Her Worship Mayor Anne Marie DeCicco, members of City Council, London administrative staff,

On behalf of the London lawn care industry, I would like to present the following information that represents our view of "A by-law to reduce and regulate pesticide use and to provide healthy vegetative landscapes in the City of London."

To begin with, the industry believes in the overall intent of the by-law to reduce the use of pesticides in the City of London as a measure to reduce environmental impacts. Our issues all deal with the creation of a credible, honest and practical by-law.

In keeping with this spirit, we make the following points:


   The wording of the fifth "Whereas" clause of the by-law based on all evidence is incorrect and inflammatory. It states:

   "And Whereas Council has determined through extensive consultation that pesticide use has potential negative health and environmental effects on the well-being of the inhabitants of the municipality and should be regulated to mitigate the injurious impacts of pesticides on health and the environment."
Through the consultation process, the industry presented unchallenged information from Health Canada and other credible and non-industry bodies that pesticides used in the lawn care industry do not pose a threat to human or animal health as long as they are not abused. All pesticide regulatory bodies in the world including Health Canada agree that the key lawn care pesticide, 2,4-D, is not carcinogenic and its toxicity is well below that of many common household products such as coffee and orange juice. The contrary opinions presented to council were just that, opinions of individuals who have not studied lawn care pesticides. The sole resource referred to that spoke to the contrary was a document produced by the Ontario College of Family Physicians, which has been entirely discredited by the world's scientific community. The chair of ETC, Councillor Fred Tranquilli stated as much during an ETC meeting following the last consultation process when he noted those pressing for a pesticide ban do not have science on their side. As a result, we see the wording of this clause as being inflammatory, incorrect and serving to create fear where every day caution is warranted. We would suggest that the wording of the clause be changed to the following:

"And Whereas Council has determined through extensive consultation that many individuals would like the use of lawn care pesticides to be reduced to lessen any potential impact on the environment based on the precautionary principle."

London did not have to scare the public into participating in the Blue Box program. The city did not call for a boycott on packaged goods. We believe Londoners are civic-
minded and will do their utmost to reduce pesticide use if they are presented with the facts.


Under the third highlighted section — BACKGROUND — an explanation of the report states that the purpose of the report is to:

"Present the ETC with a draft by-law to reduce and regulate pesticide use and to provide healthy vegetative landscapes in the City of London."

We question the wisdom of including the words "and regulate" in this sentence. The Courts ruled in the Toronto bylaw case that Toronto had the right to pass a bylaw banning the use of pesticides under the health and safety provisions of Section 130 of the Municipal Act but the court did not give Toronto the right to regulate pesticide use. Our legal advisors have indicated that regulation of licensed pesticide applicators is a direct overlapping of provincial authority under the Ontario Pesticides Act and specifically Regulation 914. While I have been selected to speak for the industry as a whole, I cannot guarantee that any individual operator will not challenge the by-law on this basis. Under such a challenge, the city would have to prove that the Ministry of the Environment's inspectors and the inspection system is inadequate to the point that their actions or inactions pose a health and safety risk to the public. This would also compel the city to demonstrate that its policing of pesticide application was superior to that of Ontario and
that its inspectors were both more numerous and more highly trained. On the last point, the minimum requirement for a city by-law officer to competently enforce the by-law would be the full training that a professional pesticide exterminator must undergo plus additional training on laying charges, scientific sampling training, and training on equipment such as wind speed and soil sampling meters.

3. Integrated Pest Management. (Agenda Item 3, Page 6)

The London Lawn Care Industry wholeheartedly supports the implementation of a voluntary Integrated Pest Management program based on the principles established by the Ontario IPM Council. However, this page provides many contradictory elements that will serve to undermine the validity of a true Integrated Pest Management (IPM) program. IPM works by auditing the use of pesticides. There are so many exemptions provided such as applying only to areas where vegetation dominates and not applying to hard surfaces such as paving, driveways, sidewalks, curb faces, and indoor use. How is an auditor to determine whether there is true progress in reduction of pesticides if a licensed pesticide operator need only say that over limit amounts were applied to hard surfaces. An audit only works if all stock is accounted for.

