

Selling Pesticides

A person who sells pesticides has a responsible job. A vendor should be able to give advice and assistance to customers. A vendor should also be able to help the customer select the proper pesticide. You may be asked to determine the application rate for a pesticide, give advice on how to handle the pesticide safely, or how to dispose of empty containers properly. Although the law does not require vendors to provide advice or assistance, many customers will count on you for information about pesticides.

The vendor must also sell and display pesticide products according to government regulations. Following government regulations will protect your customers, your neighbours and the environment.

Vendor Licences

To sell Schedule 1, 2, 3, 5 or 6 pesticides, the vendor must be licensed by the Ontario Ministry of the Environment (MOE). The licence your business needs depends on the Schedules of pesticides you sell. There are two pesticide vendor licences available from the MOE.

General Vendor

A business that holds a General Vendor licence may sell Schedules 1, 2, 3, 4, 5, and 6 pesticides.

Limited Vendor

A business that holds a Limited Vendor licence may sell Schedules 3, 4 and 6 pesticides.

No Vendor Licence Needed

Certain pesticides are exempt from licensing. You do not need a vendor licence to sell the following:

- ▶ Schedule 4 pesticides
- ▶ Schedule 3 or 6 pesticides that are paints, stains, sealers or wood preservatives
- ▶ Schedule 3 or 6 pesticides that are disinfectants, cleansers or bactericides
- ▶ Schedule 2 pesticides for use as bactericides in cutting oils, marine or aviation fuels (Reg. 914, s.116)

A licensed applicator does not need a vendor licence if the pesticides sold to the customer are those applied by the licensed applicator.

A weed inspector does not need a vendor licence if he/she sells or transfers a Schedule 2 or 3 herbicide to persons authorized to use those pesticides. (Reg. 914, s.117 (2))

How to Obtain a Vendor's Licence

To obtain or renew a vendor's licence, a person must be at least 18 years of age. If a corporation or partnership needs a licence, then the director or officer of the business must be named as the official representative and must be at least 18 years of age.(Reg. 914, s. 107)

On the application form you must provide the:

1. name and address of the sales outlet to be covered by the licence
2. name and address of at least one person for the sales outlet, who is the outlet representative. For General Vendors, the outlet representative must be certified through the Pesticide Vendor Certification Course. Proof of certification must accompany the form.

If the **information changes** (for example - the employee named on the application form leaves the job) you **must inform** the Ontario Ministry of the Environment within ten days. Vendor licences are not transferable.

This is the address and telephone number to obtain an application, or change information on your present licence:

Ontario Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, 12A
TORONTO, ON M4V 1L5
Tel: (416) 314-8001 or 1-800-461-6290
Fax: (416) 314-8452

Application forms are available on the Ministry of the Environment's web site:

www.ene.gov.on.ca/envision/gp/index.htm#pesticides

You cannot offer to sell, or sell pesticides under a General Vendor licence unless you employ a certified outlet representative.
(Reg. 914, s.109)

Who can be an outlet representative?

To be named as an outlet representative you must:

- ▶ be at least 16 years old
- ▶ have passed the Pesticide Vendor Certification Course in the past five years
- ▶ work full time at the outlet

The certified outlet representative may be the person who holds the licence (the Licensee), a partner with the licensee, a director or officer of the licensee's company, or an employee of the licensee.

What are the responsibilities of the outlet representative?

The outlet representative must make sure that all operations at the outlet are carried out according to the **Pesticides Act** and Regulation 914. This includes making sure that all pesticides are stored, displayed, disposed of and sold according to the requirements under the **Pesticides Act** and Regulation 914.

Displaying your licence

Every holder of a vendor licence must display the licence or a copy of the licence at the sales outlet. (Reg. 914, s.108.)

Renewing your licence

Your vendor licence is valid for 5 years from the date you received it. You must apply to the Ministry of the Environment to renew your licence at least 2 months (60 days) before the licence expires. (Reg. 914, s.9)

Who Can I Sell To?

Vendors may sell pesticides to persons that have the proper licence, certificate, and/or permit for the pesticide that they are buying. General Vendors may also sell to other General Vendors or Limited Vendors. Limited Vendors may also sell to other Limited Vendors.

It is the vendor's responsibility to make sure that pesticides are sold to persons authorized to use the pesticide. For example, MERIT SOLUPAK is a Schedule 2 insecticide with directions for use on turfgrass. It may be sold to a person with a valid Landscape Exterminator Licence. PROWL 400 EC is a Schedule 5 herbicide for use on corn and onions. It may be sold to a person with a valid Grower Pesticide Safety Course certificate or Agriculture Exterminator Licence.

Licensed Exterminators, Technicians, and Trainees

You must be properly licensed to handle and apply pesticides as a business, or sell pesticides.

You must hold an **Exterminator Licence** if you handle and apply pesticides commercially. There are twelve different categories of Exterminator Licences, and three limited licences under the Fumigation category. You must apply pesticides according to what your licence allows. In most cases, a Licensed Exterminator must work under an **Operator Licence** (business licence). However there are exemptions to licence requirements under the Regulations. Contact your Regional Pesticides Officer if you have any questions.

