
Section 1

How Pesticides are Regulated

Federal Laws



The Pest Control Products Act

The Pest Control Products Act (PCP Act) is the federal law that regulates all products used to control pests in Canada. The PCP Act was first passed in 1939. The law was revised in 1969 and new Regulations were added in 1972.

Before a pesticide can be sold or used in Canada, it must be registered under the PCP Act.

How a Product is Registered

The Pest Management Regulatory Agency (PMRA), Health Canada is responsible for administering the PCP Act and its Regulations.

Before a pesticide is registered, the manufacturer must submit data to prove that the product is safe and effective when used as directed on the label. The manufacturer may be required to submit scientific data on chemistry, toxicology, metabolism, residues, environmental impact and effectiveness of the product. The PMRA analyses and assesses the data submitted. They must be sure that the product does not pose an unacceptable risk to plants, animals or the public health.

The Health Evaluation Division of the PMRA is responsible for assessing how toxic pesticides are for the people who are exposed to them. They determine what precautionary statements and hazard symbols must appear on the label.

You can contact the PMRA by calling their Pest Management Information Service at 1-800-267-6315. Their web site address is www.hc-sc.gc.ca/pmra-arla/. The Information Service will provide information on pesticide regulation and registered pesticides.

Re-evaluation of Registered Pesticides

The federal legislation on pesticides allows the PMRA to re-evaluate a registered product at any time – for example, if new information becomes available or if the manufacturer asks for a new use to be added to the label.

Within the past ten years, we have learned a lot more about the effectiveness of pesticides and their safety for the user, the public, and the environment. The PMRA reviews registered products according to the current information. It may decide that the product should be used in a different manner or that additional precautions must be included on the label. It may even suspend or cancel a product.

When a product is **suspended**, any packages already at retail outlets may be sold, but the registrant may not distribute any more of the product.

When a product is **cancelled**, the product may not be sold even if it is already at retail outlets. In some cases, the product may even be recalled.

The company that registered the product (the registrant) may appeal any decision or change in the registration of their product. In some cases, the registrant may choose to remove the product voluntarily.

Other Federal Acts

Other federal laws also regulate pesticides:

Food & Drugs Act (FDA)

The Food and Drugs Act is administered by Health Canada. This Act protects the health of consumers by preventing the sale of food that contains any harmful or poisonous substance.

The Health Evaluation Division of the PMRA determines the maximum amount of pesticide residue that may safely be contained in our foods. This amount is called the **maximum residue limit (MRL)**. The **MRL** is measured in parts per million and is based on the toxicity of the pesticide, its application rate and timing, and the crop to which it is being applied. MRL's are established as regulations under the Food and Drugs Act.

The Health Evaluation Division sets time limits for when pesticides may be applied to the crop. For example, they are responsible for statements on the label such as, “Do not apply within 10 days of harvest.”

It also sets restrictions for feeding crop refuse to livestock. Any restrictions must appear on the label.

It is the responsibility of the primary producer (the farmer), the spray operator, and the food processor to make sure that all the restrictions are followed. If you ignore the restrictions you are breaking the law. Your crops or produce may be seized and you may face a fine or jail sentence.

Fertilizers Act

The Fertilizers Act is the federal law that regulates all fertilizers used in Canada, including fertilizers containing pesticides. Before a fertilizer/pesticide can be sold or used in Canada, it must be registered under the Fertilizers Act.

Pesticide Residue Compensation Act

This Act pays the producer for damages or losses if the sale of his produce is stopped because it contains more pesticide residue than the Food and Drugs Act allows.

The producer must prove that the pesticide was applied according to the label directions in order to be considered for compensation.

Feeds Act

The Feeds Act provides regulations to prevent the contamination of feed.

Fisheries Act

The Fisheries Act prevents anyone from placing harmful substances in water frequented by fish.

Migratory Birds Convention Act

The Migratory Birds Convention Act prevents anyone from placing harmful substances in water or any area frequented by waterfowl and migratory birds.

Transportation of Dangerous Goods Act

This Act is administered by Transport Canada. It controls the handling and transport of hazardous products including some pesticides. See Transportation of Pesticides section in this manual for information about requirements under this Act.

