



PESTICIDE INDUSTRY REGULATORY COUNCIL (PIRC)

Integrated Pest Management - Environmental Health Care Council of Ontario (IPM-EHC)

Administered by:

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“The authoritative voice in licensing and legislative matters to the independent IPM industry and its PIRC representatives to the MOE”

Pesticide Industry Regulatory Council (PIRC) response and positions on the government’s notice of intent to introduce legislation to ban the cosmetic use of pesticides in Ontario.

in response to EBR Registry Number: 010-2248

The PIRC, and its affiliated members, the Ontario Integrated Pest Management Association (OIPMA), and the Integrated Pest Management – Environmental Health Care Council of Ontario, (IPM-EHC Council), submit this brief on behalf of Ontario’s predominantly independent small business licensed pesticide applicators and operators numbering approximately 10,000 including formal members. This submission provides necessary background, comments and our memberships positions and recommendations with sound reasons for needed changes to the proposed “ban on cosmetic pesticide use”.

Background of the PIRC administered by OIPMA and the IPM-EHC Council of Ontario

The PIRC, administered by the OIPMA, is one of two industry councils granted long-term educational memorandum of understandings to independently deliver formalized education to the licensed pest management industry to meet future changes to the *Pesticides Act* and its regulations in 1996. The other is the Pesticide Industry Council, (PIC), administered by Landscape Ontario (LO). Our jointly granted long term educational understandings, which are now archived, were historically published in 2001 online by the MOE to the people of Ontario read as follows: *“The Ministry of the Environment has a Memorandum of Understanding to allow the two councils to administer licencing and certification for Exterminators and Technicians.”* The PIRC was granted the right to provide knowledgeable advisory representation on behalf of Ontario’s pesticide applicators after the government and MOE Minister in 1995-1996 recognized that Ontario’s licensed applicators were not being knowledgeably or appropriately represented by the established operator trade organizations of that day. This fact came to the attention of the government and MOE Minister by the outcry of Ontario’s small business licensed applicators and operators in regards to the October 2, 1995 proposed licensing changes to the *Pesticides Act* (“ACT”) (EBR Number RA5E0031), that adversely impacted their lives and livelihood. At that time also licensed applicators were not personally informed and substantially misrepresented as to the effect to the proposed legislation by the trade organization executives of that time. Today, the PIRC provides unbiased and knowledgeable expert representation on behalf of Ontario’s approximately 10,000 formal and informal small business pesticide applicators and operators in response to EBR postings to the MOE. It is important to note that while the MOE has officially recognized the PIRC to represent Ontario’s independent pesticide applicators and operators who had no membership in any trade organization, we continue to be denied the home addresses of these applicators to personally advise them by mail under Ontario’s privacy laws. We are concerned by MOE failure to consult with Ontario’s two industry councils in advance of this EBR posting as was promised to us. These two councils are officially recognized as the industry’s streamlined early consultation representatives to the MOE. A fact confirmed in Ministerial documents and a tripartite educational Memorandum of Understanding (MOU). It should be understood that our members’ lives and livelihood now hang in the balance at a most inopportune time when Ontario’s economy faces a recession.

It is estimated that thousands of our applicators’ jobs will be lost along with business and personal bankruptcies unless appropriate consultation and care is taken during this unprecedented proposed transition.

Approximately **6,200** active “Landscape” Exterminator licence holders will be affected.

The PIRC administered by OIPMA have worked closely with the MOE, its officials, fiduciaries and Ministers. We have historically promoted a formalized Integrated Pest Management Accreditation (IPM) program to be delivered by our two industry councils along with our administration of the Pesticide Technician Program (PTP) to address public concerns. Notably, each industry council has established an affiliated IPM council to better promote IPM to their members and the public. The PIRC established the Integrated Pest Management - Environmental Health Care Council of Ontario (IPM-EHC) The two industry councils through these efforts have greatly enhanced responsible pesticide use with verifiable reduction through their IPM Accreditation programs.

Our members promote responsible environmental stewardship, integrated pest management (IPM), and are committed to protect the health of our customers, employees and the community. We support the introduction of new province-wide pesticide regulations under the *Pesticides Act* to harmonize rules. Municipal regulations fail to provide a consistent level of public protection. It often results in an intolerable operating environment for Ministry licensed pest management professionals.

The two industry councils, (PIRC and PIC), since 2001 have each successfully promoted an IPM Accreditation Certification process. As a result of these efforts the PIRC recommends that the current signage regulations be amended to allow for a general use uniform herbicide spot treatment “posting” sign that reads “ATTENTION HERBICIDE SPOT TREATMENT”. PIRC also recommends that the bilingual word “ATTENTION” replace the word “WARNING” while maintaining the current format of section 76. It is this change that will continue to provide Ontarians with a clear and concise message similar to our highway signs. All other pesticide treatments should continue to follow the general use sign ‘posting’ format set out in section 76 of Regulation 914 under the *ACT*. It should be noted that under a MOE, PIRC and PIC Memorandum of Understanding (MOU) protocols, the issue of signage is delegated to the industry’s PIRC and PIC delegates at the Pesticide Technician Advisory Committee (PTAC).

It is significantly important to note that the PIRC membership formally appealed EBR Registration Number PA05E0016 posted July 27, 2005 in a submission dated September 6, 2005. Comments were to be received by September 25, 2005, and sent to Diane Blachford, Senior Policy Advisor, Strategic Policy Branch, 5th Floor, 135 St. Clair Avenue West, Toronto, Ontario M4V 1P5. This policy proposal involved a new proposed Statement of Environmental Values (SEV) for the Ministry of the Environment (MOE), which substantially weakened environmental protection for human health and the environment. The MOE proposed SEV changes failed to strengthen stakeholder consultation much earlier in the legislation process and substantially reduced protection of our ecosystem.

The proposed MOE SEV unacceptably sought to eliminate the phrase, ***“In making decisions, the Ministry will use science that meets the demanding standards of the scientific community.”***, which will profoundly and adversely impact the lives and livelihood of all Ontarians. The PIRC at that time also made specific recommendations on how the MOE could improve its proposed SEV that would assist to better meet the government’s toxics reduction strategy and protection of human health and the natural environment. No changes to the MOE SEV have taken place since our recommendations for needed changes were filed, which content and recommendations are a matter of public record.

Solutions

1. Determining the Scope of the Ban

The proposed ban would apply to cosmetic uses of pesticides, those intended to improve the appearance of lawns, gardens, parks and school yards.

Do you have any comments on the proposed scope? Are there other situations where the use of pesticides should be allowed?

Response: We support the government's laudable goals and herein have provided comments and recommendations for a responsible ***"toxics reduction strategy to help protect Ontarians from potentially harmful environmental toxics"*** that is the objective of the government.

