

REGULATIONS

In Canada, federal and provincial governments regulate pesticides. This ensures that applicators, consumers, the public, and the environment are protected. Federal laws are enforced across Canada. These deal mainly with registration, manufacturing, labelling, import/export, and transportation of pesticides. Provincial laws are more restrictive than federal laws. Sale of pesticides, training, certification, and licencing of applicators, vendors and businesses are all provincial responsibilities. Some municipalities in the Atlantic Region have by-laws that can affect the way pesticides are managed.

This chapter looks at federal and provincial laws that govern safe and proper use of pesticides in Canada. Sources of information on these laws are also given. Anyone using or handling pesticides should be familiar with all applicable laws. This ensures compliance and good practice.

Learning Objectives

Completing this chapter will help you to:

- Recognize the need for pesticide regulations.
- Know that the *Pest Control Products Act* regulates pesticides in Canada.
- Understand the purpose of the *Pest Control Products Act*. Understand the administration of the *Pest Control Products Act*.
- List four federal pesticide classes and describe their major characteristics.
- List and describe federal laws that govern the use of pesticides.
- Identify and describe provincial laws on pesticides.

Federal Pesticide Legislation and Codes

Federal pesticide laws and codes are written and enforced to give a single clear position for all of Canada. This relates to how pesticides are registered, transported, handled, and disposed of.

Laws and codes also define penalties for those who fail to comply. Most of these laws are contained in the *Pest Control Products Act*. Other federal acts and codes deal with some aspects of enforcement or handling. Applicators must be familiar with these federal laws. This minimizes pesticide-related hazards to people and the environment. Federal pesticide laws include the following:

- Pest Control Products Act (PCPA)
- Agriculture and Agri-Food Administrative Monetary Penalties Act (AAAMPA)
- Transportation of Dangerous Goods Act (TDG)
- Canada Labour Code (CLC)
- Food and Drugs Act (FDA)
- Migratory Birds Convention Act (MBCA)
- Fisheries Act (FA)
- Fertilizer Act (FA)
- National Fire Code (NFC)
- National Building Code (NBC)

Pest Control Products Act

The major federal law that governs pesticides in Canada is the *Pest Control Products Act* and Regulations (PCP Act). The Pest Management Regulatory Agency (PMRA) of Health Canada administers these laws. Laws are designed to protect human health, the environment, and pesticide performance.

The PCP Act and Regulations ensures that:

- No person manufactures, stores, displays, distributes, or uses any pest control product under unsafe conditions

- No person packages, labels, or advertises any pest control product in a manner that is false, misleading, or deceptive, or is likely to create a false impression about the pest control product
- No person sells or imports a pest control product unless it is registered

Pesticide Registration

Before a pesticide can be sold or used in Canada, it must first be registered under the PCP Act. The decision to register a pesticide is made by the Pest Management Regulatory Agency. This is based on scientific data put forth by the manufacturer. A great deal of data is needed to register a pesticide. There must be information on:

- Product effectiveness in Canadian conditions
- Toxicity to humans, animals and plants
- Food and feed residues
- Product fate in the environment
- The chemistry of the pesticide

A decision is made after a complete review of the safety, effectiveness, and merits of the product. When a pesticide is registered, it is given a unique Pest Control Products Act (PCP) registration number. This number gives the manufacturer the right to distribute, sell, or make the pesticide in Canada (**see Chapter 3: Labelling**).

CLASSIFICATION OF PESTICIDES IN CANADA

Registered pesticides are classed as Domestic, Commercial, Restricted, or Manufacturing. This depends on toxicity and intended use. Classification of a pesticide appears on the principal panel of the label (**see Chapter 3: Labelling**).

Domestic Class

Domestic class pesticides are registered for home use. These are packaged in small containers. They are intended for a single application or a single use season. Domestic class pesticides pose little risk to users or the environment, if label directions are followed. They can be safely handled with little personal protective equipment (PPE) and no special training.

