PEST.....
APPLICATION AREA.....

(Back) Notice - Residential area land

extermination
Complete only if other pesticides from the Allowable List are applied to the same site

Sign with **green** border

Capital **black** letters 1 cm high (minimum)
Information to be printed in capital letters or numbers that are 1 cm high (minimum)

Words or markings that identify the employer of the person performing the land extermination or that identify the owner, occupier or person in charge and that do not detract from the sign; not to occupy more than bottom 2.5 cm of the sign