The PIRC membership supports a ban on all pesticides that pose an unacceptable risk to human health and the environment when, ***"In making decisions, the Ministry will use science that meets the demanding standards of the scientific community."***,
Source: MOE Statement of Environmental Values under the Environmental Bill of Rights

However, restrictions that target and treat professional applicators inconsistently while allowing untrained homeowners and untrained farmers to purchase these same products from retail stores that have a "limited vendor license", and 'secretly' apply them will fail to achieve the government's toxics reduction objective or intent of the legislation. Such laws work counterproductive and reduce public respect for necessary laws. A fact readily evidenced by the continued use of pesticides by the public in many jurisdictions that have enacted a pesticide ban or bylaw. CBC Marketplace in 2007 in a pesticides television exposition confirmed this. In brief the legal sale of retail pesticides continued and skyrocketed in both Quebec and Halifax followed by "illegal" applications. **In order to be effective and fair the new legislation must enhance standards of application and apply to all users of pesticides.**

It is the position of the PIRC that **the word "cosmetic use" is largely a misnomer.** What is required is to eliminate unnecessary pesticide use while allowing and promoting judicious and responsible IPM use if we are to combat pest infestations that seriously and adversely impact the health, environment, and well being of Ontarians. PIRC hopes that this is the government's laudable objective, which we fully support. However, to achieve this laudable objective a landscape minefield must be traveled. Wrong decisions will have devastating long-term consequences on our eco-system and economic infrastructure.

At stake are the lives and livelihood of about 6,200 holders of "Landscape" licenses in the Province of Ontario and over 1000 pest management businesses.

It should be recognized that in 1998 the MOE substantially strengthened Ontario's commercial licensed applicators' educational requirements under the *Pesticides Act* by reducing the number of licenses from 53 to 18. This action later resulted in the loss of a significant number of licensed applicators, being unable to meet the far more stringent educational requirements of our current pesticides licensing system. Despite this Ministry's administrators' best efforts to make it look to the public that the certification requirements for agriculturists and the licensed industry sector are equitable and similar, nothing could be further from the truth.

It is essential that the Ministry adopt an ecosystem approach to environmental protection and resource management. This approach views the ecosystem as composed of air, land, water, and living organisms, including humans, and the interactions among them. We request that when making decisions, that the Ministry consider the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the interrelations among the environment, the economy and society. Our members have inordinately and rightfully depended that in making decisions this Ministry will use science that meets the demanding standards of the scientific community as provided for in its Statement of Environmental Values (SEV) under Ontario's Environmental Bill of Rights (EBR).

North America's landscape has suffered through significant new pest infestations from invasive weeds and insects in recent decades. Legislation that restricts the ability to protect the landscape and green infrastructure from serious pest infestations will not be in the public interest.

It is our position that controlling landscape pest infestations, (weeds and insects), prudently and judiciously, as required, to protect our urban and rural ecosystem and human health in conjunction with proper integrated pest management (IPM) practices is **never** simply a "cosmetic use". Pest infestation control should not be restricted to just threats to human health, (i.e. West Nile), but also for threats to property and the green environment, e.g. Carpenter Ants, Ash Borers, Asian Long Horned Beetles, Chinch Bugs, Grubs, Gypsy Moths, and Ticks to mention a few.

It is our position that the use of all insecticides allowed for retail sale by the Ministry of the Environment in Ontario should be exempted from the proposed ban. Controlling and preventing the devastation of our landscape from insect infestations or from entering our homes is simply not cosmetic. New legislation should ensure a level playing field for all sectors and apply to the entire horticultural landscape. It must ensure the highest level of environmental and public protection by applying any product ban equally to the do-it-yourself public and our licensed members starting with the untrained homeowner and Ontario limited vendors.

The licensed pest management industry responsibly and knowledgeably protects the public from pest infestations that put at risk human health and Ontario's green infrastructure and ecosystem. Our members promote responsible environmental stewardship, integrated pest management (IPM), and are committed to protect the health of our customers, employees and the community.

Not discussed by the Ministry is the fact that weeds in turf where children play carry flowers, which attract wasps and bees, increasing the potential for fatal stings, to those who are sensitive. The licensed industry does not apply herbicides for purely "cosmetic" reasons. Herbicides are applied for cost savings, to prevent injury and allergies, reduce mowing and green house gas emissions, health reasons, and to protect our client's investments from invasive weeds and insects to prevent costly and labour intensive reseeding or sodding are a few examples.

Science is on the verge of developing a new generation of control products. However, we are concerned that the best of these products developed in the USA will never come to Ontario if the government makes political decisions and rejects sound and credible science. It is our position that action by the Province to make arbitrary determinations to ban herbicide products after science has convincingly determined that a product poses no unreasonable risks to human health and the environment will have devastating long-term repercussions on our ecosystem and economic infrastructure.

For over a decade our lawn care industry has aggressively promoted IPM principles and practices that have shown to contribute significantly to meeting the government's "toxics reduction strategy" versus pesticide applications applied by the homeowner.

Municipalities should be required to conform to provincial standards and be prohibited from introducing their own variations of regulations or to establish more stringent product restrictions. PIRC recommends that such an amendment is needed under the *Pesticides Act* ("ACT") to protect our ecosystem and a vital IPM industry resource that benefits all Ontarians. Products should be categorized by risk and benefit in order to establish a banned/restricted list of active ingredients. Only one traditional herbicide in our minds undisputedly deserves an exemption based on credible science and its low impact on our ecosystem. An exemption is also needed for controlling insect pest infestations that are a potential risk to landscape / turf plant health, the environment, or the public.

Comments: It is our position that one herbicide stands above all others as deserving a province wide exemption in the public interest. The name of that herbicide is 2,4-D. What is 2,4-D? The original patent on 2,4-D was issued in 1945 to Dr. Franklin Jones, a plant physiologist. Dr. Jones was working with the naturally occurring plant auxin, indole acetic acid (IAA). IAA is present in all plant matter and humans ingest it daily whenever fruit, vegetables and cereals are consumed.

- ◆ 2,4-D, one of the most widely used herbicides worldwide, being applied to crops such as wheat, corn, rice, soybeans, sugar cane, pome fruits, stone fruits. It protects lawn and turf grass from invasive and damaging weed species.
- ◆ In 2004, The Henry Ford organization in Dearborn, Michigan identified 2,4-D as one of the 75 most important innovations in the previous 75 years. Few scientific innovations have done as much to increase food production throughout the world.
- ◆ If it was discovered today, it might well be classified as a “low risk ”pesticide.

After 60 years of widespread use and research, an unprecedented amount of scientific data on 2,4-D has been amassed around the world.

After rigorous analysis of the relevant scientific data, experts all agree 2,4-D:

- ◆ Is not a human carcinogen;
- ◆ Does not cause cancer in animals;
- ◆ Does not cause birth defects;
- ◆ Does not cause genetic damage;
- ◆ Does not metabolize, is rapidly excreted (half life <24 hours);
- ◆ Is not persistent in soil, water or vegetation;
- ◆ Breaks down rapidly into compounds of nontoxicological significance;
- ◆ Expert panels and government agencies mandated with protecting human health and the environment all reach the same conclusion:

2,4-D is acceptable for use according to label directions.

2-4-D has a half-life of approximately 7 days and does not bio-accumulate.

In a study funded by the Ontario government at the University of Guelph with regards to 2,4-D it is relevantly stated in the results, *“There were **no detectable exposure** for passive bystanders who resided in homes of homeowner applicators or with commercially treated lawns or for barefoot, bare legged bystanders who actively walked or sat on turf grass for 1 hour on the day after spraying.”*

Source: Environmental persistence and human exposure studies with 2,4-D and other turf grass pesticides. G.R. Stephenson, K.R. Solomon and L. Ritter, Centre for Toxicology, University of Guelph, Guelph Ontario

The aforementioned facts clearly indicate in our minds **that retaining the use of the herbicide 2,4-D** will assist the government’s toxics reduction strategy to help protect Ontarians from potentially harmful environmental toxics. The prudent and judicious use of 2, 4-D, with a proper IPM lawn care strategy, promoted by Ontario’s professional licensed Landscape exterminators is reducing greenhouse gas emissions and smog. The industry recommends the retention of this single product, which is the backbone of the licensed Landscape commercial sector. Grasses go dormant in times of drought but invasive weeds continue to thrive and grow requiring unnecessary increased vehicle trips and mowing maintenance.