The third bullet point on the page also seeks to regulate application of pesticides. The perils of entering into the field of regulation are mentioned in Issue #2 above and these points clearly demonstrate the Pandora's Box that will be opened by trying to set specific
rules. Specifying a limit of 20 per cent of an area being sprayed handcuffs the licensed operator if more than 20 per cent of a property needs to be sprayed in order to control weeds in compliance with IPM standards. It is also unclear what is meant by 20 per cent. Does it take in the entire property including hard surfaces and space occupied by buildings. Does it include or exclude city-owned frontage and boulevards? This provision also effectively bans the use of one of the most popular consumer products — Weed and Feed — because its proper application requires it to be applied to the entire lawn. Our legal advisors say the city does not have the authority to ban the sale of Weed and Feed at local garden centres and hardware and building stores. Homeowners would be inadvertently breaking the law if they bought Weed and Feed and then applied it to their lawn. Is the city contemplating having warning signs posted in local garden centres and hardware and building stores warning homeowners that they are not allowed to use this product? Is the city seeking to require stores to pass on IPM training materials to every person seeking to make a purchase? Where will homeowners get official lawn sign postings to show a pesticide has been applied?

In Hudson, Quebec where the first pesticide ban in Canada was implemented, licensed professional lawn care operators went out of business but sales of Weed and Feed, Killex, insecticides and crabgrass killer at local stores soared. Internal reports we’ve seen show stores in Hudson now sell four to six times as much of these chemicals in every year since the ban. Without the professionals in the business, use of pesticides are in fact greater in Hudson. A law that has not had the desired effect and where there is massive non-compliance is poor law because it contributes to disrespect for all laws.
The provision for no applications during a smog advisory or when wind velocity exceeds 10 kilometres an hour makes no sense when a granular product is being applied. Even in cases where a liquid spray is being used, a larger droplet size in the spray contributes greatly to the product being applied properly on days when wind speeds might surpass 10 kmph. We have not seen the science behind why 10 kmph is the recommended limit. If wind speed is being used, it must be specific. Does a sudden gust count or is it the mean wind speed for the day? Ordinarily, lawn care operators do not apply pesticides on rainy days, however, there are some products that would not be adversely affected nor would they contribute to runoff issues. The provision where applications are prohibited when the ambient temperature is above 25 degrees C may be contrary to an IPM program and to the manufacturer's directions. An insecticide that control grubs — Merit — must be applied in July. If we have another summer like the past one, no lawns could be treated. The next control opportunity would be in the fall but much more toxic product would have to be used and likely more of it, again contradicting the IPM principle.

In order to have a successful IPM program a number of things have to happen.

a) A sensible and mutually agreeable base line must be set so that reduction in pesticides can be accurately measured from year to year. The industry's position is that in order to ensure that everyone is on a level playing field is to establish the baseline at the manufacturer's label instructions, which were approved by Health Canada as safe to use as directed. The City of Ottawa ran into a problem with its IPM program because
at the end of the day industry and City Hall could not agree on a baseline after the fact. Industry wanted the label instructions to be the baseline and showed first year improvements of 90 per cent or more for four products and more than a 50% reduction for the fifth product. City Hall rejected this scorecard and requested the baseline to be the previous year's pesticide usage for each operator. Industry protested because it meant companies that had been slow to participate in IPM could demonstrate great gains. However, those who were early movers had less ability to make drastic reductions on top of the major reductions they had already achieved.

b) IPM is not easily or inexpensively achieved. Companies should be allowed a minimum of two years to get their IPM accreditation. Currently there is a considerable backlog in available courses for IPM accreditation because so many municipalities appear to be going in this direction.

c) The elimination of a great deal of red tape and the need for 90% of potential compliance staff inspections can be avoided simply by providing companies that are IPM accredited with an exemption from other provisions of the bylaw. This is not a significant difference because many of the rules cannot coexist with IPM. This measure would be extremely helpful in getting all lawn care operators to get their IPM accreditation.
4. Estimated costs. (Agenda item 3, Pages 6 & 12)

The London Lawn Care Industry believes that the estimated costs as set out on page 6 of $130,000 in 2006 and $110,000 in subsequent years are well below what the actual expense will be. Our rationale follows:

There are approximately 66,000 households in London that have pesticides applied by a professional or they do it themselves. A proper lawn program requires four applications a year — spring weed control, a crabgrass inhibitor, insect control, and a fall weed application. Thus, the number of opportunities for reported incidents is 264,000.

