

ONTARIO REGULATION 139/15

made under the

PESTICIDES ACT

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Amending O. Reg. 63/09

(GENERAL)

1. (1) Subsection 1 (1) of Ontario Regulation 63/09 is amended by adding the following definitions:

“corn” means grain corn and does not include popping corn, sweet corn or corn used for the production of seed; (“maïs”)

“custom seed treater” means a person who provides a seed treating service; (“entrepreneur en traitement des semences”)

“farm property” means an area of land used for an agricultural operation, part of an agricultural operation or more than one agricultural operation; (“bien agricole”)

“Pest Assessment Guideline” means the document entitled “Conducting a Pest Assessment for Use of Class 12 Pesticides”, as amended from time to time, that is published by the Minister and available through a website of the Government of Ontario and that sets out,

- (a) with respect to the pests referred to in the document, the pest thresholds or stand loss thresholds that must be met in order to use a Class 12 pesticide for the purposes of an agricultural operation,
- (b) the methods to be used to determine whether a threshold referred to in clause (a) has been met or exceeded,
- (c) the rules for determining the application area in or on which a Class 12 pesticide may be used at a farm property; (“Guide d’évaluation parasitaire”)

“pest assessment report” means a report described in subsection 8.2 (1); (“rapport d’évaluation parasitaire”)

“pest threshold” means the number of pests, determined in accordance with the Pest Assessment Guideline, that must be detected in an application area during an inspection of soil in order to use a Class 12 pesticide; (“seuil de présence de parasites”)

“seed amount declaration” means a declaration described in section 8.3; (“déclaration de la quantité de semences”)

“seed treating service” means a service that is provided to a person who is not required to hold a vendor’s licence of the Treated Seed class and that produces a treated seed through the treatment of corn seed or soybean seed with a pesticide that contains imidacloprid, clothianidin or thiamethoxam, but does not include a service that is provided with respect to a seed production contract mentioned in section 13.1; (“service de traitement des semences”)

“stand loss” means crop damage, such as,

- (a) the failure of plants to emerge; or
- (b) stunted, damaged or dead plants that occur as the result of a lack of plant vigour; (“perte de plants”)

“stand loss threshold” means the percentage of stand loss, determined in accordance with the Pest Assessment Guideline, that must be detected in an application area during an inspection of a crop in order to use a Class 12 pesticide; (“seuil de perte de plants”)

“treated seed” means a seed that, as a result of being treated, is coated with or contains one or more pesticides; (“semence traitée”)

“treated seed sales representative” means an individual who represents a person who is required to hold a vendor’s licence of the Treated Seed class by,

- (a) having direct contact with purchasers of Class 12 pesticides, and
- (b) facilitating the sale or transfer of Class 12 pesticides. (“représentant commercial en semences traitées”)

(2) The definition of “manufacturer” in subsection 1 (1) of the Regulation is amended by adding the following clause:

- (a.1) the treatment of a seed with a pesticide to produce a treated seed,

(3) Section 1 of the Regulation is amended by adding the following subsections:

(2.1) In this Regulation, a reference to the Director means,

- (a) the Director appointed under section 3 of the Act in respect of the section of this Regulation in which the reference appears; or
- (b) if a Director described in clause (a) has not been appointed, any Director appointed under section 3 of the Act in respect of section 11 of the Act.

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(3.1) In this Regulation, a reference to a geographic area in Schedule 1, 2 or 3 is a reference to a geographic area named and described in Schedule 1, 2 or 3 to Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002*.

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(4.1) In this Regulation, a reference to a Class 12 pesticide is a reference to a pesticide that has been classified into that class under section 8.1.

(4.2) In this Regulation, a reference to a pesticide that is used to treat a seed so that it becomes a Class 12 pesticide is a reference to a pesticide that contains imidacloprid, clothianidin or thiamethoxam.

(4) Subsection 1 (5) of the Regulation is amended by striking out “that is available on the website of the Ministry” and substituting “that is available on a website of the Government of Ontario”.

(5) The heading to Column 3 of the Table to subsection 1 (5) of the Regulation is amended by striking out “(see Ministry’s website)”.

(6) The definition of “seed amount declaration”, as made by subsection (1), is revoked.

2. The Regulation is amended by adding the following sections:

GENERAL

Form of submissions

1.1 With respect to any document that a person submits to the Committee, the Director, the Minister or a provincial officer under this Regulation,

- (a) if the Director has approved a form in which to submit the document, the person shall submit it in that form; and
- (b) if the Director has specified an electronic format in which to submit the document, the person shall submit it in that format.

Form of records and reports

1.2 With respect to any records or reports that a person prepares under this Regulation,

- (a) if the Director has approved a form in which to prepare the record or report, the person shall prepare it in that form; and
- (b) if the Director has specified an electronic format in which to prepare the record or report, the person shall prepare it in that format.

3. (1) Paragraph 1 of subsection 3 (1) of the Regulation is amended by striking out “that is classified” in the portion before subparagraph i and substituting “that is classified under section 4”.

(2) Paragraph 2 of subsection 3 (3) of the Regulation is revoked and the following substituted:

- 2. On a website of the Government of Ontario.

4. (1) Subsection 4 (2) of the Regulation is amended by striking out “Subject to subsection (3)” at the beginning of the portion before clause (a) and substituting “Subject to subsection (3) and section 8.1”.

(2) Subsection 4 (5) of the Regulation is amended by striking out “and available on the Ministry’s website” and substituting “and available on a website of the Government of Ontario”.

5. Subsection 5 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Applications for classification

(1) The following persons may submit to the Committee an application for the classification of a pesticide, other than a pesticide classified under section 8.1:

6. Subsection 6 (1) of the Regulation is amended by striking out “may reclassify a pesticide” in the portion before clause (a) and substituting “may reclassify a pesticide, other than a pesticide classified under section 8.1”.

7. Subsection 7 (1) of the Regulation is amended by striking out “may declassify a pesticide” in the portion before clause (a) and substituting “may declassify a pesticide, other than a pesticide classified under section 8.1”.

8. (1) The Regulation is amended by adding the following sections:

TREATED SEEDS

Classification, treated seeds

8.1 (1) A treated seed is a Class 12 pesticide if it is a corn seed or soybean seed that is treated with a pesticide that contains imidacloprid, clothianidin or thiamethoxam.

(2) For greater certainty, sections 3, 4, 5, 6 and 7 do not apply to a Class 12 pesticide.

Pest assessment report

8.2 (1) A pest assessment report must contain the following with respect to one or more farm properties that are used for an agricultural operation and in respect of which a Class 12 pesticide is intended to be used:

1. The following information with respect to each farm property in respect of which the report is prepared:
 - i. If the farm property is located in a geographic area listed in Schedule 1, 2 or 3, the geographic area in which the farm property is located.
 - ii. The location of the farm property, identified by one of the following:
 - A. The municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code.
 - B. If there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property.
2. The acreage of each farm property in respect of which the report is prepared.
3. A sketch of each farm property in respect of which the report is prepared, showing the location and acreage of each application area, determined in accordance with the Pest Assessment Guideline, in or on which a Class 12 pesticide is intended to be used.
4. Subject to subsection (2), a confirmation of one of the following with respect to each farm property in respect of which the report is prepared:
 - i. An inspection of the soil was conducted at the farm property in accordance with the Pest Assessment Guideline and the presence of one or more of the pests referred to in the Guideline was detected in each application area mentioned in paragraph 3 in a number that was equal to or greater than the applicable pest threshold.
 - ii. An inspection of a crop was conducted at the farm property in accordance with the Pest Assessment Guideline and the inspection detected a percentage of stand loss in each application area mentioned in paragraph 3 caused by one or more of the pests referred to in the Guideline that was equal to or greater than the applicable stand loss threshold.
5. If an inspection confirmed under paragraph 4 was an inspection of soil in respect of a farm property, the following information:
 - i. An identification of the pest or pests detected in each application area.
 - ii. A sketch of the farm property showing, with respect to each application area mentioned in paragraph 3, each location, identified in accordance with the Pest Assessment Guideline, where the pest or pests were detected.
 - iii. The number of pests detected in each location referred to in subparagraph ii.
6. If an inspection confirmed under paragraph 4 was an inspection of a crop in respect of a farm property, the following information:
 - i. An identification of the pest or pests that caused the stand loss in each application area.
 - ii. The rationale for determining that the stand loss was caused by one or more of the pests referred to in the Pest Assessment Guideline.
 - iii. A sketch of the farm property showing, with respect to each application area mentioned in paragraph 3, each location, identified in accordance with the Pest Assessment Guideline, that was inspected for stand loss and each location, identified in accordance with the Guideline, in which there was no stand loss evident.

