



November 17, 2008

Draft Regulations - Communication Points

Landscape Ontario does not support the draft Regulations as currently written.

- They do not allow solutions that will prevent the destruction of Ontario's lawns and landscapes from damaging pest infestations.
- They do not create a level playing field.

Inadequate Notice of the Final Rules

- The EBR consultation will not be completed until Christmas; Final Regulations are unlikely to be available until March.
- It would be unreasonable and unduly punitive for the government to expect an industry to comply with such drastically amended Regulations within such a short time frame.
- The lawncare industry cannot suspend business operations waiting for finalized Regulations. These business operations include:
 - Contractual obligations
 - 2009 customer retention initiatives and pre-payment transactions
 - Marketing material and strategies
 - Program structures and pricing
 - Adjustments to staff recruitment and training
 - Product purchasing needs
 - Equipment purchase / modification needs
 - Provides time for public education

- Existing pesticide inventories must be dealt with, which requires time to utilize stock and/or arrange safe collection and disposal.

Damaging Insect Infestations

- Viable, effective alternative solutions do not exist to control the wide range of insect pests threatening our green spaces. If they exist, what are they?
- While some may argue a few weeds in a lawn is deemed cosmetic and the use of a traditional herbicide to control them is non-essential, there can be no argument that damaging insect infestations that risk the destruction of our lawns and landscapes goes beyond cosmetic.

Level Playing Field

- The draft regulations allow the retail sale of otherwise banned pesticides labeled for lawn and garden insect control, while banning professional access to similar commercial products.
- Class 7 (Restricted Domestic Class) contains several pesticides including, to name a few:
 - Ortho Grub-B-Gone Max Grub Eliminator Ready-To-Spray (PCP # 27206) containing carbaryl.
 - Bug-B-Gone For Lawns, Trees, Gardens Ready-To-Spray (PCP # 27207) containing carbaryl.
 - Ortho Bug-B-Gone Max Ant and Chinch Bug Eliminator Concentrate (PCP # 27208) containing carbaryl.
 - Scotts Ecosense Insecticide Concentrate (PCP # 28404) containing pyrethrins. This is essentially the same as Trounce (PCP # 28680 and 28681) currently under Class 8.
- To suggest that retail sale of these products can continue, as the label allows use on other 'non-cosmetic' pests, is essentially instructing the Ontario public to disregard the Health Canada approved label instructions.

SOLUTIONS

1. Provide Regulations to allow the prescribed use, by licensed professionals, of two otherwise banned pesticides on the Class 9 list.

- Imidacloprid (for grub control)
- Deltamethrin (for chinch bug and sod webworm control)

This prescribed use would be conditional upon requirements as outlined in the Landscape Ontario document "*Prescribed Use Compliance Criteria and Protocols*" previously submitted to the Ministry of Environment. These conditions include:

- IPM Accreditation (similar to what the draft Regulations outline for golf courses) and the operational requirements associated with it.
- Insect infestations must exceed threshold levels, as currently outlined by Ministry of Agriculture Food and Rural Affairs, before the Class 9 pesticide can be considered for use.

2. Remove pyrethrins from the Class 9 banned list.

- Pyrethrins are currently exempt under all Ontario pesticide by-laws.

- Domestic pyrethrin products currently available provide the homeowner a do-it-yourself solution, specifically *Trounce For Lawn* (PCP # 28680 and 28681).

3. Remove products that are on Health Canada Reduced Risk list from the Class 9 banned list.

- Inclusion of Health Reduced Risk products on the Ontario banned list will be a road block to the future development and introduction of reduced risk products in Ontario.
- This must provide clear criteria, and not an arbitrary decision framework. This legislation must not hinder the development of low risk, alternative, products. As currently written, it will.

4. Allow for a phase-in of Section 17 of the Regulations (Class 9 banned list).

- Given that Regulations will not be finalized until well into the New Year., a phased in period is required to allow business to plan, price and market.
- Allowing a phase-in will prevent the needless environmental impact of pesticide waste disposal. The Health Canada amendment of pesticide labeling customarily involves a reasonable phase-in period to allow products with expired labels to be used accordingly. Municipal pesticide by-laws typically involve a phase-in period.
- The availability or development of alternative products requires a phase-in period.