Given the fervour among proponents of a pesticide ban, it's likely that they will employ the by-law as much as possible. For instance if they were able to report five per cent of lawn applications, compliance staff would be expected to handle 13,200 calls in a year and considering that the season spans a half year, these 13,200 calls would have to be dealt with in six months.

If an inspector could handle a maximum of one call an hour and seven calls in a day including travel time and breaks, the requirement for compliance staff would be: 13,200/7 = 1,886 person-days a year. If there are 233 person-days in a year, this would require 1,886/233 = 8 inspectors full-time or 16 persons during the growing season only. Therefore, if compliance staff are paid on average $32,500
for a half year, the cost would be $8 \times 32,500 = $260,000 for salaries alone.

Education and awareness materials and furniture and vehicle costs would increase proportionately as well for a total budget of about $345,000 in year one and $325,000 for subsequent years.

If reporting is half that number — 2.5% of applications, there would need to be four full-time inspectors or 8 persons during growing season only. Therefore, if compliance staff are paid on average $32,500 for a half year, the cost would be $4 \times 32,500 = $130,000 for salaries alone. The total budget could be expected to be $175,000 in year one and $155,000 for subsequent years.

It is important to note that if pesticide ban proponents were able to get weekly or even monthly access to information about lawns that have been sprayed they would be interfering with internal business issues and likely be breaking Canadian privacy laws. The additional paperwork would create havoc for lawn care operators and for city hall staff who would have to manage the paper flow. In addition, there would no doubt be a massive increase in the number of properties where inspections were called for.

5. London Lawn Care Industry's Conclusion.

Many compliance issues that require a considerable amount of time and effort to investigate would be eliminated by providing IPM accredited companies with a full
exemption from the bylaw's provision. If the company failed to live up to the IPM program targets, the audit would reveal it. City action could then be swift because all the evidence it needs would be contained within the audit report, which would be prepared by professional auditors at no cost to the municipality.

Sincerely,

Henry Valkenburg
President Great Lakes Lawn Care
On behalf of the London Lawn Care Association
GUIDE TO PESTICIDE LICENSING AND CERTIFICATION

Pesticides Act
R.S.O. 1990, Chapter P.11
and Regulation 914

November, 2004
PIBS: 4523e

Protecting our environment. Ontario
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The information contained in this Guide is of a general nature only and is not intended to constitute advice for any specific situation. Please note that the text of many Ontario statutes and regulations are available on the Internet at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

For information about pesticide training and certification, please contact Ridgetown College, University of Guelph toll free at 1-888-620-9999 or locally at (519) 674-1575. For information about pesticide licensing or to obtain an application package please contact the Environmental Assessment and Approvals Branch locally at 416-314-8001 or toll free at 1-800-461-6290. Application information is also available on the Ministry of the Environment Internet site at [www.env.gov.on.ca](http://www.env.gov.on.ca).
The Ministry of the Environment (MOE) pesticide licensing program is regulated by the Pesticides Act and Regulation 914. In accordance with legislation, the Environmental Assessment and Approvals Branch manages licensing for the sale, storage, use, transportation and disposal of federally registered and provincially classified pesticides.

The Pesticides Act defines “pesticide” as any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the federal Pest Control Products Act.

Federally registered pest control products are classified into one of six different classes or “schedules” for legal sale and use in Ontario. The schedule determines who can sell or use the pesticide product and what restrictions (e.g., requires a licence and/or permit) are placed on its use. For current information on classified products, consult the Ontario Pesticides Advisory Committee web site at www.oppac.gov.on.ca.

A pesticide licence is required if you wish to sell pesticides (Vendor Licence), apply pesticides (Exterminator Licence), or operate a business that employs persons that apply pesticides commercially (Operator Licence). Pesticide Vendors and Exterminators are required to meet certain certification requirements.

INFORMATION FOR APPLICANTS

A complete application consists of:

- A completed, signed application form for the appropriate licence type;
- Proof of training or certification (Exterminators and General Vendors);
- Payment of application fee by certified cheque, money order or credit card.

Please Note: Incomplete applications will be returned.

