

Pesticides Act
Loi sur les pesticides

R.R.O. 1990, REGULATION 914

GENERAL

Consolidation Period: From March 3, 2009 to the e-Laws currency date.

Note: This Regulation is revoked on April 22, 2009. See: O. Reg. 63/09, ss. 117, 118 (1).
Last amendment: O. Reg. 63/09.

This Regulation is made in English only.

Definitions

1. In this Regulation,

“adequate respiratory protection” means, in respect of a pesticide, a respiratory device or devices that,

(a) effectively protect the user from adverse effects that might result from breathing in the pesticide during the handling or use of the pesticide, and

(b) comply with any requirements respecting respiratory devices that are set out on the pesticide’s label;

“adequate protective clothing” means clothing including rubber or neoprene boots, rubber or neoprene gloves, hats, coats and other garments that effectively protect the user from adverse effects that might result from a pesticide coming in contact with the skin during or after the handling or use of the pesticide;

“agricultural or forestry production” means the production of plants, animals or both by an agriculturist, but does not include production in connection with the management of Crown forests pursuant to the Crown Forest Sustainability Act, 1994;

“agriculturist” means a person who uses farm land for agricultural or forestry production;

“certified agriculturist” means an agriculturist who is certified under subsection 94 (1);

“Crown employee” means a Crown employee within the meaning of the Public Service Act;

“drainage ditch” means an artificial water course, added to the natural land drainage system, primarily to collect and convey water and that, for some period each year, does not contain flowing water;

“farm land” means land that falls within the farmlands property class under section 7 of the Assessment Act;

“farm structure” means a structure used for agricultural or forestry production but does not include a structure used primarily for human habitation;

“fumigant” means a pesticide that is or that produces a gas, vapour, fume or smoke and that operates as a pesticide exclusively or primarily by the action of the gas, vapour, fume or smoke;

“fumigant gas” means a fumigant that is a gas at a temperature of 20° C and standard pressure;

“general vendor” means a person who holds a general vendor’s licence;

“herbicide” means any pesticide used for the destruction or control of any vegetation;

“limited vendor” means a person who holds a limited vendor’s licence;

“sell” means sell, transfer or offer to sell or transfer;

“technician” means 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 assistants of holders of exterminators’ licences concerning basic pesticide safety, or

(b) satisfies the Director that the person is qualified to work as an assistant to the holder of an exterminator’s licence;

“trainee” means a person, other than a technician or licensed exterminator, who is at least 16 years of age and,

(a) is enrolled in a course approved by the Director for assistants of holders of exterminators’ licences concerning basic pesticide safety, or

(b) assists the holder of an exterminator’s licence in the performance of an extermination;

“warning placard” means, in respect of an extermination, a placard that,

(a) is at least 35 centimetres high and 25 centimetres wide,

(b) bears the word “DANGER” in red capital letters at least seven centimetres high on a white background,

(c) indicates that an extermination is being performed on the premises or at specified nearby premises,

(d) sets out the name of the exterminator and the exterminator’s emergency telephone number,

(e) sets out the name and registration number of the pesticide under the Pest Control Products Act (Canada), and

(f) sets out the date and time at which airing out can begin. R.R.O. 1990, Reg. 914, s. 1; O. Reg. 27/91, s. 1; O. Reg. 119/91, s. 1; O. Reg. 405/98, s. 1; O. Reg. 228/00, s. 1.

The Pesticides Advisory Committee

2. (1) The Committee shall meet,

(a) at the request of the Minister;

(b) at the request of the chair; or

(c) at the request of any three members of the Committee. R.R.O. 1990, Reg. 914, s. 2 (1).

(2) The secretary of the Committee shall,

(a) keep a record of all business transacted at a meeting of the Committee;

(b) have the custody of all reports, submissions and correspondence received by the Committee; and

(c) produce the records and other documents mentioned in clause (b) for inspection when requested by the Minister or an officer of the Ministry designated by the Minister. R.R.O. 1990, Reg. 914, s. 2 (2).

(3) Revoked: O. Reg. 110/99, s. 1.

(4) Revoked: O. Reg. 110/99, s. 1.

3. (1) A member of the Committee shall be paid remuneration and expenses as follows:

1. For each day of attendance, for a period in excess of three hours, at a meeting of the Committee, or upon other official business of the Committee,

i. \$300 if the member is the chair or the vice-chair acting as chair,

ii. \$250 if the member is the vice-chair, or

iii. \$200 in any other case.

2. For each occasion that the member is engaged upon business of the Committee for a period in excess of one hour but not in excess of three hours for which remuneration would be paid under paragraph 1 except for the short duration of the business proceedings, one-half of the daily rate set out in paragraph 1.

3. Paragraph 1 applies in like manner for each day that the member is engaged for a period in excess of three hours, in preparation for a meeting or other official business of the Committee.

4. Paragraph 2 applies in like manner for each occasion that the member is engaged for a period in excess of one hour but not in excess of three hours, in preparation for a meeting or other official business of the Committee.

5. Necessary travel and other allowable expenses incurred by the member in the performance of his or her duties as a member of the Committee.

6. For each hour in a day in excess of nine and one-half hours, at a meeting of the Committee, upon other official business of the Committee, or travelling necessary to the official business of the Committee, .08 of the daily rate set out in paragraph 1.

7. Paragraphs 1, 2, 3, 4 and 6 do not apply to a member who is a Crown employee of the Government of Ontario or Canada who is a member in the course of his or her employment for the Crown. R.R.O. 1990, Reg. 914, s. 3 (1); O. Reg. 25/92, s. 1 (1).

(2) No member receiving payment under paragraph 3 or 4 of subsection (1) shall receive more than one day's payment with respect to any one day of meetings of the Committee, or upon other official business of the Committee. R.R.O. 1990, Reg. 914, s. 3 (2).

(3) Subsection (2) does not apply if the chair authorizes more than one day's preparation because of the quantity or complexity of the material required to be reviewed. O. Reg. 25/92, s. 1 (2).

Application Form

4. An application for a licence or permit shall be made on the appropriate form supplied by the Ministry. O. Reg. 405/98, s. 3.

General Requirements for Exterminator's Licence

5. (1) An applicant for the issuance or renewal of any class of exterminator's licence must meet the following qualifications:

1. The applicant must be at least 16 years of age.
2. The applicant must have grade 10 standing or other qualifications that the Director considers equivalent.
3. The applicant must have successfully completed, within the previous 12 months, a course approved by the Director for exterminators of the relevant class or must have other qualifications that the Director considers equivalent.
4. The applicant must be physically fit for the purpose of performing exterminations. O. Reg. 405/98, s. 4.

(2) Unless the Director directs otherwise, paragraph 3 of subsection (1) does not apply to an applicant for the renewal of any class of exterminator's licence unless the licence sought to be renewed expired or was revoked or surrendered more than 24 months before the application for renewal was made. O. Reg. 405/98, s. 4.

(2.1) The Director may require an applicant for the issuance or renewal of an exterminator's licence to provide a report from a legally qualified medical practitioner respecting the applicant's physical fitness for the purpose of performing exterminations. O. Reg. 405/98, s. 4.

(3) Every applicant for an exterminator's licence and every exterminator shall notify the Director in writing of any change in the information furnished in or with the applicant's application within ten days after the effective date of the change. R.R.O. 1990, Reg. 914, s. 5 (3); O. Reg. 27/91, s. 3 (1).

(4) The holder of an exterminator's licence shall carry the licence or a legible copy when carrying out an activity authorized by the licence, subject to subsection (5). O. Reg. 228/00, s. 2.

(5) When carrying out an extermination, the holder may have the licence or a legible copy readily available at the extermination site instead of carrying it. O. Reg. 228/00, s. 2.

Licences and Fees

6. (1) The fees shown in the following Table are payable for the issuance or renewal of a licence:

TABLE

Type of licence	Fee
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Operator's licence	\$200
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Exterminator's licence	90
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General vendor's licence	200
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Limited vendor's licence
110

O. Reg. 228/00, s. 3.

(2) The fee for the issuance or renewal of a licence shall be submitted with the application. O. Reg. 405/98, s. 5.

7. An operator's licence, or a renewal thereof, expires on the 15th day of February in the year following its issue. R.R.O. 1990, Reg. 914, s. 7.

8. An exterminator's licence or a vendor's licence, or a renewal of either of them, expires on the last day of the sixtieth month following the date upon which the licence or the renewal takes effect. R.R.O. 1990, Reg. 914, s. 8.

9. (1) An application for the issuance or renewal of a licence shall be made to the Director. O. Reg. 405/98, s. 6.

(2) An application for a renewal of a licence shall be made in the case of,

(a) an operator's licence, at least thirty days prior to the expiry date of the licence;

(b) an exterminator's licence, at least thirty days prior to the expiry date of the licence; and

(c) a vendor's licence, at least sixty days prior to the expiry date of the licence. R.R.O. 1990, Reg. 914, s. 9 (2).

Examiners

10. (1) The Director shall appoint the examiners of applicants for licences. R.R.O. 1990, Reg. 914, s. 10 (1).

(2) The term of an appointment as an examiner is three years and is subject to cancellation by the Director. R.R.O. 1990, Reg. 914, s. 10 (2).

(2.1) An examiner may designate, in writing, another person to act as a substitute examiner in the place of an examiner for any examination specified in the designation. O. Reg. 27/91, s. 4.

(3) An examiner, other than one who is a Crown employee, shall be paid, for each day that he or she is engaged upon work as an examiner,

(a) \$100; and

(b) necessary travelling and other expenses. R.R.O. 1990, Reg. 914, s. 10 (3).

11. Revoked: O. Reg. 405/98, s. 7.

12. Revoked: O. Reg. 405/98, s. 8.

13. Revoked: O. Reg. 405/98, s. 8.

Operators' Licences

14. An operator's licence is authority to operate an extermination business. O. Reg. 405/98, s. 9.

15. (1) Every applicant for an operator's licence or a renewal thereof shall submit such information and material as the Director may require with respect to the character, qualifications and financial responsibility of the applicant or where the applicant is a corporation, with respect to the corporation and the character and qualifications of the directors and officers of the corporation. R.R.O. 1990, Reg. 914, s. 15 (1); O. Reg. 405/98, s. 10 (1).

(2) Where several persons intend to operate an extermination business in association with each other under the authority of one operator's licence it is a requirement for the licence that each of such persons signs the application for the licence. R.R.O. 1990, Reg. 914, s. 15 (2).

(3) Where the applicant is a corporation it shall designate on the application form the directors or officers who are the official representatives of the corporation and whose duty it is to ensure that the Act and the regulations thereunder are complied with and who shall sign the application. R.R.O. 1990, Reg. 914, s. 15 (3); O. Reg. 405/98, s. 10 (2).

(4) Every applicant whose application is in the process of being considered and every operator shall notify the Director, in writing, of any change in the information furnished on the application form or under section 18 within ten days after the effective date of the change. O. Reg. 27/91, s. 6; O. Reg. 405/98, s. 10 (3).

16. Revoked: O. Reg. 405/98, s. 11.

17. (1) An applicant for an operator's licence or a renewal thereof shall satisfy the Director that the applicant is at least eighteen years of age or, in the case of a corporation that the official representatives are each at least eighteen years of age. R.R.O. 1990, Reg. 914, s. 17; O. Reg. 405/98, s. 12 (1).

(2) An applicant for the issuance or renewal of an operator's licence shall satisfy the Director that,

(a) the applicant is the holder of a current exterminator's licence of any class, if the applicant is an individual;

(b) at least one of the applicants is the holder of a current exterminator's licence of any class, if the applicants are two or more individuals; or

(c) at least one of the official representatives of the applicant is the holder of a current exterminator's licence, if the applicant is a corporation. O. Reg. 405/98, s. 12 (2).

(3) Revoked: O. Reg. 228/00, s. 4.

18. (1) Subject to subsection (2), the Director may require an applicant for an operator's licence or renewal thereof to appear before the Director and submit evidence and information respecting the qualifications of the applicant and any other person involved in the control and management of the extermination business. R.R.O. 1990, Reg. 914, s. 18 (1); O. Reg. 405/98, s. 13.

(2) At least seven days before the appearance mentioned in subsection (1) the applicant shall be given notice of,

(a) the date, time and place fixed for his or her appearance before the Director; and

(b) the particulars of the information and evidence that the Director may require the applicant to produce. R.R.O. 1990, Reg. 914, s. 18 (2).

19. (1) An operator shall not employ a person to assist in performing exterminations unless the person is a licensed exterminator, a technician or a trainee. O. Reg. 405/98, s. 14 (1).

(1.1) An operator may employ people other than licensed exterminators, technicians and trainees to do work in connection with the operator's business, but the operator shall ensure that,

(a) they comply with subsection 20.1 (1);

(b) they do not handle any pesticide unless it is in a sealed container;

(c) they do not handle any empty plastic, glass or metal container that has been used to hold a Schedule 1, 2 or 5 pesticide unless the container has been rinsed in accordance with subsection 27 (1);

(d) they do not do anything that is detrimental to the performance of an extermination, to public safety or to the environment; and

(e) they do not suffer any harm as a result of exposure to a pesticide or the performance of an extermination. O. Reg. 405/98, s. 14 (1).

(1.2) An operator shall employ at least one licensed exterminator for every three or fewer technicians and trainees who assist in performing exterminations. O. Reg. 405/98, s. 14 (1).

