

Guide to Pesticide Licensing

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Guide to Pesticide Licensing and Certification

June 2015

Pesticides Act
R.S.O. 1990, Chapter P.11
and Ontario Regulation 63/09

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For more information on this report, please contact the
Ontario Ministry of the Environment and Climate Change's
Public Information Centre

Toll free 1-800-565-4923

In the GTA 416-325-4000

TTY 1-800-515-2759

Email picemail.moe@ontario.ca

Website www.ontario.ca/environment

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The information contained in this Guide is of a general nature only and is not intended to constitute advice for any specific situation. While every effort has been made to ensure the accuracy of the information contained in this Guideline, it should not be construed as legal advice. In the event of conflict with the requirements identified in Ontario Regulation 63/09, then the regulatory requirements shall determine the appropriate approach. Please note that the text of many Ontario statutes and regulations are available on the Internet at www.ontario.ca/laws.

For information about pesticide training and certification, please contact Ridgetown Campus, University of Guelph toll free at 1-888-620-9999 or locally at (519) 674-1575. For information about pesticide licensing or to obtain an application package please contact the Environmental Approvals Access and Service Integration Branch locally at 416-314-8001 or toll free at 1-800-461-6290. Application information is also available on the Ministry of the Environment and Climate Change Internet site at www.ontario.ca/environment-and-energy/pesticide-licences-and-permits.

FOREWORD

The Ministry of the Environment and Climate Change (MOECC) pesticide licensing program is regulated by the *Pesticides Act* and Ontario Regulation 63/09 (O. Reg. 63/09). There are three types of licences – exterminator, vendor and operator. In accordance with legislation, the Environmental Approvals Access and Service Integration Branch manages licensing for the sale and use of pesticides.

The *Pesticides Act* defines “pesticide” as any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the federal *Pest Control Products Act*.

In order to use or sell a pesticide in Ontario, it must be classified. As set out in O. Reg. 63/09, Ontario has established a pesticide classification system consisting of twelve classes.

- Class 1 pesticides are products intended for manufacturing purposes
- Class 2, 3 and 4 pesticides are restricted or commercial products
- Class 5 and 6 pesticides are domestic products intended for household use
- Class 7 pesticides are controlled sale products (domestic or restricted)
- Class 8 pesticides are domestic products that are banned for sale and use
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban
- Class 10 pesticides are ingredients in products for the poisonous plant exception
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban
- Class 12 pesticides (As of July 1, 2015), is a corn or soybean seed treated with neonicotinoid insecticides (imidacloprid, clothianidin or thiamethoxam).

Details on the criteria for classifying pesticides (pertaining to Classes 1 to 11) are set out in the Pesticide Classification Guideline for Ontario available at www.ontario.ca/neonics. The class determines sale and/or use requirements and what restrictions (e.g., requires a licence and/or permit) are placed on its use. For current information on classified products, consult the Ministry of the Environment and Climate Change web site at www.ontario.ca/environment-and-energy/classification-pesticides.

A pesticide licence is required if you wish to sell pesticides (Vendor Licence), apply pesticides (Exterminator Licence), or operate a business that employs persons that apply pesticides commercially (Operator (General) Licence). Pesticide Vendors and Exterminators are required to meet certain requirements.

INFORMATION FOR APPLICANTS

A complete application consists of:

- A completed, signed application form for the appropriate licence type;
- Proof of training or certification (Exterminators and outlet representatives for General Vendors);
- Payment of application fee by certified cheque, money order or credit card.

Please Note: Incomplete applications will be returned.

Please forward your completed application to:

Director, Pesticides Act
Environmental Approvals Access and Service Integration Branch
Ministry of the Environment and Climate Change
135 St. Clair Ave W, 1st Floor
Toronto ON M4V 1P5

Compliance and Enforcement

The ministry manages its approach to compliance and enforcement through education and outreach, inspections, response to incidents, voluntary abatement, orders, tickets and prosecutions. Questions or non-compliance reports should be directed to a ministry district office during regular business hours (look in the Blue Pages in your telephone directory or see a listing on the ministry's web site at www.ontario.ca/ministry-environment-and-climate-change).

After business hours call the ministry's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

EXTERMINATOR LICENCES

Unless exempt, a person who applies pesticides requires an Exterminator Licence from the MOECC authorizing pesticide use according to the terms and conditions of the licence. It should be noted that there is no exterminator licence that authorizes the use of a Class 12 pesticides. Accordingly, a person that uses Class 12 pesticides (treated seeds) must meet the requirements set out in section 45.1 of O. Reg. 63/09).

Unless exempt from requiring a licence, all new exterminators are required to take an MOECC approved course and pass a certification exam. For information regarding pesticide training and certification please contact Ridgetown Campus, University of Guelph toll free at 1-888-620-9999 or locally at (519) 674-1575, or go to www.ontariopesticide.com . All pesticide exterminator licence holders must be at least sixteen years of age. Exterminator licences are **valid for a five year period**, after which time the licence must be renewed.

Exterminator Licences - Structural

Class of licence	Pesticides authorized for use under the licence	Conditions for use
Fumigation Commodity	<ol style="list-style-type: none"> 1. Aluminum phosphide. 2. Magnesium phosphide. 3. Phosphine. 4. A mixture of carbon dioxide and any of the following: aluminum phosphide, magnesium phosphide, or phosphine. 5. Insecticides, including suspensions in air, that are Class 3, 4, 5, 6 or 7 pesticides that are labelled for use in the extermination of pests associated with the commodity being fumigated. 	Use in a fumigation of a commodity or other structural extermination of pests associated with a commodity, if the commodity is enclosed in a container including a shipping container, silo, bin, vehicle or vault or under a covering that suppresses the release of gas.
Fumigation General	<ol style="list-style-type: none"> 1. Fumigant gases. 2. Chloropicrin. 	Use in any fumigation.
Fumigation Soil	<ol style="list-style-type: none"> 1. Fumigant gases. 2. Chloropicrin. 	Use in any of the following: <ol style="list-style-type: none"> 1. A fumigation of soil inside a building, with gas enclosed under a covering that suppresses the release of gas. 2. A fumigation of soil that is not inside a building, with gas enclosed under a covering that suppresses the release of gas. No use in fumigation of rodent burrows.
Fumigation Vault	<ol style="list-style-type: none"> 1. Methyl bromide. 2. Ethylene oxide. 3. Carbon dioxide. 	Use in a fumigation in a vault.
Greenhouse/Interior Plant	All pesticides, including fumigants and suspensions in air, except for the following: <ol style="list-style-type: none"> 1. Fumigant gases. 2. Chloropicrin. 3. Termiticides. 	Use in a structural extermination to control pests of plants growing inside greenhouses and other buildings or structures, including use in areas on or immediately surrounding greenhouses, buildings or structures.

