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**RE: CropLife Canada comments on the amendments to the *Pesticides Act***

On behalf of Canada’s plant science industry, CropLife Canada appreciates the opportunity to comment on the proposed amendments to the Ontario *Pesticides Act* put forward in Bill 132 – *Better for People, Smarter for Business Act, 2019*.

CropLife Canada is the trade association representing the manufacturers, developers and distributors of plant science innovations — pest control products and plant biotechnology — for use in agriculture, urban, and public health settings. Representing approximately 98 per cent of this product market in Canada, our member companies have significant business, public health, wellbeing and environmental interests in the province of Ontario.

CropLife Canada applauds the proposed amendments that would repeal the provisions that created the Ontario Pesticides Advisory Committee (OPAC) and the commitment to instead promptly classify new products approved by Health Canada’s Pest Management Risk Agency (PMRA), reducing red tape for farmers, small agri-business retailers, and the companies providing seeds and crop-protection products to Ontario farmers. We also appreciate the fact that Ontario has moved closer to the federal classification system. These are tremendous steps forward. The existence of OPAC was duplicative and put Ontario at a competitive disadvantage compared to other provinces by withholding access to the newest federally approved technologies until an additional time and resource consuming review process was completed. Once that process was completed, the product was simply placed in an arbitrary classification that had become unwieldy and complicated and which provided no tangible benefit to either the environment or the public.

In our view, the stated objective of removing duplication and aligning with the federal pesticide regulator is both sound and commendable. However, we note that one specific topic included in Bill 132 as part of the proposed revision to the *Pesticide Act* does not meet this goal.

Although Bill 132 recognizes the scientific rigour of the PMRA’s evaluation process and outcomes, stating that the agency is “resourced and equipped to review and register pesticides for all of Canada”, it is proposed that Ontario maintain the current provisions that prohibit the sale and use of so-called “cosmetic pesticides”. This restriction prohibits certain land uses of pesticides, with exceptions for active ingredients that the Director has determined are appropriate for use on land (Subsection 7.1(1)) and exceptions for certain land use scenarios (Subsection 7.1(2)).

Not only does this continued arbitrary, non-science-based restriction run counter to the very principle that Bill 132 endorses – eliminating red tape through regulatory alignment and science-based regulation – CropLife Canada has concerns about the proposed alternate provisions that will enable the Director to identify active ingredients appropriate for use on land. Although this is (presumably) a

lesser requirement than the current classification process, the concerns remain the same. Not only is this requirement duplicative of the federal process, many of the delays our members experience with the current classification process can be linked to responsibilities of the Director. If implemented as written, it is likely that registrants will continue to experience a delay in getting products to the marketplace in Ontario compared to other provinces, where products are available immediately for sale and use upon federal registration.

Unscientific restrictions of pesticides inappropriately stigmatize all uses of pesticides, create additional unnecessary costs for homeowners, businesses, and local governments and result in unwarranted public concern. All pesticide products on the market in Canada, regardless of whether the pesticide is identified as a biopesticide, non-conventional or conventional and whether they are intended for agriculture, lawn and garden, forestry, or other uses, have been assessed by the PMRA and must meet the same standard of safety to human and the environment. Therefore, to prohibit use based on criteria such as the source of an active ingredient is not consistent with the Government of Ontario's acknowledgment of the federal pesticide regulatory system and ultimately equates to a rejection of Health Canada's stringent, science-based evaluation of these products. We recommend that further consideration be given to this dichotomy of approaches.

We recommend that the province of Ontario amend the *Pesticides Act* to eliminate its non-science-based elements, specifically by removing all reference to "cosmetic pesticides", which has a subjective definition with no scientific or health basis. The use of this term in the context of legislation is superfluous and only serves to reinforce the arbitrary decisions made by the previous government to prohibit certain pesticide uses. We recommend repealing Sections 7.1 (1) to (4) dealing with the prohibition of "cosmetic" pesticides and revising Section 35 (2) to eliminate references to "cosmetic" pesticides, plus definitions in Section 1 of the Act.

Please find additional recommendations to improve the utility of the proposed amendments outlined in the table below.

In conclusion, we would like to reiterate our praise of the current government of the province of Ontario for the proposed action to reduce red tape by eliminating OPAC and the opportunity to provide input into this important consultation. If you have any questions or comments, please do not hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read "D. Prouse".

Dennis Prouse  
Vice President, Government Affairs

A handwritten signature in blue ink, appearing to read "Darell Pack".

Darell Pack  
Director, Provincial Regulatory Affairs and Stakeholder Relations

Document/Section	Text	Comment
<i>Pesticides Act</i> 1. Interpretation	Definition of cosmetic [“cosmetic” defined as non-essential]	CropLife Canada suggests removing the definition “cosmetic” from the <i>Pesticides Act</i> as what may be deemed non-essential is subjective and there are no sound scientific criteria to support this differentiation.
<i>Pesticides Act</i> 1. Interpretation	Definition of pesticide	CropLife Canada recommends that the definition of pesticide be amended in the <i>Pesticides Act</i> to be identical to the definition in the <i>Pest Control Products Act</i> for “pest control product”.
<i>Pesticides Act</i> Multiple sections		CropLife Canada suggests to amend the <i>Pesticides Act</i> to remove all reference to “cosmetic” pesticides, i.e., section 1(1); sections 7.1 (1) to 7.4; and section 35 (2).
Bill 132 44. Subsections 7.1 (1) to (4) of the Act are repealed and the following substituted:	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.	This comment pertains to Bill 132 sections 44 and 49. CropLife Canada has concerns about the process that active ingredients will have to go through in order to be considered candidates for the “List of Active Ingredients Authorized for Cosmetic Use” (or the Allowable List).
Bill 132 49. (2) Paragraph 38 of subsection 35 (1) of the Act is repealed and the following substituted:	35 (1) The Lieutenant Governor in Council may make regulations... 38. governing a process for submitting a request to the Director for a determination of whether to list an active ingredient under subsection 7.1 (1);	Many of the delays our members experience with the current classification process can be linked to responsibilities of the Director. If implemented as written, we have concerns that our members will continue to experience a delay in getting products to the marketplace in Ontario compared to other provinces, where products are available immediately for sale and use upon federal registration.