



March 26, 2021

Allison Deng
Ministry of the Environment, Conservation and Parks
Resource Recovery Policy Branch
40 St. Clair Avenue West, 8th floor
Toronto, ON M4V 1M2

Submitted via email: Allison.Deng@ontario.ca

Dear Ms. Deng:

RE: ERO number 019-2836 - Proposed Producer Responsibility Regulation for Hazardous and Special Products

Cleanfarms is an industry-led stewardship organization based in Etobicoke that develops recycling and waste management programs for Canada's agricultural sector. We have been a strong partner to Ontario's farming community for over 30 years.

One of our longest running initiatives is an obsolete agricultural pesticide program that safely manages old or expired pesticides and keeps these items off of farms and out of municipal hazardous waste programs. This program is 100% financed by industry and operates entirely within agriculture's unique distribution chain and without the need for municipal resources.

Cleanfarms' obsolete agricultural pesticide program manages COMMERCIAL class pesticides, which are different from the types of DOMESTIC class pesticides that are currently targeted under the current Municipal Hazardous and Special Waste program.

We understand that staff from the Ministry of the Environment, Conservation and Parks are seeking feedback on definitions in the proposed regulation. We are pleased to provide some very specific suggestions in the attached submission.

Our feedback will better define the pesticides that, based on our understanding, are targeted by the proposed regulation. It will also ensure that COMMERCIAL class pesticides (pesticides that are used on Ontario farms) are not part of the regulation.

We recommend that COMMERCIAL class pesticides be excluded from the proposed regulation because they are already managed through Cleanfarms' voluntary, industry-funded program. Cleanfarms, along with the producers (stewards) of COMMERCIAL class pesticides who finance the program, should not be subject to added regulatory requirements. Our submission will also show that Cleanfarms' program meets the needs of industry and Ontario farmers.

We know the government appreciates voluntary, industry-led initiatives and is committed to reducing red tape, which aligns with this recommendation.

Our team appreciates the opportunity to provide these comments and looks forward to future engagement.

Sincerely,

Kim Timmer
Manager, Stakeholder Relations



**Proposed Producer Responsibility Regulation for Hazardous and Special Products
ERO number 019-2836**

Comments provided by Cleanfarms – March 26, 2021

1. About Cleanfarms

Cleanfarms is a federally incorporated not-for-profit, stewardship organization committed to environmental responsibility through the proper management of agricultural waste. Our membership is comprised of manufacturers, distributors and retailers of pesticides, fertilizers, animal health medications, seed and other farm inputs.

Cleanfarms is industry-led with a private-sector board. The organization's board and staff have a deep understanding of agriculture's distribution channel, which is separate from the one used to supply goods into the residential market.

There are over 170 stewardship organizations across Canada and Cleanfarms is the only organization that works in the agriculture sector. Still, we regularly collaborate with fellow stewardship organizations on best practices and on administrative functions like establishing clear rules, definitions and distinctions amongst our various programs.

2. Cleanfarms' Ontario programming

Cleanfarms partners with ag-retailers (retailers who sell ag-inputs like pesticide, fertilizer and seed), to help farmers recycle or safely dispose the following items:

- Obsolete or unwanted COMMERCIAL class pesticides
- Old/expired animal health medication used by primary producers in the rearing of animals in an agricultural context
- Single-use, COMMERCIAL class pesticide and agricultural fertilizer containers
- Seed and pesticide bags

Our collection network operates on a return-to-retail system without municipal resources. These programs are fully financed by industry: the manufacturers, distributors and retailers of these products.

In 2019, Ontario farmers used these programs to recycle and safely dispose of the following volumes of materials:

- 102,897 kilograms of obsolete, COMMERCIAL class pesticides
- 2,269 kilograms of old/expired animal health medication
- 401,631 kilograms of single-use, COMMERCIAL class pesticide and fertilizer containers
- 135,490 kilograms of seed and pesticide bags

3. Background information – Pesticide registration and classification

Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for pesticide regulation in Canada. Pesticides under federal regulation are organized into four distinct classes, based on where, when and by whom they may be applied¹:

- Domestic class products are for personal use in and around the home.
 - Many domestic class pesticides are obligated under the current Municipal Hazardous and Special Waste program and are managed by Product Care Association's Industry Stewardship Plan (See Section 4).
 - These products are usually supplied into the residential marketplace.