(1.3) An operator shall ensure that every technician and trainee employed by the operator is supervised by a licensed exterminator. O. Reg. 405/98, s. 14 (1).

(2) An operator who carries on business at more than one location shall,

(a) have a licensed exterminator in charge at each location who is normally present at least once during each business day;

(b) notify the Director of the address of each location and the name of the licensed exterminator in charge at each location; and

(c) notify the Director of any change in the information furnished under clause (b) within ten days after the effective date of the change. R.R.O. 1990, Reg. 914, s. 19 (2).

(3) Every holder of an operator's licence shall display the licence or a legible copy thereof in a prominent place at each location where the holder carries on business. O. Reg. 27/91, s. 8.

(4) In subsections (1), (1.1), (1.2) and (1.3),

"operator", in addition to the meaning it has in the Act, includes a person who,

(a) is a licensed exterminator and performs exterminations, or

(b) causes exterminations to be performed by a licensed exterminator who is,

(i) an employee of the person, if the person is not a partnership or corporation,

(ii) a partner or employee of the partnership, if the person is a partnership, or

(iii) a director, officer or employee of the person, if the person is a corporation. O. Reg. 405/98, s. 14 (2).

Insurance Requirements

20. (1) An operator shall carry insurance in a form approved by the Superintendent of Financial Services of the Province of Ontario for every extermination business carried on by the operator with respect to the liability of the operator and all of the operator's employees arising out of any extermination business carried on by the operator for death, injury or property damage. R.R.O. 1990, Reg. 914, s. 20 (1); O. Reg. 405/98, s. 15 (1).

(2) Subject to subsection (3), where an operator carries on an extermination business, the liability coverage provided by the contract of insurance required under subsection (1) shall be in an amount of not less than \$25,000 to each employee of the operator provided that the contract of insurance may limit the insurer's liability under the contract of insurance arising out of any one incident to \$50,000. R.R.O. 1990, Reg. 914, s. 20 (2).

(3) If an operator furnishes satisfactory evidence that the operator's business is covered under the Workplace Safety and Insurance Act, 1997 and that the operator is paying all premiums and other amounts due under that Act as they fall due, the operator is exempt from subsection (2) as long as the operator continues to pay all such amounts as they fall due and to comply with all applicable provisions of that Act. O. Reg. 405/98, s. 15 (2).

(4) The contract of insurance required under subsection (1) shall provide comprehensive coverage in an amount of not less than \$1,000,000 with respect to death, injury or property damage arising out of any one incident. O. Reg. 405/98, s. 15 (2).

(5) The contract of insurance required under subsection (1) shall provide pollution coverage respecting the emission or discharge of chemicals into the environment as part of the business operated under the authority of the licence in an amount of not less than \$200,000 with respect to death, injury or property damage arising out of any one incident. O. Reg. 405/98, s. 15 (2).

(6) If the extermination business carried on by an operator involves the application of pesticides from an airborne machine, the contract of insurance required under subsection (1) shall provide coverage for liability for off target pesticide deposition 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. O. Reg. 405/98, s. 15 (2).

(7) In subsections (4), (5) and (6), a reference to death or injury means death of or injury to a person who is not an employee of the operator. O. Reg. 405/98, s. 15 (2).

(8) The contract of insurance required under subsection (1) may provide that the insured shall be responsible for the first \$2,500 of each claim for which coverage is required under subsections (4), (5) and (6). O. Reg. 405/98, s. 15 (2).

(9) Every contract of insurance furnished in satisfaction of the requirements of this section shall provide that,

(a) the insurer shall give 30 days notice by registered mail to the Director prior to any cancellation of the contract by the insurer or the insured taking effect;

(b) the contract of insurance shall remain in full force and effect until the notice provided for in clause (a) has expired; and

(c) the insurer shall pay any claims covered by the contract of insurance to any person making such a claim who has recovered a judgment thereon despite any act or default of the insured which might make the policy void or give the insurer a defence to an action by the insured provided that such

provision shall not limit the insurer's right to recover any payment so made from the insured. R.R.O. 1990, Reg. 914, s. 20 (9); O. Reg. 405/98, s. 15 (3).

Technicians and Trainees

20.1 (1) A person shall not assist the holder of an exterminator's licence in the performance of an extermination unless the person is a licensed exterminator, technician or trainee. O. Reg. 405/98, s. 16.

(1.1) While a licensed exterminator is engaged in assisting another holder of an exterminator's licence in the performance of an extermination not authorized by the first-named exterminator's licence, every provision of this Regulation affecting technicians applies to the first-named exterminator as if he or she were a technician, except the following provisions:

1. The definition of "technician" in section 1.

2. Subsection 19 (1.2).

3. Subsection (2) of this section. O. Reg. 228/00, s. 5 (1).

(2) Every technician shall, while assisting in the performance of an extermination, carry on his or her person a copy of a document confirming that he or she has successfully completed, within the previous 24 months, a course approved by the Director for assistants of holders of exterminators' licences concerning basic pesticide safety. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (2).

(3) Every trainee shall, while assisting in the performance of an extermination, carry on his or her person a copy of identification supplied by his or her employer confirming that the trainee works for the employer as a trainee. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (3).

(3.1) While a technician or trainee is actually carrying out an extermination, having the required document readily available at the site of the extermination is sufficient compliance with subsection (2) or (3). O. Reg. 228/00, s. 5 (4).

(4) Subsection 5 (3) of the Act does not apply to a technician. O. Reg. 405/98, s. 16.

(5) Subsection 5 (4) of the Act does not apply to a technician or trainee. O. Reg. 405/98, s. 16.

(6) A technician shall not assist the holder of an exterminator's licence in the performance of an extermination unless a licensed exterminator visits the technician at the extermination site at least once a week to observe the performance of the technician and supervise the technician's work. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (5).

(7) A trainee shall not assist the holder of an exterminator's licence in the performance of an extermination unless the trainee is accompanied and supervised at all times by a licensed exterminator. O. Reg. 405/98, s. 16.

(8) A technician or trainee shall not,

(a) select or recommend to a client a pesticide for use in an extermination;

(b) select the method of application or the rate of application of a pesticide used in an extermination;

(c) mix or fill equipment with a Schedule 1 or Schedule 5 pesticide in preparation for an extermination;

(d) apply a Schedule 1 or Schedule 5 pesticide during an extermination; or

(e) mix, fill equipment with or apply a Schedule 2 pesticide that is a suspension in air, bird control product, rodenticide or soil fumigant, except in the presence of a licensed exterminator authorized to use the pesticide. O. Reg. 405/98, s. 16.

(9) A technician who is present at an extermination and who is not accompanied by a licensed exterminator shall have readily available at the extermination site a work order, invoice, job sheet or other form of written instructions respecting the extermination, including the location, the target pest, the name of the pesticide to be used, the pesticide's registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada), the name and licence number of the supervising exterminator and a unique number or other identifier by which the extermination is identified in the business records of the technician's employer. O. Reg. 405/98, s. 16; O. Reg. 110/99, s. 2; O. Reg. 228/00, s. 5 (6).

(10) When a licensed exterminator visits a technician at an extermination site to observe the performance of the technician and supervise the technician's work, the technician shall request the licensed exterminator to enter his or her licence number on the written instructions referred to in subsection (9), and to sign and date the document. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (7).

(11) The technician shall keep with him or her at the extermination site for at least 30 days all written instructions that have been signed by a licensed exterminator under subsection (10). O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 5 (8).

(12) Revoked: O. Reg. 228/00, s. 5 (9).

20.2 (1) An exterminator shall not supervise at the same time a total of more than three technicians or trainees working at one or more exterminations. O. Reg. 405/98, s. 16.

(1.1) Subsection (1) does not apply if the following conditions are satisfied:

1. A licensed exterminator is training a group of technicians or trainees.
2. The technicians or trainees take part in one or more exterminations as part of their training.
3. None of the exterminations in which the technicians or trainees take part is performed for payment. O. Reg. 228/00, s. 6 (1).

(1.2) Despite subsection (1), an exterminator may supervise at the same time up to seven technicians or trainees working at one or more exterminations if the following conditions are satisfied:

1. The exterminator holds a Mosquito/Biting Flies water exterminator's licence.
2. The exterminator is supervising only technicians or trainees who are working at water exterminations to control mosquito larvae.
3. Each extermination is performed pursuant to a permit issued under subsection 7 (2) of the Act authorizing the prevention or control of mosquito-borne disease. O. Reg. 229/03, s. 1.

(2) An exterminator who supervises the work of a technician or trainee shall ensure that the technician or trainee carries out his or her work safely and in accordance with the Act and this Regulation. O. Reg. 405/98, s. 16.

(3) An exterminator who supervises the work of a technician or trainee shall,

(a) ensure that the technician or trainee receives any necessary training relating to the specific work that he or she will be performing; and

(b) make a record respecting the training. O. Reg. 228/00, s. 6 (2).

(3.1) The employer of the trainee or technician shall keep the record until at least two years after the trainee or technician leaves the employer's employment. O. Reg. 228/00, s. 6 (2).

(4) An exterminator who supervises the work of a technician shall ensure that the technician complies with subsection 20.1 (9). O. Reg. 405/98, s. 16.

(5) An exterminator who supervises the work of a technician shall visit the technician at the extermination site at least once a week to observe the performance of the technician and on each visit shall enter his or her licence number on the written instructions referred to in subsection 20.1 (9), and shall sign and date the document. O. Reg. 405/98, s. 16; O. Reg. 228/00, s. 6 (3).

(6) An exterminator who supervises the work of a trainee shall accompany and supervise the trainee at all times when the trainee is assisting the holder of an exterminator's licence in the performance of an extermination. O. Reg. 405/98, s. 16.

(7) Revoked: O. Reg. 228/00, s. 6 (4).

20.3 If a licensed exterminator is working on an extermination or is responsible for the conduct of an extermination, and other persons who are employed by the same operator but are not licensed exterminators, technicians or trainees are doing work in connection with the operator's business at the location where the extermination is taking place, the licensed exterminator shall ensure that the other persons,

(a) comply with subsection 20.1 (1);

(b) do not handle any pesticide unless it is in a sealed container;

(c) do not handle any empty plastic, glass or metal container that has been used to hold a Schedule 1, 2 or 5 pesticide unless the container has been rinsed in accordance with subsection 27 (1);

(d) do not do anything that is detrimental to the performance of an extermination, to public safety or to the environment; and

(e) do not suffer any harm as a result of exposure to a pesticide or the performance of the extermination. O. Reg. 405/98, s. 16.

Classes of Pesticides

21. (1) In this section,

“registrant”, with respect to a pesticide, means the person who registers the pesticide under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada), and includes the Canadian agent for the registrant of the pesticide under the Pest Control Products Act (Canada). O. Reg. 118/01, s. 1.

(2) The Committee shall accept and consider an application from a registrant for the classification of a pesticide. O. Reg. 118/01, s. 1.

(3) Subject to subsection (4), the Committee shall recommend to the Director that he or she classify a pesticide as a Schedule 1, 2, 3, 4, 5 or 6 pesticide, if it considers it appropriate to do so having regard to the Act and the scheme of this Regulation. O. Reg. 118/01, s. 1.

(4) The Committee may recommend to the Director that he or she refuse to classify a pesticide if the Committee is of the opinion that,

- (a) it does not have sufficient information to recommend that the pesticide be classified;
- (b) proper use of the pesticide, as described on its label and in accordance with the Act and this Regulation, is likely to have one or more of the effects mentioned in clauses 49 (3) (a), (b), (c), (d), (e) and (f) of the Act, to an extent that is excessive, unreasonable or unnecessary; or
- (c) it is not in the public interest to classify the pesticide. O. Reg. 118/01, s. 1.

(5) The Committee may recommend to the Director that he or she reclassify a pesticide if it considers it appropriate to do so having regard to the Act and the scheme of this Regulation and if,

- (a) the registrant requests the reclassification;
- (b) the registrant consents to the reclassification; or
- (c) the Committee has notified the registrant that it intends to do so and has considered any submissions made by the registrant. O. Reg. 118/01, s. 1.

(6) The Committee may recommend to the Director that he or she declassify a pesticide if,

- (a) the registrant requests the declassification and the Committee considers it appropriate to do so having regard to the Act and the scheme of this Regulation;
- (b) the registrant consents to the declassification and the Committee considers it appropriate to do so having regard to the Act and the scheme of this Regulation;
- (c) the pesticide is no longer registered under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada);
- (d) the Committee has notified the registrant of newly available scientific or other information suggesting that proper use of the pesticide, as described on its label and in accordance with the Act and this Regulation, is likely to have one or more of the effects mentioned in clauses 49 (3) (a), (b), (c), (d), (e) and (f) of the Act, to an extent that is excessive, unreasonable or unnecessary and the Committee has considered any submissions made by the registrant with respect to that information; or
- (e) the Committee has notified the registrant of newly available scientific or other information suggesting that it is no longer in the public interest that the pesticide be classified and the Committee has considered any submissions made by the registrant with respect to that information. O. Reg. 118/01, s. 1.

(7) The Director may ask the Committee to consider whether a pesticide should be reclassified under subsection (5) or declassified under subsection (6) and, if the Director does so, the Committee shall comply. O. Reg. 118/01, s. 1.

