



**Ontario Public Health Association**  
l'Association pour la santé publique de l'Ontario  
Established/Établi 1949

The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

December 18, 2008

700 Lawrence Ave. W., Suite 310  
Toronto, Ontario M6A 3B4

Tel: (416) 367-3313  
1-800-267-6817 (Ont)  
Fax: (416) 367-2844  
E-mail: [info@opha.on.ca](mailto:info@opha.on.ca)  
[www.opha.on.ca](http://www.opha.on.ca)

**Honorary Patron**

The Hon. David C. Onley  
Lieutenant Governor of Ontario

**President**

Carol Timmings  
E-mail: [ctimmings@opha.on.ca](mailto:ctimmings@opha.on.ca)

**Executive Director**

Connie Uetrecht  
E-mail: [cuetrecht@opha.on.ca](mailto:cuetrecht@opha.on.ca)

**Constituent Societies**

ANDSOOHA – Public Health  
Nursing Management in Ontario

Association of Ontario  
Health Centres

Association of Public Health  
Epidemiologists in Ontario

Association of Supervisors of Public  
Health Inspectors of Ontario

Canadian Institute of Public  
Health Inspectors (Ontario Branch)

Community Health Nurses' Initiatives  
Group (RNAO)

Health Promotion Ontario:

Ontario Association of Public Health  
Dentistry

Ontario Public Health Libraries  
Association

Ontario Society of Nutrition  
Professionals in Public Health

Public Health Research, Education  
and Development (PHRED)  
Program

Charitable Registration  
Number 11924 8771 RR0001

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

Attention: Robert Bilyea, Senior Policy Advisor

**Subject: EBR Posting 010-5080 – New General Regulation under the Pesticide Act, 1990 to implement the Cosmetic Pesticides Ban Act, 2008.**

Dear Sir:

Thank you for the opportunity to comment on the proposed New General Regulation under the Pesticides Act, 1990. I am writing on behalf of the Environment Health Workgroup of the Ontario Public Health Association (OPHA) to extend our support of and comments on the proposed changes to the legislation and regulation for pesticide use in Ontario to control the use and sale of pesticides for cosmetic purposes and reduce pesticide exposures in the community.

Founded in 1949, the OPHA is a volunteer, non-profit organization established to provide leadership on issues affecting the public's health and strengthen the impact of people who are active in public and community health throughout Ontario. These comments provide additional detail to those on this subject provided by OPHA in our letters of February 15<sup>th</sup>, 2008 and May 20<sup>th</sup>, 2008. In 2001, the OPHA passed a resolution entitled "Non-Essential Use of Chemical Pesticides on Public and Private Lands" (available at [http://www.opha.on.ca/ppres/2001-02\\_res.pdf](http://www.opha.on.ca/ppres/2001-02_res.pdf)) which called on municipalities and the Province of Ontario to take action to restrict the non-essential use of pesticides. Although the links between pesticides and human health effects were not causal for pesticides used in lawn care, the OPHA felt that there was sufficient evidence to warrant caution when using pesticides.

Overall, the OPHA has commented with general support for the new regulation and its direction. A key strength in the legislation is that it brings greater consistency to the sale and use of cosmetic pesticides in Ontario. The new regulations also provides opportunities for more informed choices on pesticide use by restricting access to certain products and for increasing public awareness through requirements for public posting of usage and more training of vendors and their staff that serve the public.

We have identified six key areas for which we would like to offer the following recommendations and request further clarification to strengthen the new legislation and its implementation. These are

1. **Monitoring Levels and Auditing Use:** For situations that necessitate the use of pesticides (e.g. public health protection and safety, golf courses, food establishments, fumigation, agriculture) we would urge the Ministry to conduct periodic environmental monitoring (e.g. soil and water) and audits and maintain this information in a publicly available database. Information provided by reliable sources knowledgeable in the monitoring and use of pesticides (MOE, PMRA, Environment Canada, USFDA, OECD, ICPS and their experts) would be helpful for promoting a risk/benefit approach to pesticide use and for public health responses to questions from the public about pesticide levels in the environment.
2. **Enforcement:** Further information related to enforcement is requested. The current EBR posting does not address how the provincial ban will be implemented and enforced (e.g. pesticides in the various classes would be available to commercial vendors and applicators for purposes other than cosmetic use.) We see this as a Ministry responsibility that extends to the provision/endorsement of materials for training and education on pesticides for their safe handling from their point of purchase and throughout their application, storage and disposal. As some pesticide products will remain available for household indoor use for which there are also outdoor cosmetic applications, there is potential for the outdoor lawn and garden use of these products that would be contrary to the new legislation. Has the Ministry considered this and how to prevent situations of inappropriate or lack of signage? For example, there are a few pesticides on the Class 7 list that we fail to see a non-cosmetic use for including
  1. Reg # 15180
  2. Reg # 22807
  3. Reg # 16817
  4. Reg # 19454
  5. Reg # 24299