¹ Adapted from: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/frequently-asked-questions.html>

- COMMERCIAL class products are restricted to COMMERCIAL activities as indicated on the label. These are not available to the general public for use in and around the home.
 - Pesticides used on Ontario farms are part of this class.
 - These products are managed through Cleanfarms' obsolete agricultural pesticide program (See Section 5).
- Restricted products can only be used under certain circumstances by specially trained individuals. These are not available to the general public.
- Finally, manufacturing class products are used in the production of other pesticides or products regulated under the *Feeds Act* or *Fertilizers Act*.

What is most relevant for this document is the distinction between domestic class and COMMERCIAL class pesticides.

4. Domestic class pesticides that form part of the current regulation – managed through Product Care Association

Domestic class pesticides that are obligated under the current Municipal Hazardous and Special Waste program are primarily managed through Product Care Association.

Appendix A, which includes relevant extracts from this Product Care Association's website and Industry Stewardship Plan identifies the types of pesticides currently managed by Product Care Association.

This is included in our submission to demonstrate that COMMERCIAL class pesticides were excluded from the current regulation.

5. All COMMERCIAL class pesticides – managed through Cleanfarms

Cleanfarms' obsolete agricultural pesticides collection program (The Obsolete Program) manages any leftover or obsolete pesticides that farmers may have on-farm. These pesticides are COMMERCIAL class pesticides.

Program financing

The Obsolete Program is 100% financed by the private sector, companies that supply COMMERCIAL class pesticides into Ontario's marketplace.

Program delivery

The primary purpose of The Obsolete Program is to service farmers and other users of COMMERCIAL class pesticides.

Once every three years, Cleanfarms partners with 20 to 30 ag-retailers, who supply COMMERCIAL class pesticides to farmers, to deliver blitz-style collection campaigns in the fall. (The fall is chosen because this usually works best with a farmer's production schedule.) In addition to servicing ag-intensive regions like southern Ontario, collection sites are set up to service northern Ontario.

Farmers are invited to drop off their obsolete agricultural pesticides at a drop off point. The Obsolete Program operates in a way that farmers, or other users of COMMERCIAL class pesticides (for example golf course operators, and applicators in the industrial vegetation management or nursery/greenhouse sector), can dispose of product, at no cost at the drop off point.

Product transportation and disposal

Products collected through The Obsolete Program are safely packed in leak proof containers, transported by a licensed and insured hazardous waste hauler to an Environment and Climate Change Canada approved waste management facility where all pesticides are disposed via high temperature incineration.

Designated materials (what's in and what's out)

Like any stewardship organization, identifying and properly defining the products that are targeted by a program can be a rather complex process. Cleanfarms uses the following language and 'What's in' vs. 'What's out' categorization to identify the types of pesticides managed by The Obsolete Program:

<i>What's in</i>	<i>Description of 'What's in'</i>	<i>What's out</i>
<ul style="list-style-type: none"> Pesticides (identified with a Pest Control Product number on the label) that are classified as COMMERCIAL by the Pest Management Regulatory Agency. 	<ul style="list-style-type: none"> Most pesticides used on Canadian farms. COMMERCIAL class pesticides that are used in settings like golf courses. COMMERCIAL class pesticides that are used in industrial vegetation management or structural vegetation management settings. 	<ul style="list-style-type: none"> Domestic class pesticides Household hazardous waste Fertilizer

Additional notes:

- There are no size restrictions.
- Any COMMERCIAL class pesticide is accepted by The Obsolete Program.

User/farmer feedback

Cleanfarms last delivered The Obsolete Program in Ontario in 2019 and commissioned a participant survey during the collection period. Close to 500 responses were generated and 91% of participants reported that the program was meeting their needs.

6. Cleanfarms' recommendation – exclude COMMERCIAL class pesticides

Cleanfarms recommends an adjustment to the definition of 'pesticide' in the proposed regulation so that COMMERCIAL class pesticides are excluded. This will ensure that Cleanfarms can continue to manage COMMERCIAL class pesticides through its voluntary, industry-led program without additional regulatory burden.