Please forward your completed application to:

Director
Environmental Assessment & Approvals Branch
2 St. Clair Avenue W, Floor 12A
Toronto, ON M4V 1L5
**UNLICENSED ASSISTANTS**

**Trainee**

A person that is hired as an assistant to a licensed exterminator and who has **not** successfully completed a MOE approved pesticides safety training course and practical training from a licensed exterminator is described as a **trainee**. A trainee requires direct supervision by a licensed exterminator at all times.

<table>
<thead>
<tr>
<th>The trainee may...</th>
<th>The trainee may NOT...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• mix, load or apply Schedule 2, 3, 4, and 6 pesticide products under direct supervision of a licensed exterminator</td>
<td>• recommend pesticides to a client</td>
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<td>• select a pesticide for use in an extermination</td>
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<td>• select a method of or rate of application of a pesticide</td>
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<td>• mix, load or apply a Schedule 1 or 5 pesticide product</td>
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**Condition:**

<table>
<thead>
<tr>
<th>The supervising licensed exterminator MUST...</th>
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<tbody>
<tr>
<td>• must be sixteen years of age or older</td>
</tr>
<tr>
<td>• must carry on his or her person or have readily available at the site of the extermination a document indicating the name of the employer</td>
</tr>
<tr>
<td>• may only apply pesticides as a trainee under direct supervision of a licensed exterminator</td>
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</tbody>
</table>
Technician

A trainee that successfully completes an MOE approved pesticides safety training course and has received practical training from a licensed exterminator is referred to as a technician. For information regarding pesticide training courses for technicians contact:

- Ridgetown College
  - University of Guelph
  - 1-888-620-9999
  - www.ridgetown.on.ca

- Pesticide Industry Council
  - 1-800-265-5656
  - www.ptpic.com

- Pesticide Industry Regulatory Council
  - 1-800-615-9813
  - www.virc.ca

### Technician

**must be sixteen years of age or older**
**must have successfully completed a MOE-approved technician course and carry on his or her person, or readily available at the site of the extermination, a document (i.e., Technician ID Card) indicating the date of course completion and/or expiry date**
**must have available, at the pesticide application site, a journal or a work order/invoice that indicates:**
- the name and licence number of the supervising licensed exterminator responsible for the technician;
- unique number or identifier for the extermination in the business records of the technician’s employer;
- details of the extermination (including the site location, date, the pesticide used, Pest Control Product No. and target pest)
**must have available, at the pesticide application site, records of a minimum of a once a week site visit by the supervising licensed exterminator for the past 30 days entered into a journal, or on a work order or invoice to show that the job was observed by the supervising exterminator at each weekly site visit including the supervisor’s licence number and signature and dated to confirm that the work was performed satisfactorily**
**may only apply pesticides as a technician for a maximum of two years unless he or she retakes and completes the course**

### The technician may NOT...

- mix, load or apply Schedule 2 pesticide products other than rodenticides, suspensions in air, bird control products or soil fumigants
- mix, load or apply Schedule 3, 4, and 6 pesticide products
- recommend pesticides to a client
- select a pesticide for use in an extermination
- select a method of or rate of application of a pesticide
- mix, load or apply a Schedule 1 or 5 pesticide
- mix, load or apply a Schedule 2 pesticide that is a suspension in air, a bird control product, rodenticide or soil fumigant except under direct supervision of a licensed exterminator

### The supervising licensed exterminator MUST...

- provide his or her name to the technician as the person responsible for supervising the technician
- visit the pesticide application/job site at least once a week to observe the use of a pesticide by the technician and document that he or she observed the technician applying pesticides during the weekly site visit by signing off (i.e., signature, name and licence number and date) in the technician’s journal or on the work order/invoice for that extermination
- must ensure the technician has received appropriate training and carries out exterminations according to the Pesticides Act and Regulation 914

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**- 3 -**
EXTERMINATOR LICENCES

A person that applies pesticides commercially and is not a Technician or Trainee requires an Exterminator Licence from the MOE authorizing pesticide use according to the terms and conditions of the licence. All new exterminators are required to take an MOE approved course and pass a certification exam. For information regarding pesticide training and certification please contact Ridgetown College, University of Guelph toll free at 1-888-620-9999 or locally at (519) 674-1575. All pesticide exterminator licence holders must be at least sixteen years of age. Exterminator licences are valid for a five year period, after which time the licence must be renewed.

