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Via Email: Nalisha.Asgarali@ontario.ca

Subject: ERO 019-0481 Amendments to the Ontario *Pesticides Act*

Premier Tech Home & Garden (PTHG) is the leading Canadian manufacturer of lawn and garden products, including pesticides registered under the federal *Pest Control Products Act*. PTHG operates in six Ontario locations. We appreciate this opportunity to provide comments on ERO 019-0481 Amendments to the Ontario *Pesticides Act* (Act) as the final amendments to the Act have a direct impact on our business, the competitiveness of our retail partners and ultimately the choices available to Ontarians.

Ontario Pesticides Advisory Committee (OPAC)

PTHG is a member of both the Canadian Consumer Specialty Products Association and CropLife Canada. In the Fall 2018 both associations advocated through the government's Red Tape and Regulatory Burden Reduction initiative to repeal the role of OPAC in the classification of pesticides in Ontario. The OPAC classification process was duplicative of the pesticides process at the federal level by Health Canada's Pest Management Regulatory Agency (PMRA). In addition to the duplication of work already completed at the federal level, the classification process delayed the introduction of new and innovative products to Ontario consumers, reduced predictability for a seasonal market and affected Ontario retail businesses.

PTHG supports the amendments to the Act that will eliminate OPAC and subsequently, the onerous application for classification process. These amendments recognize the rigorous scientific review conducted by PMRA prior to approving a new pesticide product for use in Canada. Further, the PMRA pesticide classes, Manufacturing, Restricted, Commercial or Domestic will now be the basis of the Ontario Pesticide Regulations classification realignment.

Prohibition of Pesticides for Cosmetic Use

However, PTHG is disappointed that despite acknowledging the scientific rigour of the federal registration process, the prohibition of certain pesticides for use in outdoor urban settings will remain in the provincial Act. We do not support restrictions or prohibitions that are not based on science.

The proposal to retain this prohibition is inconsistent with the governments statement in the ERO 019-0481 Proposal Details:

“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...”

Health Canada registers products that can be safely used according to the label instructions with no unacceptable risk to human health or the environment. Any pesticide product that is federally registered and classified as Domestic is suitable for use by homeowners, just like the many other common consumer products found in and around the home. PTHG hopes that the government will reconsider its plan to prohibit Ontarians from easily accessing federally registered pest control products for use in urban settings, including lawns and gardens.

In the absence of repealing the so called cosmetic ban, PTHG would like to suggest changes to the current proposal:

Subsection 1(1)

Remove the term “cosmetic” from the Act as it is subjective and provides no additional clarity to the prohibition of land use of pesticides. The terminology cosmetic pesticide does not make sense given the definition of “pest” found in the Act.

The Act prohibits land use of pesticides with the exception of uses as outlined in 7.1 in the Act and as prescribed in the regulations:

- 7.1** (1) Subject to subsection (2), no person shall use or cause or 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. Exception, specified uses
- (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.

Subsection 7.1

The heading **Prohibitions – pesticides used for cosmetic purposes** should be amended to **Prohibitions – pesticides used on, in or over land**. As noted above, the definition of “cosmetic” is subjective. By using the terminology associated with “land” as defined in the Act, Section 7.1 would align with the intent of the stated changes in Bill 132 (Schedule 9):

“Also, the provision of the Act that currently prohibits the sale of prescribed pesticides is replaced with a provision that prohibits the sale of pesticides unless they have been prescribed.”

In other words, everything is banned for land use, unless it’s not (the excepted users in Subsection 7.1(2) and the Allowable list referenced in 7.1(1)). Removing the term cosmetic does not impact the government’s current (albeit unscientific) intent. Further, this action would remove an ambiguous word from the Act that was previously adopted to stigmatize certain pesticides and certain uses.

PTHG intends to provide separate comments on ERO 019-0601 Amendments to the Pesticide Regulation (63/09 General).

Should you have any questions or require clarification on any of the above or previous comments provided by Premier Tech Home & Garden, please feel free to contact me by phone, 905 814-7051 or e-mail, beas4@premiertech.com.

Sincerely,



Suzanne Beattie
Regulatory Director