Exterminator Licences - Structural (*continued*)

Class of licence	Pesticides authorized for use under the licence	Conditions for use
Structural	All pesticides, including fumigants and suspensions in air, except for the following: <ol style="list-style-type: none"> 1. Fumigant gases. 2. Chloropicrin. 3. Termiticides. 4. Herbicides. 	Use in any structural extermination, except for an extermination to control pests of plants. Use in a land extermination mentioned in subsection 71 (1) of O. Reg. 63/09.
Termite	All termiticides, including fumigants and suspensions in air, except for the following: <ol style="list-style-type: none"> 1. Fumigant gases. 2. Chloropicrin. 	Use in a structural extermination to prevent or control termites.

Exterminator Licences – Land

Class of licence	Pesticides authorized for use under the licence	Conditions for use
Aerial	Any pesticide that may be used by an aerial application according to the directions on the pesticide's label.	Use in a land extermination performed by aerial application. Use in a water extermination mentioned in section 85 of O. Reg. 63/09.
Agriculture	Any pesticide that is not a fumigant gas, other than a fumigant gas that contains aluminum phosphide.	Use in a land extermination for the purposes of an agricultural operation. Use in a structural extermination mentioned in section 56 of O. Reg. 63/09.
Industrial Vegetation	All herbicides, insecticides and fungicides, except for fumigant gases.	Use in a land extermination to control vegetation if the extermination is performed for the benefit of a public work or to allow access to the public work. Use in a structural extermination mentioned in section 57 of O. Reg. 63/09. Use of insecticides and fungicides on inground wooden poles only.
Forestry	All pesticides, except for fumigant gases.	Use in a land extermination performed for the purposes of forestry.
Landscape	All pesticides, except for fumigant gases.	Use in a land extermination to maintain turf or ornamental plantings on residential, recreational, commercial or public land or to maintain ornamental plants intended for sale, including the following uses: <ol style="list-style-type: none"> 1. Use on the outside of buildings or structures for the purpose of exterminating pests directly associated with turf or ornamental plantings. 2. Use for the purpose of maintaining treed areas not exceeding one hectare in size. 3. Use for the purpose of maintaining rights of way or easements that are not related to a public work.

Exterminator Licences – Water

Class of licence	Pesticides authorized for use under the licence	Conditions for use
Aquatic Vegetation	Herbicides.	Use in a water extermination.
Fish/Mollusc	Pesticides labelled for use in a water extermination of fish, sea lamprey or molluscs.	Use in a water extermination.
Mosquito/Biting Flies	Insecticides labelled for use in an extermination of mosquitoes and other biting flies.	Use in a water extermination. Use in a land extermination mentioned in subsection 71 (2) of O. Reg. 63/09.

SUPERVISEES AND ASSISTANTS

Trainee

A person that is hired as an assistant to a licensed exterminator and who has **not** successfully completed a MOECC approved pesticides safety training course and practical training from a licensed exterminator is described as a **trainee**. A trainee requires direct supervision by a licensed exterminator at all times. O. Reg. 63/09 defines “trainee” to mean a person, other than a technician or licensed exterminator, who is at least 16 years of age and who performs exterminations or assists in the performance of exterminations under the supervision of a licensed exterminator.

Technician

A trainee that successfully completes an MOECC approved pesticides safety training course **and** has received practical training from a licensed exterminator is referred to as a **technician**. O. Reg. 63/09 defines a “technician” to mean a person who is at least 16 years of age and,

- (a) has successfully completed, within the previous 24 months, a course approved by the Director for technicians concerning basic pesticide safety, or
- (b) has satisfied the Director that he or she has equivalent qualifications to the qualifications described in clause (a).

For information regarding pesticide training courses for technicians contact:

Ridgetown Campus
University of Guelph
1-888-620-9999
www.ontariopesticide.com

Pesticide Industry
Council
1-800-265-5656
www.ptppic.org

Pesticide Industry
Regulatory Council
1-800-615-9813
www.oipma.ca

Class 12 Supervisee

A Class 12 supervisee may perform an extermination by means of a Class 12 pesticide for the purposes of an agricultural operation and is exempt from the requirement to have an exterminator’s licence.

A Class 12 supervisee is a person who meets the conditions set out in O. Reg. 63/09 with respect to a supervisee and is supervised by a person who:

- (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, an integrated pest management (IPM) training course described in subsection 45.1 (6) of O. Reg. 63/09, 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.

Conditions Relating to Extermination

The following conditions must be met if an unlicensed person (supervisee) is performing an extermination (see s. 46 of the regulation). Similar rules apply to persons (assistant) who assist with an extermination (see s.47 of the regulation):

Supervisee	Conditions
<p>Technician or Exterminator Licence holder of a class other than the class that authorizes the extermination being performed</p>	<ol style="list-style-type: none"> 1. The supervisee must not do any of the following: <ol style="list-style-type: none"> i. Select or recommend to a person a pesticide for use in an extermination. ii. Select the method of application or the rate of application of a pesticide used in an extermination. iii. Use a Class 2 pesticide. iv. Use a Class 3 pesticide that is an avicide, rodenticide, fumigant or suspension in air, except in the presence of a licensed exterminator authorized to use the pesticide. 2. The supervisee must have readily available at the extermination site a work order, invoice, job sheet or other form of written instructions respecting the extermination, including the following information: <ol style="list-style-type: none"> i. The location of the extermination site. ii. The pest to be exterminated. iii. The name of the pesticide to be used and its registration number assigned to it under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada). iv. The name and licence number of the supervising licensed exterminator. v. A unique number or other identifier by which the extermination is identified in the business records of the supervisee's employer. 3. When visited by the supervising licensed exterminator at the extermination site, the supervisee must request that the supervising licensed exterminator enter his or her licence number, signature and the date on the written instructions. 4. The supervisee must carry or have readily available at any extermination site all written instructions that have been signed over the last 30 days by a supervising licensed exterminator.
<p>Trainee</p>	<p>The trainee must not do any of the following:</p> <ol style="list-style-type: none"> 1. Select or recommend to a person a pesticide for use in an extermination. 2. Select the method of application or the rate of application of a pesticide used in an extermination. 3. Use a Class 2 pesticide.
<p>Class 12 Supervisee</p>	<ol style="list-style-type: none"> 1. The Class 12 supervisee must not select the pesticide, application area or application rate of the pesticide. 2. The Class 12 supervisee must have the written instructions readily available at the extermination site that include the following: <ol style="list-style-type: none"> i. Name of the Class 12 supervisee ii. The location of each farm property at which the extermination is to be performed, a sketch showing the location and acreage of each farm property and each application area in which the extermination is to be performed and

