



December 12, 2019

Hon. Prabmeet Singh Sarkaria
Associate Minister of Small Business and Red Tape Reduction
7th Floor
56 Wellesley St. West
Toronto, ON
M7A 2E7

Hon. Jeff Yurek
Minister of the Environment, Conservation and Parks
5th Floor
777 Bay St.
Toronto, ON
M7A 2J3

Re: *Better for People, Smarter for Business Act - Oppose Burdensome and Extraneous Posting Requirements for Pesticide Applications that Protect Public Health – Support the Elimination of OPAC and Improving the Professionalism of the Structural Pest Management Industry*

Dear Mr. Yurek, Mr. Sarkaria, and Members of the Legislative Assembly of Ontario:

The Structural Pest Management Association of Ontario (SPMAO) is the most experienced and largest professional association for the structural pest management industry in Ontario, a non-profit organization with a board of directors comprised of representatives from our members. SPMAO assists its member companies and licenced pesticide applicators through workshops and training seminars, so they can obtain their professional licences and stay current with the latest policies, standards and best practices. SPMAO represents over 160 licenced companies that actively protect the health and safety of all Ontarians from dangerous and deadly pests. SPMAO members use pesticide products to control ants, bed bugs, cockroaches, mosquitoes, rodents, spiders, stinging insects, and other pests in countless commercial, residential, and institutional settings.

SPMAO appreciates the opportunity to submit comments regarding changes to the Ontario Pesticide Act as part of the *Better for People, Smarter for Business Act*. SPMAO supports and opposes aspects of the bill. This proposed bill removes burdensome and duplicative regulations

regarding the Ontario Pesticides Advisory Committee (OPAC) and pesticide registration and evaluation, however, at the same time it adds new burdensome and extraneous regulations regarding sign posting, thereby creating a hindrance to protecting public health and people from dangerous and deadly pests. Additionally, Ontario is comprised of the largest number of pesticide applicators in all of Canada, and it is important to ensure that the greatest contingent of applicators leads the rest of Canada in professionalism standards. In short, SPMAO enthusiastically supports modernizing Ontario's Pesticide Act, increasing the professionalism of our industry by requiring recertification and continuing education or re-writing the examination every five years for licenced exterminators, and we oppose extraneous sign posting requirements that aren't on the product label and approved by Health Canada's Pest Management Regulatory Agency (PMRA).

Oppose Burdensome and Extraneous Sign Posting Requirements that are a Hindrance to Protecting Public Health

The *Better for People, Smarter for Business Act* imposes burdensome and extraneous sign posting requirements that ties the hands of protectors of public health and property with red tape. For example, SPMAO members routinely manage dangerous and deadly pests such as mosquitoes that transmit West Nile virus and ticks that transmit Lyme disease and the Powassan virus. Complying with the proposed sign posting requirements outlined in this bill erects hurdles to managing these potentially life-threatening pests. For example, Section 67.1 imposes posting requirements for:

[A] person who performs a structural extermination that involves the use of a pesticide in, on or over land for the purposes of destroying, preventing or controlling animals that bite, sting, are venomous or carry disease.¹

This requirement should not be blindly applied to these pesticide applications performed by SPMAO members that protect public health; sign posting should only be performed if the label requires it.

In Canada, pesticides are stringently regulated to ensure they pose minimal risk to human health and the environment. Under authority of the Pest Control Products Act (PCPA), Health Canada registers pesticides after a stringent, science-based evaluation that ensures any risks are acceptable; re-evaluates the pesticides currently on the market on a 15-year cycle to ensure the products meet current scientific standards; and promotes sustainable pest management.² Further, pesticide labels are legislative documents, and applicators must use the pesticide in accordance with the label. According to Health Canada:

¹ Pesticide Regulation 63-09_Consultation Draft - Tracked Changes, https://prod-environmental-registry.s3.amazonaws.com/2019-10/Pesticide%20Regulation%2063-09_Consultation%20Draft%20-%20Tracked%20Changes.pdf

² Health Canada, "Government of Canada," Canada.ca (Government of Canada, January 1, 2009), <https://www.canada.ca/en/health-canada/corporate/about-health-canada/branches-agencies/pest-management-regulatory-agency.html>

The product label which is approved as part of the registration process contains the conditions of registration which, along with the PCPA and regulations, govern the use of the product. In effect, therefore, the label is a legislative document. Use of a product in a manner that is inconsistent with the directions or limitations on the label is prohibited.³

Section 67.1's sign posting requirement is contradictory to the intent of this bill, which is to reduce red tape and unnecessary regulation in Ontario. If sign posting is necessary and beneficial then Health Canada's PMRA would have already required it on the label. Instead of blindly imposing burdensome and extraneous requirements on our industry, SPMAO believes that our environment and the people of Ontario would be better served by increasing the professionalism of our industry.

Support for Increasing Professionalism of the Structural Pest Management Industry and Requiring Recertification or Re-writing the Examination Every Five Years

While we support the modernization of the Ontario Pesticides Act regarding pesticide classification and evaluation, we believe the *Better for People, Smarter for Business Act*, could be greatly improved by increasing the professionalism of the structural pest management industry in Ontario. Currently in Ontario, only a fee is required every five years to renew a licence without re-writing the exam, and no additional education or training is required for recertification. Ontario is the only province where licenced applicators are not required to demonstrate their knowledge at regular intervals. All other provinces either have a mandatory examination every five years, or even better, allow for an accumulation of continuing education credits in lieu of the examination.

