



Cosmetic Pesticides Ban Compliance and Enforcement Update

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Purpose

To provide an update on the Ministry of the Environment's activities related to the cosmetic pesticides ban:

- Education and Outreach
- Compliance and Enforcement
- Funding Research and Alternatives
- Increasing Awareness of Upcoming Requirements

Education and Outreach

- The ministry has focused its efforts and resources on helping the public and the industry understand the new rules.
- The ministry continues to attend meetings, seminars and trade shows.
 - Fact sheets for different sectors are posted on the ministry's website at www.ontario.ca/pesticideban.
 - Tips on caring for lawns and gardens using greener alternatives are available at www.additupontario.ca.



Compliance & Enforcement

- The ministry manages its approach to compliance and enforcement through education and outreach, inspections, responses to incidents, voluntary abatement, orders and prosecutions.
- A risk-based approach is used when determining how to respond to issues of non-compliance.
 - Ensures that the response is proportionate to the severity of incident.
- Ministry presence in the community
 - Environmental Officers
 - Sector Compliance Branch
 - Regional Pesticides Specialists
 - Spills Action Centre
 - Investigations and Enforcement Branch

Compliance Monitoring

- Compliance monitoring is an integral part of the pesticides program.
- Inspections may be unannounced. Officers may:
 - Ask to interview personnel;
 - Review records;
 - Take photographs and copy documents;
 - Collect samples.
- Inspections may also involve assessing compliance with other environmental legislation.
- Non-compliance is addressed using a range of options and tools.
- Follow up to ensure appropriate corrective action taken.



Inspection Findings – Landscape Sector

- From April to December 2010, the ministry conducted 158 pesticide inspections involving landscape operations to assess compliance:
 - 43% of these inspections were in full compliance with pesticide legislation
 - Majority of non compliance related to administrative type violations
 - Use of banned pesticides was observed in only 3% of these inspections.
- In all cases, the ministry ensured that appropriate corrective action was taken to achieve compliance.
- In 2010 the ministry also responded to over 250 complaints/incidents related to compliance with the ban.

Common Violations – Landscape Sector

- Improper storage conditions (vehicle and permanent storage);
- Improper containers;
- Failing to provide fire department notification;
- Licensing/certification concerns;
- Improper handling/use of pesticides;
- Failing to have vehicle stickers and posting of emergency contact information;
- Use/storage of unregistered and/or unclassified pesticides.



Inspection Findings – Vendors

- From April to December 2010, the ministry conducted 173 pesticide inspections involving pesticide vendors to assess compliance:
 - 24% of these inspections were in full compliance with pesticide legislation
 - Majority of non compliance related to administrative type violations
 - Compliance with the requirements of the ban was observed in approximately 60% of the pesticide vendor inspections conducted.
- In all cases, the ministry ensured that appropriate corrective action was taken to achieve compliance.

Common Violations – Vendors

- Improper storage conditions;
- Failing to provide fire department notification;
- Improper display of pesticides;
- Sale/storage of unregistered and/or unclassified pesticides;
- Sale of banned pesticides;
- Failing to provide Class 7 handout.

 Ministry of the Environment

Fire Department Pesticide Storage Notification
(For reference in case of an emergency)

Regulation 63/09 under the *Pesticides Act* requires that:

- Any person who stores a Class 1 pesticide **MUST** give a written notice annually to the fire department responsible for the area in which the pesticide is stored.
- Every manufacturer¹, licensed operator and licensed vendor who stores a Class 2, 3, 4, 5, 6, 7, or 8 pesticide **MUST** give a written notice annually to the fire department responsible for the area in which the pesticide is stored.

This form, when completed and forwarded to the local fire department, serves as the notification required under Section 112 of O. Reg. 63/09 under the *Pesticides Act*. **Retain a copy for your records.** Please notify the fire department if any of the information below changes.