- iv. The number of plants unaffected by crop damage in each location referred to in subparagraph iii, determined in accordance with the Pest Assessment Guideline.
 - v. The average number of plants per acre unaffected by crop damage in each application area mentioned in paragraph 3, determined in accordance with the Pest Assessment Guideline.
 - vi. The percentage of stand loss detected in each application area mentioned in paragraph 3, determined in accordance with the Pest Assessment Guideline.
7. The assessment roll number of the parcel of land on which each application area mentioned in paragraph 3 is located.
 8. The method used in the inspection confirmed under paragraph 4.
 9. The date on which the inspection confirmed under paragraph 4 was conducted.
 10. The name of the person who conducted the inspection confirmed under paragraph 4.
 11. The name of the person who prepared and signed the report.
 12. If a person referred to in paragraph 10 or 11 is a professional pest advisor, an indication of which requirement the person meets in paragraph 1, 2, 3 or 4 of the definition of “professional pest advisor” in subsection (8).
 13. The name of the owner or operator of the agricultural operation for which each farm property referred to in paragraph 1 is used.
- (2) An inspection of a crop referred to in subparagraph 4 ii of subsection (1) may only be used for the purpose of a confirmation under paragraph 4 of subsection (1) if the inspection was conducted on or after March 1, 2016.
- (3) With respect to an inspection of a crop referred to in subparagraph 4 ii of subsection (1), a professional pest advisor must,
- (a) conduct the inspection; and
 - (b) prepare and sign the pest assessment report.
- (4) With respect to an inspection of soil referred to in subparagraph 4 i of subsection (1), the inspection must be conducted by one of the following persons:
1. A person who is permitted under subsection (5) to prepare and sign the pest assessment report.
 2. Subject to subsection (6), if the person who is permitted under subsection (5) to prepare and sign the pest assessment report is a professional pest advisor, a person who is supervised by the professional pest advisor, unless that person is an owner or operator of the agricultural operation for which the farm property at which the inspection is conducted is used.
- (5) Subject to subsection (7), with respect to an inspection of soil referred to in subparagraph 4 i of subsection (1), the pest assessment report must be prepared and signed by one of the following persons:
1. Before August 31, 2016, any person.
 2. Subject to paragraphs 3, 4 and 5, on or after August 31, 2016 and before August 31, 2020, a person referred to in clause 45.1 (1) (a).
 3. On or after August 31, 2017, if the inspection is conducted at a farm property located in a geographic area listed in Schedule 1, a professional pest advisor.
 4. On or after August 31, 2018, if the inspection is conducted at a farm property located in a geographic area listed in Schedule 2, a professional pest advisor.
 5. On or after August 31, 2019, if the inspection is conducted at a farm property located in a geographic area listed in Schedule 3, a professional pest advisor.
 6. On or after August 31, 2020, a professional pest advisor.
- (6) For the purposes of paragraph 2 of subsection (4), a professional pest advisor may supervise a person who conducts an inspection of soil if the following criteria are met:
1. The professional pest advisor is present at the farm property during the inspection and is available to attend, within a period of time that is reasonable in the circumstances, at a location identified in accordance with the Pest Assessment Guideline as a location to scout for pests.
 2. The professional pest advisor does not supervise, at any one time, more than seven persons.
 3. The professional pest advisor ensures that the person who conducts the inspection has been trained with respect to the requirements of conducting an inspection of soil in accordance with the Pest Assessment Guideline and the identification of pests referred to in the Guideline.

4. The professional pest advisor ensures that the inspection of soil is conducted in accordance with the Pest Assessment Guideline.

(7) Despite subsection (5), an inspection of soil may be conducted and a pest assessment report prepared and signed by a person referred to in clause 45.1 (1) (a) if, in the preceding 24-month period,

- (a) an inspection of soil referred to in subparagraph 4 i of subsection (1) was conducted at the farm property by a professional pest advisor or a person referred to in paragraph 2 of subsection (4) who was supervised by a professional pest advisor; and
- (b) a pest assessment report pertaining to the inspection referred to in clause (a) was prepared and signed by the professional pest advisor who conducted the inspection or the professional pest advisor who supervised the person who conducted the inspection, as the case may be.

- (8) For the purposes of this section,

“professional pest advisor” means one of the following persons:

1. A person who is certified as a Certified Crop Advisor (CCA) by the American Society of Agronomy and is a member in good standing of the Ontario Certified Crop Advisor Association.
2. A person who is registered as a member under the *Ontario Institute of Professional Agrologists Act, 2013*, if the person’s field of practice relates to paragraph 2 or 6 of subsection 3 (2) of that Act.
3. A person who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of a field of practice mentioned in paragraph 2.
4. A person who, in the opinion of the Director, has qualifications that are equivalent to those of a person mentioned in paragraph 1 or 2.

Seed amount declaration

8.3 A seed amount declaration must be in a form approved by the Director and must contain the following with respect to an agricultural operation:

1. The total acreage of land on which treated and untreated corn seed will be used or planted before August 31, 2016 at all of the farm properties that are used for the agricultural operation.
2. The total acreage of land on which treated and untreated soybean seed will be used or planted before August 31, 2016 at all of the farm properties that are used for the agricultural operation.
3. The location of each farm property referred to in paragraphs 1 and 2, identified by one of the following:
 - i. The municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code.
 - ii. If there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property.
4. The total acreage of all of the application areas on which corn seed that is a Class 12 pesticide will be used before August 31, 2016 at all of the farm properties that are used for the agricultural operation.
5. The total acreage of all of the application areas on which soybean seed that is a Class 12 pesticide will be used before August 31, 2016 at all of the farm properties that are used for the agricultural operation.
6. A confirmation that the acreage referred to in paragraph 4 is less than or equal to 50 per cent of the acreage referred to in paragraph 1.
7. A confirmation that the acreage referred to in paragraph 5 is less than or equal to 50 per cent of the acreage referred to in paragraph 2.
8. A sketch of each farm property at which a Class 12 pesticide is intended to be used showing the following:
 - i. The location and acreage of the farm property.
 - ii. The location and acreage of each application area in or on which the Class 12 pesticide is intended to be used.
9. A confirmation that the amount of corn seed that is a Class 12 pesticide being purchased from all vendors is equal to or less than the amount that would be required to perform an extermination of the acreage referred to in paragraph 4.
10. A confirmation that the amount of soybean seed that is a Class 12 pesticide being purchased from all vendors is equal to or less than the amount that would be required to perform an extermination of the acreage referred to in paragraph 5.
11. The name of the person who prepared and signed the seed amount declaration.

12. The date the seed amount declaration was signed.
13. The name of the owner or operator of the agricultural operation for which each farm property referred to in paragraphs 1 and 2 is used.

(2) The definition of “professional pest advisor” in subsection 8.2 (8) of the Regulation, as made by subsection (1), is amended by striking out the portion before paragraph 1 and substituting the following:

“professional pest advisor” means one of the following persons, unless the person derives a financial benefit from a person who manufactures or sells a Class 12 pesticide or a pesticide that is used to treat a seed so that it becomes a Class 12 pesticide:

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(3) Section 8.3 of the Regulation, as made by subsection (1), is revoked.

