



***Agricultural Groups
Concerned About
Resources and
the Environment***

December 17, 2008

Robert Bilyea
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Ministry of the Environment
Integrated Environmental Planning Division
Strategic Policy Branch
135 St. Clair Avenue West, Floor 11
Toronto Ontario M4V 1P5

EBR Registry Number: 010-5080

New General Regulation under the Pesticides Act, 1990 to implement the Cosmetic Pesticides Ban Act, 2008.

Dear Mr. Bilyea:

This response to the above EBR posting represents the voices of 45,000 Ontarians. We are submitting these comments on behalf of AGCare (Agricultural Groups Concerned About Resources and the Environment), a coalition of 17 different farm organizations that represents Ontario's 45,000 crop and horticulture growers environmental issues like pesticide use.

Our members include Christian Farmers' Federation of Ontario, Federated Women's Institute of Ontario, Flowers Canada (Ontario) Inc, Ontario Bean Producers Marketing Board, Ontario Beekeepers' Association, Ontario Canola Growers' Association, Ontario Corn Producers' Association, Ontario Federation of Agriculture, Ontario Flue-Cured Tobacco Growers' Marketing Board, Ontario Fruit and Vegetable Growers' Association, Ontario Potato Board, Ontario Processing Vegetable Growers, Ontario Seed Corn Growers, Ontario Seed Growers' Association, Ontario Soil and Crop Improvement Association, Ontario Soybean Growers, Ontario Apple Growers and Ontario Wheat Producers' Marketing Board.

AGCare was formed 20 years ago to promote responsible pesticide use and pesticide safety training for farmers. The Grower Pesticide Safety Course (GPSC) became mandatory under the provincial *Pesticides Act* and we continue to promote and support this important training initiative.

Ontario's farmers strongly support the banning of unnecessary and irresponsible use of pesticides. As proud environmental stewards who care deeply about the health of our families, livestock and land, we know how important it is to use pest control products safely and responsibly. However, the regulations as currently proposed will affect our ability to farm in an environmentally responsible manner and be globally competitive.

We have the following specific concerns with the regulations as they are posted on the EBR.

1. Contradictions and a lack of scientific basis

There is a noticeable lack of scientific criteria behind these regulations.

Specifically:

- No scientific criteria for the classification of pesticides in Classes 5 – 11.
- No criteria or explanation for the reasoning behind why specific products have been included on the “prohibited” list
- Sports fields can be treated with pesticides if they are hosting “national” events but not for local events
- Naturally-occurring products including such toxics as arsenic, mercury and lead are deemed to be “safe, whereas low toxicity synthetic products are considered to be “unsafe”
- Outdoor plants can be sprayed if they are brought indoors first

The regulations as posted on the EBR also mean that Ontario's farmers will be collateral damage in the fallout over the ban. Due to the lack of scientific criteria, members of the public will not understand the rationale behind which products have been banned and which have not – especially when there is no explanation as to why some products that are banned for cosmetic use are allowed to be used in food production.

2. Lack of independent expert review

OPAC, a committee of the Ministry of the Environment, studies federally-approved products and organizes them into schedules to determine who can access which products. The new regulations preclude independent expert review since they remove the ability of the expert committee – OPAC – to review and report on ALL submissions for classification. Under the proposed regulations, OPAC now reports to the Director, who has the power to overrule any of the committee's recommendations and decisions prior to going to the Minister (without further independent review).

As well, a considerable amount of extra responsibility is given to the Director under the new regulations, but there is no requirement that this person has a scientific background and understanding of issues surrounding pesticide use equal to that of the members of OPAC.

If health and safety are important in Ontario, then OPAC should have the power to make final decisions on which products may be used in which situations by which applicators and determine what training requirements are necessary. OPAC's role therefore demands high standards of scientific competence from its appointed members, as well as independence from government or any other groups during the decision-making process.

OPAC should continue to report directly to the Minister and its members must continue to be appointed by Order in Council.

3. Loss of public confidence and global competitiveness

The current provincial approach of banning certain products overrides federal law and directly contradicts the extensive knowledge of Health Canada's Pest Management Regulatory Agency (PMRA). This sends confusing and contradictory messages to the public, which has the potential to impact consumer confidence in the safety of our environment, water and food supply – as well as in our federal system of registration, monitoring and compliance.