Supervisee	Conditions
	<p>the assessment roll number of the parcel of land in which each application area is located.</p> <ul style="list-style-type: none"> iii. Application rate of each Class 12 pesticide that is to be used in the extermination iv. A confirmation from the supervisor that the unique name or other unique identifier of each Class 12 pesticide to be used in the extermination appears on the list of Class 12 pesticides made available by the director in accordance with subsection 9.1 (1) of O. Reg. 63/09 v. The directions required to be set out on the label or tag of each Class 12 pesticide to be used in the extermination and instructions to comply with those directions.

PESTICIDE PERMITS

Certain types of pesticide application require a permit, issued by the local Ministry of the Environment and Climate Change Regional Office.

Examples of pesticide use that may require a permit include:

1. Use of a Class 2 pesticide to fumigate a building, portion of a building, or in a vehicle or structure.
2. Use of a Class 2 pesticide to destroy bees in a structural extermination.
3. Land application of a Class 2, 3 or 4 pesticide that contains picloram.
4. Aerial application of a Class 2 pesticide.
5. Aerial application of a pesticide that contains 2, 4-D, 2, 4DB, mecoprop, MCPA, MCPB, dichlorprop, dicamba, paraquat or triclopyr.
6. Aerial application of a Class 3 or 4 pesticide performed in connection with the management of a crown forest.
7. Water application of pesticides.

Questions regarding pesticide permits should be directed to your local Ministry of the Environment and Climate Change Regional Office (look in the Blue Pages in your telephone directory or see a listing on the ministry's web site at www.ontario.ca/ministry-environment-and-climate-change).

OPERATOR (GENERAL) LICENCES

Unless exempt under the regulation any person that operates a pesticide extermination business in Ontario must hold an Operator (General) Licence from the MOECC. If you apply pesticides commercially you must have an Operator (General) Licence or be working for someone that has an Operator (General) Licence.

To qualify for an Operator (General) Licence, you must:

- Hold a valid Ontario Exterminator Licence of any type or class. In the case of a corporation, the designated official representative must hold a valid Ontario Exterminator Licence of any type or class;
- Be 18 years of age or older; and
- Have insurance coverage for the pesticide extermination business as outlined in s.93 of O. Reg. 63/09.

Licensed operators are responsible for ensuring that:

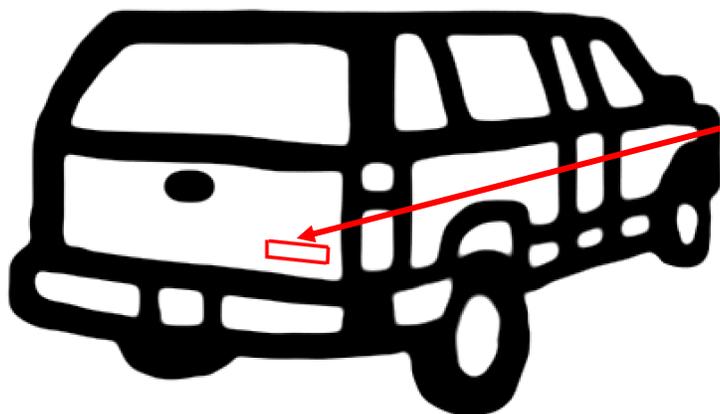
- All vehicles used to transport pesticides display an MOECC issued operator sticker for the current year;
- They carry valid and up-to-date insurance as outlined in O. Reg. 63/09;
- All of their employees possess the appropriate training, licence and/or supervision;
- All pesticide applications are performed in compliance with the *Pesticides Act* and O. Reg. 63/09;
- The public notification requirements of O. Reg. 63/09 are adhered to; and
- Written notice is given to the Fire Department responsible for the area in which pesticides are stored (where appropriate).

Conditions	What the Licence Holder May Do
<ul style="list-style-type: none"> • Licence is renewed annually on February 15th • Must be eighteen years of age or older or, in the case of a corporation the official representative(s) must be at least eighteen years of age • Every operator that stores Class 1-8 pesticides must give written notice annually to the Fire Department responsible for the area in which the pesticide is stored • Operators must use an identification marker for vehicles transporting pesticides • Have a licenced exterminator in charge at each location who is normally present at least once during each business day 	<ul style="list-style-type: none"> • Operate a pest control business (land, structural and/or water) for fee or payment.
	What the Licence Holder Must Have

VEHICLE IDENTIFICATION

A person required to hold an operator's licence must ensure that a current identification marker is affixed to the rear of all vehicles that store or transport pesticides. This includes pesticides stored or transported in the cab (passenger compartment) of a vehicle, in the trunk of a vehicle, in a tank mounted in/on a vehicle or in/on a trailer towed by the vehicle. The identification marker must indicate the current calendar year and contain the words "Licensed Operator, *Pesticides Act*." These identification markers are distributed to licensed operators based on the number of vehicles they currently have in use.

Additional identification markers are available by calling the Environmental Approvals Access and Service Integration Branch of the Ministry of the Environment and Climate Change toll free at 1-800-461-6290, locally at 416-314-8001 or by email: EAASIBGen@ontario.ca.



Identification marker for current year must be affixed to all vehicles used to store or transport pesticides. Markers will read "Licensed Operator, *Pesticides Act*" and are available from the Ministry of the Environment and Climate Change with your new or renewed Operator licence.

NOTE:

If a vehicle is left unsupervised (i.e., the person responsible is at any time not in view of the vehicle) and that vehicle holds a pesticide that is mixed or diluted or not, the vehicle must be in an area that is not accessible to the public or the pesticide must be locked in a compartment. In addition, a sign must be posted that has the words, "WARNING" and "AUTHORIZED PERSONS ONLY" and the words, "CHEMICAL STORAGE" or "PESTICIDE STORAGE". These signs are available through various safety and farm suppliers and not from the MOECC.