(8) The Director shall make a decision with respect to the subject matter of each recommendation of the Committee under subsections (3), (4), (5) and (6) and shall make the decision that he or she considers appropriate, having regard to the matters the Committee is required to consider under the applicable subsection and the Committee's recommendation. O. Reg. 118/01, s. 1.

(9) The Committee shall maintain a written record called the "Compendium of Scheduled Pesticides" that sets out, for every scheduled pesticide,

- (a) the name of the pesticide;
- (b) the pesticide's registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada);
- (c) the name and address of the registrant, including, if the pesticide is registered under the Pest Control Products Act (Canada), the name and address of the Canadian agent; and
- (d) the schedule to which the pesticide has been classified. O. Reg. 118/01, s. 1.

(10) If the name or other identifying information of a pesticide in the Compendium of Scheduled Pesticides does not correspond to the name or other identifying information of the pesticide for the same registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada), as the case may be, the pesticide shall be deemed to be the pesticide named under that Act for the registration number that appears in the Compendium of Scheduled Pesticides. O. Reg. 118/01, s. 1.

(11) The Committee shall maintain written records of all amendments to the Compendium of Scheduled Pesticides. O. Reg. 118/01, s. 1.

(12) The Committee shall make the Compendium of Scheduled Pesticides and the records of amendments to it available for inspection by the public at the office of the Committee during ordinary business hours, and on the Internet, through the website of the Ministry of the Environment at www.ene.gov.on.ca, or, alternatively at www.opac.gov.on.ca. O. Reg. 118/01, s. 1.

(13) The Committee shall make available for distribution to the public, on request, printed copies of the Compendium of Scheduled Pesticides and the records of amendments to it. O. Reg. 118/01, s. 1.

22. (1) Subject to subsection (3), no person shall use any pesticide in an extermination unless it is,

(a) classified under this Regulation and registered and assigned a registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada); or

(b) an imported pesticide that has been determined under the regulations made under the Pest Control Products Act (Canada) to be equivalent to a pesticide registered under the Pest Control Products Act (Canada). O. Reg. 412/94, s. 1; O. Reg. 405/98, s. 17.

(2) Subject to subsection (3), no person shall use a pesticide in an extermination except in accordance with the label for that pesticide and this Regulation. O. Reg. 27/91, s. 10.

(3) A person is exempt from subsections (1) and (2) and from subsections 5 (1) and 7 (1) of the Act for an extermination using a pesticide for the purpose of research or a test,

(a) by a research centre, university or other institution of learning, a professional researcher from industry or the Government of Ontario, the Government of Canada or a person under the supervision or authority of a professional researcher from industry or the Government of Ontario or the Government of Canada, on the premises of such centre or institution, or on experimental premises obtained for this purpose; or

(b) where approval of the extermination has been obtained from the Director at least seven days before the extermination is performed. R.R.O. 1990, Reg. 914, s. 22 (3).

(4) Where an extermination is performed under subsection (3) on a food, feed or tobacco crop, the crop, if any, remaining at the conclusion of the research or test shall be destroyed by the person

responsible for the extermination unless an alternative method for the disposal of the crop is approved by the Director. R.R.O. 1990, Reg. 914, s. 22 (4).

(5) Revoked: O. Reg. 412/94, s. 1.

(6) Revoked: O. Reg. 412/94, s. 1.

(7) Revoked: O. Reg. 412/94, s. 1.

23. A water treatment chemical is exempted from the Act and this Regulation if its use is authorized under the Ontario Water Resources Act by an approval or a permit to take water for the purpose of discouraging or eliminating the attachment of molluscs to works under that Act. R.R.O. 1990, Reg. 914, s. 23.

24. No person shall purchase, acquire, store or use a pesticide unless the person is the holder of a vendor's licence, operator's licence or exterminator's licence authorizing the holder to sell or use the pesticide or a pesticide reformulated from it or is exempt from requiring a vendor's licence, operator's licence or exterminator's licence to sell or use such pesticide or a pesticide reformulated from it. O. Reg. 27/91, s. 11.

25. (1) No person shall use water from a well or from a lake, river or other surface water in performing an extermination unless the equipment used in taking the water or in the extermination is equipped with an effective device to prevent back-flow. O. Reg. 27/91, s. 11.

(2) No person shall wash any equipment used to perform an extermination in or near a well or in or near a lake, river or other surface water in such a manner that any pesticide may be directly or indirectly discharged into a well or into a lake, river or other surface water. O. Reg. 27/91, s. 11.

Containers

26. (1) No person shall have possession of a pesticide other than in the container in which it was originally offered for sale. R.R.O. 1990, Reg. 914, s. 26 (1); O. Reg. 405/98, s. 18 (1).

(2) Subsection (1) does not apply to a person,

(a) who is performing an extermination in accordance with the Act and this Regulation; or

(b) who places the pesticide into a secondary container of a type and composition that is customarily used or approved by the pesticide's manufacturer for that pesticide and that bears a label stating,

(i) the trade name or common name and the concentration of each active ingredient in the pesticide, and

(ii) the pesticide's registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada). R.R.O. 1990, Reg. 914, s. 26 (2); O. Reg. 405/98, s. 18 (2).

27. (1) When a plastic, glass or metal container that has been used to hold a Schedule 1, 2, 3, 5 or 6 pesticide becomes empty, the person responsible for the pesticide shall ensure that the container is promptly triple-rinsed or jet-rinsed using clean water, if appropriate, or another solvent that is appropriate. O. Reg. 405/98, s. 19.

(2) Subsection (1) does not apply if,

(a) the container is returned to the vendor for refilling, if the container is clearly marked to indicate that it can be refilled with the same pesticide and, before being returned, the container is stored in the manner that would be required if it were full;

(b) the container's label indicates that the container should not be rinsed;

(c) the container was used to hold a Schedule 3 or 6 pesticide and has a label marked "domestic";

(d) the container is an aerosol can;

(e) the container does not have an opening that can be readily opened and is large enough to permit subsection (1) to be complied with; or

(f) the Director consents in writing. O. Reg. 405/98, s. 19.

(3) The person responsible shall ensure that a container that has been rinsed under subsection (1),

(a) is taken for recycling to a pesticide container depot within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Environmental Protection Act;

(b) is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act; or

(c) is recycled or disposed of in another manner approved by the Director as affording a satisfactory level of protection for human health and the environment. O. Reg. 405/98, s. 19.

(4) The person responsible shall ensure that a container that is exempt from subsection (1) under clause (2) (b), (c), (d), (e) or (f),

(a) is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act; or

(b) is recycled or disposed of in another manner approved by the Director as affording a satisfactory level of protection for human health and the environment. O. Reg. 405/98, s. 19.

(5) The person responsible shall ensure that any water or other solvent used for rinsing under subsection (1) is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act, unless it is emptied into the spray tank and used in the extermination. O. Reg. 405/98, s. 19.

(6) For the purpose of subsection (1), a container shall be deemed to be empty if it contains less than 2.5 centimetres of material at the bottom of the container. O. Reg. 405/98, s. 19.

(7) When a paper or cardboard container that has been used to hold a Schedule 1, 2, 3, 5 or 6 pesticide becomes empty, the person responsible for the pesticide shall ensure that,

(a) the container is disposed of by burning, subject to any applicable municipal by-law, in a manner that keeps persons and animals out of any resulting smoke and that directs any resulting smoke away from buildings, roads and outdoor areas frequented by the public;

(b) the container is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act; or

(c) the container is recycled or disposed of in another manner approved by the Director as affording a satisfactory level of protection for human health and the environment. O. Reg. 405/98, s. 19.

28. (1) If the original container of a Schedule 1, 2, 3 or 5 pesticide is damaged or broken, the person responsible for the pesticide shall ensure that,

(a) under the direction of the person who registered the pesticide under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada),

(i) any spillage is cleaned up to the satisfaction of the Director, and

(ii) any area, carrier or commodity that came in contact with the pesticide is decontaminated to the satisfaction of the Director;

(b) any pesticide that is to be kept is stored in a container that is equivalent to the one that was damaged or broken and that bears a label stating,

(i) the trade name or common name, and the concentration of, each active ingredient in the pesticide, and

(ii) the pesticide's registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada);

(c) the container that was damaged or broken is dealt with under section 27 as if it were an empty container;

(d) any pesticide that is not going to be kept is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act, or in another manner approved by the Director as affording a satisfactory level of protection for human health and the environment; and

(e) any water or other solvent used for cleaning up or decontaminating under clause (a) is disposed of in accordance with Part V of the Environmental Protection Act and Regulation 347 of the Revised Regulations of Ontario, 1990 made under that Act, or in another manner approved by the Director as affording a satisfactory level of protection for human health and the environment. O. Reg. 405/98, s. 20.

(2) Subsection (1) does not apply if the container that was damaged or broken was used to hold a Schedule 3 pesticide and had a label marked "domestic". O. Reg. 405/98, s. 20.

Fires, Accidents, Thefts

29. (1) The person responsible for a pesticide shall forthwith notify the Director in the event of a fire or other occurrence that may result in the pesticide being released into the environment out of the normal course of events, if the release,

(a) would be likely to cause impairment of the quality of the environment for any use that can be made of it;

(b) would be likely to cause injury or damage to property or to plant or animal life;

(c) would be likely to cause harm or material discomfort to any person;

(d) would be likely to adversely affect the health of any person;

(e) would be likely to impair the safety of any person; or

(f) would be likely to render directly or indirectly any property or plant or animal life unfit for use by humans. O. Reg. 405/98, s. 21.

(2) The person responsible for a pesticide shall forthwith notify the Director whenever any pesticide is stolen or otherwise passes out of the person's possession or control other than in the normal course of affairs. R.R.O. 1990, Reg. 914, s. 29 (2).

Structural Exterminations

30. A land extermination that uses a fumigant gas or a mixture of methyl bromide and chloropicrin shall be deemed to be a structural extermination for the purposes of the Act and this Regulation. O. Reg. 405/98, s. 22.

Structural Exterminators' Licences

30.1 (1) The following classes of structural exterminators' licences are prescribed:

1. Fumigation — General.

2. Fumigation — Soil.

3. Fumigation — Commodity.

4. Fumigation — Vault.

5. Structural.

6. Termite.

7. Greenhouse/Interior Plant. O. Reg. 405/98, s. 22.

(2) Every structural exterminator's licence shall specify the class of licence for which it has been issued. O. Reg. 405/98, s. 22.

(3) A Fumigation — General licence is authority for the use of a fumigant gas or chloropicrin in a structural extermination. O. Reg. 405/98, s. 22.

(4) A Fumigation — Soil licence is authority for the use of a fumigant gas, chloropicrin or a mixture of methyl bromide and chloropicrin in a structural extermination of soil, greenhouse soil beds or nursery soil, if the extermination is conducted under a covering that suppresses the release of gas. O. Reg. 405/98, s. 22; O. Reg. 228/00, s. 7.

(5) A Fumigation — Commodity licence is authority for the use of aluminum phosphide, magnesium phosphide and phosphine in a structural extermination of material in a silo, bin, vehicle or other form of close containment, and includes authority for the use of insecticides that are Schedule 2, 3, 4 or 6 pesticides for pests associated with the material. O. Reg. 405/98, s. 22.

(6) A Fumigation — Vault licence is authority for the use of methyl bromide, ethylene oxide or carbon dioxide in a structural extermination carried on in a vault that meets the criteria set out in subsection 39 (1). O. Reg. 405/98, s. 22.

(7) A Structural licence is authority for the use of pesticides in a structural extermination, but does not include authority for the use of herbicides, fumigant gases, chloropicrin or termiticides and does not include authority for the use of pesticides to control pests of plants growing inside greenhouses and other buildings or structures. O. Reg. 405/98, s. 22.

(8) A Termite licence is authority for the use of insecticides in a structural extermination to prevent or control termites, but does not include authority for the use of a fumigant gas. O. Reg. 405/98, s. 22.

(9) A Greenhouse/Interior Plant licence is authority for the use of pesticides in an extermination to control pests of plants growing inside greenhouses and other buildings or structures, and includes authority for the use of pesticides in areas immediately surrounding the greenhouses, buildings or other structures but does not include authority for the use of a fumigant gas. O. Reg. 405/98, s. 22.

31. Revoked: O. Reg. 405/98, s. 23.

Structural Extermination Permits

32. (1) A Schedule 1, 2, 3 or 5 pesticide used in a structural extermination is prescribed for the purpose of subsection 7 (1) of the Act. O. Reg. 405/98, s. 24.

(2) A Schedule 4 or 6 pesticide used in a structural extermination is prescribed for the purpose of subsection 7 (1) of the Act if the extermination is performed by a person who does not hold a structural exterminator's licence, unless the person is not required to hold a structural exterminator's licence for that extermination. O. Reg. 405/98, s. 24.

32.1 If the permit so provides, the holder of a permit issued under subsection 7 (1) of the Act in respect of a structural extermination is exempt from subsection 5 (1) of the Act for the extermination specified in the permit. O. Reg. 405/98, s. 25.

33. (1) The holder of any class of structural exterminator's licence is exempt from subsection 7 (1) of the Act with respect to the use of a Schedule 2, 3 or 5 pesticide in a structural extermination authorized by the licence. O. Reg. 405/98, s. 26.

(2) Any person exempt from the licensing requirement of subsection 5 (1) of the Act for a structural extermination by means of a Schedule 2 or 3 pesticide is also exempt from subsection 7 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 33 (2).