### Exterminator Licences – Structural

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<tr>
<th>Exterminator Licence</th>
<th>Pesticides Excluded</th>
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</thead>
<tbody>
<tr>
<td>Structural licence</td>
<td>The use of herbicides, fumigant gases, chloropicrin and rodenticides, the use of pesticides to control pests of plants growing inside greenhouses and other buildings or structures</td>
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<tr>
<td>Termite licence</td>
<td>The use of insecticides to control other wood-destroying insects, the use of fumigant gases</td>
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<td>Greenhouse licence</td>
<td>The use of fumigant gases</td>
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<td>Fumigation-commodity limited licence</td>
<td>The use of other fumigant gases, the use of rodenticides</td>
</tr>
<tr>
<td>Fumigation-soil limited licence</td>
<td>The use of pesticides other than fumigant gases and/or methyl bromide chloropicrin mixtures for soil fumigation</td>
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</tbody>
</table>
### Exterminator Licences – Land

**The agriculture licence allows:**
- the use of pesticides in a land extermination to control pests associated with agricultural crops (including nursery production, Christmas tree and sod farms)
- the use of pesticides in a land extermination to control pests associated with the raising of livestock and poultry (including animals housed inside farm structures)
- the use of phosphine gas to control groundhogs

**Excludes:**
- all other uses of fumigant gases
- the use of pesticides in greenhouses
- the aerial application of pesticides

**The landscape licence allows the use of pesticides in a land extermination on residential, recreational, commercial and public lands to:**
- maintain turf and ornamental plants
- maintain ornamental plants intended for sale
- control pests on the outside of structures or buildings in connection with landscape management (e.g. spiders, earwigs)
- control pests (e.g. gypsy moths, tent caterpillars) in tree areas of one hectare or less
- maintain parking lots, driveways, pathways or easements associated with the residential, recreational, commercial or public land as long as the rights of way or other easements can be reached from the property without crossing a public road

**Excludes:**
- the use of fumigant gases
- the aerial application of pesticides

**The industrial vegetation licence allows:**
- the use of herbicides in a land extermination to control vegetation on rights-of-way, roadsides, utility easements and other areas that give access to works or equipment and to control roots in sewer systems
- the use of insecticides and fungicides on in-ground wood poles

**Excludes:**
- the use of fumigant gases
- the aerial application of pesticides

**The aerial licence allows:**
- the use of pesticides for a land or water extermination when applied by airborne machines

**Excludes:**
- the use of fumigant gases
- the aerial application of pesticides

**The forestry licence allows:**
- the use of pesticides in a land extermination for forest management and the growing and maintenance of trees

**Excludes:**
- the use of fumigant gases
- the aerial application of pesticides

### Exterminator Licences – Water

**The mosquito/biting flies licence allows:**
- the use of insecticides in a water extermination to control mosquitoes, black flies or other biting fly aquatic stages; the use of insecticides in a land extermination to control adult stages of mosquitoes, black flies and other biting fly populations

**Excludes:**
- the use of insecticides to control biting flies on livestock;
- the aerial application of insecticides

**The aquatic vegetation licence allows:**
- the use of herbicides in a water extermination to control aquatic vegetation

**Excludes:**
- the aerial application of herbicides

**The fish/mollusc licence allows:**
- the use of pesticides in a water extermination to control fish (including sea lamprey), molluscs and pests affecting fish

**Excludes:**
- the aerial application of pesticides
OPERATOR LICENCES

Any person that applies pesticides commercially must hold an Operator Licence and an Exterminator Licence from the MOE or be working for someone that holds the necessary licenses.


VENDOR LICENCES

Persons or businesses selling pesticides must hold a pesticide Vendor Licence and employ a full-time, certified outlet representative at locations that sell higher risk pesticides (i.e., schedule 1, 2 and 5 products).