OPERATOR INSURANCE REQUIREMENTS

A person required to hold an Operator's licence must have specific insurance coverage that covers the operation of their pest control business. You cannot operate an extermination business in Ontario without insurance that meets the criteria outlined in s.93 of O. Reg. 63/09. These requirements are summarized below.

1. O. Reg. 63/09 made under the *Pesticides Act* requires that every operator of an extermination business in Ontario shall carry insurance.
2. The insurance must be in a form approved by the Superintendent of Financial Services of the Province of Ontario.
3. The contract of insurance shall provide for at least **\$1,000,000** of comprehensive coverage for liabilities of the operator and all of the operator's employees, with respect to death, injury or property damage arising out of any one incident.
4. The contract of insurance shall also provide for pollution coverage for emissions or discharges of chemicals into the environment as part of the business operated under authority of the licence. This contract of insurance shall provide for at least **\$200,000** of pollution coverage with respect to death, injury or property damage arising out of any one incident.
5. **In addition:** If the operator's extermination business involves the airborne application of pesticides, the contract of insurance shall include coverage for liability for off target pesticide disposition in an amount of not less than
 - a. **\$100,000** with respect to death or injury arising out of any one incident; and
 - b. **\$25,000** with respect to property damage arising out of any one incident.
6. The liability coverage for the insurance must be at least **\$25,000** to each employee of the operator provided that the contract of insurance may limit the insurer's liability to **\$50,000** for any one incident.
7. However, if the operator provides evidence that their business is covered under the *Workplace Safety and Insurance Act* and the operator is paying, and continues to pay, all premiums and any other the amounts required under that Act, as they fall due, then the operator does not need the liability coverage in the contract of insurance as described in paragraph 6, above.
8. The contract of insurance may allow the insured to pay a deductible for the first **\$2,500** of each claim for which an amount of coverage is required.
9. The contract of insurance must include a clause that states that the insurer shall give 30 days' notice before any cancellation of the insurance by either the insurer or the insured. The 30 day notice shall be provided by registered mail to the Director appointed under the *Pesticides Act*. The contract of insurance shall remain in full force and effect until after the 30 day notice period has expired.
10. The contract of insurance must include a clause that states that the insurer shall pay any claims covered by the contract of insurance to claimants who have recovered a judgment. The insurer shall pay the claimant even if the insured has taken an act that has made the policy void, has defaulted, or has given the insurer a defense to an action by the insured. This provision in the contract of insurance shall not limit the insurer's right to later recover the payment from the insured.

VENDOR LICENCES

Unless exempt, a person or business that sells, offers to sell or transfers pesticides must hold a pesticide Vendor Licence. There are three types of vendor licence – a Limited Vendor Licence, a General Vendor Licence and a Treated Seed Vendor Licence.

Limited Vendor Licence

A Limited Vendor Licence authorizes the holder to sell Class 5, 6 or 7 pesticides, or a Class 3 pesticide that is a bactericide in cutting oil, marine or aviation fuel. Class 7 pesticides must have controlled access after April 22, 2011.

General Vendor Licence

A General Vendor Licence authorizes the holder to sell all classes of pesticides (except Class 12 pesticides), whether wholesale or retail. A General Vendor must employ a full-time, certified outlet representative that has completed the Pesticide Vendor Certificate Course. For information regarding vendor training and certification please contact Ridgetown Campus, University of Guelph toll free at 1-888-620-9999 or locally at (519) 674-1575, or go to www.ontariopesticide.com.

Treated Seed Vendor Licence

As of August 31, 2015 a [Treated Seed Vendor Licence](#) is required from the Ministry of the Environment and Climate Change in order to sell Class 12 pesticides (application form can be obtained by contacting the Ministry of Environment and Climate Change Public Information Centre (1-800-565-4923)). From July 1, 2015 to August 30, 2015 Class 12 pesticides can be sold with no requirements or restrictions.

A Treated Seed Vendor Licence authorizes the holder to sell, offer to sell or transfer Class 12 pesticides. The vendor must submit to the Government of Ontario by July 31 every year a list of Class 12 pesticides that they will have available for sale that year (unless another vendor has already submitted the pesticide's information). Using this information, each year, the MOECC will make a Class 12 list available at the Ministry's Public Information Centre toll-free at 1-800-565-4923 and will be available for download at www.ontario.ca/neonics.

Starting on October 31, 2016, Treated Seed Vendors need to submit a report to the Director by October 31 of each year with information about the Class 12 corn and soybean seed and non-Class 12 corn and soybean seed sold to people other than licenced treated seed vendors in the previous 12 month period. The information is to be provided with respect to corn seed and, separately, with respect to soybean seed, and includes:

- The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained imidacloprid.
- The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained clothianidin.
- The total mass, in tonnes, of Class 12 pesticides sold or transferred that contained thiamethoxam.
- The total mass, in kilograms, of imidacloprid in all Class 12 pesticides sold or transferred.
- The total mass, in kilograms, of clothianidin in all Class 12 pesticides sold or transferred.
- The total mass, in kilograms of thiamethoxam in all Class 12 pesticides sold or transferred.

- The total number of acres on which Class 12 pesticides that contained imidacloprid could have been used.
- The total number of acres on which Class 12 pesticides that contained clothianidin could have been used.
- The total number of acres on which Class 12 pesticides that contained thiamethoxam could have been used.
- 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.
- 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.

The Treated Seed Vendor provides a list of each treated seed sales representative to the MOECC as part of the licence application. The Treated Seed Vendor must also ensure that each treated seed sales representative receives training on the requirements set out in O. Reg. 63/09. The vendor must keep a record of the name of the treated seed sales representative, and the date of training.

The Treated Seed Vendor needs to disclose in all advertising whether corn seeds and soybean seeds being sold are Class 12 pesticides and whether they contain imidacloprid, thiamethoxam or clothianidin. When advertising a Class 12 pesticide that is a corn seed or soybean seed, the vendor must also advertise that non-Class 12 corn seed or soybean seed is available for sale.

A person who is a direct-to-farm vendor as set out in subsection 96.1(2) of O. Reg. 63/09 does not require a Treated Seed Vendor's licence if the eligibility criteria set out in subsection 96.1 (4) are met. One of the criteria that must be met to be a direct-to-farm vendor, is that you purchase Class 12 from a licenced treated seed vendor and that licenced vendor has submitted your name to the Director at the MOECC. A direct-to-farm vendor that does not hold a treated seed vendor's licence is not required to submit an annual Class 12 sales report to the MOECC.