General Requirements for Structural Exterminations by Fumigation using Fumigant Gas or Chloropicrin

34. (1) A person who is required under sections 35 to 43 to have adequate respiratory protection during a fumigation or airing out shall have adequate respiratory protection on his or her person and shall employ such protection at such times or in such circumstances as the pesticide label requires. O. Reg. 405/98, s. 27.

(2) If a fumigation has taken place and tests are required to be performed under sections 35 to 43 to determine whether airing out is completed, the tests shall be performed using appropriate gas monitoring equipment or systems that have the ability to detect and measure the gas produced by the pesticide used, with the accuracy appropriate to the concentrations referred to in subsection (3). O. Reg. 405/98, s. 27.

(3) If a fumigation has taken place, the airing out is not completed until, throughout the building, vault, vehicle or structure in which the extermination was performed, the concentration of the gas produced by the pesticide used is at or below,

(a) the concentration specified on the pesticide's label; and

(b) the concentration specified in Column 2 or 3 of the following Table for the pesticide, whichever is appropriate for the measuring device being used:

TABLE

Column 1
Column 2
Column 3

Gas Produced by Pesticide
Concentration (mg/m³)
Concentration (ppm by volume)

Phosphine gas
0.40
0.30

Carbon dioxide
9000
5000

Chloropicrin
0.67
0.10

Hydrocyanic acid gas
5.00
4.40

Ethylene oxide
1.80
1.00

Methyl bromide
12.00
3.00

O. Reg. 405/98, s. 27.

Structural Exterminations — General Space Fumigations using Fumigant Gas or Chloropicrin

35. (1) Sections 36, 37 and 38 apply to structural exterminations in which fumigant gas or chloropicrin is used in a general space fumigation of a building or a portion of a building. O. Reg. 405/98, s. 27.

(2) Every applicant for a permit for a structural extermination mentioned in subsection (1) shall hold a Fumigation-General structural exterminator's licence. O. Reg. 405/98, s. 27.

36. (1) At least 24 hours before but not more than seven days before performing an extermination mentioned in section 35, the exterminator shall deliver a notice in writing,

(a) to the owner or a representative of the owner of the building where the extermination is to be performed, and, where the building contains one or more dwelling units, to every occupant 16 years of age or over of every dwelling unit;

- (b) to the owner or a person apparently in charge of,
 - (i) every building physically attached to the building where the extermination is to be performed,
 - (ii) every building on the same parcel of land as the building where the extermination is to be performed, and
 - (iii) every building so located that the extermination constitutes an actual or potential hazard to the occupants; and
- (c) to the medical officer of health, the police force and the fire department responsible for the area in which the extermination is to be performed. O. Reg. 405/98, s. 27.

(2) Every notice under subsection (1) shall set out,

- (a) the address where the extermination is to be performed;
- (b) the name of the exterminator and the exterminator's emergency phone number;
- (c) the pesticide being used;
- (d) the date when it is proposed to perform the extermination;
- (e) that occupants are to vacate and remain out of the building where the extermination is to be performed, and every building physically attached to that building, during the periods of extermination and airing out; and
- (f) such other information as the Director may require. O. Reg. 405/98, s. 27.

(3) The exterminator shall ensure that the building where the extermination is to be performed, and every building physically attached to that building, is unoccupied during the periods of extermination and airing out. O. Reg. 405/98, s. 27.

(4) Within seven days after the extermination has been completed, the exterminator shall notify the Director of the completion and of any unexpected or adverse consequences. O. Reg. 405/98, s. 27.

37. (1) Before an extermination mentioned in section 35 is performed, the exterminator shall,

- (a) seal all openings in the building or the portion of the building in which the extermination is to be performed, including drains, ducts, vents and cracks, in a manner that suppresses the release of gas;
- (b) remove from the building or the portion of the building in which the extermination is to be performed all substances that are not compatible with the pesticide being used;
- (c) lock all doors and entrances to the building in which the extermination is to be performed, and all doors and entrances to every building physically attached to that building; and
- (d) post a warning placard at all entrances to the building in which the extermination is to be performed, and at all entrances to every building physically attached to the building, and ensure that each warning placard is sufficiently illuminated at all times to allow it to be read. O. Reg. 405/98, s. 27; O. Reg. 228/00, s. 8.

(2) During the extermination and until the airing out is completed, the exterminator shall ensure that,

- (a) the required warning placards remain posted;

(b) no person enters or remains in the building where the extermination is being or has been performed, or any building physically attached to that building, except a licensed exterminator authorized to use the fumigant that is being used;

(c) a person mentioned in clause (2) (b) who enters the building where the extermination is being performed, or any building physically attached to that building, employs adequate respiratory protection and is accompanied by at least one other person mentioned in clause (2) (b) who also employs adequate respiratory protection;

(d) adult guards are posted in a manner sufficient to prevent any unauthorized person from entering the building where the extermination is being performed, any building physically attached to that building or any area surrounding the buildings in which unauthorized persons might come to harm. O. Reg. 405/98, s. 27.

38. After completion of an extermination mentioned in section 35, the exterminator shall,

(a) circulate fresh air to every air space in the building where the extermination was performed, and to every air space in every building physically attached to that building, so that fresh air is circulated to all such spaces for whatever period of time is necessary to complete the airing out; and

(b) perform tests in every room of the building in which the extermination was performed, and in every room of every building physically attached to that building, to determine whether airing out is completed. O. Reg. 405/98, s. 27.

Structural Exterminations — Fumigations of Vaults

39. (1) The person responsible for a vault shall not cause or permit an extermination to be performed in which fumigant gas or chloropicrin is used in the fumigation of the vault if the person is aware that the vault is not gas-tight. O. Reg. 405/98, s. 27.

(2) The person responsible for a vault shall not cause or permit an extermination to be performed in which fumigant gas or chloropicrin is used in the fumigation of the vault unless the vault has been confirmed to be gas-tight by the report of a professional engineer issued within the previous five years or, if any work has been done on the vault during the previous five years that could affect whether the vault is gas-tight, by the report of a professional engineer issued since the work was done. O. Reg. 405/98, s. 27.

(3) The person responsible for a vault shall promptly submit to the Director a copy of every report of a professional engineer that is prepared in respect of the vault for the purpose of determining whether the vault is gas-tight. O. Reg. 405/98, s. 27.

(4) The holder of a Fumigation — General structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination by means of a fumigant gas or chloropicrin in a vault that meets the criteria set out in subsection (7). O. Reg. 405/98, s. 27.

(5) The holder of a Fumigation — Commodity structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination by means of phosphine in a vault that meets the criteria set out in subsection (7). O. Reg. 405/98, s. 27.

(6) The holder of a Fumigation — Vault structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination by means of a fumigant gas authorized by the licence in a vault that meets the criteria set out in subsection (7). O. Reg. 405/98, s. 27.

(7) The criteria referred to in subsections (4), (5), (6) and (8) are met if,

(a) the vault has been confirmed to be gas-tight by the report of a professional engineer issued within the previous five years or, if any work has been done on the vault during the previous five years that could affect whether the vault is gas-tight, by the report of a professional engineer issued since the work was done;

(b) the vault is free of any obvious damage that would suggest that the vault is not gas-tight; and

(c) the vault is equipped with,

(i) a sheet metal lining having soldered joints and covering the walls and ceilings, or any other lining that is equivalent in the opinion of the Director,

(ii) a floor that is made of material impervious to fumigants,

(iii) a gasket that is non-reactive to the pesticide being used,

(iv) an exhaust fan controlled by a switch from outside the vault capable of giving 10 changes of air per hour and discharging exhaust gases into the outside atmosphere at a point removed from any door, windows or openings, and

(v) provision to introduce gas from outside the vault. O. Reg. 405/98, s. 27.

(8) The following conditions apply to an extermination in which fumigant gas or chloropicrin is used in the fumigation of a vault:

1. Unless a permit provides otherwise, the exterminator shall inspect the vault and shall not proceed with the extermination unless he or she is satisfied that the vault meets the criteria set out in subsection (7).

2. Before a gas is generated or introduced, the exterminator shall search the vault to ensure that it contains no person.

3. The exterminator shall have adequate respiratory protection during the extermination and airing out.

4. The exterminator shall lock the door of the vault by means of a padlock before the generation or introduction of gas begins, shall keep it locked until the airing out begins, and shall keep the keys in his or her possession.

5. If, during the course of the extermination, the exterminator determines that the vault is not gas-tight, he or she shall take reasonable steps to temporarily seal the leaks and, within 24 hours after the airing out is completed, shall give written notice of the presence of the leaks to the person responsible for the vault and to the Director.

6. Other than the exterminator, no person shall enter the vault until the airing out is completed.

7. The exterminator shall post a warning placard on the vault entrance.

8. The exterminator shall be present during the airing out period.

9. The exterminator shall perform tests at representative locations in the vault in which the extermination was performed to determine whether airing out is completed. O. Reg. 405/98, s. 27.

Structural Exterminations — Indoor Fumigations under Coverings or inside Sealed Containers

40. (1) The following conditions apply to an extermination in which a fumigant gas, chloropicrin or a mixture of methyl bromide and chloropicrin is used inside a building, if the gas is enclosed inside a sealed container or under a covering that suppresses the release of gas:

1. The exterminator shall satisfy himself or herself that the building is located far enough away from any other building, structure or area where humans may be exposed to prevent adverse effects.
2. The exterminator shall ensure that no person enters or remains in the building during the extermination or airing out, except a licensed exterminator authorized to use the fumigant that is being used.
3. The exterminator and at least one other licensed exterminator authorized to use the relevant fumigant shall be present during the introduction of the fumigant and the airing out period.
4. All persons present during the introduction of the fumigant and the airing out period shall have adequate respiratory protection.
5. The exterminator shall lock the doors of the building by means of a padlock immediately after the introduction of the fumigant, shall keep the doors locked until the airing out begins, and shall keep the keys in his or her possession.
6. The exterminator shall post a warning placard on the covering or sealed container and all entrances to the building.
7. The exterminator shall ensure that the required warning placards remain posted during the extermination and until the airing out is completed.
8. The exterminator shall perform tests in every room of the building in which the extermination was performed to determine whether airing out is completed. O. Reg. 405/98, s. 27.

(2) The holder of a Fumigation — General, Fumigation — Commodity or Fumigation — Soil structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination in which a fumigant gas, chloropicrin or a mixture of methyl bromide and chloropicrin is authorized by the licence and is used inside a building, if the gas is enclosed inside a sealed container or under a covering that suppresses the release of gas. O. Reg. 405/98, s. 27.

Structural Exterminations — Fumigations in Vehicles or Specified Structures

41. (1) This section applies to an extermination in which a fumigant gas or chloropicrin is used in a vehicle or in any of the following structures:

1. A shipping container.
2. A silo or other grain storage container.
3. A bin.
4. A hopper.
5. A farm structure. O. Reg. 405/98, s. 27.

(2) The following conditions apply to an extermination mentioned in subsection (1):

1. Before introduction of the fumigant, the exterminator shall satisfy himself or herself that,

- i. the vehicle or structure is capable of being sealed during the extermination,
 - ii. the vehicle or structure is not contained within a larger vehicle or structure, and
 - iii. the vehicle or structure is located far enough away from any other building, structure or area where humans may be exposed to prevent adverse effects.
2. Before introduction of the fumigant, the exterminator shall remove from the vehicle or structure all substances that are not compatible with the pesticide being used.
 3. Before introduction of the fumigant, the exterminator shall search the vehicle or structure to ensure that it contains no person.
 4. The exterminator shall ensure that no person enters or remains in the vehicle or structure during the extermination and airing out, except a licensed exterminator authorized to use the fumigant that is being used.
 5. The exterminator and at least one other licensed exterminator authorized to use the relevant fumigant shall be present during the introduction of the fumigant and the airing out period.
 6. All persons present during the introduction of the fumigant and the airing out period shall have adequate respiratory protection.
 7. The exterminator shall seal the vehicle or structure and shall lock all the doors of the vehicle or structure by means of padlocks before a fumigant gas is introduced from the outside, or immediately after the introduction of a fumigant in any other case, shall keep the vehicle or structure sealed and the doors locked until the airing out begins, and shall keep the keys in his or her possession.
 8. The exterminator shall post a warning placard on all entrances to the vehicle or structure.
 9. The exterminator shall ensure that the required warning placards remain posted during the extermination and until the airing out is completed.
 10. The exterminator shall perform tests in the vehicle or structure to determine whether airing out is completed.
 11. During an extermination using methyl bromide in a vehicle or structure that is movable, a person shall not move the vehicle or structure until the airing out is completed, except in an emergency and with the permission of the holder of a Fumigation — General structural exterminator's licence.
 12. The fumigation of ships and of mobile units carried by ships must also comply with the Canada Shipping Act and Ship Fumigation Regulations. O. Reg. 405/98, s. 27; O. Reg. 228/00, s. 9.
- (3) If an extermination is performed in which phosphine is used in a truck, trailer or rail car that is in motion while the phosphine is active,
- (a) subsection (2) does not require the truck, trailer or rail car to be accompanied by an exterminator while it is in motion; and
 - (b) instead of keeping the keys in his or her possession under paragraph 7 of subsection (2), the exterminator shall ensure that the keys are not accessible to anyone other than people who are assisting in the extermination or involved in operating the truck, trailer or rail car. O. Reg. 405/98, s. 27.

