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## Section 1







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# How Pesticides are Regulated

### What is a Pesticide?

**Pesticide** is a general name for a substance used to prevent, destroy, repel, attract or control pests like insects, weeds or diseases.

There are many different kinds of chemical pesticides. They can be grouped according to the specific pests they control. For example:

Type of pesticide	Controls
 insecticide	insects
 herbicide	plants - mostly weeds
 fungicide	fungi
 rodenticide	rodents
 miticide	mites
 nematicide	nematodes (a kind of worm)

Less common pesticides include:

acaricides	mites, ticks
algicides	algae
avicides	birds
bactericides	bacteria
molluscicides	snails and slugs
piscicides	fish
growth regulators	plants, insects
adjuvants	stickers, wetting agents

Pesticides are regulated by three levels of government:

- ▶ federal
- ▶ provincial, and
- ▶ municipal.

These laws and regulations control our use of pesticides.

## Federal Laws

### The Pest Control Products Act



The **Pest Control Products Act (PCPA)** is the federal law that regulates all products used to control pests in Canada. The **PCPA** was first passed in 1939. The new **Pest Control Products Act** came into force June 28, 2006. The new Act strengthens health, safety and environmental protection and makes the registration system more transparent to the public (public may access registration information).

Federal legislation is available on the internet, free of charge, at <http://laws.justice.gc.ca/en/p-9/index.html>

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

### How a Product is Registered

The Pest Management Regulatory Agency (PMRA), Health Canada is responsible for administering the **PCPA** and its Regulations. Before a pesticide is registered, the manufacturer must submit data to prove that the product is effective and poses minimal risk when used as directed on the label. The manufacturer may be required to submit scientific data on chemistry, risks, 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 the risks of pesticides. 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**. The Information Service will provide information on pesticide regulation and registered pesticides. Check the web site address: **[www.pmra-arla.gc.ca](http://www.pmra-arla.gc.ca)**.

## 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 great deal 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.

## Emergency Use Registrations

During a growing season, environmental conditions may cause a sudden pest outbreak that needs to be controlled immediately. Three criteria must be met before the Pest Management Regulatory Agency (PMRA) considers that an emergency exists:

- ▶ a pest outbreak occurs that causes significant economic, environmental or health problems
- ▶ no product is registered in Canada for the control of the pest
- ▶ no alternative control method is available.

PMRA may register a product for a period of one year or less for emergency control. If a registered product is available that will control the pest, then a registered product is given the new emergency use. However, PMRA may grant emergency use registration to a product under review if it is considered “safe” and is needed to control the pest.

A Supplemental Label is printed for the emergency use. You **must** read and follow all the information on **both** the Supplemental Label and the registered product label. **||||➡** See **The Pesticide Label** section in this manual for information on Supplemental Labels.

## Other Federal Acts

Other federal laws also regulate pesticides.

### Food and 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 be present in or on 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. MRLs 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.



## **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:

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

\*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  
OTTAWA ON K1A 0Y9  
Telephone 613-225-CFIA (2342)  
Facsimile: 613-228-6125  
Internet: [www.inspection.gc.ca](http://www.inspection.gc.ca)

# Provincial Laws

## Pesticides Act



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

The **Pesticides Act** and Regulation 914 control the use, sale, storage, display, disposal and transportation of pesticides, and fertilizers containing pesticides.

You will find more details about the regulations in other sections of this manual. Ontario regulations are available online, free of charge, at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

The **Pesticides Act and Regulation 914** can be purchased from Publications Ontario by phoning 1-800-668-9938 or online through Publications Ontario On-Line (POOL) located at <http://pubont.stores.gov.on.ca/pool/english/>

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

Products are classified into one of six Schedules depending on:

- ▶ how poisonous they are to human health and the environment (toxicity)
- ▶ 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](http://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 Classification

Schedule	Human and/or Environmental Health Criteria*	For Use According to Label Directions By:				
		Licensed Exterminator	Certified Grower	Technician/ Trainee	Trained Assistant	Property Owner or Tenant
1	Very Toxic Very Persistent	✓ (under permit)	✓ (under permit)			
5	Very Toxic Very Persistent	✓ (aerial application under permit)	✓		✓ (under supervision)	
2	Toxic Persistent	✓	✓	✓ (under supervision)	✓ (under supervision)	✓ (aquatic herbicides, under permit)
3	Moderately Toxic Moderately Persistent	✓	✓	✓ (under supervision)	✓	✓
4	Low Toxicity Low Persistence	✓	✓	✓ (under supervision)	✓	✓
6	Low Toxicity Low Persistence (larger size container )	✓	✓	✓ (under supervision)	✓	✓

\* More detailed information on classification criteria is outlined in the OPAC guidelines for classification of pesticide products available at [www.opac.gov.on.ca](http://www.opac.gov.on.ca)

The *Compendium of Scheduled Pesticides* can be found on the OPAC web site located at [www.opac.gov.on.ca](http://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**.

The Ontario Assessment Act is administered by the Municipal Property Assessment Corporation. For information, check the web site at **www.mpac.ca** or call 1-866-296-6722.

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.

**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 Ontario 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 **Keeping Pesticide Records** 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 and handling on your farm. This includes pesticide use and handling by Trained Assistants.**

## **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 **Environmental Protection Act** is to protect and conserve the natural environment. This Act is administered by the Ontario 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 Ontario Ministry of the Environment.

## **Weed Control Act**

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**.

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# Review Questions

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

2. The **PCPA** regulates products used for the control of pests. All pesticides must be registered under the **PCPA** 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.