The Province of Ontario played a large role in developing the National Standard for licencing pesticide applicators in 2005 with prominent groups such as the Federal/Provincial/Territorial Committee on Pesticides and Pest Management (FPT), Working Group on Pesticide Education, Training and Certification (WGPETC), Canadian Association of Pesticide Control Officials (CAPCO), Health Canada, and other entities. The consensus for the National Standard for pesticide applicators that Ontario played an integral role in developing included re-writing exams or recertification every five years through education with the following structure:

³ "The Regulation of Pesticides in Canada," Health Canada, https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/cps-spc/alt_formats/pdf/pubs/pest/fact-fiche/regulation-Pesticides-reglementation-eng.pdf

Recertification Criteria

The objective of recertification is to maintain or upgrade an applicator or vendor's knowledge

regarding pesticides and pest management. Recertification criteria are:

Recertification must occur at least every five (5) years.

A candidate must obtain recertification by one of the following:

- successfully completing the certification examination,*
- successfully completing a recertification examination,*
- taking a course and successfully completing an examination, or*
- obtaining 15 continuing education credits in a continuing education program based on the criteria specified in Appendix E.*

The above recertification process must be approved by the provincial/territorial regulatory agency.⁴

Since this is the National Standard, SPMAO strongly recommends that Ontario take this opportunity to adopt this through the *Better for People, Smarter for Business Act*.

For example, British Columbia has a recertification program that requires applicators to rewrite the exam every five years or collect continuing education credits (CECs) through an approved industry association, which for our industry is through the Structural Pest Management Association of British Columbia (SPMABC).⁵ The Ministry of Environment and Climate Change Strategy provides oversight by approving courses for CECs and monitors the fitness of the SPMABC to administer the recertification program. It is SPMAO's view that obtaining CECs through the Association is the best way to improve the professionalism of the industry, eliminate red tape, and exercise fiscal responsibility because there is little to no cost to the Province of Ontario.

An additional example is Saskatchewan, where recertification runs not through an industry approved association, but through the Ministry of Agriculture and Saskatchewan Polytechnic. Both entities have agreed that all pesticide applicator examinations must be written under the supervision of Saskatchewan Polytechnic personnel at any Saskatchewan Polytechnic campus, or Regional College.⁶ While, we believe that having a university administering certification is better than the status quo, we would rather operate in a model that more closely resembles British Columbia because trade associations are more efficient, responsive, and cost-effective to taxpayers.

⁴ Health Canada, "Government of Canada," Canada.ca <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/public/federal-provincial-territorial/education-training-certification.html#stand>

⁵ "Continuing Education/Re-Certification Policy," Structural Pest Management Association of British Columbia, <http://www.spmabc.com/default/assets/File/SPMABC/Recertification%20policy%20update%202015.pdf>

⁶ "Pesticide Licensing," Government of Saskatchewan, <https://www.saskatchewan.ca/business/agriculture-natural-resources-and-industry/agribusiness-farmers-and-ranchers/crops-and-irrigation/pesticide-licensing-program/pesticide-applicator-licence/pesticide-applicator-licensing-requirements>

SPMAO Proposed Changes to the *Better for People, Smarter for Business Act* Regarding Increasing Professionalism for the Structural Pest Management Industry in Ontario

SPMAO proposes that the *Better for People, Smarter for Business Act* be amended to eliminate the sign posting requirements in Section 67.1 and include additional changes to the Ontario Pesticides Act that requires recertification through CECs and training through a model that closely resembles British Columbia, where credits are administered through an industry approved association with course approval from the Ontario Ministry of the Environment, Conservation and Parks.

An alternative option to increasing the professionalism of our industry in the *Better for People, Smarter for Business Act*, SPMAO recommends that at minimum, the bill establishes a working group between members of SPMAO and the Ontario Ministry of the Environment, Conservation and Parks to study, develop, and implement a recertification program for licenced exterminators in Ontario within the next year.

Support for the Elimination of OPAC and Removal of Duplicative Regulations

SPMAO agrees that it is time to end Ontario's duplicative classification of pesticides and align with the federal government, along with the rest of Canada's provinces. For many years, Ontario has trailed the rest of Canada. By automatically adopting federal standards, this change will bring the latest and greatest technology to market, thereby improving the protection of public health and property in Ontario by our member companies and licenced exterminators. Health Canada's 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.⁷ Health Canada's PMRA is resourced and equipped to review and register pesticides for all of Canada, something all other provinces have recognized. With the proposed changes, OPAC would be abolished, a change that SPMAO supports. We support this change because OPAC's main role results in a second unnecessary layer of pesticide classification, a proposal that modernizes Ontario's Pesticide Act.

Conclusion

SPMAO appreciates the opportunity to provide these comments and urges the Legislative Assembly of Ontario to consider our input as it considers the *Better for People, Smarter for Business Act*. Should you have any questions please contact acannon@pestworld.org.

Sincerely,

Geoff Walsh & Dusana Bondy
President & President-Elect
Structural Pest Management Association of Ontario

⁷ "Amendments to the Pesticide Act," Environmental Registry of Ontario, <https://ero.ontario.ca/notice/019-0481>