(4) The holder of a Fumigation — General or Fumigation — Commodity structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination mentioned in subsection (1) that uses a fumigant gas or chloropicrin and is authorized by the licence. O. Reg. 405/98, s. 27.

Structural Exterminations — Fumigations of Rodent Burrows

42. The holder of a Fumigation — General structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination of rodents in which a fumigant gas or chloropicrin is used in burrows in the ground, if,

- (a) the burrows do not open into a building;
- (b) any rat burrow entrances are greater than 3 metres from a building;
- (c) any groundhog burrow entrances are greater than 10 metres from a building; and
- (d) the exterminator and every other person present has adequate respiratory protection. O. Reg. 405/98, s. 27.

Structural Exterminations — Outdoor Fumigations of Soil

43. (1) The following conditions apply to an extermination of soil in which a fumigant gas, chloropicrin or a mixture of methyl bromide and chloropicrin is used, if the soil is not inside a building and the gas is enclosed under a covering that suppresses the release of gas:

- 1. The exterminator shall satisfy himself or herself that the soil is located far enough away from any building, structure or area where humans may be exposed to prevent adverse effects.
- 2. The exterminator and every other person present during the extermination shall have adequate respiratory protection. O. Reg. 405/98, s. 27; O. Reg. 228/00, s. 10 (1).

(2) The holder of a Fumigation — General or Fumigation — Soil structural exterminator's licence is exempt from subsection 7 (1) of the Act for an extermination of soil in which a fumigant gas, chloropicrin or a mixture of methyl bromide and chloropicrin is used and is authorized by the licence, if the soil is not inside a building and the gas is enclosed under a covering that suppresses the release of gas. O. Reg. 405/98, s. 27; O. Reg. 228/00, s. 10 (2).

44. Revoked: O. Reg. 405/98, s. 27.

45. Revoked: O. Reg. 405/98, s. 27.

46. Revoked: O. Reg. 162/94, s. 1.

Structural Exterminations — Strychnine and Zinc Phosphide

47. If a pesticide containing strychnine or zinc phosphide is used in a structural extermination, the exterminator shall,

- (a) place the pesticide so that it is inaccessible to humans and to animals that are not targeted by the extermination;
- (b) use the pesticide so that it is unlikely to come into contact with food or drink intended for consumption by humans or animals;

(c) make a record, during the extermination, of the number and location of the sites where the pesticide is placed; and

(d) remove the pesticide from every site when the extermination is completed. O. Reg. 405/98, s. 28.

Structural Exterminations — Schedules 1, 2 and 5 Pesticides used as a Suspension in Air

48. (1) A person shall not use a Schedule 1, 2 or 5 pesticide as a suspension in air in a structural extermination unless the person holds a structural exterminator's licence (Fumigation — Commodity), structural exterminator's licence (Structural) or structural exterminator's licence (Greenhouse/Interior Plant) that authorizes use of the pesticide. O. Reg. 405/98, s. 28.

(2) A person shall not use a Schedule 1 or 5 pesticide as a suspension in air in a structural extermination unless the person is accompanied by another person who holds a licence referred to in subsection (1) that authorizes use of the pesticide. O. Reg. 405/98, s. 28.

(3) A person shall not use a Schedule 2 pesticide as a suspension in air in a structural extermination unless the person is accompanied by,

(a) another person who holds a licence referred to in subsection (1) that authorizes use of the pesticide; or

(b) a technician or trainee. O. Reg. 405/98, s. 28.

49. If a structural extermination is performed by means of a Schedule 1, 2 or 5 pesticide as a suspension in air, the exterminator shall,

(a) before introduction of the pesticide,

(i) lock, from the outside, all doors leading into the building, except for the door that the exterminator will use for access,

(ii) post a warning placard on the outside of all doors leading into the building, and

(iii) ensure that the building is vacant; and

(b) after introduction of the pesticide,

(i) leave the building and lock the remaining door, and

(ii) ensure that no person enters the building until the building is free of the pesticide as a suspension in air. O. Reg. 405/98, s. 28.

50. Revoked: O. Reg. 405/98, s. 28.

51. Revoked: O. Reg. 405/98, s. 28.

52. Revoked: O. Reg. 405/98, s. 28.

53. Revoked: O. Reg. 405/98, s. 28.

54. Revoked: O. Reg. 405/98, s. 28.

55. Revoked: O. Reg. 405/98, s. 28.

Structural Extermination Licence Exemptions

56. A person is exempt from subsection 5 (1) of the Act for an extermination by means of a Schedule 3 pesticide if the person,

(a) is a householder and performs the extermination in the house which he or she occupies; or

(b) is a tenant of an apartment or flat which he or she has rented and performs the extermination in the apartment or flat occupied by him or her. R.R.O. 1990, Reg. 914, s. 56.

57. (1) Where a person performs an extermination by means of a Schedule 4 or 6 pesticide on premises owned or occupied by him or her or by a person of whom he or she is the full-time employee, the person is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 57 (1).

(2) Subsection (1) applies in respect of an extermination of a tenanted apartment only if the person who performs the extermination is the tenant. R.R.O. 1990, Reg. 914, s. 57 (2); O. Reg. 228/00, s. 11.

58. Revoked: O. Reg. 405/98, s. 29.

59. An inspector under the Bees Act who is engaged in destroying bees by extermination under the authority of that Act by means of a fumigant gas and who holds a permit for the extermination issued by the Director is exempt from subsection 5 (1) of the Act. O. Reg. 405/98, s. 30.

60. Revoked: O. Reg. 405/98, s. 30.

61. (1) Where a person is the holder of a permit for a structural extermination by means of a Schedule 2 or 3 pesticide, he or she is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 61.

(2) Revoked: O. Reg. 405/98, s. 31.

Prohibited Pesticides

62. (1) No person shall use, handle, store, sell, transport or dispose of a pesticide that contains aldrin, chlordane, chlordecone, dichlorodiphenyltrichloroethane (DDT), dieldrin or endrin. O. Reg. 162/94, s. 3.

(2) Despite subsection (1), a pesticide described in that subsection may be managed and disposed of as a hazardous waste in accordance with the Environmental Protection Act and the regulations under that Act. O. Reg. 162/94, s. 3.

Land Exterminators' Licences

63. (1) The following classes of land exterminators' licences are prescribed:

1. Landscape.

2. Forestry.

3. Industrial Vegetation.

4. Agriculture.

5. Aerial. O. Reg. 405/98, s. 32.

(2) Every land exterminator's licence shall specify the class of licence for which it has been issued. O. Reg. 405/98, s. 32.

(3) A Landscape licence is authority for the use of pesticides in a land extermination for the maintenance of turf or ornamental plantings on residential, recreational, commercial or public land or for the maintenance of ornamental plants intended for sale, but does not include authority for the use of a fumigant gas. O. Reg. 405/98, s. 32.

(4) For the purpose of subsection (3), maintenance on a property of turf, ornamental plantings or ornamental plants intended for sale includes,

(a) maintenance of the outside of buildings or structures on the property by means of structural exterminations;

(b) maintenance of treed areas on the property that do not exceed one hectare in size; and

(c) maintenance of rights of way or other easements that benefit the property, as long as the rights of way or other easements can be reached from the property without crossing a public road. O. Reg. 405/98, s. 32.

(5) A Forestry licence is authority for the use of pesticides in a land extermination for forest management or the growing and maintenance of trees, but does not include authority for the use of a fumigant gas. O. Reg. 405/98, s. 32.

(6) An Industrial Vegetation licence is authority for the use of herbicides in a land extermination to control vegetation on rights of way, roadsides, utility easements or other areas that give access to works or equipment, or in sewers, and includes authority for the use of insecticides and fungicides on inground wooden poles, but does not include authority for the use of a fumigant gas. O. Reg. 405/98, s. 32.

(7) An Agriculture licence is authority for the use of pesticides in a land extermination for the production of livestock, poultry or agricultural crops, including Christmas trees and sod, and includes authority for the use of pesticides in an extermination on animals in a farm structure and authority for the use of aluminum phosphide, magnesium phosphide or phosphine to control groundhogs, but does not include authority for any other use of fumigant gases or for any other use of pesticides inside greenhouses or other structures. O. Reg. 405/98, s. 32.

(8) An Aerial licence is authority for the use of pesticides applied by airborne machines in a land extermination or water extermination. O. Reg. 405/98, s. 32.

Land Extermination Notification Requirements

definitions

64. In sections 65 to 79,

“application area” means land on which a land extermination is performed or intended to be performed;

“public area sign” means a sign that meets the requirements for a public area sign set out in subsection 74 (1) and in sections 75 and 76;

“residential area sign” means a sign that meets the requirements for a residential area sign set out in subsection 74 (2) and in sections 75 and 76. O. Reg. 500/92, s. 1.

public areas

65. (1) No person shall perform a land extermination by means of a Schedule 1, 2, 3, 4, 5 or 6 pesticide without giving public notice in accordance with sections 66, 67, 68 and 71 to 76. O. Reg. 500/92, s. 1.

(2) No holder of an exterminator's licence shall perform a land extermination by means of a Schedule 1, 2, 3, 4, 5 or 6 pesticide without advising in writing the owner, occupier or person having the charge, management or control of the application area who caused the extermination to be performed of the requirements of section 72. O. Reg. 500/92, s. 1.

(3) Subsections (1) and (2) do not apply in respect of land exterminations on,

(a) land with natural features that exclude the public;

(b) land in respect of which substantial measures, such as fencing, have been taken to exclude the public;

(c) land used for agricultural or forestry production;

(d) a controlled-access highway or controlled access road within the meaning of the Public Transportation and Highway Improvement Act, other than rest areas, picnic areas and other areas where the public is invited to stop; or

(e) a lot or parcel of land on which there are no commercial or industrial buildings, and on which there is at least one and there are no more than four dwelling units. O. Reg. 500/92, s. 1.

(4) Subsection (2) does not apply where the person performing the land extermination is,

(a) an owner of the application area;

(b) an occupier of the application area;

(c) a person having the charge, management or control of the application area; or

(d) a full-time employee of a person described in clauses (a) to (c). O. Reg. 500/92, s. 1.

66. (1) Public area signs giving public notice of a land extermination shall be posted conspicuously at all ordinary points of access, if any, to the application area. O. Reg. 500/92, s. 1.

(2) Where there are no ordinary points of access to the application area, and there is a larger area of land that includes the application area and that is under the same ownership, management, charge or control as the application area, public area signs shall be posted conspicuously at all ordinary points of access, if any, to that larger area. O. Reg. 500/92, s. 1.

67. (1) Public area signs giving public notice of a land extermination shall be posted conspicuously at least every 100 metres along the perimeter of the application area. O. Reg. 500/92, s. 1.

(2) Subsection (1) does not apply in respect of any part of the perimeter along which there is a barrier that can reasonably be expected to prevent people from entering the application area. O. Reg. 500/92, s. 1.

(3) At least one public area sign giving public notice of a land extermination shall be posted conspicuously along the perimeter of the application area. O. Reg. 500/92, s. 1.

(4) For the purposes of this section, a sign is posted along the perimeter if it is posted within ten metres of the perimeter. O. Reg. 500/92, s. 1.

68. (1) Public notice of a land extermination may be given by one or more means described in subsection (2), and not as required by sections 66 and 67 if,

(a) complying with the requirements of sections 66 and 67 would require the posting of more than twenty public area signs;

(b) the application area is in a rural area and is on a public thoroughfare;

(c) the application area is in a rural area and is on land against which a public utility or other public work has a right of way if the land extermination is to be performed over the right of way to benefit that work or access to it; or

(d) public access to the application area is sufficiently limited to justify doing so. O. Reg. 500/92, s. 1.

(2) Public notice of a land extermination described in subsection (1) may be given, with the written approval of the Director, by the following means:

1. Publication in a newspaper of general circulation in the vicinity of the proposed land extermination at least one week prior to the proposed extermination.

2. The posting of signs or distribution of written notices in a manner that, in the Director's opinion, provides adequate notice to all persons who may be affected by the extermination.

3. Such other means that, in the Director's opinion, provides adequate notice to all persons who may be affected by the extermination. O. Reg. 500/92, s. 1.

(3) For the purposes of subsection (1), an application area is in a rural area if,

(a) the application area is not within the geographic limits of a city, town, village or borough; or

(b) there are fewer than twenty dwelling units within one kilometre of any given location in the application area. O. Reg. 500/92, s. 1.

(4) For the purposes of clause (1) (b), a public thoroughfare includes a public highway and any land over which the public has a general right of access but does not include a rest area, picnic area or other area on a highway where the public is invited to stop. O. Reg. 500/92, s. 1.

(5) The Director may abridge the time period for advance notice set out in paragraph 1 of subsection (2) if he or she is satisfied that a land extermination is urgently required and that to do so would not deprive any person who may be affected by the extermination of adequate notice. O. Reg. 500/92, s. 1.

residential areas

69. (1) No holder of a land exterminator's licence shall perform a land extermination, other than a land extermination for the purposes of agricultural or forestry production, by means of a Schedule 1, 2, 3, 4, 5 or 6 pesticide on an application area any part of which is within 100 metres of a dwelling unit, other than a dwelling unit within the application area, without,

(a) giving public notice in accordance with sections 70 and 71 to 76; and

(b) advising, in writing, the owner, occupier or person having the charge, management or control of the application area who caused the extermination to be performed of the requirements of section 72. O. Reg. 500/92, s. 1.

