



Highlights of Ontario's Cosmetic Pesticide Ban

INTRODUCTION:

Ontario's new pesticide regulation provides for the most comprehensive restrictions on lawn and garden pesticides in North America.

Despite certain limitations, the new ban has the potential to meaningfully protect human health and the environment from an unnecessary source of chemical exposures.

The ban will take effect on April 22, 2009 with certain provisions phased in over two to three years.

BACKGROUND:

In June, 2008, the Ontario legislature passed the *Cosmetic Pesticide Ban Act*, which amended the provincial *Pesticide Act* to ban the use and sale of lawn and garden pesticides. A new regulation and pesticide classifications announced on March 4, 2009, specify the details of the ban.

HIGHLIGHTS:

The cosmetic use of 82 pesticide active ingredients is prohibited, along with the sale of 295 products containing these chemicals.

- Some well known pesticides that will fall under the ban include: Weedout herbicides, Killlex herbicides, Later's outdoor insecticides, "weed and feed" fertilizer-pesticide mixtures.
- An additional 97 "dual use" products will be subject to new display restrictions in stores, beginning in April 2011. These products contain active ingredients that are banned for cosmetic use, but the products may be used for non-cosmetic purposes or under the health and safety exemption (see below). Store owners will be required to provide information about the cosmetic pesticide ban to customers who purchase these products.
- Guidelines referenced in the regulation specify strong standards for classifying new pesticides. Only substances that meet federal *low-risk* criteria and those identified as *reduced-risk biopesticides* will be allowed for cosmetic use.

The *Cosmetic Pesticide Act* defines **cosmetic** as "non-essential." This term generally refers to pesticides used to improve the appearance of lawns, gardens, trees, and other aspects of landscaping.¹

A limited "public health" exemption allows for the use of certain banned pesticides on poisonous plants.

- Cosmetic pesticides containing the active ingredients *Glyphosate* and *Glufosinate*, found in Roundup and Wipeout herbicides, are generally prohibited, but can be used to control plants that are poisonous to the touch (e.g. poison ivy). These pesticides can be sold but new restrictions on the retail display of "dual use" products apply. Lawn care companies that use pesticides under this exemption will be required to post warning signs

- Pesticides used to control animals that bite, sting, are venomous, or carry disease are also exempted from the ban, including insect repellents and wasp sprays.

Golf courses, although exempt from the ban, must submit annual reports disclosing the amount of each pesticide used and plans to minimize pesticide use. The reports must be made available to the public, presented at an annual public meeting, and posted online.

- Golf courses must also be certified in *Integrated Pest Management*.
- Specialty turf maintained for lawn bowling, cricket, lawn tennis, or croquet is also exempted from the ban, subject to *Integrated Pest Management* requirements. Operators must prepare annual reports on pesticide use and make them available to the public upon request.
- Requirements for golf courses and specialty turf will be phased in between 2010 and 2012.

LIMITATIONS OF THE ONTARIO BAN:

- The regulations make no requirement for golf courses or specialty turf to reduce or phase out pesticide use. Reporting requirements are unnecessarily delayed.
- The ban does not extend to house plants – only outdoor plants. This is an artificial distinction and also a loophole that allows the continued sale of indoor/outdoor pesticides. The ban on the outdoor use of these products will be difficult to enforce.
- The exemption allowing the use of *Glyphosate* and *Glufosinate* pesticides on poisonous plants is unconstrained. It will be difficult to enforce the ban on these pesticides for other cosmetic purposes. Licensed lawn care companies must post warning signs where restricted pesticides are used on poisonous plants, but notice requirements do not apply to individuals using pesticides around their own home.
- Retail display restrictions on “dual use” products will not take effect for two years.
- The *Cosmetic Pesticide Ban Act* supersedes municipal pesticide bylaws. Municipalities will not be able to adopt tougher restrictions on pesticides or enforce their own pesticide bylaws.

CONCLUSION:

The Ontario government must now focus on ensuring the effective implementation and enforcement of the ban. Other provinces, and federal regulators, can look to Ontario’s cosmetic pesticide ban as a model.

1. Under the *Act*, pesticide use in commercial agriculture and forestry, to maintain golf courses, and to promote public health or safety is not considered “cosmetic”. These uses are therefore exempted from the ban. The regulations provide additional exemptions for pesticide use on sports fields hosting a national or international sporting events, on specialty turf (e.g. lawn bowling fields); to prevent significant structural damage to public works and other structures where public safety is concerned; to maintain the health of trees; and to protect or manage natural resources.