Commercial Class

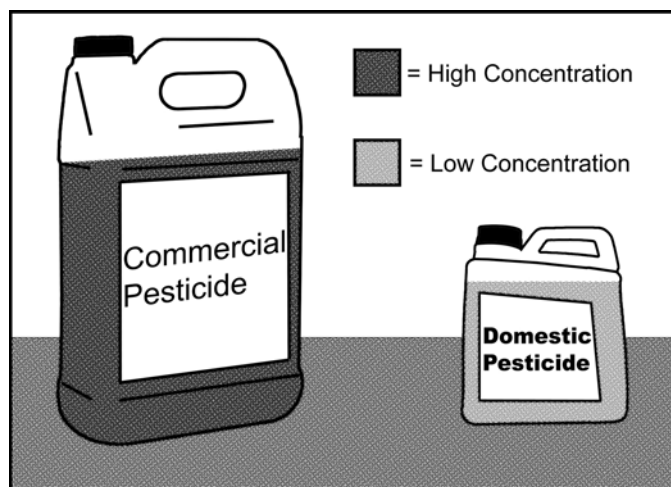
Commercial class pesticides are used in agriculture, forestry, industry, or other commercial operations. Active ingredients may be the same as those of

Domestic class pesticides, but are more concentrated. Commercial class products can pose a greater risk because of the concentration of active ingredient(s) or the size of the container.

Some pesticides are classed as Commercial because they are too toxic, persistent, or hazardous to be used by the general public. Applicators of Commercial class pesticides in the Atlantic Region are required to demonstrate knowledge of safe handling, application, transport, storage procedures, and proper use of personal protective equipment.

Applicators are advised to refer to provincial laws on licensing or certification requirements. These must be met before buying or using Commercial class pesticides.

The word “Agricultural” or “Industrial” may appear on a pesticide label as a substitute term for a Commercial class pesticide.



Restricted Class

Restricted class pesticides have more limits placed on them than Commercial class pesticides. These limits appear on the label and may be due to

- Increased Toxicity
- Method of use (e.g., aerial application to forest land)
- Specific risk to the environment

Limitations may involve pesticide display, storage, distribution, application, or the qualifications of the end user. Applicators are advised to refer to provincial

laws on licensing or certification requirements to be met before purchase or use.

Manufacturing Class

Manufacturing class pesticides are used in manufacturing, formulating, or repackaging. They are not designed for general applicator use.

Pest Management Information Services

The PMRA, under Health Canada, provides a Pest Management Information Service. Information available includes:

- Alternative pest management practices
- The pesticide registration process
- Pesticide labels or use pest control product labels
- Safety precautions

This service can be accessed by using the following:

Call 1-800-267-6315

E-mail: PMRA_INFOSERV@hc-sc.gc.ca

PMRA website at <http://www.pmra-arla.gc.ca/english/index-e.html>

Agriculture and Agri-Food Administrative Monetary Penalties Act

This Act provides a system for issuing Administration of Monetary Penalties (AMPs). This is used in place of prosecution for violations under the *Pest Control Products Act*. Penalties are comparable to court-levied fines. They are handled through an administration process by the PMRA. No criminal records or imprisonments result. Violations under the PCP Act may be classed as minor, serious, or very serious. More details on these laws can be obtained by contacting:

AMPs Administration
 2720 Riverside Drive
 Ottawa, ON
 K1A 0K9
 Fax 613-736-3540
 e-mail: pmra_amps_administration@hc-sc.gc.ca

Other Federal Legislation

Other federal laws or national codes govern aspects of pesticide use. These include:

- Transport of dangerous goods
- Labour laws
- Pesticide residues in food
- Damage to migratory birds
- Damage to fish or fish habitat
- Pesticides used in combination with fertilizers

Transportation of Dangerous Goods Act (TDG)

The *Transportation of Dangerous Goods Act* (TDG) is administered by Transport Canada. It regulates the transportation of hazardous materials. This includes Commercial and Restricted class pesticides. These laws cover a number of aspects:

- Offering for transport
- Handling during transport
- Transporting of pesticides

Persons who ship, receive, and transport a pesticide must comply with the act. A pesticide supplier, manufacturer, distributor, or provincial Department of Transportation employee responsible for the transportation of dangerous goods can explain the legal requirements. They can also advise if pesticides being transported are dangerous goods under the TDG Act. These sources can tell you what documents, training, labels, and/or placards are required.

Specific details on the TDG Act can be reviewed on the Transport Canada web site at:

www.tc.gc.ca/tdg/clear/tofc.htm

Canada Labour Code (CLC)

The Canada Labour Code (CLC) is administered under the *Canada Occupational Health and Safety Act* and Regulations. It is there to minimize workplace accidents and injuries. Employers must ensure the safety and health of employees at work by following the standards in these laws. These standards have been developed to ensure that employees are not put at risk by dangerous substances in the workplace. Those working with dangerous substances must receive proper training. Every effort must be made to minimize hazards. The Canada Labour Code recognizes all dangerous goods classed under the TDG Act.

