



Ontario Federation of Agriculture

Ontario AgriCentre

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November 30, 2016

Hon. Glen R Murray
Minister of Environment and Climate Change
Ferguson Block 11th Flr, 77 Wellesley St W, Toronto, ON M7A 2T5
Minister.moecc@ontario.ca

Dear Minister Murray,

Re: Required Ontario Regulation 63/09 Amendments and Clarification

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

For O. Reg. 63/09 to be effective in Integrated Pest Management implementation, it must be workable for Ontario's 27,000 corn and soybean growers. To make the regulations more workable and effective for Ontario farmers, OFA seeks a regulatory amendment to the definition of "professional pest advisor" stated in subsection 8.2(8) that will come into effect on August 31, 2017; and OFA seeks your help in clarifying the validity of pest assessment reports described in subsection 8.2(5) and subsection 98(2.1).

Professional Pest Advisors

As you are aware, in providing advice during the 2015 consultations and the Pollinator Health Action Plan consultations in response to amendments to O. Reg. 63/09, OFA stated its concern that the current contingent of just over 500 Certified Crop Advisors would be inadequate to conduct all the required pest assessment reports. The shortage of qualified persons to do the job is exaggerated if Certified Crop Advisors, who derive a financial benefit from a person who manufactures or sells a Class 12 pesticide or a pesticide that is used to treat a seed so that it becomes a Class 12 pesticide, are no longer eligible to perform this work.

OFA is gravely concerned with the exclusion of otherwise qualified professional pest advisors described under subsection 8.2(8) by restricting those advisors who are associated with the sales of neonicotinoid treated seeds. Not only does this exclude a large portion of qualified pest advisors, but it also excludes advisors that are likely to be most familiar with the Pest Assessment Guidelines, training which is needed to complete on-farm pest assessments. Of these advisors, most are Certified Crop Advisors (CCAs). There are approximately 573 CCAs in Ontario. Currently, the regulations that come into effect on August 31, 2017 will only qualify approximately 80 CCAs in Ontario to complete pest assessments for growers due to their employment situation.

Approximately 4.8 million acres of corn and soybeans was grown in Ontario in 2016 by an estimated 27,000 growers. **Figure 1** shows a regional dispersion of CCAs, and therefore farmers will face limitations on the choice and availability of professional pest advisors because of distance. Lambton-Middlesex alone has approximately 13% of the province's corn and soybean crop. This region falls within Schedule 1 of the regulations, and much fewer than 80 qualified pest advisors will be available to conduct the necessary assessments. Pest advisors, although qualified, are not necessarily trained on the Pest Assessment Guidelines referenced in the regulation, or may not be interested in preparing and signing pest assessments. This makes options even more scarce for many farmers, farming significant acres, who will need pest assessments completed during a small opportunity window, see **Figure 2**.

CCAs that are excluded from the regulations are also those who are generally the most trained on the Pest Assessment Guidelines and IPM methods because of their involvement in the industry and with the corn and soybean growers affected by this regulation. Generally, these CCAs are offering various agronomic opinions that work best for the farmer and their operation to create a good business relationship, this includes offering various types of seed and seed treatments. CCAs are also governed by the Ontario CCA Board who can revoke a CCA's certification for not providing services that are in the best interest of the client (farmer) and the public. The board can also revoke certification if a CCA recommends a class 12 seed treatment when it is not the best agronomic choice, or if it contravenes this regulation. CCAs also complete a Code of Ethics, which outlines the above, that they must adhere to receive and maintain designation. Many other professions are expected, and trusted, to hold similar principles of integrity for their clients and the public, such as dentists.

It is for these reasons that OFA finds the definition of "professional pest advisor" stated in subsection 8.2 (8), scheduled to come into effect August 31, 2017, to be both undesirable and unworkable. OFA recommends that the amended definition of "professional pest advisors" in subsection 8.2 (8), which is scheduled to be implemented on August 31, 2017, be revoked and the current language, which includes all CCAs, be used to define a "professional pest advisor"; and further that the above definition of "professional pest advisor" be added to s. 1 of this regulation.

Clarifying the validity of pest assessment reports

OFA asks that you provide guidance to MOECC staff as to the length of time pest assessment reports are valid.

Subsection 98 (2.1) states a pest assessment report cannot be used for the purposes of subparagraph 3 ii of subsection (2) unless the inspection confirmed under paragraph 4 of subsection 8.2 (1) was conducted within the 12-month period prior to the sale or transfer of the pesticide.