Municipal Bylaws Unfairly Targeting Professional and Promote Retail Do-It-Yourself Sales

Municipal bylaws are increasing greenhouse gas emissions and smog by promoting ineffective organic and biological pesticides under granted exemptions that adversely affecting our ecosystem and the natural environment.

Exempting marginally effective herbicides that kill only the top growth of plants or exempting nematodes to kill grubs means only more trips and increased costs to both the private and public sector and greater energy and water consumption. Applying inferior products that require repeated applications, enhanced watering requirements, special cool storage, and increased trips to client properties is counterproductive to the Ministry's strategy to promote energy and water conservation.

Municipal by-laws are dictating the use of inferior pesticide products by exempting such products as acetic acid, a "top growth" only registered weed killer" while prohibiting the use of Glyphosate, (e.g. Roundup® or Glyphos®), deemed a "least risk product" by Health Canada, which is registered to kill the entire plant. The product becomes inactive upon soil contact.

Similarly, an inferior, labour intensive, and highly expense biological product called Sarritor™, registered exclusively as a Dandelion "top growth" killer is exempted from municipal bans while the exhaustively tested weed killer 2,4-D, which Health Canada and the Ontario Pesticide Advisory Committee (OPAC) have all determined poses no unreasonable risks to human health or the environment when label directions are followed is banned by municipalities. Sarritor™ has serious temperature, watering, timing, and storage restrictions to mention only a few drawbacks

It was for sound economic reasons that Dow-AgroSciences Canada abandoned its relationship with Sarritor™, in 1999, due to its countless shortfalls and prohibitive costs. Municipal exemptions for expensive biological pesticides with limited efficacy do not serve the public or industry. Municipalities do not have the resources or expertise to make these decisions was recognized historically by the Province in creating the *Pesticides Act* and its regulations.

The herbicide 2,4-D is far more than a cosmetic herbicide and has undergone over 4,000 peer reviewed scientific studies over the past 62 years. Retaining this product based on its low risk re-evaluation findings is crucial to maintaining a viable and valuable small business lawn care IPM industry resource for the future benefit of all Ontarians. Studies confirm left unchecked, broadleaf weeds will destroy lawn and turf grasses. Without the herbicide **2,4-D**, the only alternative is a combination of hand weeding and resodding. There are presently no registered sustainable alternatives to the herbicide i.e. 2,4-D used by our industry. On a net value basis, the cost is about 60 times higher than the net present value of current costs. This is unsustainable. It is our position that applying ineffective products is paramount to environmental pollution.

Licensed professional are being unduly prohibited from fulfilling their vocation under the authority of their earned exterminator licenses by this Ministry reduces protection for human health and the natural environment. In contrast private property owners continue to purchase these banned "legal" products from limited vendors for later lawn application without repercussions.

Contrary to what some municipalities and anti-pesticide activists may state, these bylaws will destroy and bankrupt the pest management licensed industry as homeowners refuse to renew lawn care services. Instead of employing a professional they will again become a pesticide consumer purchasing "legal" products from retailers to control an unacceptable lawn full of invasive weeds and crabgrass.

Reaffirming Exclusive Jurisdiction is needed to reduce "toxics"

The Province needs to reaffirm its exclusive jurisdiction as historically told to us by MOE administrators, officials and judiciaries. For this reason we recommend that the Ministry strengthen Regulation 914 under the *Pesticides Act* in order to better meet the government's toxics reduction strategy

The PIRC respectfully recommends the addition of three needed amendments to Pesticides Act R.R.O. 1990, REGULATION 914 that will better protect our ecosystem and treat all parties consistently under Regulation 914.

The PIRC submits the following proposed amendments for Ministerial action to enhance protection of human health and public safety, restore public respect for necessary environmental laws, and significantly assist the government to meet its policy proposal notice *“toxics reduction strategy to help protect Ontarians from potentially harmful toxics”*. (EBR 010-2242) Adopting the hereinafter amendments will strengthen Ontario’s environmental regulations and reduce toxics and potential harm to the natural environment to the benefit of all Ontarians.

(Operator’s License)

Firstly, we recommend to the Minister a **new subsection 13. (1)** or such other words of equivalent effect as the Minister deems fit to better meet its “toxics” objectives that reads:

13. (1) A municipality may establish a registry that requires confirmation of the operator’s participation in a Director approved industry council or institution offered pesticide safety and integrated pest management program.

(Classes of Pesticides)

Secondly we recommend to the Minister a **new subsection 21. (14)** or such other words of equivalent effect as the Minister deems fit to better meet these objectives that reads:

21. (14) A municipality shall not prohibit the use of a classified pesticide on private property that is permitted for sale to the public by a limited vendor.

(Land Licenses)

Thirdly, we recommend to the Minister a **new subsection 63. 3(a)** or such other words of equivalent effect as the Minister deems fit to meet these objectives that reads:

63. (3) (a) a municipality shall not prohibit a person from applying a pesticide permitted under the authority and conditions of a valid operator, or Landscape licence, or Permit for that extermination set out under this regulation and Act.

The Supreme Court has ruled that only an express statutory provision, or regulation made by the Province will prohibit a municipality from passing a pesticide by-law or limiting what municipalities may or may not do in respect to creating pesticide by-laws. The proposed amendments are consistent with the intent of the government upon original passage of the Pesticide Act R.S.O. 1990, CHAPTER P.11, hereinafter called the “Pesticide Act”, and its regulations, the Pesticides Act R.R.O. 1990, REGULATION 914 hereinafter called “Regulation 914”.

These proposed amendments are consistent with the authority at all times told to Ontario’s operators and licensed exterminators by the government and its Ministry of the Environment administrators and fiduciaries upon which basis they made their vocation and business decisions. The proposed amendments will clarify the roles of all parties and re-affirm the Province’s jurisdiction to control pesticide use on private property. In the past, one’s exterminator’s license was an opportunity to build a business and earn an income.

The industry councils, its stakeholders, the government and the MOE at all times recognized that the 'Landscape' licensed pest management industry inordinately depended on their ability to prudently and judiciously apply herbicides and insecticides as part of a sound integrated pest management (IPM) program and strategy in order to maintain a sustainable pest management business.

The government and its MOE administrators have constantly communicated to us that municipalities did not have the authority to prohibit pesticides on private property in Ontario, as such role was mandated to this Ministry. Operators and applicators reasonably relied upon this information and based their vocation and business decisions on this fact. Our members depended that such authority was factual in making renewed long term investments in 1996 based on government and MOE promises and commitments of long term economic security in respect to our vocation and businesses.