9. Section 9 of the Regulation is amended by striking out “sections 10, 13, 14 and 15” wherever it appears and substituting in each case “sections 10, 13, 13.1, 14 and 15”.

10. The Regulation is amended by adding the following section:

Prohibition, use of Class 12 pesticides

9.1 (1) Subject to subsection (2), section 10 and subsection 13.1 (2), no person shall use a Class 12 pesticide during the 12-month period commencing on August 31 in each year and ending on August 30 of the following year unless,

- (a) the unique name or other unique identifier of the Class 12 pesticide appears in the list referred to in subsection 101.1 (3) with respect to that 12-month period; or
- (b) the unique name or other unique identifier of the Class 12 pesticide appeared on the list referred to in subsection 101.1 (3) with respect to the previous 12-month period.

(2) Subsection (1) does not apply to a person who uses a Class 12 pesticide that was treated by a custom seed treater.

(3) No person shall use a treated seed that is a Class 12 pesticide except in accordance with the directions that are required to be set out on the label or tag for the treated seed that is the Class 12 pesticide, as described in subsection (4).

(4) The directions that are required to be set out on the label or tag referred to in subsection (3) are the directions that are required, with respect to the pesticide that was used to treat the seed so that it became the Class 12 pesticide, to be set out on the label or tag for the treated seed by the Pesticide Product Information Database, available on a website of the Government of Canada as amended from time to time.

11. Subsection 10 (1) of the Regulation is amended by striking out “A person is exempt from section 9” at the beginning of the portion before clause (a) and substituting “A person is exempt from sections 9 and 9.1”.

12. Section 13 of the Regulation is amended by adding the following paragraph:

4. A pesticide that is a treated seed but is not a Class 12 pesticide.

13. The Regulation is amended by adding the following section:

Exemption, Class 12 pesticides

13.1 (1) Sections 9, 107 and 114 do not apply with respect to the use, storage and transportation of a Class 12 pesticide.

(2) The Act and the regulations do not apply with respect to the use, sale and transfer of a Class 12 pesticide that is to be used in accordance with a seed production contract for the purpose of producing a soybean seed crop of certified status, as defined in subsection 2 (2) of the Seeds Regulations made under the *Seeds Act* (Canada).

(3) Every person who uses, sells or transfers a Class 12 pesticide for the purpose described in subsection (2) shall keep a copy of the seed production contract for a period of at least two years from the date of the expiry of the contract.

14. Subparagraph 1 i of subsection 29 (2) of the Regulation is amended by striking out “submit to the Minister in writing” at the beginning and substituting “submit to the Minister”.

15. The Table to section 34 of the Regulation is amended by adding the following item:

| | | | |
|----|--|--|-----|
| 5. | Vendor’s licence of the Treated Seed class | The last day of the 60th month following the day on which the licence or the renewal takes effect. | 200 |
|----|--|--|-----|

16. The Table to section 34.1 of the Regulation is revoked and the following substituted:

TABLE

| Item | Column 1 Licence | Column 2 Expiry date of licence | Column 3 Regular Fee (\$) | Column 4 Pro-rated Fee (\$) |
|------|---------------------------|-------------------------------------|------------------------------|---|
| 1. | Structural, land or water | The day provided as the expiry date | 90 | If the expiry date is earlier than the last day |

| | | | | |
|----|--|---|-----|---|
| | exterminator's licence | on the applicant's authorizing certificate or, if that day is later than the last day of the 60th month following the day on which the licence or renewal takes effect, the last day of the 60th month. | | of the 48th month following the day on which the licence takes effect, the Regular Fee in Column 3 shall be pro-rated over the total number of months to which the licence applies. |
| 2. | Vendor's licence of the General class | The day provided as the expiry date on the applicant's authorizing certificate or, if that day is later than the last day of the 60th month following the day on which the licence or renewal takes effect, the last day of the 60th month. | 200 | If the expiry date is earlier than the last day of the 48th month following the day on which the licence takes effect, the Regular Fee in Column 3 shall be pro-rated over the total number of months to which the licence applies. |
| 3. | Vendor's licence of the Limited class | The day provided as the expiry date on the applicant's authorizing certificate or, if that day is later than the last day of the 60th month following the day on which the licence or renewal takes effect, the last day of the 60th month. | 110 | If the expiry date is earlier than the last day of the 48th month following the day on which the licence takes effect, the Regular Fee in Column 3 shall be pro-rated over the total number of months to which the licence applies. |
| 4. | Vendor's licence of the Treated Seed class | The day provided as the expiry date on the applicant's authorizing certificate or, if that day is later than the last day of the 60th month following the day on which the licence or renewal takes effect, the last day of the 60th month. | 200 | If the expiry date is earlier than the last day of the 48th month following the day on which the licence takes effect, the Regular Fee in Column 3 shall be pro-rated over the total number of months to which the licence applies. |

17. Section 39 of the Regulation is amended by striking out “the General or Limited class” at the end and substituting “the General, Limited or Treated Seed class”.

18. (1) Paragraph 1 of subsection 40 (3) of the Regulation is amended by striking out “The name and address” at the beginning and substituting “The name, email address, if any, and mailing address”.

(2) Subsection 40 (3) of the Regulation is amended by adding the following paragraph:

2.1 If the application is in respect of a vendor's licence of the Treated Seed class, the name, email address, if any, and mailing address of each treated seed sales representative who represents the applicant.

19. (1) The Regulation is amended by adding the following section:

EXTERMINATOR'S LICENCE — EXEMPTIONS FOR PERSONS PLANTING TREATED SEEDS

Exemptions, persons planting treated seeds

45.1 (1) A person is exempt from subsection 5 (1) of the Act with respect to the performance of an extermination by means of a Class 12 pesticide for the purposes of an agricultural operation if the person is at least 16 years of age and,

- (a) the person performs the extermination before August, 31, 2015;
- (b) the person performs the extermination on or after August 31, 2015 in an application area that is identified in a pest assessment report prepared in accordance with the Pest Assessment Guideline; or
- (c) the person performs the extermination on or after August 31, 2015 in an application area that is identified in a seed amount declaration and that meets the requirements set out in paragraph 6 or 7 of section 8.3, as the case may be.

(2) A person who performs an extermination referred to in clause (1) (b) or (c) shall,

- (a) carry or have readily available at the extermination site a copy of the pest assessment report referred to in clause (1) (b) or of the seed amount declaration referred to in clause (1) (c);
- (b) prepare a record of each extermination as described in subsection (3);
- (c) keep a copy of the pest assessment report or seed amount declaration referred to in clause (a) for a period of at least two years after the extermination is complete; and
- (d) keep a copy of the record prepared under clause (b) for a period of at least two years after it is prepared.

(3) A record of extermination referred to in clause (2) (b) shall include the following information:

- 1. The date of the extermination.
- 2. The location of the farm property at which the extermination was performed, identified by one of the following:

- i. The municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code.
 - ii. If there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property.
- 3. A sketch of the farm property at which the extermination was performed, showing the following:
 - i. The location and acreage of the farm property.
 - ii. The location and acreage of each application area in or on which a Class 12 pesticide was used in the extermination at the farm property.
 - iii. The assessment roll number of the parcel of land on which each application area mentioned in subparagraph ii is located.
- 4. The amount, in kilograms, of each Class 12 pesticide used in the extermination.
- 5. The unique name or other unique identifier, as it appears in the list referred to in subsection 101.1 (3), of each Class 12 pesticide used in the extermination or the name of the custom seed treater who treated the Class 12 pesticide used in the extermination.
- 6. The name of the person who performed the extermination.

