

A Summary of Pesticide Regulation in Canada



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Report Prepared for Northwatch

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1. Introduction

In Canada, the federal, provincial and municipal governments share responsibility for regulating pesticide products through various acts, regulations, guidelines and bylaws. The federal government has the authority and responsibility to register pesticides in a manner which minimizes risk to health and the environment. The individual provinces, under provincial acts and regulations, govern the use, sale, handling, and disposal of pesticide products, as well as administering permits and certification measures for pesticide vendors and applicators. Table 1 is a summary of these shared responsibilities.

Table 1: Management of Pesticides in Canada by Three levels of Governments¹

Federal-Pest Management Regulatory Agency (PMRA)	Provincial/Territorial	Municipal
<p>?? <i>Pest Control Products Act</i> (PCPA) and Regulations</p> <p>?? Pesticide registration and reevaluation</p> <p>?? Human health and safety</p> <p>?? Environmental impact</p> <p>?? Value (including efficacy) assessment</p> <p>?? Alternative strategies</p> <p>?? Compliance and enforcement</p>	<p>?? Transportation, sale, use, storage and disposal</p> <p>?? Training, certification and licensing of applicators and vendors</p> <p>?? Spills and accidents</p> <p>?? Permits and use restrictions</p> <p>?? Compliance and enforcement</p>	<p>?? Bylaws for municipal (in some cases, private and residential) lands</p>

The purpose of this paper is to provide a brief summary of federal, provincial and territorial pesticide regulations.

2. Federal responsibilities

The federal legislative authority for regulation of pesticides in Canada is the *Pest Control Product Act* (PCPA)². Only pesticides that are registered for use under the PCPA may be imported into, sold in or used in Canada. PCPA is administered by Health Canada's Pest Management Regulatory Agency (PMRA), which reports to the Minister of Health. PMRA was established in April 1995 in response to the recommendations of the Pesticide Registration Review Team. The review team recommended moving the administration of the PCPA from the Ministry of Agriculture and Food to the Ministry of Health³.

3. Provincial Responsibilities

Provincial and territorial pesticide legislation is complementary to federal legislation. The provinces and territories are empowered to regulate the sale, use, storage, transportation and disposal of pesticides in their jurisdictions, providing that the measures they adopt are consistent with any conditions, directions and limitations imposed under the PCPA⁴. However, a province or territory may prohibit the use of a registered pesticide in its jurisdiction or may add more restrictive use conditions than those established under the PCPA. In addition, provinces and territories administer a pesticide management

program that includes education and training programs, the licensing and certification of applicators, vendors and growers, and the issuing of permits for certain pesticide uses⁵.

3.1 Alberta

In Alberta, pesticide use, sales, handling and application are regulated by the *Agricultural Pest Act* (Chapter A-8)⁶. The Pesticide Management Program at the Ministry of the Environment administers and enforces the provincial pesticide legislation⁷. Under the Act, the *Pesticides (Ministerial) Regulation* deals with the classification of pesticides, certification of pesticide applicators and registrations of pesticide vendors and businesses that offer such services⁸. Sales, handling, storage and disposal of pesticide products are regulated by the *Pesticide Sales, Handling, Use and Application Regulation*⁹.

Pesticide applications in natural riparian areas or on areas of public land within 30 horizontal meters from an open body of water must be approved via a *Pesticide Special Use Approval* prior to use. Certified applicators applying pesticides within 30 meters of an open body of water as specified in the Environmental Code of Practice are exempt from obtaining a *Special Use Approval*¹⁰.

3.2 British Columbia

Provincial legislation in British Columbia regulates worker safety, drinking water safety, and the sales, use and disposal of pesticides. Farmers must comply with several provincial acts and regulations that govern pesticides. Until January 2005, the *Pesticide Control Act and Regulations*¹¹ regulated the granting of licenses required to sell pesticides¹², as well as certificates required to sell or apply pesticides¹³. Section 2 of the *Pesticide Control Act Regulation* addressed the sale and purchase of pesticides, including: conditions of sale, sales for aquatic use, permit-restricted and restricted pesticides, and records of sale¹⁴. In addition, Sections 3, 4 and 5 of the *Pesticide Control Act Regulation* addressed pesticide application permits, vendor and service licenses, and dispenser and applicator certificates¹⁵. In January 2005, the *Integrated Pest Management Act and Regulations* replaced the *Pesticide Control Act and Regulations* in British Columbia¹⁶. The new Act regulates the sale, containment, transportation, storage, preparation, mixing, application and disposal of pesticides. This legislation requires certain pesticide applicators to be certified. It also prohibits the use of a pesticide in a way that would cause an unreasonable adverse effect. The *IPM Act and Regulations* are administered by the BC Ministry of Environment¹⁷.