One way to do this would be as follows:

<i>Current definition:</i>	<i>Proposed definition:</i>
<p>"pesticide" means pesticide, including fungicide, herbicide and insecticide, that is registered under the <i>Pest Control Products Act (Canada)</i>, but does not include the following:</p> <ol style="list-style-type: none"> Insect repellents intended for personal use. Sanitizers, disinfectants and antimicrobial products. Pool chemicals. Diatomaceous earth. Pesticide supplied in a container that has a capacity greater than 30 litres or 30 kilograms; 	<p>"pesticide" means pesticide, including fungicide, herbicide and insecticide, that is registered under the <i>Pest Control Products Act (Canada)</i> and bearing the "DOMESTIC" classification that are required to display on the label the symbol shown in Schedule III of the <i>Pest Control Products Regulation (Canada)</i>, the signal words "danger" or "warning" and "poison" and represented by the precautionary symbols octagon or diamond and the skull and crossbones.</p>

7. Rational for Cleanfarms' recommendation

The proposed regulation is based on three key principles: improving environmental outcomes, reducing costs and burden for businesses, and supporting economic growth and innovation.

These three principles are already integral to Cleanfarms as an organization. For example:

- We work nationally, and (where possible) without regulation to reduce red tape to businesses that supply product into multiple jurisdictions.
- Our recovery rates (e.g., 71% for our national empty pesticide and fertilizer container program) demonstrate improved environmental outcomes. On a related note, a recent grower survey demonstrated that 90% of Ontario farmers are using this program to manage their empty containers.
- Our Ontario programs operate entirely within the agricultural distribution chain to ensure efficiencies for business and farmers.

Removing COMMERCIAL class pesticides from the proposed regulation will ensure that no additional regulatory burden is placed on Cleanfarms or its industry members.

8. Closing

We look forward to working with the Ministry of the Environment, Conservation and Parks to ensure that organizations like ours can continue to support Ontario's agricultural sector by making significant contributions to environmental protection.

Appendix A


Excerpts from Product Care Association's website:

Source: <https://www.productcare.org/products/hhw/ontario/>

Screen shots taken March 4, 2021

Do not mix different types of products together

Accepted Products:



Pesticides


Pesticides, fungicides, herbicides and insecticides registered under the Pest Control Products Act (Canada), and the containers in which they are contained. They must have:

- ✓ The domestic classification on the label
- ✓ The signal words "danger" or "warning" and "poison"
- ✓ Precautionary symbols in an octagon or diamond
- ✓ The skull and crossbones poison symbol
- ✓ A Pest Control Product (PCP) number

Solid, liquid and aerosol pesticides are all accepted.

Maximum container size is **30 litres** and/or **30 kilograms**.

Not Accepted Products:



Pesticides

- ✗ Insect repellents for personal use
- ✗ Sanitizers, disinfectants and antimicrobial products
- ✗ Pet products
- ✗ Pool chemicals
- ✗ Insecticidal soaps
- ✗ Ant traps

Commercial and agricultural class pesticides are recyclable through [the CleanFarms program](#).

Note that screenshot above indicates that commercial and agricultural class pesticides are managed through Cleanfarms.

Page 9:

For all commercial class pesticides for commercial or agricultural use (which are outside the scope of both this ISP and the MHSW program) there is an existing program available for pesticides and their containers (<23 L), which is operated by the non-profit industry stewardship program CleanFARMS.

Appendix B, Description of ISP Material Inclusions and Exclusions, page 26

Pesticides				
Definition: Means pesticides including fungicides, herbicides and insecticides registered under the <i>Pest Control Products Act (Canada)</i> bearing the "DOMESTIC" classification that are required to display on the label the symbol shown in Schedule III of the <i>Pest Control Products Regulation (Canada)</i> , the signal words "danger" or "warning" and "poison" and represented by the precautionary symbols octagon or diamond and the skull and crossbones.				
Notes:				
<ul style="list-style-type: none"> Includes containers in which it is contained. Products that match the definition of both Paints and Coatings and Pesticides are to be reported under Pesticides. 				
Sectors into which MHSM is Supplied	Examples	Exclusions	Reporting Categories	Unit of Measure
<ul style="list-style-type: none"> Residential Designated IC&I Businesses (small quantity generator) 	<ul style="list-style-type: none"> Pesticides meeting the definition that bears the "DOMESTIC" classification Pesticides in aerosol containers that match the definition of Pesticides Pesticides supplied in containers equal to or less than 30 litres and/or 30 kilograms 	<ul style="list-style-type: none"> Commercial, agricultural and restricted classifications registered under the Pest Control Products Act (Canada) Insect repellents for personal use Sanitizers, disinfectants and anti-microbial products Pet products Products regulated under the Food and Drug Act (Canada) Pool chemicals Insecticidal soaps Diatomaceous earth Ant traps Liquid or Solid Pesticide supplied in containers greater than 30 litres and/or 30kilograms 	L or kg supplied	Number of units supplied