A pest assessment report must be prepared and signed by a qualified person as specified in subsection 8.2(5). Over time, the qualifications for persons preparing and signing a pest assessment report are raised. For example, subsection 8.2(5) paragraph 3 stipulates that on or after August 31, 2017, if the inspection is conducted at a farm property located in a geographic area listed in Schedule 1, a professional pest advisor is qualified to prepare and sign a pest assessment report.

No doubt, the spring is the most appropriate time to scout for early season crop pests. Therefore, it is not unlikely that treated seed purchases for 2018 planting could be based upon

pest assessment reports dated sometime in the spring of 2017. This would be consistent with the 12-month period outlined in subsection 98(2.1).

We ask that you confirm that a pest assessment report is valid for a 12-month period from the date it was signed by a person who was qualified when it was prepared and signed, regardless of whether that person remains qualified to prepare future pest assessment reports throughout the 12-month period.

This confirmation will help alleviate confusion among farmers, IPM course instructors, enforcement officers and distributors on how they need to move forward to comply with these regulations.

Conclusion

OFA believes that these amendments will result in more sound regulations that will be workable with the industry to allow for responsible IPM and thus a responsible use of Class 12 seed treatment.

OFA is committed to working with the Ministry of Environment and Climate Change to ensure a healthy environment for our pollinators, our farms, and ourselves. As you know, OFA remains committed to finding the best means to both achieve environmental goals and support our farm sector.

We look forward to your response to our request.