3.3 Manitoba

The use and sale of pesticides as well as the granting of permits, licenses and certifications is regulated in Manitoba under the *Pesticides and Fertilizers Control Act*¹⁸. The Ministry of Agriculture, Food and Rural Initiatives is responsible for administering the Act¹⁹.

3.4 New Brunswick

All pesticide use, storage and disposal in New Brunswick are regulated under the authority of the *Pesticides Control Act and Regulations*²⁰, administered by the Department of Environment. Under the Act, Regulation 96-126 (referred to as the General Regulation) governs the issuance of pesticide vendor licenses, permits and certificates for pesticide application and pesticide use permits²¹.

3.5 Newfoundland & Labrador

Pesticide use, sales, handling and disposal as well as permits and licensing in the province of Newfoundland and Labrador are regulated by the *Pesticides Control Regulations, 2003* under the *Environmental Protection Act*²². The Pesticides Control Section of the Department of Environment and Conservation is responsible for the administration of pesticide regulations in the province.

3.6 Northwest Territories

Pesticide use, sales, handling and disposal in the Northwest Territories is controlled under the *Pesticides Act* and *Pesticides Regulations*. Section 2 of the Pesticides Regulations addresses requirements for pesticide application permits and Section 4 outlines information that must accompany applications for pesticide business permits²³.

3.7 Nova Scotia

In Nova Scotia, the *Pesticides Regulations, Section 84* of the *Environment Act*, control the use, sales, and handling of all pesticide products. Part 1 of the Pesticides Regulations addresses the classes of pesticides and applications for certificates²⁴.

3.8 Nunavut

In Nunavut, pesticide use and sales are controlled by the consolidated *Pesticides Act* and *Pesticides Regulations*. Section 2 of the *Regulations* addresses submission requirements for pesticide application permits and outlines information that must accompany applications for pesticide business permits²⁵.

3.9 Ontario

In Ontario, pesticide use and sales are regulated by the *Ontario Pesticides Act*, which is administered by the Ministry of the Environment²⁶. Under this Act, all sales, handling and use of pesticide products are prohibited in Ontario unless the products are registered by the federal *Pest Control Product Act* (PCPA). The provincial legislation provides a system of permits and licenses as well as scheduling products that can be used in Ontario. In addition, under the *Pesticides Act*, a committee, known as the Ontario Pesticides Advisory Committee (OPAC) which established in 1970, oversees the classification and scheduling of pesticide products that are used or sold in Ontario²⁷.

3.10 Prince Edward Island

Under the *Pesticides Control Act* and associated regulations, the Prince Edward Island Department of Environment and Energy maintains responsibility for the transportation, sale, use, storage and disposal of pesticides within Prince Edward Island as well as the training and certification or licensing of pesticide vendors and applicators²⁸. In addition, Section 4(2) of the *Environmental Protection Act* establishes the Environmental Advisory Council to advise the Minister of the Department of Environment and Energy on all environmental matters, including issues related to use and regulation of pesticides²⁹.

3.11 Québec

In Québec, the *Pesticides Act*, adopted by the Québec National Assembly in 1987 and amended in 1993, controls the sales, use, application and disposal of pesticides. Chapter I of the Act provides regulations for pesticides. Section I and Section II address permits and certificates, respectively; Section V addresses the modification, suspension and revocation of a permit or a certificate, while Chapter X of the Act deals with Quebec's temporary permit system for pesticides³⁰. In addition, the *Environment Quality Act* (c. Q-2) requires an impact study for any aerial pesticide program or project for non-agricultural purposes over surface areas of 600 hectares or more³¹. Both the *Pesticides Act* and the *Environment Quality Act* are administered by the Ministry of Sustainable Development, Environment and Parks.

3.12 Saskatchewan

In Saskatchewan, the *Pest Control Products (Saskatchewan) Act* and *Pest Control Products Regulations 1995* control the use, sales, application and disposal of pesticides³².

3.13 Yukon Territory

In Yukon, the *Environment Act and Pesticides Regulations* control the use, sales, application and disposal of pesticides in the Territory³³.