(2) Subsection (1) does not apply in respect of a land extermination to which subsection 65 (1) applies. O. Reg. 500/92, s. 1.

(3) Clause (1) (b) does not apply where the person performing the land extermination is,

(a) an owner of the application area;

(b) an occupier of the application area;

(c) a person having the charge, management or control of the application area; or

(d) a full-time employee of a person described in clauses (a) to (c). O. Reg. 500/92, s. 1.

(4) A holder of a land exterminator's licence may elect to treat separate land exterminations being performed together as one extermination that is subject to section 65, if there is adequate notice to all persons who may be affected by the exterminations. O. Reg. 500/92, s. 1.

70. (1) Residential area signs giving public notice of a land extermination shall be posted conspicuously at least every 100 metres along these parts of the perimeter of the application area that are, at all points,

(a) within 100 metres of a dwelling unit, other than a dwelling unit within the application area; and

(b) adjacent to a highway or other area to which the public is ordinarily admitted. O. Reg. 500/92, s. 1.

(2) At least one residential area sign giving public notice of a land extermination shall be posted conspicuously along the perimeter of the application area. O. Reg. 500/92, s. 1.

(3) For the purposes of this section, a sign is posted along the perimeter if it is posted within ten metres of the perimeter. O. Reg. 500/92, s. 1.

posting and contents of notice

71. (1) Residential area signs shall be posted immediately before the land extermination begins. O. Reg. 500/92, s. 1.

(2) Except as provided in subsections (3) and (6), public area signs shall be posted immediately before the land extermination begins. O. Reg. 500/92, s. 1.

(3) Subject to subsections (4) and (5), public area signs shall be posted at least twenty-four hours before the land extermination begins on any part of an application area that includes or is included in,

(a) an outdoor area associated with a daycare facility, nursery school, primary school, high school, private school or post-secondary institution;

(b) a lot or parcel of land on which there are more than four dwelling units;

(c) a park;

(d) a cemetery;

(e) a golf course; or

(f) a campground. O. Reg. 500/92, s. 1.

(4) If public notice is given by one or more means set out in paragraphs 1 to 4 of subsection (6), public area signs may be posted immediately before the land extermination begins, and not as required by subsection (3), on any part of an application area that includes or is included in,

(a) a park in a rural area, as rural area is described in subsection 68 (3);

(b) a cemetery;

(c) a golf course in a rural area, as rural area is described in subsection 68 (3); or

(d) a golf course to which access by unauthorized persons is controlled by means of gates, fences or other barriers. O. Reg. 500/92, s. 1.

(5) If public notice is given by one or more means set out in paragraphs 1 to 4 of subsection (6) and by one or more means set out in paragraph 5 of subsection (6), public area signs may be posted immediately before the land extermination begins, and not as required by subsection (3), on any part of a land extermination that includes or is included in a campground. O. Reg. 500/92, s. 1.

(6) Public notice of a land extermination described in subsections (4) and (5) may be given by the following means:

1. The posting of public area signs, at least twenty-four hours before the land extermination begins, at all ordinary points of access to the application area or larger area, as required by section 66.

2. The posting of public area signs, at least twenty-four hours before the land extermination begins, at all locations where visitors normally come into contact with the owner or operator of the application area or that person's employees.

3. The distribution of written notices, during the period twenty-four hours before the land extermination begins, at all locations where visitors normally come into contact with the owner or operator of the application area or that person's employees.

4. Such other means that, in the Director's opinion, is equivalent to the means set out in paragraph 1, 2 or 3 in that it provides adequate notice to all persons who may be affected by the extermination, and that is approved in writing by the Director.

5. Posting signs, distributing notices, making public announcements or other such means, during the period twenty-four hours before the land extermination begins, to attempt to give notice of the extermination to persons who entered the campground before that period. O. Reg. 500/92, s. 1.

(7) The Director may abridge the time period for advance notice set out in subsections (3) and (6) if he or she is satisfied that a land extermination is urgently required and that to do so would not deprive any person who may be affected by the extermination of adequate notice. O. Reg. 500/92, s. 1.

72. (1) No person shall remove a sign before forty-eight hours have elapsed following the completion of a land extermination. O. Reg. 500/92, s. 1.

(2) Each person who performs a land extermination shall ensure that each sign is removed not less than three and not more than ten days after the day on which the extermination was completed, or by a later day agreed to by the Director in writing but not exceeding thirty days after the extermination if,

in the Director's opinion, the signs cannot be removed earlier without undue expense to the person who performed the extermination. O. Reg. 500/92, s. 1.

73. Signs shall not be posted on trees, fences or buildings or on signboards together with other signs. O. Reg. 500/92, s. 2.

74. (1) Public area signs shall be rectangular and at least fifty-one centimetres high and thirty-eight centimetres wide. O. Reg. 500/92, s. 3.

(2) Residential area signs shall be rectangular and at least twenty-eight centimetres high and twenty-two centimetres wide. O. Reg. 500/92, s. 3.

75. Signs shall be made of rain resistant material and shall be sturdy enough that they can be reused. O. Reg. 500/92, s. 3.

76. (1) The front of each sign shall bear,

(a) the words "WARNING" at the top in capital letters;

(b) below those words a pictogram showing a single, black silhouette of an adult person on a white background within a red circle crossed by an oblique red bar;

(c) below the pictogram the words "PESTICIDE USE" in capital letters;

(d) below those words the words "FOR INFORMATION CONTACT" in capital letters and the telephone number of a representative of the person performing the land extermination who can provide more information about it;

(e) below the telephone number, the words "CALL COLLECT" in capital letters, if long distance rates apply to the telephone number from telephones located near the application area; and

(f) below those words or below the telephone number, as the case may be, the words "DATE POSTED" in capital letters and the date the sign is posted, and the words "DATE SPRAYED" and the date the land extermination begins. O. Reg. 500/92, s. 3.

(2) In addition to the requirements of subsection (1), the front of a sign may bear only words and markings that do not detract from the required information, occupying not more than the bottom five centimetres of a public area sign and not more than the bottom 2.5 centimetres of a residential area sign, that identify the employer of the person performing the land extermination or the owner or occupier of the application area. O. Reg. 500/92, s. 3.

(3) For the purpose of clause (1) (f), the date the sign is posted shall be on the sign when it is posted and the date the land extermination begins shall be added to the sign not later than immediately before the extermination begins. O. Reg. 500/92, s. 3.

(4) Despite clause (1) (f), a sign required to be posted immediately before the land extermination begins may omit the words "DATE POSTED" and the date the sign is posted. O. Reg. 500/92, s. 3.

(5) The back of each sign shall bear,

(a) the word "PESTICIDE" at the top in capital letters followed by the name of the pesticide used or intended for use on the application area;

(b) below those words the words “REGISTRATION NUMBER” in capital letters followed by the number assigned to the pesticide under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada); and

(c) below those words the words “TO CONTROL” in capital letters followed by the name of the pest to be controlled. O. Reg. 500/92, s. 3; O. Reg. 405/98, s. 33.

(6) In addition to the requirements of subsection (5), the back of a sign may bear only,

(a) words and markings that do not detract from the required information, occupying not more than the bottom five centimetres of a public area sign and not more than the bottom 2.5 centimetres of a residential area sign, that identify the employer of the person performing the land extermination or the owner or occupier of the application area; and

(b) additional words and markings that are approved in writing by the Director. O. Reg. 500/92, s. 3.

(7) The words “WARNING” and “PESTICIDE USE” on the front of each sign shall be printed in red letters and shall be at least five centimetres high on public area signs and at least 2.5 centimetres high on residential area signs. O. Reg. 500/92, s. 3.

(8) All other letters and numbers required by subsections (1) and (5) shall be printed in black and shall be at least 1.5 centimetres high on public area signs and at least one centimetre high on residential area signs. O. Reg. 500/92, s. 3.

(9) The outer edge of the red circle on the pictogram shall be at least 21.5 centimetres in diameter on each public area sign and at least 12.5 centimetres in diameter on each residential area sign and the width of the circle shall be approximately one-tenth the size of that diameter. O. Reg. 500/92, s. 3.

(10) If the telephone number used on a sign is a number to which long distance rates apply from telephones located near the application area, all collect calls must be accepted. O. Reg. 500/92, s. 3.

77. A person intending to perform a land extermination may post a sign other than a sign that meets the requirements of sections 73, 74 and 76 if the person satisfies the Director that in the circumstances public notice would be better provided by the sign the person proposes to post. O. Reg. 500/92, s. 3.

78. (1) Any written notice authorized under section 68 or 71, other than the posting of a sign, shall set out,

(a) the date the land extermination is to take place;

(b) a description of the application area;

(c) the pesticide used or intended for use on the application area;

(d) the registration number assigned to the pesticide under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada);

(e) the name of the pest to be controlled; and

(f) the telephone number of a representative of the person performing the land extermination who can provide more information about it. O. Reg. 500/92, s. 3; O. Reg. 405/98, s. 34.

(2) If the telephone number used in the notice is a number to which long distance rates apply from telephones located near the application area, the notice shall state that collect calls will be accepted and all collect calls must be accepted. O. Reg. 500/92, s. 3.

79. If a trainee or technician uses pesticides application equipment under the supervision of a holder of an exterminator's licence, the holder of the licence,

(a) shall ensure that the notices required by subsections 65 (1) and (2) and 69 (1) are given; and

(b) shall not permit the trainee or technician to use the equipment unless those notices have been given. O. Reg. 500/92, s. 3; O. Reg. 228/00, s. 12.

80. Revoked: O. Reg. 500/92, s. 3.

Land Extermination Permits

81. (1) A Schedule 1, 2, 3 or 5 pesticide used in a land extermination is prescribed for the purpose of subsection 7 (1) of the Act. O. Reg. 405/98, s. 35.

(2) A Schedule 4 or 6 pesticide used in a land extermination is prescribed for the purpose of subsection 7 (1) of the Act if the extermination is performed by a person who does not hold a land exterminator's licence, unless the person is not required to hold a land exterminator's licence for that extermination. O. Reg. 405/98, s. 35.

81.1 If the permit so provides, the holder of a permit issued under subsection 7 (1) of the Act in respect of a land extermination is exempt from subsection 5 (1) of the Act for the extermination specified in the permit. O. Reg. 405/98, s. 36.

82. (1) Subject to subsections (3) and (4) and section 88, a holder of any class of land exterminator's licence authorized to use a Schedule 2, 3, 4, 5 or 6 pesticide in an extermination is exempt from subsection 7 (1) of the Act for that extermination. O. Reg. 405/98, s. 37; O. Reg. 228/00, s. 13 (1).

(2) Subject to subsections (3) and (4) and section 88, any person exempt from subsection 5 (1) of the Act for a land extermination by use of a Schedule 2, 3, 4, 5 or 6 pesticide is also exempt from subsection 7 (1) of the Act for that extermination. O. Reg. 405/98, s. 37; O. Reg. 228/00, s. 13 (2).

(3) The exemptions in subsections (1) and (2) do not apply to a land extermination by means of a pesticide containing picloram or 4-aminopyridine. O. Reg. 405/98, s. 37.

(4) The exemptions in subsections (1) and (2) do not apply to an extermination to control groundhogs in burrows in the ground using aluminum phosphide, magnesium phosphide or phosphine if any of the burrows open into a building or any of the burrow entrances are less than 10 metres from a building. O. Reg. 405/98, s. 37.

83. Revoked: O. Reg. 405/98, s. 38.

84. Revoked: O. Reg. 405/98, s. 38.

85. Revoked: O. Reg. 405/98, s. 38.

86. Revoked: O. Reg. 405/98, s. 38.

87. Revoked: O. Reg. 405/98, s. 38.

Airborne Machines

88. The exemptions in subsections 82 (1) and (2) do not apply to the following uses of pesticides:

1. The use from an airborne machine of a Schedule 1 or 5 pesticide.
 2. The use from an airborne machine of a Schedule 2 pesticide containing 2,4-D, 2,4-DB, mecoprop, MCPA, MCPB, dichlorprop, dicamba, picloram, paraquat or trichlopyr.
 3. The use from an airborne machine of a pesticide in connection with the management of Crown forests pursuant to the Crown Forest Sustainability Act, 1994. O. Reg. 405/98, s. 39.
89. (1) An exterminator's licence does not authorize the use of a pesticide applied by an airborne machine unless it is a land exterminator's licence (Aerial). O. Reg. 405/98, s. 39.
- (2) If an extermination is performed from an airborne machine, the pilot of the machine must be the holder of a land exterminator's licence (Aerial). O. Reg. 405/98, s. 39.
90. Where a land or water extermination with an airborne machine is performed using a Schedule 1, 2 or 5 pesticide,
- (a) the pesticide shall not be in a dust formulation; and
 - (b) the pilot of the machine shall not assist in the loading of the machine with the pesticide or otherwise expose himself or herself to contact with it. R.R.O. 1990, Reg. 914, s. 90.
91. (1) Every person who operates an airborne machine in performing land or water exterminations shall,
- (a) make a record of each land and water extermination performed by the person, in the form or format approved by the Director, and keep the record for a period of two years after the extermination is completed;
 - (b) if the land or water extermination was performed for an operator, provide a copy of the record mentioned in clause (a) to the operator after the extermination is completed, and the operator shall keep a copy of the record for two years; and
 - (c) on the request of the Director, promptly submit a copy of a record mentioned in clause (a) to the Director. O. Reg. 405/98, s. 40.
- (2) A pilot or operator, as the case may be, shall produce the records mentioned in subsection (1) to a provincial officer when requested and, unless provided with a copy of the records, the provincial officer may remove the records, or any portion thereof, in order to make copies. R.R.O. 1990, Reg. 914, s. 91 (2).