A person who does not sell treated seeds but provides the service of treating the seed with a pesticide that contains imidacloprid, clothianidin or thiamethoxam (custom seed treater) must follow certain requirements as per O. Reg. 63/09. These requirements do not apply if the seed treating services are provided to a Treated Seed Vendor.

Pesticide Storage

Class 1,2,3,4,5,6*,7 or 8 pesticides stored by vendors must be stored in accordance with the following rules:

- Stored in such a manner that the pesticide is not likely to impact the health or safety of any person.
- Stored in an area maintained in good repair and in a clean and orderly condition with sufficient precautions taken to prevent the pesticide from contaminating the natural environment or any other pesticide stored in the same area.
- Stored in an area where a Chemical or Pesticide Storage warning sign is prominently displayed and at all entrances to the area where pesticides are stored.
- Stored in an area where emergency telephone numbers (i.e. fire department, hospital, poison control centre) are prominently displayed.
 - * If you are only storing Class 6 pesticides these requirements do not apply.

All vendors must store the above-mentioned pesticides in such a manner that the pesticide is not likely to come into contact with food or drink intended for human or animal consumption.

The following pesticides must be displayed:

- in such a manner that it is not on a shelf or in a display case that is adjacent to or above a shelf or display case containing food or drink intended for human or animal consumption or any other commodity which, if contaminated by the pesticide, could cause injury or damage to property or to plant or animal life or to any person (Classes 1, 2, 3, 4, 5, 6 or 7).
- in a manner that presents minimal hazard to children (Class 5).
- in a manner that prevents any person other than the vendor's employees from having ready access to the pesticides (Classes 1, 2, 3 or 4).

Sale and Transfer of Pesticides

Class of Pesticide	Who may sell or transfer	Who the pesticide may be sold to
Class 1	A licensed General Vendor	<ul style="list-style-type: none"> • A licensed General Vendor, • A manufacturer who presents a written confirmation issued by the Ministry of the Environment and Climate Change confirming that the person is a manufacturer, • A person mentioned in subsection 98 (2) of O. Reg. 63/09.
Class 2	A licensed General Vendor	<ul style="list-style-type: none"> • A licensed General Vendor, • A licensed Exterminator, if the licence authorizes the use of the pesticide, • A holder of a permit issued under section 7 of the Act, if the permit authorizes the use of the pesticide. • A farmer who meets the conditions set out in clauses 43 (1) (c) and (d) of O. Reg. 63/09, unless the pesticide is a fumigant gas other than aluminum phosphide. • A manufacturer who presents a written confirmation issued by the Ministry of the Environment and Climate Change confirming that the person is a manufacturer, • A person mentioned in subsection 98 (2) of O. Reg. 63/09.
Class 3	A licensed General Vendor	<ul style="list-style-type: none"> • A licensed General Vendor, • A licensed Exterminator, if the licence authorizes the use of the pesticide, • Licensed exterminator, if the pesticide does not contain picloram and the licence authorizes the use of the pesticide in a land extermination, • A holder of a permit issued under section 7 of the Act, if the permit authorizes the use of the pesticide. • A farmer who meets the conditions set out in clauses 43 (1) (c) and (d) of O. Reg. 63/09, unless the pesticide is a fumigant gas other than aluminum phosphide. • A manufacturer who presents a written confirmation issued by the Ministry of the Environment and Climate Change confirming that the person is a manufacturer, • A person mentioned in subsection 98 (2) of O. Reg. 63/09.

Sale and Transfer of Pesticides (continued)

Class of Pesticide	Who may sell or transfer	Who the pesticide may be sold to
Class 4	A licensed General Vendor or Limited Vendor	<ul style="list-style-type: none"> • A licensed General Vendor, • A licensed Exterminator, if the licence authorizes the use of the pesticide, • A holder of a permit issued under section 7 of the Act, if the permit authorizes the use of the pesticide. • A manufacturer who presents a written confirmation issued by the Ministry of the Environment and Climate Change confirming that the person is a manufacturer, • A person mentioned in subsection 98 (2) of O. Reg. 63/09.
Class 5	A licensed General Vendor or Limited Vendor	Any person.
Class 6	Any person	Any person.
Class 7	Any person	Any person.
Class 12	A licensed Treated Seed Vendor	<ul style="list-style-type: none"> • A licensed Treated Seed Vendor • A person mentioned in subsection 98 (2) of O. Reg. 63/09. This subsection includes transitional* provisions relating to the sale of Class 12 pesticides.

*Transitional Provisions for Sale of Class 12 pesticides:

From July 1, 2015 to August 30, 2015:

Any person may sell Class 12 pesticides to any person.

From August 31, 2015 to August 30, 2016, a Treated Seed Vendor may sell a Class 12 pesticide to:

1. A person if the total of all application areas is 50 per cent or less of the total area where corn or soybean crops will be planted at an agricultural operation. The purchaser must provide a completed Seed Amount Declaration Form confirming he or she is not buying more than the amount required to plant 50 per cent of the land.
2. A person that wants to plant the treated-seed on more than 50 per cent of the total corn or soybean crop at an agricultural operation on the condition that the person provides to the vendor a completed pest assessment report. Pest assessments must be done in accordance with the guide, *Conducting a Pest Assessment for Use of Class 12 Pesticides*.

On or after August 31, 2016:

A person planting a Class 12 pesticide if the following is provided:

- A certification number obtained through integrated pest management (IPM) training. A written declaration that the person has considered IPM principles before purchasing a Class 12 pesticide;
- A pest assessment report. [Note: Starting on August 31, 2017 only a professional pest advisor as defined in O. Reg. 63/09 will be able to conduct **an inspection of soil** pest assessment and prepare a report. This requirement will be phased in on a geographic basis to best target regions with greatest pollinator mortality rates. The treated seed vendor should check to see if the pest assessment report was prepared by the required person (e.g. a professional pest advisor at least every three years). Note that a pest assessment report based on an inspection of crop always must be prepared by a professional pest advisor.]

Forms and guidelines can be downloaded by visiting www.ontario.ca/neonics.

QUALIFIED FARMERS (CERTIFIED GROWERS)

In order to be exempt from requiring a licence to use pesticides, it is mandatory for farmers to be certified through the Grower Pesticide Safety Course (GPSC) in order to buy and use Class 2 or 3 pesticides for the purposes of an agricultural operation.

- You are a farmer if are an individual who owns an agricultural operation or who operates an agricultural operation on a regular basis.