(2) Section 45.1 of the Regulation, as made by subsection (1), is revoked and the following substituted:

EXTERMINATOR'S LICENCE — EXEMPTIONS FOR PERSONS PLANTING TREATED SEEDS

Exemptions, persons planting treated seeds

45.1 (1) Subject to subsection (2), a person is exempt from subsection 5 (1) of the Act with respect to the performance of an extermination by means of a Class 12 pesticide for the purposes of an agricultural operation if,

- (a) the person,
 - (i) is at least 16 years of age,
 - (ii) has successfully completed, within the last 60 months or within such other period of time as may be specified by the Director, a course described in subsection (6), and
 - (iii) has been issued a document by the body that provided the course referred to in subclause (ii), confirming the person's successful completion of the course; or
- (b) the person meets the conditions set out in subsection (4) with respect to a supervisee and is supervised by a person referred to in clause (a).

(2) Subsection (1) does not apply to a person unless the person is performing the extermination in an application area that is identified in a pest assessment report referred to in paragraph 3 of subsection 98 (2) that was provided to the treated seed sales representative, vendor or custom seed treater in respect of the Class 12 pesticide.

(3) A person referred to in clause (1) (a) who performs an extermination by means of a Class 12 pesticide or who supervises a person referred to in clause (1) (b) who performs an extermination by means of a Class 12 pesticide shall,

- (a) carry or have readily available at the extermination site,
 - (i) a copy of the document issued by the body that provided the course described in subsection (6), confirming the person's successful completion of the course,
 - (ii) a copy of a pest assessment report referred to in subsection (2); and
 - (iii) if the extermination is performed using a Class 12 pesticide treated by a custom seed treater, a copy of the written confirmation referred to in paragraph 2 of subsection 45.2 (1); and
- (b) prepare a record of each extermination as described in subsection (8).
- (4) The conditions referred to in clause (1) (b) with respect to a supervisee are the following:
 - 1. The supervisee must not select the pesticide, the application area or the application rate of the pesticide.
 - 2. The supervisee must have readily available at the extermination site written instructions respecting the extermination that include the following:
 - i. The name of the supervisee to whom the instructions are provided.
 - ii. The information required under paragraphs 2, 3 and 8 of subsection (8).

- iii. The application rate of each Class 12 pesticide to be used in the extermination.
 - iv. A confirmation that the requirements set out in subsection 9.1 (1) have been met with respect to each Class 12 pesticide to be used in the extermination.
 - v. The directions referred to in subsection 9.1 (3) with respect to the use of each Class 12 pesticide to be used in the extermination and instructions to comply with those directions.
- (5) If a person referred to in clause (1) (a) acts as a supervisor for the purposes of clause (1) (b), the person,
- (a) shall provide the supervisee with written instructions for the proper use of the Class 12 pesticide, including the information referred to in paragraph 2 of subsection (4), and ensure that the instructions are readily available at the extermination site;
 - (b) shall be present at the extermination site or available for immediate response through an effective communication system and be able to attend at the extermination site to respond to an emergency situation within a period of time that is reasonable in the circumstances;
 - (c) shall not supervise, at any one time, more than seven persons;
 - (d) shall ensure that the supervisee complies with the conditions set out in subsection (4); and
 - (e) shall ensure that the requirements and directions set out in subsections 9.1 (1) and (3) have been met with respect to the use of Class 12 pesticides.
- (6) The course referred to in subclause (1) (a) (ii) must be a course approved by the Director that relates to the handling and use of Class 12 pesticides and that provides training and instruction on the following matters:
- 1. The importance of pollinators in the ecosystem.
 - 2. The protection of pollinators from pesticide exposure.
 - 3. The employment of integrated pest management practices, including:
 - i. The identification of corn and soybean pests, particularly each pest referred to in the Pest Assessment Guideline.
 - ii. The methods to use to ascertain the presence of a pest, particularly the methods referred to in the Pest Assessment Guideline.
 - iii. The use of pest management options other than the use of pesticides.
 - iv. The use of pesticides in a targeted, as opposed to prophylactic, manner.
 - 4. The requirements set out in this Regulation with respect to the use, sale or transfer of Class 12 pesticides.
 - 5. The record-keeping requirements set out in this Regulation with respect to Class 12 pesticides.
 - 6. Best management practices relating to the use of Class 12 pesticides.
- (7) For the purposes of subclause (1) (a) (ii), the Director may specify a period of time other than 60 months if the Director considers it to be appropriate in the circumstances.
- (8) A record of extermination referred to in clause (3) (b) shall include the following information:
- 1. The date of the extermination.
 - 2. The location of the farm property at which the extermination was performed, identified by one of the following:
 - i. The municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code.
 - ii. If there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property.
 - 3. A sketch of the farm property at which the extermination was performed showing the following:
 - i. The location and acreage of the farm property.
 - ii. The location and acreage of each application area in or on which the Class 12 pesticide was used at the farm property.
 - iii. The assessment roll number of the parcel of land on which each application area mentioned in subparagraph ii is located.
 - 4. The amount, in kilograms, of each Class 12 pesticide used in the extermination.

5. The unique name or other unique identifier, as it appears in the list referred to in subsection 101.1 (3), of the Class 12 pesticide used in the extermination or the name of the custom seed treater who treated the Class 12 pesticide used in the extermination.
6. The name of the person who performed the extermination.
7. If the extermination was performed by a person exempt under clause (1) (a), the number and expiry date of the document issued to the person by the body that provided the course described in subsection (6), confirming the person's successful completion of the course.
8. If the extermination was performed by a person who was supervised, the name of the supervisor and the number and expiry date of the document issued to the supervisor by the body that provided the course described in subsection (6), confirming the supervisor's successful completion of the course.
- (9) Every person who performs an extermination or who supervises a person who performs an extermination shall,
 - (a) keep a copy of each record prepared under clause (3) (b) for a period of at least two years after it is prepared;
 - (b) if the person is a supervisor, keep a copy of each set of written instructions provided under clause (5) (a) for a period of at least two years after it is provided;
 - (c) keep a copy of each pest assessment report referred to in subparagraph 3 ii of subsection 98 (2) and of each written declaration referred to in subparagraph 3 iii of subsection 98 (2) that relates to the extermination for a period of at least two years after the extermination is complete; and
 - (d) keep a copy of each record or document required to be kept under clauses 45.1 (2) (c) and (d), as they read on August 30, 2016, for the duration of the period required under that subsection.

20. (1) The Regulation is amended by adding the following section:

Use of seeds treated by custom seed treaters

45.2 (1) A Class 12 pesticide treated by a custom seed treater shall not be used in an extermination for the purposes of an agricultural operation unless the following criteria are met:

1. The person who requested the seed treating service provided the custom seed treater with a copy of a pest assessment report or of a seed amount declaration referred to in paragraph 3 of subsection 98 (2) that is required to be provided by a person mentioned in that paragraph.
2. The custom seed treater provided to the person referred to in paragraph 1, in a form approved by the Director, a written confirmation of the following:
 - i. The person referred to in paragraph 1 provided a copy of the seed amount declaration or of the pest assessment report, as the case may be, referred to in paragraph 1 to the custom seed treater.
 - ii. If the document provided under paragraph 1 is a pest assessment report, the date the inspection confirmed under paragraph 4 of subsection 8.2 (1) was conducted, as set out in the pest assessment report, was within the 12-month period prior to the date the custom seed treater treated a seed so that it became the Class 12 pesticide being used for the extermination.
 - iii. The amount of seed that was requested by the person referred to in paragraph 1 and that was treated by the custom seed treater to become a Class 12 pesticide is equal to or less than the amount described in subsection 101.01 (4).

(2) A custom seed treater shall keep a copy of each document provided under paragraph 1 of subsection (1) and of each confirmation provided under paragraph 2 of subsection (1) for a period of at least four years after it is provided.

(2) Paragraph 1 of subsection 45.2 (1) of the Regulation, as made by subsection (1), is revoked and the following substituted:

1. The person who requested the seed treating service provided the custom seed treater with the information and documents referred to in paragraph 3 of subsection 98 (2) that are required to be provided by a person mentioned in that paragraph.

(3) Subparagraph 2 i of subsection 45.2 (1) of the Regulation, as made by subsection (1), is amended by striking out "seed amount declaration or of the pest assessment report, as the case may be," and substituting "pest assessment report".