Importantly, our renewed business investments were made in light of the Hudson case. These decisions by our individual members were based on long-term commitments and promises made to us by the government, MOE Ministers, fiduciaries and officials. All parties making these promises and commitments to us knew that we had relied and acted upon them in making long-term green industry economic investments for future long-term returns. The proposed amendments will restore the legislature and government's original intent on passing the *Pesticide Act* as the MOE historically told Ontarians best serves the environment and public interest

Allowing professionals “to step into the shoes of the public” will reduce “toxics”

PIRC recommends that the government and its MOE Minister further strengthens Regulation 914 under the *Pesticides Act* and allow appropriately licensed professionals “to step into the shoes of the public” under subsection 104. (1), which was historically allowed until recent reinterpretation. The two industry councils were not consulted. We submit that this change will provide for a clearer and stronger regulation and assist this Ministry better meet its West Nile Virus (WNV) and “toxics reduction” objectives.

We respectfully requests that the Minister **ADD** to s.104 (1) the following words, “**or the person holds the appropriate water extermination license**” to better meet the government's toxics reduction goals and to prevent potential harm to the natural environment as follows:

104. (1) Where a person performs a water extermination within the boundaries of premises owned or occupied by the person or by a person of whom he or she is a full-time employee, **or the person holds the appropriate water extermination license,**

Allowing professionals to use “Domestic” Schedules 3, 4, and 6 pesticide products.

PIRC recommends that the government strengthens Regulation 914 and allow appropriately licensed exterminators to purchase and apply Schedules 3, 4 and 6 “Domestic” pesticides. It makes no sense that licensed exterminators must purchase larger quantities of products than they need simply because the product label makes specific reference that such is for homeowner use. Due to recent administrator reinterpretation our licensed exterminators are no longer allowed to use products that references only homeowner use. We submit such interpretation conflicts with the government's “toxics reduction objectives”. The PIRC respectfully requests that the Minister amend subsection 21. (4) (a) classification requirements.

We respectfully request that the Minister **ADD the words in bold italics** or such other wording with similar effect that would eliminate such unfair restrictions as the Minister deems fit that reads as follows.

21. (4) (a) it does not have sufficient information to recommend that the pesticide be classified ***or the pesticide label has unacceptably excluded appropriately licensed exterminators from using the pesticide that would otherwise qualify for a Schedule 3, 4 or 6 classification***; OR alternatively “add a Regulation 914 amendment that would allow licensed exterminators to “step into the shoes of any homeowner to use Schedules 3, 4 and 6 products for which he or she carries an exterminator licence”.

PIRC recommends that the government strengthens Regulation 914 and allow licensed professionals to provide once weekly half hour educational updating on pests, IPM technology, legislation, and label reviews as an equivalency to weekly site visitation under subsection 21.1 (10) after such site visits are unnecessary and redundant. This recommendation was first requested in 2000 by the PIRC at the Pesticides Technician Advisory Committee (PTAC) while Doug Morrow was PTAC Chair and had the support of all its members. We submit that timely adopting this amendment will assist the government better meet its “toxics reduction objectives”

We respectfully request that the Minister **ADD the words in bold italics** or such other wording with similar effect in the public interest to better protect public health and the environment:

21.1 (10) When a licensed exterminator visits a technician at an extermination site to observe the performance of the technician and supervise the technician’s work, or ***instructs*** the technician ***at the operator’s place of business*** the technician shall request the licensed exterminator to enter his or her licence number on the written instructions referred to in subsection (9), and to sign and date the document. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (7).

We respectfully request and recommend needed changes to subsection 20.2 (5). We respectfully request that the Minister **ADD the words in bold italics, or** such other changes that will have the “same effect”, in the public interest to better protect public health and the environment that reads:

20.2 (5) An exterminator who supervises the work of a technician shall visit the technician at the extermination site at least once a week to observe the performance of the technician on each visit, ***or may alternatively confirm technician attendance at a half-hour pest management course at the operator’s place of business approved by the Director, and*** shall enter his or her licence number on the written instructions referred to in subsection 20.1 (9), and shall sign and date the document. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 6 (3).

This amendment to Regulation 914 would result in a more comprehensible regulation for users and contributes to ensuring the safe and judicious use of pesticides while protecting human health and the environment.

I submit that after site visitations have become redundant that pest management courses offered online to industry companies/employers registered as “IPM Accredited” by our two industry councils (i.e. PIRC and PIC), and their affiliated IPM Council, (i.e. IPM-EHC and IPM-PHC) best serve the public interest.

We are concerned that Ontario will in the future fast track inferior green products for consumer use. We strongly recommend a province wide exemption in Regulation 914 under the *Pesticides Act* for the herbicide 2,4-D under the government's proposed legislation based on over six decades of credible scientific studies and results herein highlighted. PIRC requests that an exemption for 2,4-D remain in place until such time that a sustainable, cost effective, and affordable alternative product is available. Notably, the World Health Organization, (WHO), USA Environmental Protection Agency, (EPA), European Commission, and Health Canada's Pest Management Regulatory Agency, (PMRA), all agree that 2,4-D is not a human carcinogen.

In Canada, and other OECD countries, pesticides are regulated on the basis of the Precautionary Principle: "Fundamentally, the whole approach to pesticide regulation is precautionary. No pesticide may be used in Canada unless its health and environmental risks and its value have first been determined to be acceptable."

Source: <http://www.hc-sc.gc.ca/pmra-arla/english/pdf/hlawns/hl-GovtResp-e.pdf>

The Ontario Pesticide Advisory Committee (OPAC) established under the *Pesticides Act* with members appointed by the government to provide recommendations to the government stated in April 2007, "**OPAC has concluded, after in-depth consideration of the scientific evidence, that there is no reason for us to recommend additional restrictions on the use of 2,4-D. 2,4-D will continue to be classified according to the current classification guidelines.**"

PIRC submits that if science is disregarded Ontario will face long-term devastating future economic and environmental consequences including the demise of a vital and valuable professional pest management resource that to date continues to benefit all Ontarians. The legislation should promote products that have undergone rigorous research, Health Canada re-evaluations, additionally supported by the demanding standards of the global scientific community, **For those reasons the PIRC requests a province wide exemption under the Pesticide Act from the proposed ban for two herbicides**, Based on **62 years of credible scientific studies** we request that the herbicide, **2-4-D** should be exempted as a necessary tool in our efforts to combat weed infestations judiciously applied on an as required basis. Secondly, we request an exemption for the active ingredient "**Glyphosate**". Again we reiterate, only products that pose no undue risk to human health or the environment should be exempted from the ban.

2. Sale of Cosmetic Pesticides

Other jurisdictions have banned the sale of pesticides used solely for cosmetic purposes while municipalities in Ontario have regulated the use of certain pesticides. **Should the province consider banning the sale of those pesticides used solely for cosmetic purposes?**

There is a need for government to be very clear on the goals of the legislation, i.e. why it wants to ban "cosmetic use" of pesticides in the urban centers but not rural. Legislation that would allow rural private property owners to apply "cosmetic" lawn pesticides while prohibiting such use by urban property owners represents inconsistent treatment. Such proposal would effectively create one law for the rich with large rural properties and another law for Ontario's not so wealthy urban property owners in our mind does not serve the public interest.

The government in its news release of January 18, 2008 made reference that this proposed action was undertaken similarly, "*as we replaced the patchwork of smoking province wide.*" PIRC submits there are significant differences between the smoking enacted province wide law and what has been proposed. Namely, Ontario's smoking law did not affect smokers' residential private properties. Another significant difference is that the herbicides **2,4-D**, and **Glyphosate** for which we ask exemption, **are NOT a carcinogen** while tobacco and liquor are scientifically known to cause cancer.