Sincerely,



Keith Currie
President

CC: Hon. Jeff Leal, Minister, OMAFRA
Dr. Deb Stark, Deputy Minister, OMAFRA

Figures

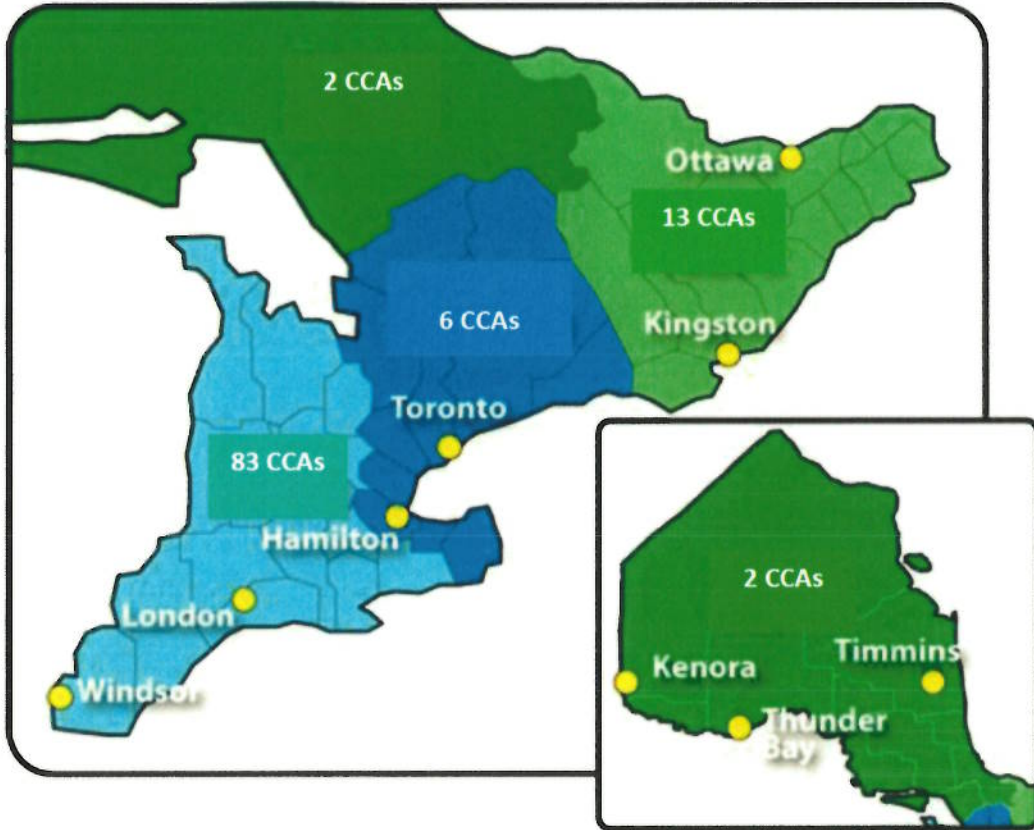
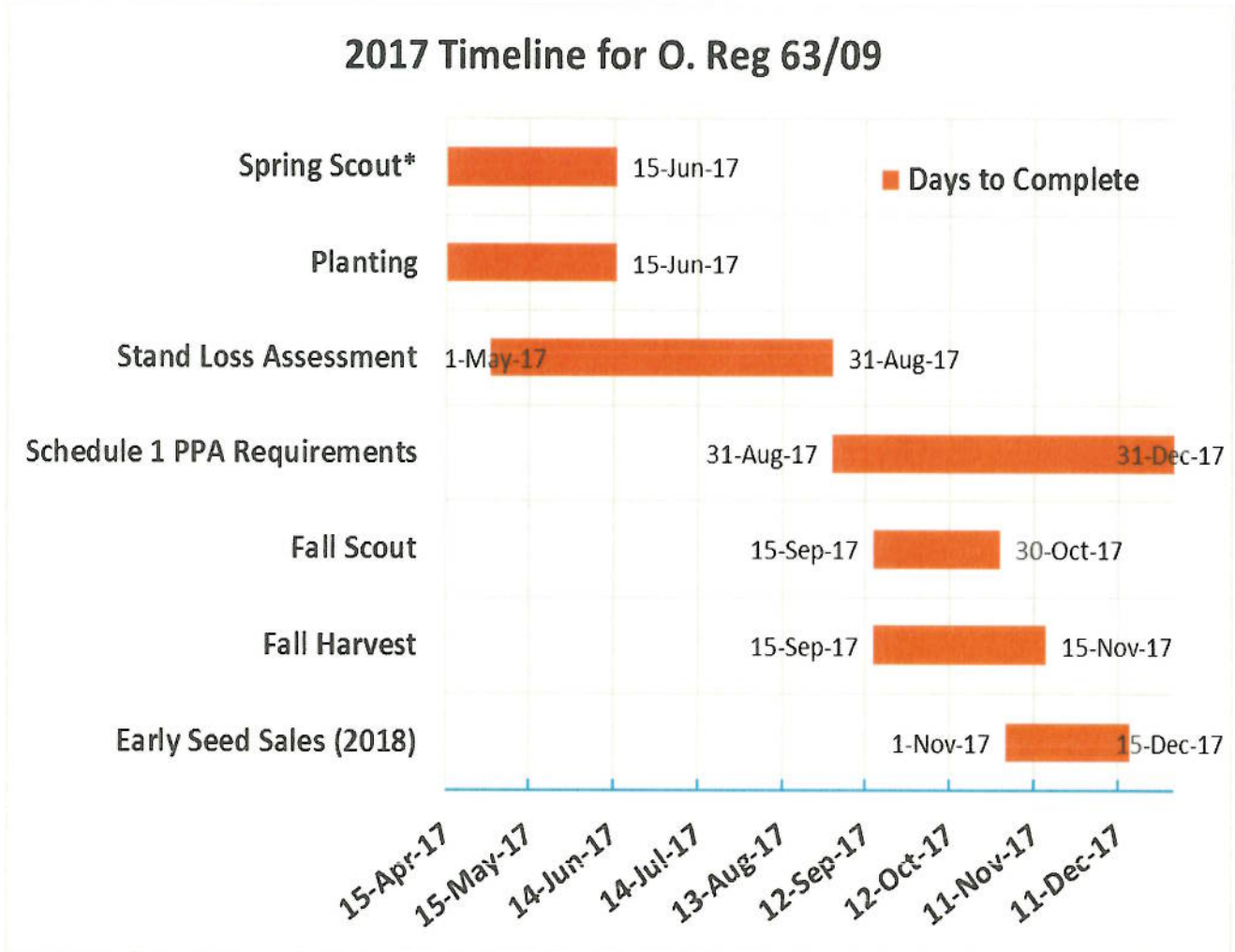


Figure 1: 2016 Regional dispersion of all qualified Ontario CCAs (professional pest advisors) under the current amendment under sub section 8.2 (8) that will take effect August 31, 2017. (CCA Ontario, 2016)



* The spring scouting season is recommended by professional researchers and agronomists to be the most appropriate time to scout for early season soil pests.

Figure 2: 2017 growing season timeline for corn and soybean growers regulated under section 8.2 of O. Reg 63/09.

This outlines the importance of spring scouting to order seed for the end of the year for the following growing season. As can be seen, the most appropriate timing for early season pest assessment and stand loss assessment occurs before August 31, 2017.