An “agricultural operation” means an agricultural, aquacultural or horticultural operation and, subject to subsection (2) of O. Reg. 63/09, includes any of the following activities done for the purposes of any of those operations:

1. Growing, producing or raising farm animals.
2. The production of agricultural crops, including greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, trees and turf grass, and any additional agricultural crops prescribed by the regulations made under the *Nutrient Management Act, 2002*.
3. The production of eggs, cream and milk.
4. The operation of agricultural machinery and equipment.
5. The processing by a farmer of the products produced primarily from the farmer’s agricultural operation.
6. Activities that are a necessary but ancillary part of an agricultural operation such as the use of transport vehicles or storage containers or maintenance of a shelterbelt for the purposes of the agricultural operation.
7. The management of materials containing nutrients for farm purposes.
8. The production of wood from a farm woodlot, if at least one of the activities described in paragraphs 1 to 7 is carried out on the property where the farm woodlot is located.

Qualified Farmer

Description of extermination that may be performed	Conditions related to the extermination
A fumigation of groundhog burrows performed in the ground for the purpose of controlling groundhogs by means of a fumigant gas that contains aluminum phosphide.	<ol style="list-style-type: none"> 1. The extermination must be performed for the purposes of the agricultural operation owned or operated on a regular basis by the farmer who is exempt under subsection 43 (1) of O. Reg. 63/09. 2. The farmer must ensure that, <ol style="list-style-type: none"> i. the burrows do not open into a building, ii. all burrow entrances are at least 10 metres from a building, and iii. the farmer and every other person present have adequate respiratory protection during the introduction of the fumigant gas. 3. The extermination must not be performed by aerial application.

Qualified Farmer (continued)

Description of extermination that may be performed	Conditions related to the extermination
<p>An extermination that is performed by means of one of the following:</p> <ol style="list-style-type: none"> 1. A Class 2 pesticide that is not a fumigant gas. 2. A Class 3 pesticide. 	<ol style="list-style-type: none"> 1. The extermination must be performed for the purposes of the agricultural operation owned or operated on a regular basis by the farmer who is exempt under subsection 43 (1) of O. Reg. 63/09. 2. If the extermination is a structural extermination, the farmer must meet the following conditions: <ol style="list-style-type: none"> i. If the extermination is performed by means of a pesticide containing 4-amino-pyridine, strychnine or zinc phosphide, he or she must meet the requirements set out in section 66 of O. Reg. 63/09. ii. If the extermination is performed by means of a suspension in air or a fumigant that is not a fumigant gas, <ol style="list-style-type: none"> A. if the extermination is performed by means of a Class 2 pesticide, another farmer who meets the conditions set out in clauses 43 (1) (c) and (d) of O. Reg. 63/09. or a licensed exterminator whose license authorizes the performance of the extermination must be present during the extermination, B. if the extermination is performed by means of a Class 3 pesticide, another farmer who meets the conditions set out in clauses 43 (1) (c) and (d) of O. Reg. 63/09 or a licensed exterminator of any class must be present during the extermination, and C. if the extermination is performed by means of a Class 2 or 3 pesticide, the farmer must meet the requirements set out in subsection 67 (6) of O. Reg. 63/09. 3. The extermination must not be performed by aerial application.
<p>A land extermination performed by means of one of the following:</p> <ol style="list-style-type: none"> 1. A Class 2 pesticide that is not a fumigant gas. 2. A Class 3, 4, 5, 6 or 7 pesticide. 	<ol style="list-style-type: none"> 1. The extermination must be performed for the purposes of an agricultural operation other than the operation that is owned or operated on a regular basis by the farmer who is exempt under subsection 43 (1) of O. Reg. 63/09. 2. If the farmer who is exempt under subsection 43 (1) of O. Reg. 63/09.uses a piece of equipment to apply the pesticide, only one piece of equipment must be used at any time and that equipment must be normally used on an agricultural operation that he or she owns or operates on a regular basis. 3. No money must be paid for the extermination. 4. The extermination must not be performed by aerial application. 5. The farmer who is exempt under subsection 43 (1) of O. Reg. 63/09 must not be assisted in the performance of the extermination by any person other than another farmer who meets the conditions set out in clauses 43 (1) (c) and (d) of O. Reg. 63/09.

SUPERVISED AND ASSISTANT FARMERS

All supervised farmers must have formal pesticide safety training, recognized by the Ministry of the Environment and Climate Change, before they can use a Class 2 or 3 pesticide under the supervision of a Certified Farmer (Certified Grower).

- This applies to all supervised farmers, including family members, farm employees and seasonal workers.
- Trained supervised farmers must be 16 years of age or older.
- There are 2 training options for supervised and assistant farmers. Supervised and assistant farmers can:
 1. Successfully complete a course with respect to assisting a farmer in the handling and use of pesticides (see s. 44(1)(c) of the regulation). Often this course is an on-farm training session presented by a qualified assistant instructor trained through Ridgetown College; or,
 2. Successfully complete a course with respect to the handling and use of pesticides for the purposes of an agricultural operation (see s. 43(1)(c)(i) of the regulation). This course is referred to as the Grower Pesticide Safety Course (GPSC). Supervised farmers and assistant farmers choosing this training option are required to attend the course but are not required to write the certification examination.

For more information about Grower Pesticide Safety Courses please contact Ridgetown Campus, University of Guelph toll free at 1-800-652-8573 or locally at (519) 674-1580, or go to www.ontariopesticide.com.

Farmers Supervised by a Certified Farmer (Certified Grower)

A person that has successfully completed an approved course for handling and using pesticides on an agricultural operation and performs an extermination while under the supervision of a Certified Farmer is considered a **Supervised Farmer**. A supervised farmer is restricted from performing certain tasks and supervised farmers are required to comply with certain conditions as described in section 44 of O. Reg. 63/09. Similar rules apply to a person (assistant farmer) who assists with an extermination but does not perform the extermination. (see s.45 of the regulation).