4. Conclusion

In summary, the federal government, under the Pest Control Products Act, has the authority and responsibility to register pest control products for use in Canada. All pesticide products have to be registered under the PCPA in order to be used in Canada. As part of the federal pesticide registration process, pesticide products are classified into one of the four classes including: Domestic, Commercial, Restricted or Manufacturing. The provinces, under the provincial acts and regulations, govern the use, sales, handling, and disposal of pesticide products, as well as administering permitting and certification measures for pesticide vendors and applicators. Because of differing historical conditions, public attitudes, and pest and agricultural situations in the provinces, regulations for pest control permits and some other pesticide-related activities in the provinces vary to some degree, though there is a national standard for licensing pesticide applicators, to which provincial standards must adhere. In addition to the national standards, four provinces including Alberta, British Columbia, Ontario and Quebec have established unique provincial pesticide classification systems that provide a specific framework for the regulation of pesticides. The remaining provinces use the federal class designations along with supplementary regulations to control the sale, use, transportation, storage and disposal of pesticides³⁴. Currently the federal, provincial and territorial governments are working towards a harmonized classification system. In 1996, the federal, provincial and territorial harmonization committee proposed a classification system consisting of six classes including one for manufacturing and five for end-use products. The proposed classes for end-use products are: Lower Risk Domestic, Higher Risk Domestic, Lower Risk Commercial, Higher Risk Commercial, and Restricted. These classes are based on human health toxicity, environmental fate and ecotoxicity, and use and application technology. The federal, provincial and territorial harmonization process is currently in progress.

5. Endnotes

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- ³ Pest Management Regulatory Agency, Overview Document, http://www.pmr-arla.gc.ca/english/pdf/pmr/pmr_overview-e.pdf.
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- ⁵ PMRA annual report 2003-2004, http://www.pmr-arla.gc.ca/english/pdf/plansandreports/annual_report2003-2004-e.pdf
- ⁶ Chapter 8-A, Agricultural Pests Act, <http://www.qp.gov.ab.ca/documents/acts/A08.cfm>.
- ⁷ Alberta Pesticide Home Page, <http://www3.gov.ab.ca/env/protenf/pesticide/index.html>.
- ⁸ Pesticides Ministerial Regulation, AR 43/97 <http://www.canlii.org/ab/laws/regu/1997r.43/20040223/whole.html>
- ⁹ Pesticide Sales, Handling, Use and Application Regulation, AR 24/97 <http://www.canlii.org/ab/laws/regu/1997r.24/20050211/whole.html>
- ¹⁰ Environmental Code of Practice in Alberta, <http://www.qp.gov.ab.ca/documents/codes/PESTICID.CFM>
- ¹¹ Pesticide Control Act, http://www.qp.gov.bc.ca/statreg/stat/P/96360_01.htm
- ¹² Section 4 of the Pesticides Control Act, http://www.qp.gov.bc.ca/statreg/stat/P/96360_01.htm#section4
- ¹³ Section 5 of the Pesticides Control Act, http://www.qp.gov.bc.ca/statreg/stat/P/96360_01.htm#section5
- ¹⁴ Section 2 of the Pesticides Control Act, http://www.qp.gov.bc.ca/statreg/reg/P/319_81.htm#part%202
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- ¹⁶ The Integrated Pest Management Act and Regulation, http://www.qp.gov.bc.ca/statreg/stat/I/03058_01.htm
- ¹⁷ British Columbia, Ministry of Environment, Environmental Protection Division, <http://www.env.gov.bc.ca/epd/epdpa/ipmp/index.html>.
- ¹⁸ The Pesticides and Fertilizers Control Act, <http://web2.gov.mb.ca/laws/statutes/ccsm/p040e.php>
- ¹⁹ The Ministry of Agriculture, Food and Rural Initiative website, <http://www.gov.mb.ca/agriculture/index.shtml>
- ²⁰ New Brunswick Pesticides Control Act, <http://www.gnb.ca/acts/acts/p-08.htm>
- ²¹ General Regulation, <http://www.gnb.ca/0062/regs/96-126.htm>
- ²² Environmental Protection Act 2003, <http://www.hoa.gov.nl.ca/hoa/statutes/e14-2.htm#44>. Pesticides Control Regulations, <http://www.hoa.gov.nl.ca/hoa/regulations/rc030057.htm>.
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- ²⁴ Environment Act, <http://www.gov.ns.ca/legislature/legc/statutes/envromnt.htm>. Pesticides Regulations, Section 84, <http://www.gov.ns.ca/just/regulations/regs/env6195.htm>.
- ²⁵ Consolidate Pesticides Act and Pesticides Regulations, <http://www.canlii.org/nu/regu/cons/pdf/Reg277.pdf>
- ²⁶ Ontario Pesticides Act, http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90p11_e.htm
- ²⁷ Pesticides Advisory, http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90p11_e.htm#P270_15429. Ontario Pesticides Advisory Committee website, <http://www.opac.gov.on.ca/>
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- ³¹ Quebec *Environment Quality Act*, http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/O_2/O2_A.htm
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