Land Extermination Exemptions

92. Where a person performs a land extermination for domestic purposes on land occupied by the person by means of a Schedule 3 pesticide, the person is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 92.
- 92.1 A person who performs a land extermination for personal protection by means of an animal repellent that is a Schedule 2, 3, 4, 5 or 6 pesticide is exempt from subsection 5 (1) of the Act and subsection 65 (1) of this Regulation in respect of the extermination. O. Reg. 405/98, s. 41.
93. (1) Where a person performs a land extermination by means of a Schedule 4 or 6 pesticide on premises owned or occupied by the person or by a person of whom he or she is the full-time employee, the person is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 93 (1).

(2) Where a person performs a land extermination by means of a Schedule 3 pesticide on premises to which the public is not admitted and which are owned or occupied by the person or by a person of whom he or she is the full-time employee, the person is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 93 (2).

94. (1) A certified agriculturist is an agriculturist who is certified within the last 60 months,

(a) to have successfully completed a course for certified agriculturists that has been approved by the Director with respect to the handling and use of pesticides on farm land; or

(b) to possess experience that in the Director's opinion makes it unnecessary for the agriculturist to take the course described in clause (a). O. Reg. 129/98, s. 1.

(2) An assistant agriculturist is an agriculturist who, within the last 60 months, has completed a course for assistant agriculturists that has been approved by the Director with respect to the handling and use of pesticides on farm land. O. Reg. 129/98, s. 1.

(2.1) Certified agriculturists and assistant agriculturists shall be at least 16 years of age. O. Reg. 228/00, s. 14 (1).

(2.2) When handling or using pesticides on farm land, a certified agriculturist or assistant agriculturist shall have readily available a copy of a document confirming that he or she complies with subsection (1) or (2), as the case may be. O. Reg. 228/00, s. 14 (1).

(3) A certified agriculturist who is the holder of a permit for a land extermination by means of a Schedule 1 pesticide on the farm land on which the agriculturist is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination. O. Reg. 129/98, s. 1.

(4) An agriculturist who performs a land extermination by means of a Schedule 3, 4 or 6 pesticide on the farm land on which he or she is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination. O. Reg. 129/98, s. 1.

(5) A certified agriculturist who performs a land extermination by means of a Schedule 2 or 5 pesticide on the farm land on which he or she is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination. O. Reg. 129/98, s. 1.

(6) Revoked: O. Reg. 228/00, s. 14 (2).

(7) Subject to subsections (8) and (9), an assistant agriculturist who performs a land extermination by means of a Schedule 2 or 5 pesticide on the farm land on which he or she is engaged with a certified agriculturist in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination. O. Reg. 129/98, s. 1; O. Reg. 228/00, s. 14 (3).

(8) An assistant agriculturist shall not,

(a) purchase a Schedule 2 or 5 pesticide;

(b) recommend or select a Schedule 2 or 5 pesticide for use on the farm land;

(c) select the application rate of a Schedule 2 or 5 pesticide for use on the farm land;

(d) calibrate application equipment for an extermination using a Schedule 2 or 5 pesticide;

(e) select the appropriate means of storage of a Schedule 2 or 5 pesticide;

(f) select the appropriate means of disposal or reclamation of an empty container that has held a Schedule 2 or 5 pesticide; or

(g) transport or dispose of a Schedule 2 or 5 pesticide that has become waste. O. Reg. 129/98, s. 1; O. Reg. 228/00, s. 14 (4).

(9) An assistant agriculturist shall not mix, load or apply a Schedule 2 or 5 pesticide unless he or she is supervised by a certified agriculturist. O. Reg. 228/00, s. 14 (5).

(9.1) The certified agriculturist who supervises the assistant agriculturist shall,

(a) be present at the site where the mixing, loading or application takes place; or

(b) be on call as described in subsection (9.2). O. Reg. 228/00, s. 14 (5).

(9.2) A certified agriculturist who is on call for the purposes of clause (9.1) (b) shall,

(a) in the case of a Schedule 5 pesticide, provide the assistant agriculturist with written instructions for the proper mixing, loading and application of the pesticide and ensure that the instructions are readily available at the site; and

(b) in the case of a Schedule 2 or 5 pesticide,

(i) be available for immediate response through an effective communication system, and

(ii) be able to attend at the site to respond to an emergency situation within a period of time that is reasonable in the circumstances. O. Reg. 228/00, s. 14 (5).

(10) Every certified agriculturist shall ensure that the use, storage, transportation and disposal of pesticides on the farm land on which the certified agriculturist is engaged in agricultural or forestry production is carried out in accordance with the Act and this Regulation. O. Reg. 129/98, s. 1.

(11) A certified agriculturist shall not supervise, at any one time, more than three assistant agriculturists for the purpose of subsection (9). O. Reg. 228/00, s. 14 (6).

95. (1) A certified agriculturist is exempt from subsections 5 (1) and (2) of the Act in respect of a land extermination if all of the following criteria are satisfied:

1. The extermination is performed on farm land that is not owned by the certified agriculturist.

2. The extermination is performed by means of a Schedule 2, 3, 4, 5 or 6 pesticide.

3. The extermination is performed by the operation at any given time of only one piece of application equipment and that equipment is normally used on the certified agriculturist's own farm land.

4. No money is paid for the extermination. O. Reg. 405/98, s. 42.

(2) Subsection (1) does not apply to a person who performs an extermination by means of an airborne machine. R.R.O. 1990, Reg. 914, s. 95 (2).

(3) Revoked: O. Reg. 119/91, s. 3 (2).

96. Revoked: O. Reg. 406/98, s. 43.

97. Revoked: O. Reg. 406/98, s. 43.

98. (1) Where an area weed inspector under the Weed Control Act, in accordance with his or her duties under that Act, performs a land extermination by means of a Schedule 2, 3, 4 or 6 pesticide that is a herbicide and uses a compressed-air hand sprayer or equipment no larger than that commonly called a knapsack sprayer, he or she is exempt from subsection 5 (1) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 98 (1).

(2) A municipality which performs a land extermination for another municipality by means of a Schedule 2, 3, 4 or 6 pesticide is exempt from subsection 5 (2) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 98 (2).

99. (1) Where an exterminator is licensed as a structural exterminator (Structural) and performs an extermination on animals on farm land, the exterminator is exempt from being licensed as a land exterminator for that extermination. R.R.O. 1990, Reg. 914, s. 99 (1); O. Reg. 405/98, s. 44 (1).

(2) An exterminator who is licensed as a structural exterminator (Structural) is exempt from being licensed as a land exterminator for a land extermination for mammalian, avian or insect pests,

(a) on or near a waste disposal site defined under the Environmental Protection Act; or

(b) near the building or vehicle where the structural extermination for the mammalian, avian or an insect pest is being performed. R.R.O. 1990, Reg. 914, s. 99 (2); O. Reg. 405/98, s. 44 (2).

100. Revoked: O. Reg. 405/98, s. 45.

101. Revoked: O. Reg. 405/98, s. 45.

Water Exterminations

102. (1) The following classes of water exterminators' licences are prescribed:

1. Aquatic Vegetation.

2. Mosquito/Biting Flies.

3. Fish/Mollusc. O. Reg. 405/98, s. 46; O. Reg. 482/98, s. 1 (1).

(2) Every water exterminator's licence shall specify the class of licence for which it has been issued. O. Reg. 405/98, s. 46.

(3) An Aquatic Vegetation licence is authority for the use of herbicides in a water extermination. O. Reg. 405/98, s. 46.

(4) A Mosquito/Biting Flies licence is authority for the use of insecticides in a water extermination and for the use of insecticides in a land extermination of the adult stage of mosquitoes or other biting flies. O. Reg. 482/98, s. 1 (2).

(5) A Fish/Mollusc licence is authority for the use of pesticides in a water extermination related to fish, sea lamprey or molluscs. O. Reg. 405/98, s. 46.

Water Extermination Permit Requirements

103. If the permit so provides, the holder of a permit issued under subsection 7 (2) of the Act in respect of a water extermination is exempt from subsection 5 (1) of the Act for the extermination specified in the permit. O. Reg. 405/98, s. 46; O. Reg. 229/03, s. 2.

Water Extermination Licence and Permit Exemptions

104. (1) Where a person performs a water extermination within the boundaries of premises owned or occupied by the person or by a person of whom he or she is a full-time employee,

(a) the person is exempt from subsection 5 (1) of the Act for that extermination; and

(b) if such water is located wholly within the boundaries of such premises and does not discharge water by any means directly or indirectly, other than by percolation, into a well, lake, river, pond, spring, stream, reservoir or other water or watercourse that is located wholly or partly outside the boundaries of the premises, then the person is exempt from subsection 7 (2) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 104 (1).

(2) A municipality that performs a water extermination for another municipality by means of a Schedule 2, 3, 4 or 6 pesticide is exempt from subsection 5 (2) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 104 (2).

105. Where a person performs a water extermination for the control of plants that emerge from or float on the surface of the water in a drainage ditch, which at the time of the extermination contains no moving water, and the person uses a Schedule 2, 3, 4 or 6 pesticide that is labelled for that use, the person is exempt from subsection 7 (2) of the Act for that extermination. R.R.O. 1990, Reg. 914, s. 105.

Vehicle Identification

105.1 During a calendar year, an operator shall not permit a vehicle to be used to transport or apply a pesticide in connection with an extermination unless an identification marker for the calendar year has been obtained from the Director and is affixed to the rear of the vehicle in such manner as to be visible and legible at all times. O. Reg. 405/98, s. 47.

Vendors' Licences

106. The following classes of vendors' licences are prescribed:

1. General vendor's licence.

2. Limited vendor's licence. O. Reg. 405/98, s. 48.

107. (1) An applicant for the issuance or renewal of any class of vendor's licence must be at least 18 years of age, unless the applicant is a corporation or partnership. O. Reg. 405/98, s. 48.

(2) If the applicant is a corporation or partnership, it shall designate on its application the partner, director or officer who is the official representative of the corporation or partnership, who shall be at least 18 years of age and shall sign the application and whose duty it is to ensure compliance with the Act and the regulations. O. Reg. 405/98, s. 48.

(3) The applicant shall submit with the application,

(a) the name and address of the sales outlet to be covered by the licence; and

(b) in the case of an application for a general vendor's licence, the name and address of at least one outlet representative for the outlet and proof that the outlet representative has complied with clause 109 (1) (b). O. Reg. 405/98, s. 48.

(4) An applicant for any class of vendor's licence whose application is in the process of being considered and every general vendor or limited vendor shall notify the Director, in writing, of any change in the information submitted under this section within 10 days after the effective date of the change. O. Reg. 405/98, s. 48.

108. Every holder of a vendor's licence shall display the licence or a legible copy of the licence in a prominent place at the sales outlet covered by the licence. O. Reg. 405/98, s. 48.

108.1 Revoked: O. Reg. 405/98, s. 48.

109. (1) The holder of a general vendor's licence shall ensure that the sales outlet covered by the licence has an outlet representative who,

(a) works full-time at the sales outlet;

(a.1) is at least 16 years of age;

(b) within the previous 60 months, has successfully completed a course approved by the Director for persons involved in selling pesticides, or who otherwise satisfies the Director that he or she is qualified to sell pesticides;

(c) is the licensee or an employee of the licensee, if the licensee is not a partnership or corporation;

(d) is a partner or an employee of the partnership, if the licensee is a partnership; and

(e) is an officer, director or employee of the corporation, if the licensee is a corporation. O. Reg. 405/98, s. 48; O. Reg. 228/00, s. 15.

(2) The outlet representative shall ensure that all operations of the outlet are carried out in accordance with the Act and the regulations. O. Reg. 405/98, s. 48.

(3) A person shall not sell or offer to sell a pesticide at a sales outlet if the sales outlet does not have an outlet representative who meets the criteria required by subsection (1). O. Reg. 405/98, s. 48.

(4) Subsection (3) does not apply to a sale of a pesticide by a person who is exempted under section 116 or 117 from requiring a vendor's licence. O. Reg. 405/98, s. 48.

110. A general vendor or limited vendor shall not sell a pesticide for which the vendor requires a licence under section 6 of the Act except as provided by section 111 or 112. O. Reg. 405/98, s. 48.

111. (1) A general vendor may sell a Schedule 1 pesticide to,

(a) a general vendor;

(b) a licensed exterminator authorized to use that pesticide; or

(c) the holder of a permit for the purchase and use of that pesticide. O. Reg. 405/98, s. 48.

(2) A general vendor may sell a Schedule 2 pesticide to,

(a) a general vendor;

- (b) a licensed structural or water exterminator authorized to use that pesticide;
- (c) a licensed land exterminator authorized to use that pesticide, unless the pesticide contains picloram or 4-aminopyridine;
- (d) a certified agriculturist, unless the pesticide contains picloram or 4-aminopyridine;
- (e) an area weed inspector designated under the Weed Control Act, unless the pesticide contains picloram; or
- (f) the holder of a permit for the purchase and use of that pesticide. O. Reg. 405/98, s. 48; O. Reg. 228/00, s. 16.

