

December 11, 2019

Ministry of the Environment, Conservation and Parks  
Environmental Policy Branch - Land Use Policy  
40 St Clair Avenue West, 10<sup>th</sup> Floor  
Toronto, ON, M4V 1M2  
Submitted via email: Nalisha.Asgarali@ontario.ca

**Health  
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**RE: ERO Posting No. 019-0601 Amendments to the Pesticide Regulation (63/09)**

Dear Ms. Asgarali,

Thank you for the opportunity to comment on the proposed amendments to the *Pesticide Regulation*. While Region of Peel – Public Health staff are supportive of the Ministry of Environment, Conservation and Parks (MECP) stated commitment to maintain the cosmetic pesticide use ban, we are concerned that the proposed changes to the regulation could result in increased human exposure to pesticides and negative impacts on pollinators. We therefore urge the MECP to reconsider the proposed changes and to keep human and pollinator health at the forefront of any future pesticide policy decisions. Specifically, our concerns, and recommendations are as follows:

**1. Process for Adding Pesticides to the Allowable List for Cosmetic Purposes**

Peel Public Health staff are concerned with the proposed process for determining whether a pesticide should be added to the allowable list for cosmetic purposes. The proposed regulation provides the MECP Director with discretionary power to add pesticides to the allowable list and provides arbitrary criteria (using words like “likely” and “unlikely”) for the Director to base their decision on. Section 17(1).2 states that *“an active ingredient is appropriate for use for a cosmetic purpose only if the Director is satisfied that the active ingredient is a biopesticide or that the active ingredient poses a low risk to human health and the environment.”* One of the factors to be taken into consideration by the Director in deciding if the pesticide is low risk is if *“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.”*

A growing body of research evidence demonstrates known and suspected harms of exposure to pesticides, including low-dose exposures. As a result, Peel Public Health staff are concerned that the Director’s discretionary power combined with the arbitrary criteria they are to base their decision on, could undermine the intention of the cosmetic pesticide ban and result in increased human exposure to pesticides.

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**Recommendations:**

- Establish a robust, transparent and evidence-based process to determine if pesticides should be added to the allowable list. The process should be led by a multi-disciplinary group of expert advisors.
- Extend the comment period on proposed changes to the allowable list **to at least 60 days** to allow stakeholders enough time to review the proposal.

**2. Neonicotinoids**

Peel Public Health staff are concerned that the proposed regulatory changes will undermine Ontario's restrictions on neonicotinoid (NNI)-treated seeds by removing accountability mechanisms designed to protect pollinator health. NNIs are highly toxic to pollinators and their use has contributed to the steep decline of pollinator populations in recent years. Declining pollinator populations threatens the viability of ecosystems and ultimately human health.

Since 2015, Ontario's *Pesticide Regulation* has prohibited the sale and use of NNI-treated corn and soybean seeds, except for in certain situations where relevant pests are present. In cases where a farm had a pest problem necessitating the use of NNI-treated corn or soybean seeds, the current regulation contains various accountability mechanisms to prevent the misuse of NNI. The proposed amendments would remove many of the accountability mechanisms including the requirement for:

- farmers to have a third-party verification of the pest problem
- vendors to submit to the MECP a list of NNI pesticides for sale and Annual Sales Data Reports of NNI
- the MECP to post NNI-treated seed sales data.

If made into law, these changes could result in increased use of NNI-treated seeds as there will be less oversight over the program and farmers/vendors may be more inclined to use/sell NNI-treated seeds. For example, if a farmer no longer requires third-party assessment of the presence of pests, it may result in the increased use of NNI-treated seeds in situations where their use is not warranted.

**Recommendation:**

- Do not proceed with the proposed amendments. Maintain current requirements to limit the use of NNIs and to track their sale and use.

We hope that these comments will be helpful as the MECP considers amendments to the *Pesticides Regulation*. Of primary concern is that the proposed regulatory changes weaken protections and may result in the increased use of cosmetic

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pesticides and NNIs. The recent Auditor General of Ontario's 2019 report highlighted the need for proactive pesticides regulation, and noted that between 2014-2018, 76 out of 1200 samples of Ontario-grown produce tested by the Ontario Ministry of Agriculture had residues of pesticides that exceeded Health Canada's allowable limits.

Given this context, we believe it is critical to retain and strengthen existing protections that protect the health of the public and the environment. Thank you for the opportunity to comment. We welcome further discussion as warranted and request that you direct any questions or responses to Kathie Brown at 905-791-7800, ext. 2605 or via email at [Kathie.brown@peelregion.ca](mailto:Kathie.brown@peelregion.ca).

Sincerely,



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