Supervised Farmers

Conditions Related to the Extermination	Conditions Related to Supervision of the Supervised Farmer
1. The farmer must not, <ol style="list-style-type: none"> i. purchase, recommend or select the pesticide, ii. use a Class 2 suspension in air in a structural extermination, iii. select the application rate of the pesticide, iv. calibrate equipment used to apply the pesticide, v. select the appropriate means of storage of the pesticide, vi. select the appropriate means of disposal or recycling of an empty container that has held the pesticide, or vii. transport or dispose of the pesticide that has become waste. 2. If the farmer uses a Class 3 pesticide containing 4-	1. The supervising farmer must be present at the extermination site or be available as described in paragraph 2. 2. The supervising farmer may be available for the purposes of supervision by one of the following means: <ol style="list-style-type: none"> i. In the case of an extermination involving the use of a Class 2 pesticide, providing the supervisee with written instructions for the proper use of the pesticide and ensuring that the instructions are readily available at the extermination site. ii. In the case of an extermination involving a Class 2 or 3 pesticide, being available for immediate response through an effective communication system and being able to attend at the extermination site to respond to an emergency situation within a period of time that is reasonable in the circumstances. 3. The supervising farmer must not supervise, at any one time, more than

<p>amino-pyridine, strychnine or zinc phosphide in a structural extermination, he or she must meet all of the requirements set out under section 66 of O. Reg. 63/09..</p>	<p>three farmers who are exempt under subsection 44 (1) of O. Reg. 63/09.</p> <ol style="list-style-type: none"><li data-bbox="727 163 1477 241">4. The supervising farmer must ensure that the use, storage, transportation and disposal of pesticides for the purposes of the agricultural operation are carried out in accordance with the Act and this Regulation.<li data-bbox="727 247 1477 325">5. The supervising farmer must ensure that the conditions applicable to the extermination set out in Column 2 of the Table to section 43 of O. Reg. 63/09 are met.
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INTEGRATED PEST MANAGEMENT CERTIFICATION FOR CLASS 12 PESTICIDES

Integrated Pest Management (IPM) is an approach to managing pests that is environmentally and economically sustainable. IPM promotes the use of different methods to prevent and reduce the risk of pests and encourage beneficial insects, including pollinators. Under IPM, pesticides are used as a last resort to control pest problems.

Starting on August 31, 2016, IPM train training is required for non-vendors to purchase Class 12 pesticides and seed treating services. As of that date, IPM training will also be required in order to use Class 12 pesticides. Purchasers must provide proof of training by providing a certificate number to a sales representative, treated seed vendor or custom seed treater.

The course will include training on the importance of pollinators in the ecosystem and how to protect them from pesticide exposure, as well as identifying pests and pest scouting methods, and using alternative methods to pesticides.

The IPM course is available starting in fall 2015. Following successful completion of the course, a certificate number will be received. Certification is valid for five years (i.e. the IPM training course must be taken every five years).

Training will be available in a classroom at various locations or online. To encourage participation, IPM training will be offered free of charge until September 2016. IPM training is not needed for a farm owner that hires people to plant seeds. In this case, the farm manager or supervisor will need to take training. An IPM trained person can supervise up to seven people who are planting seeds on the farm.

If a person does not intend to buy or plant neonicotinoid-treated seeds or purchase seed treating services then IPM training and filing a pest assessment report is not required. Non-treated seed or fungicide only-treated corn and soybean seed, for example, are not classified as Class 12 pesticides— IPM training is not needed to purchase or plant these seeds.

FIRE DEPARTMENT NOTIFICATION

Ontario Regulation 63/09 under the Pesticides Act requires that:

- Any person who stores a Class 1 pesticide **MUST** give a written notice annually to the fire department responsible for the area in which the pesticide is stored.
- Every manufacturer, licensed operator or licensed vendor who stores a Class 2, 3, 4, 5, 6, 7, or 8 pesticide **MUST** give a written notice annually to the fire department responsible for the area in which the pesticide is stored.

Written notice must be provided using on a “Fire Department Pesticide Storage” card. These are distributed to licensed operators and vendor with their licence. Additional cards are available by calling the Environmental Approvals Access and Service Integration Branch of the Ministry of the Environment and Climate Change toll free at 1-800-461-6290, locally at 416-314-8001 or by email: EAASIBGen@ontario.ca.

You must complete this card and forward it to your local fire department if you store a Class 1 pesticide or if you are a manufacturer, licensed operator or licensed vendor who stores a Class 2, 3, 4, 5, 6, 7, or 8 pesticide.

If you store these pesticides in more than one location, the fire department responsible for EACH area must be notified. You can find the address and contact information for your local fire department in a local telephone directory.



		Ministry of the Environment	Fire Department Pesticide Storage Notification (For reference in case of an emergency)	
Regulation 63/09 under the Pesticides Act requires that:				
• Any person who stores a Class 1 pesticide MUST give a written notice annually to the fire department responsible for the area in which the pesticide is stored.				
• Every manufacturer ¹ , licensed operator and licensed vendor who stores a Class 2, 3, 4, 5, 6, 7, or 8 pesticide MUST give a written notice annually to the fire department responsible for the area in which the pesticide is stored.				
This form, when completed and forwarded to the local fire department, serves as the notification required under Section 112 of O. Reg. 63/09 under the Pesticides Act. Retain a copy for your records. Please notify the fire department if any of the information below changes.				
Part A				
Name of Fire Department (to which the notification is being made)		Date		
Address of Fire Department				
City		Province	Country	Postal Code
Fire Department Emergency Telephone Number(s)		Fire Department Business Telephone Number (non-emergency)		

A manufacturer means a person who carries on business respecting the:

- Formulation of a Class 1 pesticide into another pesticide,
- Treatment of a seed with a pesticide to produce a treated seed
- Manufacturing of a pesticide into a product,
- Incorporation of a pesticide into a product,
- Packaging or distribution of a pesticide or product containing a pesticide.

Operator means: the person(s) who has the control and management of an extermination business.

Vendor means: a person that is the holder of a General vendor licence allowing for the sale of any pesticide to an authorized person or the holder of a Limited vendor licence allowing for the sale of domestic pesticides to an authorized person.

Person responsible means: a certified outlet representative of a General vendor licence holder; or a person who is the owner or person having the charge, management or control of storage of a pesticide at a manufacturing or formulation plant; or a person having the charge, management or control of storage or display of a pesticide as a holder of a Limited vendor licence.

PESTICIDE SPILLS

A spill must be reported when it causes, or may cause, any of the following adverse effects:

- any impairment to the quality of the environment - air, water, land
- any injury or damage to property, plants or animal life
- harm or material discomfort
- adverse health effects
- impairment to safety
- loss of enjoyment of normal use of property
- interference with normal business

Remember:

If the spill causes, or is likely to cause any of these adverse effects, you **MUST** report the spill immediately by calling: **Spills Action Centre: 1-800-268-6060**

PROPER DISPOSAL OF PESTICIDES

Prior to disposing of unused pesticides, consider contacting the manufacturer (see product label for details) and asking if the product can be returned. A licensed Exterminator may also transfer pesticides to another licenced Exterminator authorized to use the pesticide in an extermination.