(4) Subparagraph 2 ii of subsection 45.2 (1) of the Regulation, as made by subsection (1), is amended by striking out "If the document provided under paragraph 1 is a pest assessment report" at the beginning and substituting "With respect to the pest assessment report provided under paragraph 1".

21. Section 68 of the Regulation is amended by adding the following subsection:

(2) Despite subsection (1), a land exterminator's licence shall not authorize the use of a Class 12 pesticide.

22. Clause 87 (2) (b) of the Regulation is revoked and the following substituted:

- (b) notify the Director of the email address, if any, of each licensed exterminator in charge and identify, with respect to the site of each location,
 - (i) the municipal address of the site including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code, or
 - (ii) if there is no municipal address, the legal description of the site including, where applicable, every assessment roll number or property identifier number that relates to the site; and

23. (1) Section 92 of the Regulation is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding the following clause:

- (d) by means of a Class 12 pesticide by any person.

(2) Clause 92 (d) of the Regulation, as made by subsection (1), is revoked and the following substituted:

- (d) by means of a Class 12 pesticide by a person referred to in subsection 45.1 (1).

24. (1) Subsection 96 (1) of the Regulation is amended by adding the following paragraph:

4.1 A Class 12 pesticide.

(2) Subsection 96 (2) of the Regulation is amended by striking out "for use in an extermination" at the end and substituting "authorized to use the pesticide in an extermination".

(3) Paragraph 4.1 of subsection 96 (1) of the Regulation, as made by subsection (1), is revoked.

25. (1) The Regulation is amended by adding the following section:

Exemption, direct-to-farm vendor

96.1 (1) A vendor is exempt from section 6 of the Act with respect to the sale, offer for sale or transfer of a Class 12 pesticide if the vendor is a direct-to-farm vendor as described in subsection (2) and if the eligibility criteria set out in subsection (4) are satisfied.

(2) A vendor is a direct-to-farm vendor for the purposes of this section if the following criteria are satisfied:

1. The vendor sells, offers to sell or transfers Class 12 pesticides.
2. Subject to subsection (3), all Class 12 pesticides sold or transferred by the vendor are sold or transferred directly to purchasers who meet the following criteria:
 - i. The purchaser is a person who intends to use the pesticide.
 - ii. The purchaser is not required to hold a vendor's licence of the Treated Seed class.
 - iii. The purchaser is not exempt under this section from section 6 of the Act with respect to the sale, offer for sale or transfer of a Class 12 pesticide.
3. The vendor does not hold a vendor's licence of the Treated Seed class and is not required to hold a vendor's licence of the General or Limited class.
4. The name of the vendor has been submitted to the Director in a written notice described in subsection (5) by the licensed vendor referred to in paragraph 1 of subsection (4).

(3) A direct-to-farm vendor may sell or transfer a Class 12 pesticide back to the licensed vendor referred to in paragraph 1 of subsection (4).

(4) The following are the eligibility criteria for the exemption:

1. The direct-to-farm vendor must purchase the Class 12 pesticide from a person who holds a vendor's licence of the Treated Seed class.
2. With respect to the sale or transfer of the Class 12 pesticide, the direct-to-farm vendor must collect the information and documents that, if the sale or transfer were carried out in accordance with section 98, would be required to be provided by a purchaser or transferee.
3. The direct-to-farm vendor must provide to the licensed vendor referred to in paragraph 1 the information and a copy of the documents referred to in paragraph 2.

(5) For the purposes of paragraph 4 of subsection (2), the licensed vendor may submit to the Director a written notice that includes the following information:

1. The name, email address, if any, and mailing address of a direct-to-farm vendor who sells or transfers a Class 12 pesticide that was purchased from the licensed vendor.
2. A statement that the direct-to-farm vendor referred to in paragraph 1 has provided confirmation in writing to the licensed vendor that the criteria set out in paragraphs 2 and 3 of subsection (2) have been satisfied.

(6) A direct-to-farm vendor that has provided a confirmation referred to in paragraph 2 of subsection (5) shall, no later than 10 days after the direct-to-farm vendor no longer satisfies the criteria set out in paragraphs 2 and 3 of subsection (2), provide the licensed vendor with notice in writing that the direct-to-farm vendor no longer satisfies the criteria.

(7) The licensed vendor who receives the notice referred to in subsection (6) shall, no later than 10 days after receiving the notice, notify the Director in writing that the direct-to-farm vendor no longer satisfies the criteria set out in paragraphs 2 and 3 of subsection (2).

(8) The direct-to-farm vendor shall prepare a record of each sale and transfer of a Class 12 pesticide, setting out the following:

1. The unique name or other unique identifier of the Class 12 pesticide as it appears on the list referred to in subsection 101.1 (3).
2. The quantity of pesticide in each container and the number of containers sold or transferred.
3. The name and address of the purchaser or transferee.
4. The date of the sale or transfer of the pesticide.

(9) The direct-to-farm vendor shall keep the following records, information and documents for a period of at least two years after the record is prepared or the information and documents are collected by the vendor, or for such other period as the Director may require in writing:

1. The record required under subsection (8).
2. The information and documents collected under paragraph 2 of subsection (4).

(2) Subparagraph 2 i of subsection 96.1 (2) of the Regulation, as made by subsection (1), is revoked and the following is substituted:

- i. The purchaser is a person referred to in clause 45.1 (1) (a) who intends to use the pesticide.

26. (1) Subsection 98 (2) of the Regulation is revoked and the following substituted:

(2) If a person is authorized to sell or transfer a pesticide under this section, the person may sell or transfer the pesticide to any of the following persons:

1. A person who is exempt under section 10 of this Regulation from subsection 5 (1) of the Act with respect to the use of the pesticide, if the person presents a letter signed by the Director or a written approval mentioned in subsection 10 (2) of this Regulation confirming that the person is exempt.
2. A farmer who is exempt under section 42 of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of the pesticide, if the farmer provides one of the following:
 - i. The registration number assigned to the person under the *Farm Registration and Farm Organizations Funding Act, 1993*, if the person has been assigned a registration number.
 - ii. A document approved by the Director confirming that the person is a farmer.
3. If the pesticide is a Class 12 pesticide, any person who provides one of the following:
 - i. A copy of a seed amount declaration that is related to each farm property in respect of which the Class 12 pesticide is being purchased.
 - ii. Subject to subsection (2.1), a copy of a pest assessment report that is related to each farm property in respect of which the Class 12 pesticide is being purchased.
4. An inspector who is exempt under subsection 55 (1) of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of the pesticide, if the pesticide is a Class 3 or 4 pesticide and the inspector presents proof that he or she has been appointed as an inspector under the *Bees Act*.
5. A person who is exempt under subsection 55 (2) of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of the pesticide, if the pesticide is a Class 3 or 4 pesticide and the person presents his or her certificate of registration issued by the Provincial Apiarist under the *Bees Act*.
6. A person who is exempt under subsections 83 (2) of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of the pesticide, if the following conditions are met:
 - i. The person is also exempt under subsection 83 (3) of this Regulation from subsection 7 (2) of the Act.

- ii. The person presents a letter signed by the Director confirming that the person is exempt from subsections 5 (1) and 7 (2) of the Act.

(2.1) A pest assessment report cannot be used for the purposes of subparagraph 3 ii of subsection (2) unless the inspection confirmed under paragraph 4 of subsection 8.2 (1) was conducted within the 12-month period prior to the sale or transfer of the pesticide.

(2) Paragraph 3 of subsection 98 (2) of the Regulation, as remade by subsection (1), is revoked and the following substituted:

3. A person who is exempt under clause 45.1 (1) (a) of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of a Class 12 pesticide, if the following conditions are met:
 - i. The person provides the number and expiry date of the document issued by the body that provided the course described in subsection 45.1 (6), confirming the person's successful completion of the course.
 - ii. Subject to subsection (2.1), the person provides a copy of a pest assessment report that is related to each farm property in respect of which the Class 12 pesticide is being purchased.
 - iii. The person provides a written declaration, in a form approved by the Director, that the person has considered integrated pest management principles prior to the purchase of the Class 12 pesticide.