Canadian Environmental Protection Act (CEPA)

This Act protects the environment as well as human life and health. The Act covers many different areas including:

- < procedures to review and approve chemicals
- < mandatory reporting of spills
- < export and import controls
- < recalls and clean-ups
- < new inspection and enforcement powers.

Canadian Food Inspection Agency (CFIA)

The Canadian Food Inspection Agency (CFIA) was created by the federal government to:

- < ensure that Canada has a safe, high quality food supply
- < provide inspection and support for animal and plant health programs.

CFIA administers or enforces the following acts:

Canada Agricultural Products Act	Health of Animals Act
Consumer Packaging and Labelling Act*	Meat Inspection Act
Feeds Act	Plant Breeders' Rights Act
Fertilizers Act	Plant Protection Act
Fish Inspection Act	Seeds Act
Food & Drugs Act*	

*as it relates to food

If you have questions or complaints, or would like more information, you can contact the CFIA at:

Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ont. K1A 0Y9
Telephone 613-225-CFIA (2342)
Facsimile: 613-228-6634
Internet: www.inspection.gc.ca

Provincial Laws



In Ontario, pesticides, and fertilizers containing pesticides, are regulated by the **Pesticides Act and Regulation 914**. They are administered by the Ministry of the Environment.

The Pesticides Act and Regulation control the use, sale, storage, display, disposal and transportation of pesticides, and fertilizers containing pesticides.

All pesticides registered under the federal PCP Act must be classified in Ontario before they can be offered for sale or used in Ontario.

Pesticides Act

Products are classified into one of six Schedules (or categories) depending on:

- < how poisonous they are (toxicity)
- < whether they create environmental or health hazards
- < how long they last in the environment (persistence)
- < their concentration
- < how they are used
- < their container size.

The Ontario Pesticides Advisory Committee (OPAC) reviews the technical information on each pesticide and approves a classification. The classification identifies the people who may sell and use that pesticide. A pesticide can be sold or used in Ontario as soon as the approved pesticide is posted on the OPAC web site located at www.opac.gov.on.ca.

The classification system allows Ontario to make sure that pesticides are only used by people who need them and have the knowledge to use them properly. Remember, the product must be federally registered for the intended use.

Ontario's Pesticide Schedules

Schedule	Used By
1	Licensed Applicator or Certified Grower with approved permit
2,5	Licensed Applicator or Certified Grower - no permit required
3,4,6	Licensed Applicator or Certified Grower or Grower (not certified) or Homeowner - no permit required

The *Compendium of Scheduled Pesticides* can be found on the OPAC web site located at www.opac.gov.on.ca. The Schedules are also listed in the Ontario Ministry of Agriculture, Food and Rural Affairs recommendation publications. You can also ask your supplier.

Pesticide Certification for Ontario Farmers

Since April 1, 1991, Schedule 1, 2 or 5 pesticide products may only be purchased and used on farm land by growers who are certified through the Grower Pesticide Safety Course.

Under the **Pesticides Act**, a grower (farmer) is a person who:

- < currently uses farm land for agricultural or forestry production, **and**
- < that farm land is classified as farmlands property under Section 7 of the *Ontario Assessment Act*.

A grower may own, rent, lease or share crop the farm land, or may be employed on the farm land.

A Certified Grower must:

- < meet the definition of a grower under the **Pesticides Act**, **and**
- < be at least 16 years of age, **and**
- < attend a one day Grower Pesticide Safety Course, **and**
- < successfully complete the certification exam.

Growers must renew their certification every five years by:

- < attending the Grower Pesticide Safety Course and successfully completing the exam, **or**
- < studying at home and successfully completing the exam at an exam writing session.

Pesticide Training for Assistants

Since January 1, 2000, assistants must have formal training to mix, load or apply any Schedule 2 or 5 pesticide under the supervision of a Certified Grower. Trained Assistants are not allowed to handle Schedule 1 products. Assistants must have formal training on the safe use of pesticides every five years.

Assistants do not need to write an exam. There are two training options for assistants. They may attend the Grower Pesticide Safety Course (and not write the exam) or they may attend an on-farm training session given by a qualified Trained Assistant Instructor.