(3) A general vendor may sell a Schedule 3 pesticide to,

- (a) a general vendor or limited vendor;
- (b) a licensed exterminator authorized to use that pesticide;
- (c) a person exempt from subsection 5 (1) of the Act for an extermination by means of that pesticide; or
- (d) the holder of a permit for the purchase and use of that pesticide. O. Reg. 405/98, s. 48.

(4) A general vendor may sell a Schedule 4 pesticide to any person. O. Reg. 405/98, s. 48.

(5) A general vendor may sell a Schedule 5 pesticide to,

- (a) a general vendor;
- (b) a licensed exterminator authorized to use that pesticide;
- (c) a certified agriculturist;
- (d) an area weed inspector designated under the Weed Control Act; or
- (e) the holder of a permit for the purchase and use of that pesticide. O. Reg. 405/98, s. 48.

(6) A general vendor may sell a Schedule 6 pesticide to any person. O. Reg. 405/98, s. 48.

112. (1) A limited vendor may sell a Schedule 3 pesticide to,

- (a) a general vendor or limited vendor;
- (b) a licensed exterminator authorized to use that pesticide;
- (c) a person exempt from subsection 5 (1) of the Act for an extermination by means of that pesticide; or
- (d) the holder of a permit for the purchase and use of that pesticide. O. Reg. 405/98, s. 48.

(2) A limited vendor may sell a Schedule 4 or 6 pesticide to any person. O. Reg. 405/98, s. 48.

113. A general vendor or limited vendor shall not sell a pesticide to the holder of a permit for the purchase and use of that pesticide except in accordance with any applicable terms and conditions of the permit. O. Reg. 405/98, s. 48.

114. Revoked: O. Reg. 405/98, s. 48.

115. Revoked: O. Reg. 405/98, s. 48.

116. Section 6 of the Act does not apply to a person who sells,

(a) a Schedule 4 pesticide;

(b) a Schedule 3 or 6 pesticide that is a paint, stain, sealer or wood preservative provided that no food is prepared, sold or stored on the same premises;

(c) a Schedule 3 or 6 pesticide that is a disinfectant, cleanser or bactericide;

(d) Revoked: O.Reg. 499/92, s. 1.

(e) a Schedule 2 pesticide that is intended for use as a bactericide in cutting oil, marine or aviation fuels. R.R.O. 1990, Reg. 914, s. 116; O. Reg. 27/91, s. 22; O. Reg. 499/92, s. 1; O. Reg. 405/98, s. 49.

117. (1) A licensed exterminator is exempt from section 6 of the Act with respect to any transfer of pesticides brought about by the application of pesticides in the course of the exterminator's business. O. Reg. 405/98, s. 50.

(2) An area weed inspector designated under the Weed Control Act is exempt from section 6 of the Act with respect to the sale or transfer, in the course of the inspector's duties, of a Schedule 2 or 3 pesticide that is a herbicide to a person who is authorized under the Act and this Regulation to use the pesticide. O. Reg. 405/98, s. 50.

Records

118. (1) Every holder of a vendor's licence shall keep a record of each sale of a Schedule 1, 2 or 5 pesticide setting out,

(a) the name and address of the purchaser;

(b) the type and class of licence or permit to use, if any, held by the purchaser and the licence or permit number; and

(c) a description of the pesticide sold, including the pesticide's name, the pesticide's registration number under the Pest Control Products Act (Canada) or the Fertilizers Act (Canada), the Schedule under which the pesticide is classified, the unit size and the quantity. O. Reg. 405/98, s. 51 (1).

(2) A record made under subsection (1) shall be kept by the holder of the vendor's licence for a period of two years or such longer period as the Director may require by written notice. R.R.O. 1990, Reg. 914, s. 118 (2); O. Reg. 405/98, s. 51 (2).

(3) Every vendor who receives a written request from the Director for any record kept under subsection (1) shall forward the record or a copy thereof to the Director within thirty days of receiving the request. R.R.O. 1990, Reg. 914, s. 118 (3).

(4) The vendor shall produce any record kept under subsection (1) to a provincial officer when requested and the provincial officer may remove such record, or any portion thereof, in order to make copies. R.R.O. 1990, Reg. 914, s. 118 (4).

(5) If the sale described in subsection (1) is to a certified agriculturist, the record kept under that subsection shall also set out,

(a) the number and expiry date of the certified agriculturist's certificate; and

(b) if the pesticide was given to an agent of the certified agriculturist at the vendor's premises, the name of the person to whom the pesticide was given. O. Reg. 405/98, s. 51 (3); O. Reg. 228/00, s. 17.

Storage

119. No person shall store a pesticide in such a manner that the pesticide is likely to come into contact with food or drink intended for human or animal consumption. O. Reg. 27/91, s. 23.

120. (1) No person shall leave a Schedule 1, 2, 3, 4, 5 or 6 pesticide, whether mixed or diluted for use or not unsupervised in a vehicle unless the vehicle is located in a place inaccessible to the public or the pesticide is locked in an enclosed part or compartment of the vehicle. O. Reg. 27/91, s. 23; O. Reg. 228/00, s. 18 (1).

(2) A person shall not leave a Schedule 1, 2, 3, 4, 5 or 6 pesticide, whether mixed or diluted for use or not unsupervised in a vehicle unless the vehicle displays, in clearly visible block letters,

(a) the words "Warning" and "Authorized Persons Only"; and

(b) the words "Chemical Storage" or "Pesticide Storage". O. Reg. 405/98, s. 52; O. Reg. 228/00, s. 18 (2).

(3) Subsection (2) does not apply to a person who is transporting the pesticide for domestic purposes. O. Reg. 405/98, s. 52.

121. (1) A person who stores a Schedule 1, 2, 3, 4, 5 or 6 pesticide shall do so in accordance with the following rules:

1. The pesticide shall be stored in such a manner that the pesticide is not likely to impair the health or safety of any person.

2. The pesticide shall be stored in an area that is 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.

3. The pesticide shall be stored in an area that has a warning sign prominently displayed at the entrances to the area bearing, in clearly visible block letters,

i. the words "Warning" and "Authorized Persons Only", and

ii. the words "Chemical Storage" or "Pesticide Storage".

4. The pesticide shall be stored in an area near which there is prominently displayed a list of emergency telephone numbers, including those of the fire department, hospital and poison control centre. O. Reg. 405/98, s. 53.

(2) Subsection (1) does not apply to a person who is storing a pesticide for domestic purposes on land occupied by the person. O. Reg. 405/98, s. 53.

122. (1) No person shall store a Schedule 1, 2 or 5 pesticide unless,

(a) the compartment, room or structure in which the pesticide is stored is ventilated to the outside atmosphere;

(b) a placard is affixed and maintained on the outside of each door leading into the compartment, room or structure in which the pesticide is stored bearing, in clearly visible block letters,

(i) the words “Warning” and “Authorized Persons Only”, and

(ii) the words “Chemical Storage” or “Pesticide Storage”;

(c) sufficient security measures are taken so that the express permission of the person responsible is required to enter the compartment, room or structure in which the pesticide is stored; and

(d) if the pesticide is stored outdoors, sufficient security measures are taken so that the express permission of the person responsible for the pesticide is required to have access to the pesticide, and a placard is maintained near the pesticide bearing, in clearly visible block letters,

(i) the words “Warning” and “Authorized Persons Only”, and

(ii) the words “Chemical Storage” or “Pesticide Storage”. O. Reg. 27/91, s. 23; O. Reg. 405/98, s. 54; O. Reg. 228/00, s. 19.

(2) No vendor, operator, exterminator or agriculturist shall store a Schedule 1, 2 or 5 pesticide except in an area,

(a) that has no floor drain that leads into or drains directly or indirectly into a storm sewer, sanitary sewer or watercourse; and

(b) near which adequate respiratory protection and adequate protective clothing are kept readily available for emergency purposes. O. Reg. 27/91, s. 23.

123. (1) No vendor, operator, exterminator or agriculturist shall store a Schedule 1 or 5 pesticide except in an area that is used exclusively for the storage of pesticides. O. Reg. 27/91, s. 23.

(2) Revoked: O. Reg. 412/94, s. 2.

Fire Department Notification

124. (1) Every general vendor or limited vendor who stores a Schedule 1, 2, 3, 4, 5 or 6 pesticide for sale shall annually give a written notice in accordance with subsection (3) to the fire department responsible for the area in which the pesticide is stored. O. Reg. 405/98, s. 55.

(2) Every operator who stores a Schedule 1, 2 or 5 pesticide for use shall annually give a written notice in accordance with subsection (3) to the fire department responsible for the area in which the pesticide is stored. O. Reg. 405/98, s. 55.

(3) The notice shall be in the form or format approved by the Director, and shall identify the pesticide, describe its location and conditions of storage, and identify the person responsible for the pesticide. O. Reg. 405/98, s. 55.

(4) Subsections (1) and (2) do not apply to pesticide that is temporarily stored in a vehicle. O. Reg. 405/98, s. 55.

Display

125. A general vendor or limited vendor who sells a Schedule 1, 2, 3, 4, 5 or 6 pesticide shall,

(a) display a Schedule 1, 2 or 5 pesticide in such a manner that no person other than the licensee or the licensee's employees has ready access to the pesticide;

(b) display a Schedule 3 pesticide in such manner that such pesticide presents minimal hazard to children; and

(c) not display a Schedule 1, 2, 3, 4, 5 or 6 pesticide on a shelf or in a display case that is adjacent to 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 may cause injury or damage to property or to plant or animal life or to any person. R.R.O. 1990, Reg. 914, s. 125; O. Reg. 27/91, s. 24; O. Reg. 405/98, s. 56.

Transportation

126. No person shall transport or cause or permit the transportation of a pesticide by a vehicle operated on any highway or road unless the pesticide is secured in a manner sufficient to prevent the escape or discharge of the pesticide from the vehicle. R.R.O. 1990, Reg. 914, s. 126.

127. No person shall transport or cause or permit the transportation of any Schedule 1, 2, 3 or 5 pesticide together with commodities that are,

(a) food or drink intended for human or animal consumption;

(b) household furnishings; or

(c) toiletries, clothes, bedding or similar commodities,

by a vehicle operated on any highway or road unless the pesticide being transported is separated from such commodities in a manner sufficient to prevent their contamination or likely contamination by the pesticide. R.R.O. 1990, Reg. 914, s. 127.

128. Revoked: O. Reg. 412/94, s. 3.

Miscellaneous Exemptions

129. (1) A person is exempt from the Act and the regulations if the person uses, stores, displays, sells or transports a pesticide which is a machine, apparatus, equipment, article, instrument, contrivance or gadget which does not utilize any,

(a) Schedule 1, 2, 3, 4, 5 or 6 pesticide; or

(b) chemical or microbiological agent. R.R.O. 1990, Reg. 914, s. 129 (1).

(2) A person who uses, stores, displays, sells or transports a pesticide that is registered under the Pest Control Products Act (Canada) for use only in the extermination of microorganisms and that is not classified under this Regulation is exempt from the Act and regulations. R.R.O. 1990, Reg. 914, s. 129 (2).

(3) Subsections 5 (1) and (2) of the Act and section 20, subsection 65 (1), subsection 120 (2) and paragraphs 3 and 4 of subsection 121 (1) of this Regulation do not apply in respect of an extermination that uses a Schedule 4 or 6 pesticide that is,

(a) a tree wound dressing;

(b) a wood preservative;

(c) an insecticide bait that is enclosed by the manufacturer in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans and pets; or

(d) a product that contains only a single active ingredient and that ingredient is,

(i) a soap,

(ii) a mineral oil, or

(iii) silicon dioxide, also called diatomaceous earth. O. Reg. 405/98, s. 58; O. Reg. 228/00, s. 20.

(4) Subsections 5 (1) and (2) of the Act and subsection 65 (1) of this Regulation do not apply in respect of an extermination that uses a Schedule 3, 4 or 6 pesticide for injection into trees, stumps or wooden poles. O. Reg. 405/98, s. 58.

(5) A person is exempt from the Act and this Regulation with respect to the storage, sale or transfer of a pesticide, if the pesticide is to be formulated into another pesticide, manufactured or incorporated into a product, or transported out of Ontario. O. Reg. 405/98, s. 58.

130. A person who uses, stores or transports a pesticide for the treatment, control, mitigation or prevention of pests in or on people or animals is exempt from the requirements of the Act and the regulations thereunder for such use, storage or transportation if the person is,

(a) a member of a College as defined in the Regulated Health Professions Act, 1991;

(b) a medical officer of health or a member of the staff of a board of health under the Health Protection and Promotion Act; or

(c) a member of the College of Veterinarians of Ontario. R.R.O. 1990, Reg. 914, s. 130; O. Reg. 405/98, s. 59.

131. Revoked: O. Reg. 110/99, s. 4.

TABLES 1, 2 Revoked: O. Reg. 110/99, s. 5.

SCHEDULES 1-6 Revoked: O. Reg. 110/99, s. 5.

FORMS 1-10 Revoked: O. Reg. 405/98, s. 60.

FORM 11 Revoked: O. Reg. 110/99, s. 6.