(3) The Table to section 98 of the Regulation is amended by adding the following item:

| | | | |
|----|----------|---|--|
| 8. | Class 12 | Licensed vendor of the Treated Seed class | 1. Licensed vendor of the Treated Seed class. 2. A person mentioned in subsection 98 (2). |
|----|----------|---|--|

27. (1) The Regulation is amended by adding the following sections:

Vendor of Treated Seed class, treated seed sales representative

100.1 (1) A treated seed sales representative shall be at least 16 years of age and shall have completed the training required under clause (2) (a).

(2) A person who is required to hold a vendor's licence of the Treated Seed class shall, with respect to each treated seed sales representative who represents the vendor,

- (a) ensure that the treated seed sales representative receives training with respect to the requirements of this Regulation that are relevant to acting as a treated seed sales representative;
- (b) keep a record of the date on which the treated seed sales representative received the training referred to in clause (a); and
- (c) if the treated sales representative meets the requirements of subsection (1), provide him or her with a form of identification that sets out,
 - (i) the name and licence number of the vendor,
 - (ii) the name of the treated seed sales representative, and
 - (iii) a statement that the person mentioned in subclause (ii) is a treated seed sales representative who represents the vendor.

(3) Every treated seed sales representative shall have the form of identification provided under clause (2) (c) readily available when representing a vendor at a location other than a sales outlet.

(4) A treated seed sales representative shall not facilitate the sale or transfer of a Class 12 pesticide unless,

- (a) if the purchaser is a person who is required to hold a vendor's licence of the Treated Seed class, the treated seed sales representative has collected the number and expiry date of the licence; or
- (b) if the purchaser is a person mentioned in paragraph 3 of subsection 98 (2), the treated seed sales representative has collected a copy of a pest assessment report or of a seed amount declaration required to be provided by the purchaser under that subsection.

(5) Every treated seed sales representative who collects information or a document under subsection (4) shall, within 30 days after collecting the information or document, submit the information or a copy of the document to the person he or she represents in respect of the sale or transfer and shall keep the information or document for a period of at least two years after the information or document is collected or for such other period as the Director may require in writing.

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Sale and transfer of Class 12 pesticides

101.01 (1) Subject to subsection (2), no person shall sell, offer to sell or transfer a Class 12 pesticide during the 12-month period commencing on August 31 in a year and ending on August 30 of the following year unless,

- (a) the name of the Class 12 pesticide appears in the list referred to in subsection 101.1 (3) with respect to that 12-month period;
- (b) if the Class 12 pesticide is corn seed, the person also has available to sell, offer to sell or transfer corn seed that is not a Class 12 pesticide;
- (c) if the Class 12 pesticide is soybean seed, the person also has available to sell, offer to sell or transfer soybean seed that is not a Class 12 pesticide;
- (d) subject to subsection (3), the sale, offer for sale or transfer is facilitated by a treated seed sales representative; and
- (e) the sale, offer for sale or transfer is carried out in accordance with the Act and the regulations.

(2) Subsection (1) does not apply to a person who sells, offers to sell or transfers a Class 12 pesticide if the person is exempt under paragraph 5 of subsection 96 (1) from the requirement to hold a vendor's licence with respect to the pesticide.

(3) Clause (1) (d) does not apply to a person who sells, offers to sell or transfers a Class 12 pesticide if,

- (a) the person has collected the information and documents set out in subsection 100.1 (4) directly from the purchaser; or
- (b) the purchaser holds a vendor's licence of the Treated Seed class.

(4) No person shall sell, offer to sell or transfer a Class 12 pesticide to a person mentioned in paragraph 3 of subsection 98 (2) in an amount that is greater than,

- (a) the amount of Class 12 pesticide required to perform an extermination in the total acreage of all application areas at all of the farm properties that are identified in the pest assessment report; or
- (b) the amount of Class 12 pesticide required to perform an extermination in the total acreage of all application areas at all of the farm properties that are identified in the seed amount declaration.

(5) If a sales outlet is required to be covered by a vendor's licence of the Treated Seed class, the person who is required to hold the licence shall ensure that all operations of the sales outlet are carried out in accordance with the Act and the regulations.

(6) Any person who advertises a pesticide that is a Class 12 pesticide shall clearly disclose the following information in the advertisement:

- 1. That the pesticide is a Class 12 pesticide.
- 2. Which of the following pesticide ingredients the pesticide contains:
 - i. Imidacloprid.
 - ii. Clothianidin.
 - iii. Thiamethoxam.
- 3. If the Class 12 pesticide is corn seed, that corn seed that is not a Class 12 pesticide is also available for sale or transfer from the vendor of the Class 12 pesticide.
- 4. If the Class 12 pesticide is soybean seed, that soybean seed that is not a Class 12 pesticide is also available for sale or transfer from the vendor of the Class 12 pesticide.

(7) In this section,

“advertise” includes,

- (a) providing, by print, publication, broadcast, telecommunication or distribution by any means, information for the purpose of promoting the sale, offer for sale or transfer of a Class 12 pesticide,
- (b) providing a link on a website for the purpose of promoting the sale, offer for sale or transfer of a Class 12 pesticide, other than a link generated as the result of a search carried out by means of an internet search engine, and
- (c) entering into a sponsorship relationship for the purpose of promoting the sale, offer for sale or transfer of a Class 12 pesticide.

(2) Clause 100.1 (4) (b) of the Regulation, as made by subsection (1), is amended by striking out “a copy of a pest assessment report or of a seed amount declaration” and substituting “the information and documents”.

(3) Subsection 100.1 (5) of the Regulation, as made by subsection (1), is revoked and the following substituted:

(5) Every treated seed sales representative who collects information and documents under subsection (4) shall, within 30 days after collecting the information and documents, submit the information and a copy of the documents to the person he or

she represents in respect of the sale or transfer and shall keep the information and documents for a period of at least two years after the information and documents are collected or for such other period as the Director may require in writing.

(4) Subsection 101.01 (4) of the Regulation, as made by subsection (1), is revoked and the following substituted:

(4) No person shall sell, offer to sell or transfer a Class 12 pesticide to a person mentioned in paragraph 3 of subsection 98 (2) in an amount that is greater than the amount of Class 12 pesticide required to perform an extermination in the total acreage of all application areas at all of the farm properties that are identified in the pest assessment report.

28. The Regulation is amended by adding the following section:

List of Class 12 pesticides to be offered for sale

101.1 (1) Subject to subsection (2), no later than July 31 in each year, a person who is required to hold a vendor's licence of the Treated Seed class shall, with respect to each Class 12 pesticide that the person intends to offer for sale or transfer during the 12-month period commencing on August 31 of that year and ending on August 30 of the following year, submit the following information to the Director:

1. The pesticide's unique name or other unique identifier.
2. The pesticide's variety name.
3. The concentration, in milligrams per seed, of imidacloprid, clothianidin and thiamethoxam contained in the pesticide.
4. The name of the manufacturer of the pesticide.
5. The name and class of the pesticide that was used to treat the seed so that it became the Class 12 pesticide, and the registration number assigned to the pesticide under the *Pest Control Products Act* (Canada).

(2) Despite subsection (1), if the unique name or other unique identifier of the Class 12 pesticide that the person referred to in subsection (1) intends to offer for sale or transfer has already been submitted to the Director for the 12-month period, the person is not required to submit the information required under subsection (1) with respect to the pesticide.

(3) No later than August 31 in each year, the Director shall ensure that a list containing each pesticide's unique name or other unique identifier submitted under paragraph 1 of subsection (1) and the information submitted under paragraphs 2 to 5 of subsection (1) in respect of each pesticide is available at the Ministry's Public Information Centre and on a website of the Government of Ontario.