Supervising Trained Assistants (TA's)

A Certified Grower may supervise up to three (3) Trained Assistants at any given time. The supervising Certified Grower can provide supervision to a Trained Assistant in one of two ways.

Direct supervision means that the Certified Grower must be present on the farm site at all times when the assistant mixes, loads or applies Schedule 2 or 5 pesticides.

Indirect supervision means that the **Certified Grower must meet three requirements** but does not need to be present on the farm site. To provide indirect supervision, the Certified Grower must meet **all three** of the following Ministry of the Environment requirements.

1. Be available for immediate response through an effective communication system.
2. Be present within a reasonable period of time to respond to an emergency situation.
3. Provide written instructions to the Trained Assistant for the mixing, loading or applying of Schedule 5 pesticides.

See the Record Keeping section in this manual for more information about the minimum written instruction requirements for Schedule 5 pesticides.

Restrictions of Duties for Trained Assistants

There are some duties that only a Certified Grower is allowed to do. Trained Assistants may **not**:

- < purchase;
- < select or recommend the type of pesticide;
- < select the rate of application;
- < select the means of storage, or disposal of empty containers; or
- < calibrate equipment used to apply the pesticides.

As a Certified Grower, you are responsible for all pesticide use on your farm. This includes pesticide use by Trained Assistants.

You will find more details about the regulations in other sections of this manual. The Pesticides Act and Regulation can be purchased from:

Publications Ontario
50 Grosvenor St., Toronto, ON M7A 1N8
1-800-668-9938 Toll Free or (416) 326-5300
or
Publications Ontario On-Line (POOL)
at <http://pubont.stores.gov.on.ca/pool/english/>

or viewed online at www.e-laws.gov.on.ca.

Other Provincial Acts

There are three other Ontario laws that regulate the use of pesticides, or the management of pests.

Environmental Protection Act

The purpose of the Environment Protection Act is to protect and conserve the natural environment. This Act is administered by the Ministry of the Environment. It applies to pesticides if they contaminate the natural environment in any way.

Part X of the **Environmental Protection Act** is commonly known as the “Spills Bill”. It regulates the spill of any kind of pollutant.

Part V of the **Environmental Protection Act** regulates the disposal of unusable tank mix or rinsate, or pesticide concentrate.

Ontario Water Resources Act

This Act states that it is illegal to deposit in any body of water in Ontario any material that may impair the quality of the water. This Act is administered by the Ministry of the Environment.

Weed Control Act (1989)

In Ontario, some weeds are classed as noxious under the Weed Control Act. This Act requires that the person in possession of land must destroy all noxious weeds on the property. The Ontario Ministry of Agriculture, Food and Rural Affairs administers this Act.

Municipalities may also add noxious weeds under the Municipal Weeds Act.

Review Questions

1. What does the term “PCP” Act stand for and which government administers this Act?

2. The PCP Act regulates products used for the control of pests. All pesticides must be registered under the PCP Act before they can be sold or used in Canada.

TRUE

FALSE

3. Once a pesticide is registered for use, the Pest Management Regulatory Agency, Health Canada, may review it. They may change the use, include additional precautions or even suspend or cancel a product.

TRUE

FALSE

4. Which Act protects the health of consumers by preventing the sale of food that contains any harmful or poisonous substance?

5. Which provincial Act regulates the use of pesticides in Ontario?

6. Which Schedule(s) of pesticides may a homeowner use?

7. Which Schedule(s) of pesticides may a Certified Grower use?

8. What characteristics of a pesticide are considered before it is classified into one of the six Schedules?

1. _____
2. _____
3. _____
4. _____
5. _____

9. A Certified Grower wants to **indirectly** supervise a Trained Assistant who is applying Schedule 5 pesticides. What **must** the Certified Grower provide to the Trained Assistant?

- a) Material Safety Data Sheet
- b) Chemical Storage Warning sign
- c) transportation information
- d) written instructions about the application

10. What three requirements must a Certified Grower meet to **indirectly** supervise a Trained Assistant?

1. _____
2. _____
3. _____