Workplace Hazardous Materials Information System (WHMIS)

The Workplace Hazardous Materials Information System (WHMIS) was developed to give employers and employees information on hazardous materials in the workplace. Topics include safe use, storage, handling, and disposal. An employer must inform employees of possible workplace dangers. It is the employee's right to have access to information on substances that he/she works with. This includes material safety data sheets (MSDSs) when available. Product information is given in three ways:

- Warning labels
- Material Safety Data Sheets (MSDSs)
- Worker education and training requirements

Pesticides are exempt from WHMIS rules on labelling and MSDSs. These are covered under the *Pest Control Products Act*. Many pesticide manufacturers see the value of MSDSs and provide copies for pesticides they produce. Material safety data sheets for pesticides can be obtained from:

- Pesticide manufacturers or suppliers
- Canadian Centre for Occupational Health and Safety at 1-800-263-8466 or www.ccohs.ca
- North American Compendiums Ltd., P.O. Box 39, Hensall, Ontario N0M 1X0 (1-800-350-0627) or fax (519-263-2936)

- Agrichemical Warehouse Standards Association at www.awsacanada.com
- Croplife Canada at www.croplife.ca

Food and Drugs Act (FDA)

Canada's *Food and Drugs Act* (FDA) protects the health of consumers. The sale of food that contains harmful or poisonous substances is prohibited. If residues in food are involved, safety to consumers must be proven to Health Canada before a pesticide can be registered for use on a food crop under the PCP Act.

The maximum residue limit (MRL) is the maximum amount of pesticide residue that may be safely contained in food products. MRLs are established under the *Food and Drugs Act* for all food products.

Food with too much pesticide residue can be seized. Those responsible can be charged. The level of residue in grazing or feed crops for livestock is also governed. Exceeding MRLs can be prevented by reading and following:

- Pesticide label rates
- Days to harvest statements
- Number of applications allowed per crop/season
- Other guidelines on the secondary display panel (**See Chapter 3: Labelling**)

Migratory Birds Convention Act (MBCA)

The *Migratory Birds Convention Act* (MBCA) protects waterfowl and other migratory birds. Under these laws, it is an offence to release pesticides or harmful substances into waters or areas frequented by migratory birds. If migratory birds are harmed, an applicator may be prosecuted under federal law. If non-migratory birds are harmed, an applicator may be prosecuted under provincial law.

Fisheries Act (FA)

The *Fisheries Act* (FA) protects fish and fish habitat such as:

- Spawning grounds
- Nursery sites
- Rearing areas
- Food supplies
- Migration areas

The *Fisheries Act* strives to keep pesticides and other harmful substances from water inhabited by fish. This act considers a substance to be harmful unless it is exempted by law. Fisheries and Oceans Canada and Environment Canada jointly administer pollution prevention in the *Fisheries Act*.

When handling pesticides where there is a stream, pond, lake, etc., the *Fisheries Act* and its associated laws must be observed. Putting pesticides in fishbearing waters either directly or indirectly may be a violation of the *Fisheries Act*.

Fertilizer Act (FA)

The *Fertilizer Act* (FA) is administered by Agriculture and Agri-Food Canada. It governs all fertilizers used in Canada, including those that contain pesticides. Before a fertilizer–pesticide mixture can be sold or used in Canada, it must be registered under the *Fertilizer Act*. This act governs import and sale of fertilizer and supplements by setting standards, and packaging and labeling requirements. Authority to inspect and sample products for legal compliance is also provided.

National Fire Code (NFC)

The National Fire Code of Canada (NFC) 1990 provides minimum fire safety requirements for buildings, structures, and areas. This applies to places where hazardous materials (e.g., pesticides) are used and stored. The NFC ensures a level of fire protection and prevention in the operation of buildings. Part V of the NFC notes that flammable, combustible, and other hazardous materials must be stored and handled in a way that does not present a risk of fire or explosion. A facility that stores flammable or combustible pesticides must meet provisions set by the NFC. The NFC classification system for hazardous materials is used to determine placards needed for

transport. The NFC requires fire safety plans for emergencies. This reduces the risk of fires, particularly for areas that may threaten the community.

National Building Code (NBC)

The National Building Code of Canada (NBC) provides minimum requirements for health, safety, and structure in new buildings that store hazardous materials (e.g., pesticides). The NBC should be checked before constructing or changing a pesticide storage facility.

In Review

Federal pesticide laws and codes govern all phases of pesticide use and handling.

The *Pest Control Products Act* deals with registration of pest control products (pesticides) and label information.

Other federal laws deal with other aspects of pesticide handling and use. Rules to ensure safety when working with pesticides are given by the *Canada Occupational Health and Safety Act*, WHMIS, and the *Transportation of Dangerous Goods Act*.

The *Food and Drugs Act* protects the consumer from excess pesticide residues in food.