(4) If, after submitting the information required under subsection (1) in any year, the person referred to in subsection (1) intends to offer for sale an additional Class 12 pesticide that was not included in the information submitted, the person shall submit to the Director the information required under subsection (1) with respect to the additional Class 12 pesticide as soon as reasonably possible.

(5) If the person referred to in subsection (1) submits updated information with respect to a Class 12 pesticide under subsection (4), the Director shall ensure that the list and the information referred to in subsection (3) is updated accordingly.

29. (1) Subsection 102 (1) of the Regulation is amended by striking out "Class 1, 2 or 3 pesticide" in the portion before clause (a) and substituting "Class 1, 2, 3 or 12 pesticide".

(2) Clause 102 (1) (a) of the Regulation is revoked and the following substituted:

- (a) a description of the pesticide sold or transferred, including,
- (i) the pesticide's unique name and the class into which it has been classified,
 - (ii) if the pesticide is a Class 1, 2 or 3 pesticide, the pesticide's registration number assigned to it under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada),
 - (iii) if the pesticide is a Class 12 pesticide,
 - (A) the pesticide's unique name or other unique identifier as it appears in the list referred to in subsection 101.1 (3),
 - (B) the concentration, in milligrams per seed, of imidacloprid, clothianidin and thiamethoxam contained in the pesticide that has been made available by the Director under subsection 101.1 (3),
 - (C) the application rate of the pesticide, as provided by the purchaser or transferee,
 - (D) the location and acreage of each farm property at which an application area in or on which a Class 12 pesticide may be used is located, as set out in a document referred to in paragraph 3 of subsection 98 (2) and provided in respect of the sale or transfer, identified by,
 - (1) the municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code, or

- (2) if there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property,
- (E) the acreage of each application area referred to in sub-subclause (D),
- (F) the number of acres on which the pesticide could be used, determined using the formula,

$$A \times B \div C$$

in which,

“A” is the quantity of pesticide recorded under subclause (iv),

“B” is the number of containers recorded under subclause (v), and

“C” is the application rate recorded under subsubclause (C);

- (G) with respect to a pest assessment report provided under paragraph 3 of subsection 98 (2), the date, referred to in paragraph 9 of subsection 8.2 (1) and set out in the pest assessment report, that the inspection confirmed under paragraph 4 of subsection 8.2 (1) was conducted, and
- (H) with respect to a seed amount declaration provided under paragraph 3 of subsection 98 (2), the date, referred to in paragraph 12 of section 8.3 and set out in the seed amount declaration, that the declaration was signed.

(iv) the quantity of pesticide in each container, and

(v) the number of containers referred to in subclause (iv) sold or transferred;

(3) Subsubclause 102 (1) (a) (iii) (D) of the Regulation, as made by subsection (2), is amended by striking out “in a document” and substituting “in the pest assessment report”.

(4) Subsubclause 102 (1) (a) (iii) (H) of the Regulation, as made by subsection (2), is revoked.

(5) Clause 102 (1) (d) of the Regulation is revoked and the following substituted:

- (d) if the purchaser or transferee holds a licence or permit to use the pesticide or a licence to sell or transfer the pesticide, the type, class, number and expiry date of the licence or permit; and

(6) Subsection 102 (1) of the Regulation is amended by striking out “and” at the end of clause (e) and by revoking clause (f).

(7) Section 102 of the Regulation is amended by adding the following subsection:

(1.1) If a person who is required to hold a vendor’s licence of the Treated Seed class is required to submit information under subsection 101.1 (1) in respect of a 12-month period, the person shall prepare a record of each sale and transfer of corn seed and soybean seed that is not a Class 12 pesticide during that 12-month period setting out,

- (a) the date of the sale or transfer of the corn seed or soybean seed, as the case may be;
- (b) the mass, in kilograms, of the seed sold or transferred; and
- (c) the number of acres on which the seed could be planted given the planting rate of the seed and the mass sold or transferred.

(8) Subsection 102 (2) of the Regulation is revoked and the following substituted:

(2) A person who is required to hold a vendor’s licence shall keep the following records and documents for a period of at least two years after the record or document is prepared, if it is prepared by the vendor, or for a period of at least two years after the document is received by the vendor, or for such other period as the Director may require in writing:

1. A record mentioned in subsection (1) that pertains to a Class 1, 2, 3 or 4 pesticide.
2. If any sale or transfer of a Class 1, 2, 3 or 4 pesticide is carried out by the person to a purchaser or transferee mentioned in subsection 98 (2), the information and a copy of the documents required to be presented or provided under that subsection.

(3) A person who is required to hold a vendor’s licence shall keep the following records and documents for a period of at least four years after the record or document is prepared, if it is prepared by the vendor, or for a period of at least four years after the document is received by the vendor, or for such other period as the Director may require in writing:

1. A record mentioned in subsection (1) or (1.1) that pertains to a Class 12 pesticide.
2. If a sale or transfer of a Class 12 pesticide is carried out by the person to a purchaser or transferee mentioned in paragraph 3 of subsection 98 (2), the information and a copy of the documents required to be provided under that subsection.

(4) A person who is required to hold a vendor's licence of the Treated Seed class shall provide each purchaser of corn seed or soybean seed with a record that clearly identifies which seed is a Class 12 pesticide and shall keep a copy of each record for a period of at least two years after it is provided.

(5) A person who is exempt from subsection 5 (1) of the Act with respect to the performance of an extermination by means of a Class 12 pesticide and who received a record pursuant to subsection (4) shall keep the record for a period of at least two years after it is received.

(6) If the Director or a provincial officer makes a request for a document or record referred to in subsection (2), (3), (4) or (5) during the two-year period, four-year period or other period required by the Director, as the case may be, the person shall,

- (a) give a copy of the document or record requested by the Director to the Director within 30 days after receiving the request; or
- (b) give a copy of the document or record requested by the provincial officer to the provincial officer immediately.

30. (1) The Regulation is amended by adding the following section:

Records of seed treating services

102.1 (1) A custom seed treater shall prepare a record of each seed treating service provided setting out the following:

1. The date the seed treating service was provided.
2. The name and address of the person for whom the seed treating service was provided.
3. If a copy of a seed amount declaration was provided under paragraph 1 of subsection 45.2 (1) with respect to the Class 12 pesticide, the date, referred to in paragraph 12 of section 8.3 and set out in the seed amount declaration, that the declaration was signed.
4. If a copy of a pest assessment report was provided under paragraph 1 of subsection 45.2 (1) with respect to the Class 12 pesticide, the date, referred to in paragraph 9 of subsection 8.2 (1) and set out in the pest assessment report, that the inspection confirmed under paragraph 4 of subsection 8.2 (1) was conducted.
5. The location and acreage of each farm property at which an application area in or on which a Class 12 pesticide may be used is located, as set out in a document referred to in paragraph 1 of subsection 45.2 (1) and provided in respect of the seed treating service, identified by one of the following:
 - i. The municipal address of the farm property including, where applicable, the street number or other assigned property address number, street name, street direction, unit number, rural route number, town or city and postal code.
 - ii. If there is no municipal address, the legal description of the farm property including, where applicable, every assessment roll number or property identifier number that relates to the farm property.
6. The mass, in kilograms, of corn seed or soybean seed treated.
7. The application rate of the Class 12 pesticide, as provided by the person for whom the seed treating service was provided.
8. The number of acres on which the pesticide could be used, determined using the formula,

$$A \div B$$

in which,

“A” is the mass recorded under paragraph 6, and

“B” is the application rate recorded under paragraph 7;

9. The following information with respect to the pesticide that was used to treat the seed so that it became a Class 12 pesticide:
 - i. The name and class of the pesticide.
 - ii. The registration number assigned to the pesticide under the *Pest Control Products Act* (Canada).
10. The concentration, in milligrams per seed, of imidacloprid, clothianidin and thiamethoxam contained in the Class 12 pesticide.
11. The acreage of each application area that is identified in the pest assessment report referred to in paragraph 4 or the seed amount declaration referred to in paragraph 3, as the case may be.