A Technician or Trainee is a person who helps a Licensed Exterminator to handle or apply pesticides. Whether a person is a Technician or Trainee depends on what pesticide they handle and how they are supervised and trained.

The following table summarizes the types, classes and codes of pesticide licences issued by the Ontario Ministry of the Environment.

Pesticide Licence Type and Class

Exterminator Licenses

Structural	Land	Water
60 02 Structural	70 01 Agriculture	80 01 Mosquito/Biting Flies
60 03 Termite	70 02 Landscape	80 02 Aquatic Vegetation
60 04 Greenhouse	70 03 Industrial Vegetation	80 03 Fish/Mollusc
60 05 Fumigation General	70 04 Aerial	
60 06 Fumigation Vault	70 05 Forestry	
60 07 Fumigation Commodity		
60 08 Fumigation Soil		

Vendor Licenses

22 01 General Vendor
23 01 Limited Vendor

Operator Licence

02 01 Operator Licence

Certified Growers

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.

To be a Certified Grower, the farmer 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.

Under the Pesticides Act, you are a grower (farmer) if you:

- ▶ currently use 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 farmer may own, rent, lease or share crop the farm land, or may be employed on the farm land.

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.

Trained Assistants

Since January 1, 2000, assistants must have 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 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.

Restriction of Duties for Trained Assistants

There are some duties that only a Certified Grower is allowed to do.

Trained Assistants may **not**:

1. purchase;
2. select or recommend the type of pesticide;
3. select the rate of application;
4. select the means of storage, or disposal of empty containers; or
5. calibrate equipment used to apply the pesticides.

Certified Growers are responsible for all pesticide use and handling on their farms. This includes pesticide use and handling by Trained Assistants.

Permits

A person may need to obtain a permit for some pesticide applications. Under the **Pesticides Act**, the Ontario Ministry of the Environment (i.e the Director under the **Pesticides Act**) may issue a permit to a person to purchase and/or use a pesticide on land, water or in a building. (**Pesticides Act**, s.7). This permit may be in addition to, or instead of an Exterminator Licence or certification requirements.

For example, an exterminator who holds a Fumigation General licence requires a permit to use a Schedule 1 fumigant gas in a general fumigation of a food processing plant. An exterminator who holds an Aquatic Vegetation licence requires a permit to use a Schedule 2 herbicide to control weeds in a client's pond. Most permits are issued by the Regional Pesticides Control Offices of the Ontario Ministry of the Environment.

Record Keeping

By law all vendors **must** keep a record of each sale of Schedules 1, 2 and 5 pesticide products. These records must be kept for **at least two years**. The sale records must include the following information:

- ▶ name and address of the person buying or receiving the pesticide
- ▶ that person's permit number (if a permit is required for the pesticide), and the person's licence type and number or certificate number
- ▶ a description of the pesticide including name, Pest Control Products Act registration number or Fertilizers Act registration number
- ▶ the Ontario Schedule
- ▶ the package size and quantity

If the pesticide was picked up at the vendor outlet by someone other than the certified grower, then the name of the person who received the pesticide must also be recorded. Always check that the licence, certificate or permit is valid at the time of sale or transfer.

The Ontario Ministry of the Environment routinely conducts inspections of vendor outlets and can ask for your records at any time. (Reg. 914, s.118)

Pesticide Display for Vendors

All General and Limited vendors should be able to show their customers the products they carry. However, they must also follow guidelines for displaying these products in order to ensure the safety of the employees and customers. The guidelines for displaying pesticides safely depend on the Schedule of the products. (Reg. 914, s.125)

Display of Schedules 1, 2, 3, 4, 5 & 6

Pesticides must not be displayed in a way that could contaminate other products that are displayed nearby. **Never** display pesticides near food, drinks, or things like milk filters, clothing, pet food, etc. Any product that becomes contaminated could have harmful effects on people, animals or plants.

Display of Schedules 1, 2 & 5

Pesticides in Schedules 1, 2 or 5, **must not** be accessible to the customer. Only the vendor or employees may have access to these pesticides before they are purchased. Many vendors keep these products in a display shelf or case behind the counter where customers cannot reach them.

Vendors may display empty packages and promotion items from the pesticide companies. This will allow the farmer to read the labels for the products on display but keep them out of reach.

Display of Schedule 3

Schedule 3 pesticides should be displayed at least one metre above ground level where they will present a “minimal hazard” to children.

Insurance

CropLife Canada and the Canadian Fertilizer Institute have worked together with an insurance company to design an insurance package to cover liability for distributors and vendors.

You can purchase this package through local insurance brokers. Make sure your insurance package covers your business for pesticide accidents that might cause health or environmental damage. If an accident did happen, your company could save many thousands of dollars in cleanup costs and property damages simply by having enough insurance. Your insurance may not be effective if you do not follow all the regulations.

5. To which end users may a General Vendor sell:

a) a Schedule 1 product?

b) a Schedule 4 product?

6. 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

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

1. _____

2. _____

3. _____