Research studies further confirm that Tobacco is responsible for 23.9 % of cancer cases, and Alcohol for 6.9% of cancer cases. Yet the government does not ban the use of cigarettes and alcohol that truly adversely impacts our society daily with deaths and injuries to our health and the health of our kids. Why the inconsistent treatment?

It should be recognized that the public as well as golf courses employ licensed lawn care professionals to judiciously apply products not for cosmetic reasons but to ensure themselves a healthy landscape, lower maintenance cost, reduction in greenhouse gas emissions, minimize labour costs, and to prevent future lawn replacement as well as protecting their health.

Eliminating or controlling invasive and damaging weeds and or insects from taking over a client's property represents our members' vocation and licensed profession. Without the tools our members will be largely unable to exercise their profession that has historically protected the environment, health and valuable landscape of their clients and the public.

Consistent treatment serves the public interest

PIRC submits that the government's initial focus should be to address the sale of pesticides at the retail level. Allowing the public to purchase pesticides from retail stores while simultaneously creating a law prohibiting their application simply creates unworkable and unenforceable laws. Such action reduces public respect for necessary laws ultimately failing to serve the public interest. Government action is needed to ensure responsible IPM pesticide use. Restrictions on use of pesticides without restrictions on sale will be ineffectual.

To be effective, any product, which is prohibited for use by a licensed pest management professional applicator on private property, should similarly be prohibited from retail sale. The MOE has exclusive jurisdiction over the post registration sale and use of pesticides and by whom these products may be used in the Province of Ontario under the *Pesticides Act* ("ACT") and its regulations. We recognize that the MOE uses a Scheduling process to restrict the availability of a pesticide for sale and use in Ontario. The Supreme Court in its decisions made it clear that the Province can restrict municipalities from enacting a pesticide bylaw but must expressly prohibit such action by legislation, (i.e., a regulation change under the *Pesticides Act*) if such was their intent.

It is for the aforementioned reasons that we recommended amendments to Regulation 914 under the *Pesticides Act* to help better protect Ontarians from potentially harmful toxics, which regulation would treat all Ontarians fairly, equitably, and consistently province wide.

Eliminating "Cosmetic" Weed and Feed Combination Products

The PIRC supports the withdrawal of Scheduling approvals under the *Pesticides Act* for Weed and Feed Combination products under the proposed "cosmetic ban". PIRC IPM Accredited licensed applicators do not support or use "Weed and Feed combinations". These make up a majority portion of landscape pesticide use in the urban environment and in our minds do not fit into a responsible environmental plant health care strategy. In contrast, the commercial licensed lawn care industry applies fertilizer and pesticide products judiciously and separately as needed. While our members actively promote the judicious IPM use of pesticides on an as required basis Ontario retailers aggressively promote unnecessary Weed and Feed combinations due to their lucrative profit to the detriment of the environment and our health. We submit that the Initial focus by the government in its toxics reduction strategy should commence with the elimination of "Weed and Feed" combination products from retail sale in Ontario. The aforementioned action in our minds would mark the biggest single step towards achieving the government's objectives.

Introducing ‘Limited Vendor’ Training Under the *Pesticides Act* Is Needed

The PIRC recommends that this Ministry end the unwarranted legislation exemption granted retailers holding a “Limited Vendor License” from taking a formalized basic pesticide safety course approved by the Director under Regulation 914 of the Pesticides Act. In addition we recommend that the government enact restrictive pesticide advertising guidelines under the *Pesticides Act* as part of its toxics reduction strategy to help protect Ontarians from potentially harmful toxics.

We submit that it is irresponsible to exempt retailers from taking such a basic pesticide safety course or granting retailers a 5 year vendor license by simply completing and submitting an MOE application along with an inequitable low \$135 fee by fax or mail.

Indisputably, the licensed commercial sector already faces far more stringent regulations and monitoring than all other sectors proposed to be exempted. In addition our operators pay a \$200 annual business fee to the Province for their Operator license and carry expensive liability insurance coverage, which is prescribed in Regulation 914 under the *Pesticides Act*.

It is the position of the PIRC membership that it is long past due that the current requirements for retail “limited vendor” licenses be strengthened. We encourage the government to enhance vendor requirements under the *Pesticides Act* and recommends as follows:

- that the MOE work to develop in cooperation with Ridgetown College, PIRC, and PIC a formalized basic pesticide safety course for retailers holding limited vendor licenses that roughly follows the outline of the highly successful industry’s administered and delivered in-house Pesticide Technician Program (PTP) to become a technician;
- that vendor licenses become a bi-annual license;
- that vendor license fees be increased to \$200 bi-annually;
- that retailers be restricted in their advertising and display of pesticides;
- that “limited vendors” be restricted to sell Aerosols and Ready-to-Use products;

The PIRC membership submits that it is this proactive and progressive action that can cost effectively and affordably better meet the government’s laudable toxics reduction strategy to help protect Ontarians from potentially harmful environmental toxics.

Regulation 914 Limited Vendor Educational Changes Are Needed:

We respectfully request and recommend that the Minister **ADD** a new subsection 108 (i) that reads as follows:

Every holder of a vendor’s license that sells Schedules 3, and 6 pesticides that are not a ready to use pesticides to persons exempted from subsection 5(1) of the Act for that extermination shall require its persons who assist customers with pesticide selections to take and successfully complete within the previous 24 months, an approved pesticide safety course to obtain the status of Technician approved by the Director, or who otherwise satisfies the Director that he or she is qualified to sell pesticides;

PIRC Members Relied on this Ministry in Making Lifelong Decisions

The importance of a science and evidence-based regulatory system in Ontario for pesticides is crucial.

We submit that the proposed legislation will seriously impact Ontario's future economy as manufacturers and investors come to the conclusion that Ontario has developed a political approach to the regulation of products previously regulated on the basis of science and evidence-based evaluations.

It is a fact that not a single pesticide can be sold in Ontario without the approval of the Standards Development Branch, Pesticides Section, Managers, in their capacity as Director under the Pesticides Act for all sections. *"Under the Pesticides Act and Regulation 914 the Province is responsible for regulating the post registration sale, use, storage, transport and disposal of pesticides. Other regulatory responsibilities consist of licensing and certification of pesticide users. This includes the certification of growers"* (e.g. farmers, greenhouses, etc.) EBR Registry Number: RA7E0037.

Notably, when the Environmental Bill of Rights (EBR) was passed, the Ministry of the Environment told the citizens of Ontario and our members engaged in the professional and judicious application of pesticides that this Ministry would approve only pesticides for use and sale in Ontario that posed no health and environmental concerns. This Ministry told the public and us that Schedule 3, 4, and 6 products, which the government now proposes to ban, were of low toxicity and did not require training by farmers, retailers or the public. The Managers of the Pesticides Section, each a Director under the *Pesticides Act* (for all sections), reasonably again confirmed this fact to the public and to our licensed industry in EBR Registry Number: RA7E0037, posted Dec 24, 1997.