(2) A custom seed treater who is required to prepare a record under subsection (1) shall keep the record for a period of at least four years after the record is prepared, or for such other period as the Director may require in writing.

(2) Paragraph 3 of subsection 102.1 (1) of the Regulation, as made by subsection (1), is revoked and the following substituted:

3. If the person to whom the service was provided is a person who is exempt under clause 45.1 (1) (a) of this Regulation from subsection 5 (1) of the Act with respect to the performance of an extermination by means of a Class 12 pesticide, the number and expiry date of the document issued by the body that provided the course described in subsection 45.1 (6), confirming the person's successful completion of the course.

(3) Paragraph 4 of subsection 102.1 (1) of the Regulation, as made by subsection (1), is amended by striking out "If a copy of a pest assessment report was provided" and substituting "With respect to the pest assessment report provided".

(4) Paragraph 11 of subsection 102.1 (1) of the Regulation, as made by subsection (1), is amended by striking out "or the seed amount declaration referred to in paragraph 3, as the case may be" at the end.

31. The Regulation is amended by adding the following section:

Reports, vendors of the Treated Seed class and custom seed treaters

102.2 (1) Subject to subsection (2), no later than October 31, 2016 and October 31 in each following year, a person who is required to hold a vendor's licence of the Treated Seed class shall, with respect to the previous 12-month period that ended on August 30 of that year, submit a report to the Director that includes the following information with respect to corn seed and, separately, with respect to soybean seed:

1. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained imidacloprid.
2. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained clothianidin.
3. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained thiamethoxam.
4. The total mass, in kilograms, of imidacloprid in all Class 12 pesticides sold or transferred.
5. The total mass, in kilograms, of clothianidin in all Class 12 pesticides sold or transferred.
6. The total mass, in kilograms of thiamethoxam in all Class 12 pesticides sold or transferred.
7. The following information, based on the information required to be recorded under sub-subclause 102 (1) (a) (iii) (F):
 - i. The total number of acres on which Class 12 pesticides that contained imidacloprid could have been used.
 - ii. The total number of acres on which Class 12 pesticides that contained clothianidin could have been used.
 - iii. The total number of acres on which Class 12 pesticides that contained thiamethoxam could have been used.
8. The total mass, in tonnes, of corn seed or soybean seed, as the case may be, sold or transferred that are not Class 12 pesticides.
9. The total number of acres on which corn seed or soybean seed, as the case may be, sold or transferred that are not Class 12 pesticides could have been planted.

(2) Subsection (1) does not apply with respect to the sale or transfer of a Class 12 pesticide to a vendor who holds a licence of the Treated Seed class.

(3) No later than October 31, 2016 and October 31 in each following year, a custom seed treater shall, with respect to the previous 12-month period that ended on August 30 of that year, submit a report to the Director that includes the following information with respect to seed treating services provided with respect to corn seed and, separately, with respect to soybean seed:

1. The total mass, in tonnes, of Class 12 pesticides treated with a pesticide that contained imidacloprid.
2. The total mass, in tonnes, of Class 12 pesticides treated with a pesticide that contained clothianidin.
3. The total mass, in tonnes, of Class 12 pesticides treated with a pesticide that contained thiamethoxam.
4. The total mass, in kilograms, of imidacloprid used to treat corn seed or soybean seed, as the case may be.
5. The total mass, in kilograms, of clothianidin used to treat corn seed or soybean seed, as the case may be.
6. The total mass, in kilograms, of thiamethoxam used to treat corn seed or soybean seed, as the case may be.
7. The following information, based on the information required to be recorded under paragraph 8 of subsection 102.1 (1):
 - i. The total number of acres on which Class 12 pesticides that contained imidacloprid could have been used.
 - ii. The total number of acres on which Class 12 pesticides that contained clothianidin could have been used.
 - iii. The total number of acres on which Class 12 pesticides that contained thiamethoxam could have been used.

(4) No later than January 31, 2017 and January 31 in each following year, the Director shall ensure that a summary is available on a website of the Government of Ontario setting out the following information with respect to corn seed and, separately, with respect to soybean seed based on the information provided in the reports submitted under subsections (1) and (3):

1. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained imidacloprid and of Class 12 pesticides treated with a pesticide that contained imidacloprid.
2. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained clothianidin and of Class 12 pesticides treated with a pesticide that contained clothianidin.
3. The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained thiamethoxam and of Class 12 pesticides treated with a pesticide that contained thiamethoxam.
4. The total mass, in tonnes, of corn seed or soybean seed, as the case may be, sold or transferred that were not Class 12 pesticides.
5. The total number of acres on which the Class 12 pesticides referred to in paragraphs 1, 2 and 3 could have been used.

(5) No later than October 31, 2016 and October 31 in each following year, if a person who is required to hold a vendor's licence of the Treated Seed class or a custom seed treater has been provided with a copy of a pest assessment report during the previous 12-month period that ended on August 30 of that year, the person shall submit a copy of the report to the Minister of Agriculture, Food and Rural Affairs.

32. Subclause 104 (2) (b) (ii) of the Regulation is amended by adding at the beginning "if the pesticide is not a Class 12 pesticide".

33. The Regulation is amended by adding the following Schedules:

SCHEDULE 1

| Item | Geographic Area |
|------|--------------------------------|
| 1. | Dufferin |
| 2. | Frontenac |
| 3. | Halton |
| 4. | Lambton |
| 5. | Middlesex |
| 6. | Muskoka |
| 7. | Prince Edward |
| 8. | Stormont, Dundas and Glengarry |
| 9. | Toronto |
| 10. | Wellington |

SCHEDULE 2

| Item | Geographic Area |
|------|-----------------|
| 1. | Bruce |
| 2. | Elgin |
| 3. | Grey |
| 4. | Haldimand |
| 5. | Hamilton |
| 6. | Huron |
| 7. | Nipissing |
| 8. | Norfolk |
| 9. | Ottawa |
| 10. | Oxford |
| 11. | Peel |
| 12. | Sudbury |
| 13. | Waterloo |

SCHEDULE 3

| Item | Geographic Area |
|------|-----------------|
| 1. | Algoma |
| 2. | Brant |
| 3. | Chatham-Kent |
| 4. | Cochrane |
| 5. | Durham |
| 6. | Essex |
| 7. | Haliburton |

| | |
|-----|----------------------|
| 8. | Hastings |
| 9. | Kawartha Lakes |
| 10. | Kenora |
| 11. | Lanark |
| 12. | Leeds and Grenville |
| 13. | Lennox and Addington |
| 14. | Manitoulin |
| 15. | Niagara |
| 16. | Northumberland |
| 17. | Parry Sound |
| 18. | Perth |
| 19. | Peterborough |
| 20. | Prescott and Russell |
| 21. | Rainy River |
| 22. | Renfrew |
| 23. | Simcoe |
| 24. | Thunder Bay |
| 25. | Timiskaming |
| 26. | York |

Commencement

34. (1) Subject to subsections (2), (3) and (4), this Regulation comes into force on the later of July 1, 2015 and the day it is filed.

(2) Sections 10 and 11, subsection 20 (1), section 22, subsections 24 (3), 25 (1), 26 (1) and (3), 27 (1), 29 (1), (2), (5), (6), (7), and (8) and 30 (1) and section 31 come into force on the later of August 31, 2015 and the day this Regulation is filed.

(3) Subsections 1 (6), 8 (3), 19 (2), 20 (2), (3) and (4), 23 (2), 25 (2), 26 (2), 27 (2), (3) and (4), 29 (3) and (4) and 30 (2), (3) and (4) come into force on the later of August 31, 2016 and the day this Regulation is filed.

(4) Subsection 8 (2) comes into force on the later of August 31, 2017 and the day this Regulation is filed.

Français

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