General Vendor

- licence is issued for a 5 year period
- every vendor that stores schedule 1, 2, 3, 4, 5, or 6 pesticide products for sale must give written notice annually to the Fire Department responsible for the area in which the pesticide is stored
- must be eighteen years of age or older or, in the case of a corporation the official representative(s) must be at least eighteen years of age
- maintain a record of sale for all schedule 1, 2 and 5 pesticide products
- operators must use an identification marker for vehicles transporting pesticides
- must be eighteen years of age or older or, in the case of a corporation the official representative(s) must be at least eighteen years of age
- operate a pest control business (land, structural and/or water) for fee or payment
- a valid exterminator licence of any class;
- coverage of $1 million in third-party liability insurance

Limited Vendor

- licence is issued for a 5 year period
- every vendor that stores schedule 1, 2, 3, 4, 5, or 6 pesticide for sale must give written notice annually to the Fire Department responsible for the area in which the pesticide is stored
- must be eighteen years of age or older or, in the case of a corporation the official representative(s) must be at least eighteen years of age
- sell either wholesale or retail, only Schedule 3, 4 and 6 pesticides or a Schedule 2 pesticide that is a bactericide in cutting oil, marine or aviation fuel
- a separate licence for each location
CERTIFIED AGRICULTURISTS (CERTIFIED GROWERS)

It is mandatory for growers to be certified through the Grower Pesticide Safety Course (GPSC) in order to buy and use Schedule 1, 2 or 5 pesticides on land used for agriculture or forestry production.

- At least one Certified Agriculturist is required for each farm operation.
- You are a grower (farmer) if you currently use farm land for agricultural or forestry production, and that farm land is classified as farm property class under Section 7 of the Assessment Act.

The Assessment Act is available on the internet at www.e-laws.gov.on.ca. For more information on the farmland class property tax program please review the publications link at the Ontario Ministry of Agriculture and Food (OMAF) web site: www.omafood.gov.on.ca or contact OMAF by calling 1-800-469-2285. Additional information is available at the Municipal Property Assessment Corporation (MPAC), your local Ministry of the Environment office or the MOE Internet site at www.env.gov.on.ca.

ASSISTANT AGRICULTURISTS

All Assistant Agriculturists must have formal pesticide safety training, recognized by MOE, before they can mix, load or apply Schedule 2 or 5 pesticides under the supervision of a Certified Agriculturist (Certified Grower).

- This applies to all assistant agriculturists, including family members, farm employees and seasonal workers.
- Trained assistant agriculturists must be 16 years of age or older.
- There are 2 training options for assistant agriculturists. Assistants can:
  1. attend a Grower Pesticide Safety Course (GPSC) but are not required to write the certification examination, or;
  2. attend an on-farm training session presented by a qualified trained assistant instructor.
- For more information about Grower Pesticide Safety Courses please contact Ridgetown College, University of Guelph toll free at 1-800-652-8573 or locally at (519) 674-1580.
## Assistant Agriculturist to a Certified Agriculturist (Certified Grower)

A person that has successfully completed an approved course for handling and using pesticides on farm land and performs land extermination on farm land while under the supervision of a Certified Agriculturist in agricultural or forestry production (does not include forestry production in connection with the management of Crown Forests) is considered an **Assistant Agriculturist**.

### Certification of the Assistant Agriculturist
- must be sixteen years of age or older
- must have readily available a document indicating completion of an approved training course
- may only apply pesticides as Assistant Agriculturist on the farm land* of the Certified Agriculturist for 5 years unless he/she retakes the course

### The Assistant Agriculturist may NOT...
- mix, load or apply Schedule 1 pesticide
- purchase a Schedule 2 or 5 pesticide
- recommend, select or determine the rate of application of a Schedule 2 or 5 pesticide on the farm land
- calibrate equipment for an extermination using a Schedule 1 or 5 pesticide
- select the appropriate storage means of a Schedule 2 or 5 pesticide
- select the appropriate means of disposal or reclamation of an empty container that held a Schedule 2 or 5 pesticide
- transport or dispose of a waste Schedule 2 or 5 pesticide

### Must be present
- *Farm land means land that falls within the farm property class under section 7 of the Assessment Act. Farmers who have a gross annual income of over $7000 are required to have the farm land registered under the Farm Registration and Farm Organizations Funding Act. The Municipal Property Assessment Corporation (MPAC) Designates the property class. Farmers registered receive a registration number indicating the land is farm land.

For more information, please visit the Ontario Ministry of Agriculture and Food website at [www.gov.on.ca/OMAFRA](http://www.gov.on.ca/OMAFRA)
CLASSIFICATION OF PESTICIDES

Pesticides are classified into one of six schedules used to control sale and use.