6. Reg # 24947
7. Reg # 26262
8. Reg # 26263
9. Reg # 26610 and 26610.01
10. Reg # 27013
11. Reg # 27460
12. Reg # 28469 and # 28470
13. Reg # 28574 and # 28575

Thus, we would encourage the MOE to reconsider these pesticides as cosmetic use only and they should be reclassified as Class 8 pesticides.

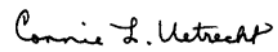
3. Classification and Labeling: Details, clarification and coordination of labeling requirements are requested to be provided by the Ministry. Currently, PMRA/Health Canada is the health protection authority for registration and labeling of pesticide products in Canada. Their evaluation/labeling system is designed to be consistent with that used by the Organization for Economic Cooperation and Development and U.S. Environmental Protection Agency. It is not clear how the new Ontario classification scheme proposed in the regulation will be applied to products for sale in Ontario, communicated and implemented. Will each pesticide product for sale in Ontario stores be clearly labeled according to the new Ontario classification systems? It is unclear how persistence and toxicity have been evaluated for classes 1, 5 to 11. Section 6, identifies that for classes 2, 3, and 4 acute toxicity (i.e. lethality in 50% of the exposed test population or LD50) and soil half life have been taken into account; however, the potential for chronic effects (i.e. carcinogenicity, allergenicity/sensitization, endocrine disruption, bioaccumulation) and environmental fate in air, water and on foliage is not mentioned. These data would be pertinent to the evaluation of risks of repeated use of pesticides and potential harm to health and ecosystems from cumulative exposures. Section 7 (7) states that the Pesticide Advisory Committee “shall provide reasons for the recommendation with reference to the toxicity, persistence, container size and mobility of the pesticide” however no criteria are provided. Section 7(9) states that “The Director may classify a pesticide that is an ingredient in a Class 1, 2, 3, 4, 5, 6, 7 or 8 pesticide as a Class 9, 10 or 11 pesticide.” Sections 8 and 9 refer to reclassification and declassification of pesticides and Section 12 lists the following six pesticides banned for use (i.e. .1. Aldrin, 2. Chlordane, 3. Chlordecone, 4. Dichlorodiphenyltrichloroethane (DDT), 5. Dieldrin, .6. Endrin) yet no rationale or information for how this list was derived and whether and how it will be updated is provided. A precautionary approach should prevail for the use of all pest

control products whether they are of synthetic, natural origin, as well as to living organisms – these all have potential to be poisons and to impact human health and the ecosystem and there are limitations in toxicological and environmental fate databases, especially to evaluate potential for chronic and cumulative effects.

4. **Signage:** Posting of signage for pesticide use. We would recommend extending the advanced 24 hour disclosure of pesticide application to sports fields. We would recommend taking a precautionary approach to the use of all pest control products (synthetic, biological, natural and alternative) by requiring signage when in use (i.e. pedestrian circle/slash warning sign) and that the signage should included the duration of restricted access to the public, after which pesticide/pest product levels would be permissible, along with the other required information on product type, date of application and contact as listed in the legislation.
5. **Integrated Pest Management:** Accreditation for IPM is an important strategy. However, a system for public disclosure of facilities that have received accreditation should be implemented. In addition, information related to the completion and results of IPM audits should also be readily available as a component of public transparency.
6. **Communication/Education:** Education of the public, vendors and operators about the new legislation requirements for use, the new classification system for pesticide use in Ontario (i.e. Class 9 for cosmetic domestic use and other classes) and the role of public health. We recognize that a substantial amount of effort would be involved in the communication planning, messaging and coordination of opportunities for public training and education. The previous EBR posting stated that the focus of the province's efforts would be on outreach and education. Thus, OPHA recommends that this legislation is accompanied by a comprehensive education and awareness campaign. Pesticide reduction education and strategies that have been implemented by municipalities, non-government organizations, and public health agencies could aid the Province's education efforts. However, the province must ensure that there are adequate resources available for education and effective enforcement. We are open to exploring with the Ministry how the OPHA can be involved in these efforts.

Again, we thank you for the opportunity to comment on the proposed changes to the legislation.

Sincerely,

A handwritten signature in black ink that reads "Connie L. Utrecht". The signature is written in a cursive style with a large initial 'C'.

Connie Utrecht  
Executive Director