The *Migratory Birds Convention Act* and *Fisheries Act* protect the environment.

Provincial Pesticide Legislation

Each Canadian province has laws that govern the transport, storage, sale, handling, mixing, application, and disposal of pesticides. Pesticide laws vary among provinces. These are more specific, but lend support to, the federal *Pest Control Products Act*.

Pesticide Training

All four Atlantic Provinces have adopted the *Basic Knowledge Requirements for Pesticide Education in Canada*. The National Task Force on Pesticide Education, Training, and Certification prepared this. This standard gives ten application categories:

- Aerial
- Agricultural
- Aquatic
- Forestry
- Fumigation
- Greenhouse
- Industrial vegetation
- Landscape
- Mosquito and biting flies
- Structural

There is a vendor category that provides information to those who sell pesticides. In the Atlantic Region, only approved persons may purchase or use Commercial or Restricted class pesticides. Applicators wishing to apply pesticides commercially in more than one province must contact provincial pesticide regulatory bodies for specific training or certification requirements.

Pesticide Legislation in the Atlantic Provinces

Provincial law governs many aspects of pesticide use. These include pesticide handling, transport, application, storage, and disposal. Applicators must be familiar with provincial pesticide laws. This ensures safe handling of pesticides and legal compliance.

Provincial legislation is provided in Appendix B of this Manual. This information is necessary for the Pesticide Applicator Certification exam.

Nova Scotia

In Nova Scotia, pesticides are governed under the *Environment Act* and the *Pesticide Regulations*. Copies of the Act and regulations can be obtained by calling 1-800-670-4357. The *Environment Act* can be downloaded at:

<http://www.gov.ns.ca/legi/legc/statutes/environ1.htm> .

Pesticide Regulations can be viewed at:

<http://www.gov.ns.ca/just/regulations/regs/env6195.htm>

Prince Edward Island

In Prince Edward Island, pesticides are governed under the *Pesticides Control Act*. This is administered by the Department of Fisheries, Aquaculture and Environment. The Act and Regulations can be viewed at:

www.gov.pe.ca/go/peipesticidelegislation

New Brunswick

In New Brunswick, pesticides are governed under the *Pesticides Control Act*. The Department of the Environment and Local Government administers this. The Act and regulations can be obtained by calling the Pesticides Management Unit:

1-800-561-4036 or by e-mail at: pesticides@gnb.ca

Newfoundland and Labrador

In Newfoundland and Labrador, pesticides are governed under the *Environmental Protection Act* and *Pesticides Control Regulations*. This is administered by the Department of Environment and Conservation.

The Act can be viewed at <http://www.gov.nl.ca/hoa/statutes/e14-2.htm> and the Regulations can be viewed at:

<http://www.gov.nl.ca/hoa/regulations/rc030057.htm>

The *Environmental Protection Act* and the *Pesticides Control Regulations* can also be obtained by contacting the Provincial Queen's Printer: (709) 729-3649 or by e-mail at: QueensPrinter@gov.nl.ca

Municipal Pesticide Legislation

Some municipalities have by-laws or building codes that can restrict the location, construction, or use of pesticide storage facilities. They can also restrict the use of pesticides. Applicators should check with municipal or county offices for specific details.

Summary

Pesticides are governed in Canada at federal and provincial levels. Provincial acts and laws are often more detailed and specific. Pesticide applicators must be familiar with all relevant legal requirements. This promotes safety and reduces risk to people and the environment. The main federal law is the *Pest Control Products Act*. The PCP Act deals with pesticide registration and labeling. The label provides the applicator with information on approved pesticide uses, rates, and handling requirements. Provincial laws govern all aspects of pesticide use within a province.

Provincial legislation is provided in Appendix B of this manual.

Municipal by-laws may further govern the sale, storage, or use of pest control products.

Self-test Questions

Answers are located in Appendix A of this manual.

1. What federal act provides the main regulation of pesticides in Canada?

2. List four classes of pesticides under the *Pest Control Products Act* and *Regulations*. Briefly define each.

3. Domestic class pesticides come in small containers. They are registered for field crop and barn pests only. **True or False?**

4. List two terms that are often used in place of the term 'Commercial' on the label of Commercial class pesticides.

5. What does the term 'MRL' stand for?

6. Provincial pesticide laws are often less specific than the federal *Pest Control Products Act*. **True or False?**

7. Only approved persons may use Commercial and Restricted class pesticide in the Atlantic Region. **True or False?**

8. The Workplace Hazardous Materials Information System (WHMIS) provides employers and employees with standards for training on safe use, storage, handling, and disposal of pesticides. **True or False?**