### Ontario's Pesticide Classification

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Human and/or Environmental Health Criteria*</th>
<th>For Use According to Label Directions By:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Licenced Exterminator</td>
</tr>
<tr>
<td>1</td>
<td>Very Toxic Very Persistent</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(under permit)</td>
</tr>
<tr>
<td>2</td>
<td>Toxic Persistent</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(under supervision)</td>
</tr>
<tr>
<td>3</td>
<td>Moderately Toxic Moderately Persistent</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(under supervision)</td>
</tr>
<tr>
<td>4</td>
<td>Low Toxicity Low Persistence</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(under supervision)</td>
</tr>
<tr>
<td>5</td>
<td>Very Toxic Very Persistent</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(aerial application under permit)</td>
</tr>
<tr>
<td>6</td>
<td>Low Toxicity Low Persistence (larger size container)</td>
<td>✓</td>
</tr>
</tbody>
</table>

* More detailed information on classification criteria is outlined in the OPAC guidelines for classification of pesticide products available at www.opac.gov.on.ca
A licensed operator must ensure that a current identification marker is affixed to all vehicles that store or transport pesticides. This includes pesticides stored or transported in the cab (passenger compartment) of a vehicle, in the trunk of a vehicle, in a tank mounted in/on a vehicle or in/on a trailer towed by the vehicle. The identification marker must indicate the current calendar year and contain the words "Licensed Operator, Pesticides Act."

These identification markers are distributed to licensed operators based on the number of vehicles they currently have in use. Additional identification markers are available from:

Ministry of the Environment
Environmental Assessment & Approvals Branch
2 St. Clair Avenue W, Floor 12A
Toronto, ON M4V 1L5
Phone: 416-314-8001 (local)
Phone: 1-800-461-6290 (toll free)
Email: EAABGen@ene.gov.on.ca

NOTE:

If a vehicle is left unsupervised (i.e., the person responsible is at any time not in view of the vehicle) and that vehicle holds a pesticide that is mixed or diluted or not, the vehicle must be in an area that is not accessible to the public or the pesticide must be locked in a compartment. In addition, a sign must be posted that has the words, "WARNING" and "AUTHORIZED PERSONS ONLY" and the words, "CHEMICAL STORAGE" or "PESTICIDE STORAGE". These signs are available through various safety and farm suppliers and not from the MOE.
1. Regulation 914 made under the *Pesticides Act* requires that every operator of an extermination business in Ontario shall carry insurance.

2. The insurance must be in a form approved by the Superintendent of Financial Services of the Province of Ontario.

3. The contract of insurance shall provide for at least $1,000,000 of comprehensive coverage for liabilities of the operator and all of the operator’s employees, with respect to death, injury or property damage arising out of any one incident.

4. The contract of insurance shall also provide for pollution coverage for emissions or discharges of chemicals into the environment as part of the business operated under authority of the licence. This contract of insurance shall provide for at least $200,000 of pollution coverage with respect to death, injury or property damage arising out of any one incident.

5. In addition: If the operator’s extermination business involves the airborne application of pesticides, the contract of insurance shall include coverage for liability for off target pesticide disposition in an amount of not less than
   a. $100,000 with respect to death or injury arising out of any one incident; and
   b. $25,000 with respect to property damage arising out of any one incident.

6. The liability coverage for the insurance must be at least $25,000 to each employee of the operator provided that the contract of insurance may limit the insurer’s liability to $50,000 for any one incident.

7. However, if the operator provides evidence that their business is covered under the *Workplace Safety and Insurance Act* and the operator is paying, and continues to pay, all premiums and any other the amounts required under that Act, as they fall due, then the operator does not need the liability coverage in the contract of insurance as described in paragraph 6, above.

8. The contract of insurance may allow the insured to pay a deductible for the first $2,500 of each claim for which an amount of coverage is required.

9. The contract of insurance must include a clause that states that the insurer shall give 30 days notice before any cancellation of the insurance by either the insurer or the insured. The 30 day notice shall be provided by registered mail to the Director appointed under the *Pesticides Act*. The contract of insurance shall remain in full force and effect until after the 30 day notice period has expired.

10. The contract of insurance must include a clause that states that the insurer shall pay any claims covered by the contract of insurance to claimants who have recovered a judgment. The insurer shall pay the claimant even if the insured has taken an act that has made the policy void, has defaulted, or has given the insurer a defense to an action by the insured. This provision in the contract of insurance shall not limit the insurer’s right to later recover the payment from the insured.