The relevant rationale for exempting farmers from training was summarized by the Director in these relevant words, *"To eliminate certification requirements for growers using Schedule 3 (low toxicity domestic) products effective April 1, 1998.* The MOE administrators agreed with the growers, and based on an issue of equity that the public was similarly exempted for these same Schedules agreed to exempt them from taking a one-day course

In contrast, our industry was required to accept a more comprehensive licensing system, required licensed stakeholders to enhance their training if they held only a herbicide or insecticide or endorsed license, and to accept a legislated Director approved formal pesticide safety training course with an examination process for our assistants to become technicians in order to work under indirect supervision. Numerous Ontario small business lawn care applicators / operators carrying a "Landscape" license have restricted their business activities to using only Schedule 3, 4, and 6 products. In addition this Ministry's Statement of Environmental Values (SEV) makes reference that its decisions will be based on science that meets the demanding standards of the scientific community.

An urban herbicide ban on private property in our minds is paramount to the expropriation of many of our members businesses, livelihood, and lifetime savings and investments made for their future retirement. We submit there is simply no public health or environmental justification known to us to exterminate a skilled and licensed workforce from judiciously applying a legal product on an as required basis that would remain available for sale to the public by limited vendors.

3. Exemptions / Restrictions

It is proposed that uses of pesticides for the purposes of agriculture and managed forests would be exempt, as they are already governed by stringent rules on the storage and application of pesticides. The government indicated that the focus of the ban would be on "towns and cities, and not on restrictions on rural residents."

Do you have any comments on this approach?

Decisions should be based on Science, not fear and hysteria. The rationale to ban or prohibit the use and sale of a pesticide in Ontario should be for the protection of public health and the environment based on credible science that meets the demanding standards of the scientific community. All products that pose unacceptable risks to human health and the environment should be banned.

The professional training and regulatory standards in the lawn care sector should be recognized, not by exempting them but by recognizing our members' professional ability as confirmed by their earned licences and allowing them the maximum scope to utilize the product Schedules set out in Regulation 914 and as circumstances warrant.

Mandated Pesticide Safety Training For All Agriculturists and Assistants Is Needed

Since 1995, this Ministry has consistently weakened the educational requirements for agriculturists, (i.e. farmers, green houses, etc). The revocation of Section 94(5), which **exempted** farmers from taking a one-day pesticide safety course called "certification" every 5 years to purchase, store, and apply Schedule 3, 4 and 6 pesticides in our mind, does not protect Ontarians from potentially harmful environmental "**toxics**". In brief, Agriculturists (farmers that restrict their pesticide use to Schedules 3, 4 and 6 products are exempted from taking the one day pesticide safety course for "certified agriculturist" administered by Ridgetown College / University of Guelph, (RCAT/UG), which pesticide safety course must be retaken every five years. **MOE calls this retaking of a one-day certified agriculturists pesticide safety course every 5 years "recertification"**. This exemption was granted by MOE based on an issue of equity as the public had a similar exemption to purchase and apply Schedule 3,4 and 6 products. EBR Registration Number RA00E0001 and Subsection 94 (4) of Regulation 914 confirm this.

Regulation 914 was amended in October, 1998 to require mandatory training of certified agriculturists assistants as of January 1, 2000. Grower associations subsequently requested changes to Section 94(9) with respect to supervision of trained assistants. These include: i) replacing section 94(9) with an alternative approach which recognizes modern communication technology, (i.e. cell phone), in the supervision of assistants by the certified grower. A Director approved course to become an assistant agriculturist can today be achieved by an agriculturist's employee simply sitting in on a one-day (RCAT/RG) certified agriculturist pesticides safety course every 5 years to obtain "agriculturist assistant" status.

What is not debatable is that there is no comparison between the one-day pesticide safety course to become an agriculturalist assistant by sitting in on a one day pesticide safety course once every five years to work under indirect supervision versus the formalized training requirements for assistants to licensed exterminators in the commercial sector, who must retake a pesticides safety training course with an examination process every two years to work under indirect supervision. Based on our extensive knowledge, experiences, and documents we can assure the government that no honest comparison has ever existed between the Director approved educational "certification" or "recertification" courses for certified agriculturists and their assistants versus those that the Director has ever proposed and approved for commercial licensed exterminators and their assistants.

The PIRC submits that restoring the original regulatory requirement set out in Regulation 914 under the *Pesticides Act* in 1991 that all agriculturists and agriculturists assistants must take a one-day pesticide safety course to use Schedules 2, 3, 4, 5, and 6 pesticides without a permit will go a long way to meeting the government's toxics reduction strategy to help protect Ontarians from potentially harmful environmental toxics.

No comparison exists in training between the licensed industry and agriculturists.

The PIRC must take exception to the inaccurate claims made that agriculture is “governed by stringent rules on the storage and application of pesticides”.

The truth is that farmers and the public can purchase, store, and apply the same pesticides, (Schedules 3, 4, and 6), which are the backbone of the licensed green industry **without one moment of formalized and mandated training** under the *Pesticides Act*.

In our members minds this lack of legislated training and granted exemptions from legislated training clearly indicates that no stringent rules exist for agriculturists and their assistants that use Schedules 3, 4, and 6 pesticides. What is evidenced is this Ministry’s inconsistent treatment of the commercial licensed exterminator sector that we feel must be addressed.

The facts are that while this Ministry significantly strengthened the regulations and educational qualifications for the commercial pest management sector to obtain an exterminator’s licence. The same type of educational enhancement did not occur in the agriculturist sector. In brief, this Ministry revoked even the simple requirements for farmers and their assistants to attend a one-day pesticide safety training course administered and delivered by Ridgetown College / University of Guelph (RCAT-UG) every five years in order to apply Schedules 3, 4, and 6 pesticides. In addition the training for certified agriculturists assistants to apply Schedules 2, 3, 4, 5 and 6 pesticides under indirect supervision was weakened. What is not debatable is that the commercial lawn care and forestry sector is subject to the most stringent regulations, monitoring, and examination process.

A fact confirmed by ‘agriculturists’ allowed to apply Schedules 2, 3, 4, 5, and 6 pesticides by simply attending a one-day RCAT-UG “growers course” divided into two sessions with a simple **open book test** after each session every five years. In order to become ‘agriculturist assistant’ to use the same pesticides under indirect supervision, the agriculturist’s employee need simply attend or sit in on the grower’s course with no test.

Between 1995-1997 PIRC members evidenced to the government and its MOE Ministers that the regulated industry was overwhelmingly treated inconsistently in regards to enhanced training requirements being proposed by the MOE. In brief, the PIRC chair informed the industry and MOE Ministers of this overwhelming disparity. Provided the Minister were historically concealed failure rates of the licensed sector undergoing a grueling 6-hour open and closed book examination process versus an agriculturist attending a one day pesticide safety course once every five years followed by a simple open book test during the morning and afternoon sessions. The government was provided in 1996 statistical information that evidenced a failure rate of only 2% by agriculturists, which failure rate was attributed by RCAT/UG to farmers who had English language difficulties.

The PIRC chair evidenced to the MOE Minister that the commercial licensed exterminator sector at that time in contrast had an annual failure rate that approached 50%. Today our applicator members undergo a grueling 6-hour examination process administered by RCAT/UG to obtain a Landscape license. Based on comments made by pesticide applicators, our licensed sector continues to experience a high failure rate that in our minds is largely attributed to many examination questions not being relevant to the job performed by them. A concern expressed to the MOE administrators historically by the lawn care industry. It is for this reason that in 1996-1997 that the PIRC requested that the industry’s two councils be granted similar annual consultation advisory input as is provided by the MOE and RCAT/UG to agriculturists.