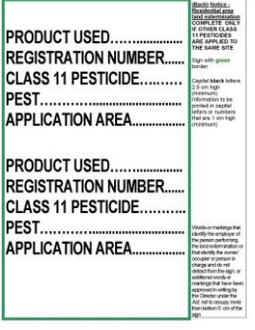
If returning or transferring the pesticide is not an option, unused pesticides must be disposed of in accordance with O. Reg. 63/09 and Regulation 347 (General Waste Management) under the *Environmental Protection Act*. In Ontario, all pesticide wastes must be disposed of at a waste disposal facility that has been approved by the Ministry of the Environment and Climate Change. In addition, pesticide wastes can only be transported by a waste management company that has obtained the appropriate approvals from the Ministry of the Environment and Climate Change.

Disposal of a pesticide by licensed exterminators is a multi-step process that requires classifying the waste and then determining the appropriate actions for disposal based on this classification. Questions regarding the proper disposal of waste pesticides should be directed to your local Ministry of the Environment and Climate Change Regional Office (look in the Blue Pages in your telephone directory or see a listing on the ministry's web site at www.ontario.ca/ministry-environment-and-climate-change).

NOTIFICATION SIGNS

With limited exception, notification signs must be posted at any location that pesticides are applied or stored. The following examples have been prepared for your reference. Specific information relating to the size and contents of the signs and information about when and where each sign should be posted is detailed in O. Reg. 63/09.

Notification Signs

<p>Sign A: Warning Sign Used for Fumigation</p> <p>Should be posted:</p> <ol style="list-style-type: none"> 1. at all entrances to the building where the fumigation is to be performed, and at all entrances to every building physically attached to the building, and ensure that each sign is sufficiently illuminated at all times to allow it to be read. 	
<p>Sign B: Warning Sign Used for Structural Extermination</p> <p>Should be posted:</p> <ol style="list-style-type: none"> 1. on the outside of all doors leading into the building. 	
<p>Sign C: Residential Area Land Extermination</p> <p>Required for pesticides whose only pesticide ingredient is a Class 11 Pesticide.</p> <p>Should be posted:</p> <ol style="list-style-type: none"> 1. immediately before the extermination begins, 2. at an ordinary point of access to the application area, 3. at least every 100 metres along the following parts of the perimeter of the application area <ol style="list-style-type: none"> a. The parts that are within 100 metres of a dwelling unit, other than a dwelling unit that is within the application area. b. The parts that are adjacent to a highway or other area to which the public is ordinarily admitted. 	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Front</p> </div> <div style="text-align: center;">  <p>Back</p> </div> </div>

Notification Signs (continued)

Sign D: Residential Area Land Extermination

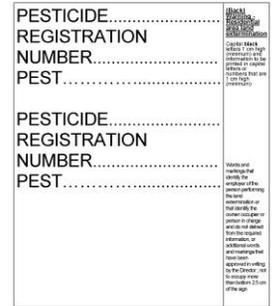
Required for any pesticide other than a pesticide whose only pesticide ingredient is a Class 11 Pesticide.

Should be posted:

1. immediately before the extermination begins,
2. at an ordinary point of access to the application area,
3. at least every 100 metres along the following parts of the perimeter of the application area
 - c. The parts that are within 100 metres of a dwelling unit, other than a dwelling unit that is within the application area.
 - d. The parts that are adjacent to a highway or other area to which the public is ordinarily admitted.



Front



Back

Sign E: Non-Residential Area Land Extermination

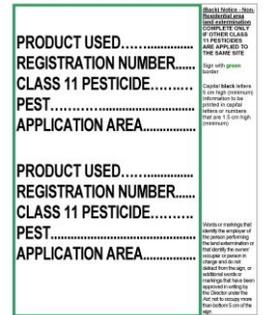
Required for pesticides whose only pesticide ingredient is a Class 11 Pesticide.

Should be posted:

1. If there are no ordinary points of access to the application area and there is a larger area that includes the application area and for which the same person is responsible as for the application area, signs shall be posted conspicuously at all ordinary points of access, if any, to that larger area and at least every 100 metres along the perimeter of the larger area, except where there is a barrier along the perimeter that can reasonably be expected to prevent any person from entering the application area.
2. In all other cases, signs shall be posted conspicuously at all ordinary points of access, if any, to the application area and at least every 100 metres along the perimeter of the application area, except where there is a barrier along the perimeter that can reasonably be expected to prevent any person from entering the application area.



Front



Back

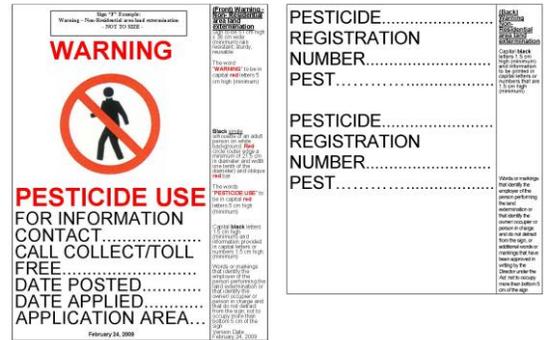
Notification Signs (continued)

Sign F: Non-Residential Area Land Extermination

Required for any pesticide other than a pesticide whose only pesticide ingredient is a Class 11 Pesticide.

Should be posted:

1. If there are no ordinary points of access to the application area and there is a larger area that includes the application area and for which the same person is responsible as for the application area, signs shall be posted conspicuously at all ordinary points of access, if any, to that larger area and at least every 100 metres along the perimeter of the larger area, except where there is a barrier along the perimeter that can reasonably be expected to prevent any person from entering the application area.
2. In all other cases, signs shall be posted conspicuously at all ordinary points of access, if any, to the application area and at least every 100 metres along the perimeter of the application area, except where there is a barrier along the perimeter that can reasonably be expected to prevent any person from entering the application area.



Front

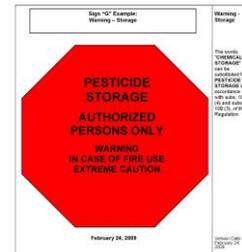
Back

Sign G: Warning - Storage

Should be prominently displayed:

1. Near the area that pesticides are stored, and
2. At all entrances to the area where pesticides are stored.

A list of emergency telephone numbers, including those of the fire department, hospital and poison control centre must also be prominently displayed near the area where the pesticide is stored.



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