PMRA's science shows us that pesticides can be used safely, if label instructions are properly followed. No pesticide products are approved for use in Canada until they meet the PMRA's strict safety requirements and the PMRA is recognized internationally as a leader in pesticide safety assessment. In fact, the *Pest Control Products Act* (PCPA) was updated in 2006 to reflect current, international scientific knowledge and risk assessment methods for the health and environmental safety of pesticides.

The ban will directly affect the competitiveness of Ontario farmers in the global marketplace. American farmers have access to a wider range of pesticides than those here in Canada, and it simply makes economic sense for the developers of pesticides to have their products approved in the US due to the greater market size. Provincial bans on federally approved products create regulatory uncertainty for these developers and we anticipate reduced investment in product approval in Canada. This puts our farmers – already struggling in a competitive global environment – at a disadvantage compared to their international counterparts.

4. Definition of agricultural land

The proposed regulations define farm land as that which is zoned agricultural under the Assessment Act. However, there is a lot of land that is currently being farmed that does not fall under that classification. This includes land that might be zoned for development or future commercial use, or falls into a rural residential category, for example.

It does not make sense for some farm land to be exempted from the cosmetic ban and some not, based simply on its assessment classification. We are therefore proposing it be defined as all land that is under active agricultural

management and production, including land that is not zoned agricultural under the Assessment Act.

5. Rural lawns and gardens

Lawns and gardens in rural areas are not the same as those in urban areas. Controlling weeds, insects and other pests throughout a farm property is not a “cosmetic” matter. Pests are controlled on farm or neighbouring rural properties in order to ensure they don’t negatively impact crop yields and quality or livestock health on the farm. If there is an infestation or other problem in a rural garden or lawn that happens to be next to farm land, it can easily spread to those adjacent fields.

Farmers who are trained and certified to use pesticides responsibly on their farmland are also capable of applying these skills when using pesticides – often the same ones – on other areas of their farms, such as their own lawns and gardens. Again, since these uses are not “cosmetic” in nature, and controlling pests is important to the farm operation, they should also be exempt as agricultural use.

6. Lack of training

In Ontario, farmers must be trained and certified under the Grower Pesticide Safety Course (GPSC) before they can purchase or use pesticides. Agricultural pesticides are only sold by vendors who are certified through the Pesticide Vendor Certification Course. Both farmers and vendors must re-certify every five years to keep current on advancements in pest management science, safety and regulations.

Since the GPSC came into effect, farmers have voluntarily reduced their pesticide use by 52% due to advancements in education and the science of pest management (Food Systems 2002, Ontario Ministry of Agriculture, Food and Rural Affairs). It is important to note that these reductions did not come as a result of any product bans or restrictions but through voluntary actions by farmers.

The proposed regulations contain no training requirements for domestic pesticide users. As well, there is no requirement for domestic pesticide product users in classes 5,6,7,10,11 to prove competence in being able to read and understand a pesticide product label in either English or French, take any training in proper handling, use and storage of these products or be able to properly calibrate a sprayer. There is also no requirement that licensed applicators must re-certify their pesticide safety training on a regular basis the way farmers must.

Conclusions

We ask that the government delay the implementation of the regulations to more thoroughly review the science and get it right.

We are also asking for changes to some specific areas of concern to agriculture:

- Exempt pesticide use on farm/rural lawns and gardens. Pesticide use in these areas is not cosmetic due to the potential for spread of infestations and problems to neighboring farmland
- Revise the definition of farm land to mean all land that is under active agricultural management and production. The definition should not be based on the Assessment Act.
- Maintain the independent review powers of the Ontario Pesticide Advisory Committee and have that committee continue to report directly to the Minister

We are highly concerned about the lack of science behind the proposed regulations. If we as farmers are to successfully meet the challenge of producing food for a growing world population, we will need every tool available to us. This includes the safe and responsible use of pesticides so that we can continue to feed not only ourselves but others around the world.

Agriculture is a significant part of the Ontario economy. As farmers, we are proud of our roles as food producers and as environmental stewards and we want to be sure of our future in the rural landscape.

Sincerely,



Richard Blyleven
Chair, AGCare



Paul Wettlaufer
First Vice Chair, AGCare

CC: Clay Switzer, Chair, Ontario Pesticide Advisory Committee
Hon. John Gerretsen, Minister of the Environment
Hon. Dalton McGuinty, Premier of Ontario
Hon. Leona Dombrowsky, Minister of Agriculture, Food and Rural Affairs