The aforementioned information is not designed to belittle our struggling farmers but to expose and end the continuous inaccurate and misleading comparisons referenced in EBR and government news release posting since 1995 that are substantially inaccurate. It is inappropriate for MOE to compare the stringent training undergone by the licensed IPM industry with that of farmers who are exempted from undergoing mandated training or attend a one-day pesticide safety course every 5 years to obtain a certificate to purchase, store, and apply Schedules 2,3,4,5,6 pesticides.

It is equally inappropriate for MOE to compare the requirements to become a technician with that to become an agriculturist's assistant. To achieve agriculturist assistant status one needs simply sit in on a certified agriculturists course in order to work under indirect supervision of his or her certified agriculturist to apply and mix Schedules 2, 3, 4, 5, and 6 pesticides. It is equally inappropriate for the MOE to call retaking a one-day pesticide safety course every five years "recertification" or that this "recertification" every 5 years is justification for licensed exterminators to participate in a costly recertification process every five years. However, I can assure this Ministry's administrators that the entire licensed industry is willing to join and attend the same one-day RCAT-RG pesticide safety course with agriculturists and turn in the same tests to meet future "recertification".

Restoration Of The Revoked One-Day Agriculturist Pesticide Safety Course Is Needed

PIRC recommends that the government restore the one-day pesticide safety course exemption earlier granted agriculturists for Schedules 3, 4, and 6 pesticides, which regulation was irresponsibly revoked by this Ministry in our minds (O. Reg. 129/98, s. 1.).

PIRC submits that restoration of the requirement for these agriculturists to attend a one-day pesticide safety course will better protect Ontarians from potentially harmful environment toxics and assist the government to meet its toxics reduction goals.

Improved Tripartite MOE, PIRC and PIC Consultation Is Needed

The commercial industry sector jointly represented by the PIRC and PIC continues to be denied streamlined early consultation in respect to regulatory changes. We are treated inconsistently with other regulated sectors.

We are denied annual consultation advisory review input under the RCAT/UG administered examination processes. In contrast the growers examination process is annually overviewed at Ridgetown with its college representatives, MOE, and Croplife representatives. PIRC has historically requested similar consultation with our two industry councils be established.

In addition the PIRC and PIC delegates are expressly denied the right to bring licensed industry concerns for discussion, resolution, and forwarding to the Director that do not impact the Pesticide Technician Program (PTP) for discussion at Pesticide Technician Advisory Council (PTAC) with MOE in this timely and cost effective manner makes no sense. This was a change made to the original proposed MOU submitted by the two industry councils made by the Director, which was clearly intended to ensure minimum democratic consultation advisory input by the licensed industry's streamlined representatives at PTAC. It is these two councils jointly meeting with MOE that can provide knowledgeable expertise on behalf of Ontario's applicators and operators.

It is this streamlined consultation process that was intended to responsibly ensure appropriate industry representation without the need to advise every licensed applicator and operator by mail of the government's posted proposed changes to the *Pesticides Act*.

Ministerial Consultation Action Is Needed

At no time has the lawn care industry and its stakeholders and representatives been consulted in regards to any licensing changes that affect their businesses and livelihood since Regulation 914 was last amended by Ontario Regulation 450/98. Standard Development Branch (SDB) letters also reaffirm its promises and commitment that they would seek joint consultation input from Ontario's two industry councils in regards to any future contemplated changes to Regulation 914, and subsequently, post a proposal on the ER for public comment. These verbal promises and commitments were also consistently reaffirmed to us at the Technician Pesticide Advisory Council (PTAC) established by the MOE. A fact also confirmed by a MOE February 12, 2001 response letter to a document entitled, "Current Reforms Being Sought at PTAC" supported by those present and subsequently forwarded by Doug Morrow, than the MOE chairperson to the SDB Managers. These amendments are also consistent with the PTAC recommendations made in 2000.

In another letter dated March 19, 2001, the MOE again reiterates their consultation guarantees and their exclusive post pesticide registration authority that reads, "*should the ministry pursue a regulatory change with respect to municipal powers to restrict pesticide use, we will – as with any proposed changes in regulation or policy- undertake full consultation with stakeholders, including the posting of any proposed changes on the environmental registry. Under current Ontario legislation, municipalities..... do not have the authority to restrict pesticide use on private property.*" This was the industry councils and its stakeholders understanding from day one in negotiating long term economic security for their lawn care and landscape members' at the invitation of the government and its MOE in 1995-1996. The result was that the government recognized the need for two industry councils to provide knowledgeable representation to the MOE on behalf of the industry in order to meet the consultation requirements set out under the Environmental Bill of Rights (EBR).

It is important to note that negotiations and decisions for long-term economic stability by all parties were made in light of the Hudson case, where pesticide use was restricted by a municipal by-law and challenged. It was for this reason that 'Landscape' licensed stakeholders through their two industry councils sought to negotiate long-term economic stability with the government. The industry accepted inconsistent and inequitable treatment. They agreed to develop in cooperation with the MOE a pesticide safety integrated pest management program and process that would ensure the competence of front line employees. The result is the industry's highly successful pesticide safety training program that stresses IPM from the first chapter and affordable maintains its workforce updated. In contrast, the MOE maintained its inequalities and exemptions from mandated training for limited vendors and the public. In addition, as previously unbelievably stated the MOE reduced and exempted agriculturists from formalized training to purchase and use Schedule 3, 4, and 6 pesticides that represent the same herbicides to control weeds used by a highly skilled 'Landscape' licensed sector.

Our stakeholders recognized that the inconsistent and inequitable treatment granted these agriculturist and their assistants was the price for economic security. The Pesticide Technician Program is a pesticide safety and integrated pest management program and process approved by the Director that maintains our workforce updated. An educational Memorandum of Understanding (MOU), between the MOE / PIRC / PIC confirm this.

We respectfully request the intervention of the Honourable John Gerretsen to discuss with the Director a needed amendment to our educational MOU to allow our two industry councils, (PIRC and PIC), to bring forward pressing licensed industry concerns for discussion and resolution at the PTAC. It should also be noted that the Director has also assumed the PTAC Chair and acts as the MOE liaison officer and single when written advance notice is provided to the Director, being also the PTAC Chair.

Only the Licensed Industry Accepted More Stringent Regulations

Despite the aforementioned facts and inequitable and inconsistent treatment the licensed industry agreed in 1996-1997 to even more stringent licensing regulations for its members and assistants at the request of the government and MOE. The result is an enhanced licensed Applicator and Technician skilled IPM workforce resource that benefits all Ontarians.

Each industry council in 2001 additionally established an affiliated IPM Council, (i.e. IPM-EHC and IPM-PHC), to better maintain their respective members updated in legislation, IPM technology and least risk pesticides in support of the Pesticide Technician Program. MOE documents, PTAC minutes, and a tripartite Memorandum of Understanding signed by the PIRC, the PIC, and the MOE confirms this.

4. Golf Course Exemption

It is proposed that golf courses would also be exempt, but would be required to develop plans to limit the environmental impact of pesticides. **Should the government consider setting out minimum requirements for the plans developed by golf course owners / operators? What should the requirements include?**

The PIRC does not object to the exemption of golf courses, however the government should ensure the scope and intent of the proposed legislation is applied equally and fairly to all the licensed sectors. The public will not hire a licensed pest management professional or service provider if they do not have the tools at their disposal to judiciously on an as required basis control or eliminate the taking over of their lawn by invasive and damaging weeds and insects.