Part A

Name of Fire Department (to which the notification is being made) _____ Date _____

Address of Fire Department _____

City _____ Province _____ Country _____ Postal Code _____

Fire Department Emergency Telephone Number(s) _____ Fire Department Business Telephone Number (non-emergency) _____

Business Name (company storing the pesticides) _____ Operator or Vendor Licence Number (if applicable) _____

Unit Identifier _____ Address (street number & street name or 911 emergency identification number & street name) _____

City _____ Province _____ Postal Code _____

Business Telephone Number _____ Business Fax Number _____

Name of Person Responsible for the Storage of Pesticides (please print) _____ After Hours Contact Telephone Number _____

Name of Alternate Contact Person (please print) _____ After Hours Contact Telephone Number _____

1. A manufacturer means a person who carries on business respecting the:
i. Formulation of a Class 1 pesticide into another pesticide,
ii. Manufacturing of a pesticide into a product,
iii. Incorporation of a pesticide into a product,
iv. Packaging or distribution of a pesticide or product containing a pesticide. (see s.1 of O. Reg. 63/09)

2. Operator means a person(s) who has the control and management of an extermination business. (see s.1 of *Pesticides Act*)

3. Licensed Vendor means a person who holds a General or Limited vendors licence in accordance with O. Reg. 63/09

4. "Person Responsible", when used with reference to a pesticide, substance or thing, means, (a) the owner, (b) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or (c) the person having the charge, management or control (e.g. a certified outlet representative of a General vendor) (see s.1 of the *Pesticides Act*)

Enforcement Actions

- Majority of non-compliance was addressed using a voluntary approach.
- In 2010, the ministry issued four Orders to address violations with the requirements of the ban.
 - Two were issued to address the sale of banned pesticides.
 - Two were issued to a landscape company to address use of a unregistered product and licensing concerns.
- Several cases have been referred to our Investigations and Enforcement Branch for follow up.

Enforcement Actions cont'd



- To date, three convictions related to violations of the cosmetic pesticides ban have resulted.
 - A lawn care company was convicted for applying banned pesticides to three residential properties.
 - Company fined \$12,000 plus a victim fine surcharge.
 - A lawn care company was convicted in two cases for the application of a banned pesticide and failing to post signs as per the regulations.
 - Company fined \$10,486 plus a victim fine surcharge.
- One additional case remains before the courts.

Reporting Non-Compliance

- Direct reports of non-compliance to the local ministry district office during regular business hours or the ministry's Pollution Hotline after business hours at 1-866-MOE-TIPS (1-866-663-8477).
- Visit ministry website at for contact information www.ene.gov.on.ca/en/contact/regionalmap.php.



Developing Greener Alternatives

- The ministry has provided funding to the Agricultural Adaptation Council to establish the CUPRI program to investigate new approaches to manage pests in lawns, gardens and parks.
- Nine projects have been approved for funding of \$432,000 under this program. More information about CUPRI is available at www.adaptcouncil.org/e/past-programs/cupri.php.

New Requirements

Specialty Turf and Public Works

April 1, 2011

Owners or operators of specialty turf and public works must prepare an annual report on Class 9 pesticides before this date:

- disclosing the locations and amounts used in the previous year
- explain how pesticides will be minimized the following year



www.ontarioipm.com



New Requirements Cont'd

Golf Courses

June 30, 2011 Golf courses must prepare an annual report on Class 9 pesticide before this date:

- disclosing the locations and amounts used in the previous year
- explaining how pesticides will be minimized the following year

2012

Before April 22, 2012 golf courses must be fully accredited.

Before December 1 in each calendar year, beginning in 2012, the owner / operator of the golf course must notify the public when the annual report is available for inspection and must attend and present the report at a public meeting.



New Requirements Cont'd

Vendors

- As of April 22, 2011, Class 7 products must be placed in store displays such that the public does not have ready access.
- Class 7 products include both non-cosmetic and cosmetic uses on product labels but can only be used for non-cosmetic purposes under the ban.
- Licensed limited vendors must continue to provide information (Class 7 handout) to consumers that certain uses of the product are prohibited under the ban.

Thank you