

November 27, 2019

Comments on Proposed Amendments to Ontario's Pesticides Act

Submitted in response to Notice [019-0481](#), Environmental Registry of Ontario

The David Suzuki Foundation offers the following comments on the proposed amendments to the Pesticides Act included in [Bill 132](#).

1. Robust environmental regulation benefits people in Ontario and our environment. Changes to pesticide legislation and regulation should be considered with a view to better protecting public health and the environment. This proposal does not strengthen health and environmental protections. The ERO notice states, "The proposed legislation and regulatory changes are not expected to have significant environmental impacts," but negative impacts are foreseeable. Proposed changes to the regulation of neonicotinoid-treated seed, in particular, open the door to increased use of these harmful chemicals, undoing progress made over the past five years to reduce their prophylactic use. The only positive impacts cited in the ERO notice relate to "making pesticides immediately available for sale and use upon federal registration." In our view, this should not be the primary purpose of Ontario's pesticide regulatory regime and is not an appropriate rationale for the proposed changes.
2. The ERO notice misrepresents the role of the Ontario Pesticide Advisory Committee (which the proposed amendments would eliminate) as "providing advice to support classification." OPAC's legislated mandate is not limited to advising the government on pesticide classifications. Section 10.3 of the act sets out the committee's functions as follows:

(3) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;*
- (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister;*
- (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and*
- (d) perform such other functions as the regulations prescribe. R.S.O. 1990, c. P.11, s. 10.*

The ERO notice provides no rationale for doing away with OPAC's broader advisory functions, and no analysis of the impacts.

2. It is important that the proposed legislative and regulatory changes maintain Ontario's cosmetic pesticide ban, in place since 2006. Cosmetic pesticides are a needless source of toxic exposure. The ERO notice states, "The proposed legislative amendments are only intended to remove the need for classes associated with the ban, and not alter the ban itself." To ensure this intention is realized, the Director should be required to apply the precautionary principle in determining pesticides acceptable for cosmetic use. All of the current Class 9 pesticides should continue to be prohibited for cosmetic use.

Furthermore, we are concerned that this ERO notice (ERO 019-0481) misrepresents the proposal again in this regard. The accompanying proposed changes to the Pesticides Regulation do in fact alter the cosmetic pesticide ban by allowing a new exception for cemeteries, for example.

3. Other proposed amendments to the Pesticides Regulation go well beyond the scope of the proposal set out in ERO 019-0481— notably, changes to relax restrictions on neonicotinoid-treated seeds. As mentioned above, these changes can be expected to have a negative impact on the environment. We will detail our concerns with the proposed regulatory changes in a separate submission to [ERO 019-0601](#).

We call on the government to remove changes to the Pesticide Act from Bill 132 and withdraw the proposed amendments to the Pesticide Regulation. Obscuring these changes within an omnibus bill limits public participation and legislative review, increasing the likelihood of negative impacts.

Contact:

Lisa Gue

Senior Researcher and Analyst

David Suzuki Foundation (Ottawa)

lque@davidsuzuki.org