It is the position of Ontario's professional licensed IPM applicators that there can be no justification to allow the use of any pesticides that poses an unacceptable human health and environmental risk.

Recommendations For Developing A Minimum IPM Plan For Golf Courses

The PIRC, PIC and Audubon Sanctuary Cooperative have the expertise to cost effectively and affordably develop, administer and deliver a formalized IPM Accreditation Plan in cooperation with the MOE. A formalized MOE approved course that would address and list the numerous ways a golf course could limit their pesticides impact on the environment. Golf Course owners would thereafter complete and respond to the mandated IPM action requirement taken by their licensed exterminator annually in respect to each recommendation. Each golf course would additionally maintain a computerized annual pesticide usage report that would list all pesticides purchased and used annually and calculate their annual pesticide reduction from label rates using the standardized formula approved by the RCAT/UG. One such program called L'Audit™ is available for industry FREE DOWNLOADING from the PIRC and IPM-EHC Council at www.pirc.ca. Golf course owners would maintain these records on site for MOE inspection for e.g. two years.

A Pesticide Ban Has Serious Economic Impact Not Only For Golf Courses

The PIRC recognizes that golf courses will not economically survive without the judicious use of pesticides. Ontario's licensed Operators and applicators face similar perils when denied the right to exercise his or her vocation authorized by their licenses under the *Pesticides Act*. Many of our members will find themselves in financial peril having their lifetime built up business become worthless upon which future sale they depended for their retirement in addition to joining the ranks of the unemployed.

The proposed ban will have serious repercussions on the lives and livelihood of our individual member businesses and future employment if the government does not treat the regulated industry and its licensed applicators consistently. A fact acknowledged by MOE pesticides officials to the PIRC and public.

Province Wide Government Approval For At Least Two Herbicides Is Crucial To Industry

It is for this reason that the PIRC asks the government to provide province wide exemption for at least two traditional herbicides, namely, **2,4-D**, and **Glyphosate** for judicious use by Ontario's licensed operators and its skilled applicator work force.

It is the position of many of our members that products that are banned from use on home lawns and parkland when applied by trained and licensed applicators should equally not be available for use on municipal or private golf courses. Most golf courses either are next to residential areas, streams and rivers. Golf is not a necessity.

If there are so-called sustainable organic and biological herbicide products available for use on home lawns, why will they not work on golf courses? It should also be noted that the licensed industry no longer applies pesticides to control fungus diseases due to updated product label changes while such practice continues on all golf courses.

Compensation

If the government deems that the continued use of this herbicide product poses an unacceptable urban risk to human health and the environment, the PIRC membership respectfully requests that preliminary discussion occur between the PIRC, PIC and MOE in regards to warranted retraining and compensation.

PIRC submits it is preposterous to compare the grounds for a province wide ban of **2, 4-D** to that of smoking, which is based on false allegations that this product causes cancer. Sir Richard Doll known for having proved the link between tobacco and lung cancer recognizes this. When asked if he would support a ban on pesticides in the city Sir Richard Doll's response was an emphatic, "**NO, there is no scientific basis for it.**"

Source: Globe and Mail May 24, 2003

While the government's hands cannot be fettered, PIRC submits that the government has a responsibility and duty to provide an exit strategy with fair compensation for Ontario's adversely impacted commercial licensed Landscape pest management sector.

An industry whose small business operators and applicators have made lifetime financial investments and inordinately relied upon, and based their business and vocation decisions on the statements, promises, and commitments made to them by past MOE Ministers, fiduciaries, and officials. Statements, promises and commitments made to them that were expected to be relied and acted upon and were known to have been acted by this Ministry

PIRC individual members have additionally requested the following questions, concerns, and responses to be added in this EBR formal submission:

- 1. Will the government provide the following:**
 - (a) Compensation for loss of jobs and revenue?
 - (b) Funds for retraining for those who no longer wish to stay in this field?
 - (c) Offer adversely impacted stakeholders a buyout package?
 - (d) Offer funds for equipment changeover?

- 2. Can the government inform us of the following:**
 - (a) What sustainable alternatives are available?
 - (b) What cost effective and sustainable alternatives will be available in the near future and will they be exempted?
 - (c) What will the process be for getting new products exempted?

- 3. Why has the government not considered making it an offence under the *Pesticides Act* to make knowingly false claims about or against a product?** There is a substantial difference between an organization stating an opinion, or providing intentionally false and misleading claims that a product causes a disease without credible scientific evidence. (e.g. Ontario College of Family Physicians Report) This report was reviewed and rebuked by the **UK Advisory Committee on Pesticides**

- 4. Why has the government not considered the negative effects of such a ban, i.e. increased maintenance costs, increased use of mowers during periods when turf is normally dormant? Weeds will still grow, requiring more frequent mowing.**

- 5. Why has the government not considered the substantial unnecessary added costs to both the industry and taxpayers in labour and vehicle costs to maintain both private property and municipal properties? I submit that this action will cause a substantial increase in green house gas emissions and smog.**

- 6. Why has this proposal ignored the increased water usage that will occur by following the requirements for organic and biological products (i.e. nematodes, Sarritor™)?**

- 7. Why has this proposal ignored the significant benefits that healthy turf provides to our everyday lives, i.e. cooling, erosion control, oxygen production, filtering etc.?**

- 8. Why does the government see crabgrass control and prevention as a cosmetic use?**

5. Timing

The government proposes to introduce legislation in the spring of 2008, with a phased-in implementation (e.g. 3 years).

Again, we submit that the Ministry has a responsibility to adopt an ecosystem approach to environmental protection and resource management. *“This approach views the ecosystem as composed of air, land, water, and living organisms, including humans, and the interactions among them”*. In addition we request that when making decisions, that the Ministry consider *“the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the interrelations among the environment, the economy and society.”*

Source: Ministry of the Environment Statement of Environmental Values (SEV) under Ontario's Environmental Bill of Rights (EBR).

Our members have inordinately based their business and vocation decisions on the fact that this Ministry will use science that meets the demanding standards of the scientific community.

It is indisputable that the licensed industry will undergo drastic down sizing. This is not due to lack of public demand for our professional IPM services but based on an unprecedented political decision by the government to, in effect, eliminate a licensed business sector from continuing to ply their licensed vocation and trade for their customers in urban centers, having stripped them of the necessary tools to do their job. Actions not supported by credible science.

Whether three years is adequate will depend on the specific regulations imposed; it should be considered the minimum acceptable period after appropriate streamlined consultation has taken place occurred with Ontario's two industry councils (PIRC and PIC) **to determine the ultimate impact on Ontario's approximately 6,200 Landscape license holders.**

It is also hoped that the government will provide appropriate time for our two industry councils to further consult and advise our respective members of the government's final decisions.

In summary, should this ministry feel that the above comprehensive submission and recommendations are unacceptable it provides a clear message that this Government has no confidence in those who have been in charge of pesticide regulations in this Province. If this is the case our industry and the public have been misled to the detriment of our health and the viability of our businesses. If the products which you are now proposing to ban indeed cause harm or potential harm to the health of citizens and our applicators of this Province, as activists would have us believe, I submit that a public inquest or criminal investigation is immediately warranted.