

Non-Essential Pesticide Use Regulation (MR 286/2014)

Frequently Asked Questions

1. What is the scope of the legislation?

The legislation applies to lawns and adjoining areas (sidewalks, driveways and patios) of residential, commercial, government, and institutional properties. The prohibition of the use of prescribed pesticides extends to any exterior property of a school, hospital or child care centre and also includes parking areas, pathways, and any area around play structures where children play or have access.

2. What is considered to be a “lawn”?

The legislation defines a lawn as “a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing; this includes any associated walkway, driveway or patio”. The legislation prohibits the use of prescribed pesticides on a lawn. These areas would be restricted to biopesticides and other non-conventional pesticides, or use of safe lawn care options.

3. What products are restricted in Manitoba under the new legislation?

Any herbicide other than an allowable herbicide is prohibited for use on lawns and associated areas as well as exterior properties around schools, daycares and hospitals.

4. Why do we have this legislation?

A growing number of health care professionals as well as scientists, academics, environmentalists, parents and women’s organizations are increasingly advocating for action to reduce exposure to synthetic pesticides for non-essential (cosmetic) purposes. Infants and young children may be more vulnerable given their relative body weight, rapid body and brain development, ability to detoxify chemicals and given their behaviour - crawling on lawns and floors, putting their hands in their mouths and their proximity to the ground. Pregnant women, the elderly, those with chemical sensitivities and pets may be at more risk than the general population.

This legislation supports the implementation of the Province’s commitment to review Manitoba’s pesticide policy. The Province consulted with Manitobans in 2012 and more than half of the respondents supported additional restrictions on pesticide use. Other polls and surveys as well as many written submissions by the public have indicated support for the initiative.

5. What is the process for getting new products on the “Approved” List?

Manitoba’s allowable list of herbicides is adopted from Ontario’s class 11 pesticide list which includes biopesticides and other non-conventional pesticides. Manitoba staff will review Ontario’s list on a regular basis to update Manitoba’s Allowable List accordingly.

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Manitoba's list of allowable herbicides is based on active ingredients rather than specific products. The departmental website contains the list of products containing the allowable active ingredients.

6. What are the exemptions?

The new legislation does not apply to agricultural activities (including ornamental, vegetable, and fruit gardens) , forestry activities, golf course operations, use in turf or sod farms, uses related to the protection of public health or safety such as maintaining safe conditions in road rights-of-way, railways, utility works, and transportation corridors.

You will still be allowed to use prescribed pesticides that are not on the allowable list for the following purposes:

- To destroy poisonous plants such as poison ivy, poison sumac, and giant hogweed, as well as invasive plant species.
- Weed inspectors are allowed to destroy noxious weeds under authority of *The Noxious Weeds Act*.
- To maintain specialty turf for lawn bowling, lawn tennis, or cricket as well as fields used by professional sports teams or fields used in internationally sanctioned sporting events.
- In a scientific experiment or for research purposes upon departmental approval.

7. Why are gardens not included?

The Province recognizes that the probability of pesticide exposure from the use on gardens is lower than the use on lawns. There is greater potential for exposure to pesticides from lawns, as children typically play on lawns. Children frequently put toys or other objects into their mouths as well and as a consequence, may receive significant doses of pesticides from a recently sprayed lawn.

8. Will mosquito control programs be affected by this legislation?

The proposed restriction is focused on weed control products and does not include any insect control operations.

9. Are there any product restrictions for insecticides used to control invasive insect infestations such as chinch bugs and sod webworms?

The prohibition applies to use of weed control products. Although the Department encourages Manitobans to use safe lawn care options and integrated pest management (IPM) strategies, currently, there is no restriction on insecticide application. However, if you are a Pesticide User Permit (PUP) holder or working for a PUP holder, you must have an IPM plan in which chemical control should not be your first line of defence.

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10. What is the plan for enforcement?

Enforcement action, especially during the first year will focus on education to achieve compliance. Environment officers may respond to violations in a manner proportionate to the nature and gravity of the offence.

The regulations have clearly addressed the sale and use of the pesticides, requiring adequate involvement from retailers to secure prescribed products and provide education to consumers.

11. What is the grace period for?

The one-year grace period was intended to allow homeowners time to adjust to the new rules. This transition time is being used for public outreach and to raise awareness.

12. How do you respond to the suggestion that the non-conventional products are not as effective as conventional pesticides?

Safe lawn care practices help to reduce the need for pesticides to control weeds. With proper application, approved low-risk pesticide products including biopesticides and other non-conventional pesticides are a non-toxic, yet effective alternative to conventional synthetic chemical-based weed control products.

13. Do the lawn care providers need additional licences, permits or certifications under the new legislation?

The new legislation does not require any additional licensing, permitting or certification. Lawn care providers still need a licence to apply allowable herbicides. The Department is working with Assiniboine Community College to include information on the new legislation in their pesticide application certification program.

Licences are issued to pesticide applicators through the Pesticides and Manure Licensing Program by Manitoba Agriculture, Foods and Rural Development, as required by Regulation under The Pesticides and Fertilizers Control Act. The link is below:

<http://www.gov.mb.ca/agriculture/permits-and-licences/pesticide-and-manure/index.html>

14. Does the new ban apply to road rights-of-way, where most weed control districts spray?

No, it does not apply to rights-of-way.

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15. Are sidewalks included in the regulation?

Sidewalks are subject to the regulation if they are associated with a lawn; this also applies to other hard surface areas, side boulevards and certain median boulevards. The key element here is the definition of a lawn, as per question 2.

16. Could homeowners purchase these products?

Homeowners cannot legally purchase domestic class herbicides which are not on the allowable list if the intended use is for non-essential purposes. However, homeowners can buy a prohibited pesticide if the use falls under any of the exceptions in the regulation.

17. What are the responsibilities of retailers?

- Retailers will secure herbicides at horticulture and garden centres, nurseries, hardware and home improvement stores from direct access by the public.
- Retailers must provide information to those who wish to purchase herbicides at the time of purchase.
- The retailer must maintain the sales records of Domestic class herbicides for a five year period and provide the records to an environment officer upon request.

18. How would retailers restrict those herbicides?

Synthetic herbicide will still be available, but retailers will have to restrict access to these herbicides at horticulture and garden centres, nurseries, hardware and home improvement stores. By May 1, 2015, prescribed herbicides must be secured or stored so that the public does not have ready access to them.

19. How will rural municipalities run their weed control program under the new legislation?

Across Canada, many jurisdictions have enacted legislative restrictions on the sale or use of synthetic pesticides. Weeds in many of these jurisdictions are controlled through the use of preventative measures such as aeration, increased mowing, over seeding, and fertilization together with use of low-risk products. There are positive examples of communities that have adopted these turf management strategies following a provincial ban on synthetic chemical pesticides.

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20. Where can we dispose of expired herbicides?

Domestic class herbicides

- Manitoba Product Care Household Hazardous Waste Collection Sites (call 1.888.772.9772 for more information)
- Sites include:
 - Miller Environmental Corporation – 1803 Hekla Avenue, Winnipeg
 - Responsible Electronics Recycling Manitoba Inc. – 511 Robinson Avenue, Selkirk
 - City of Brandon – 3000 Victoria Avenue East, Brandon
 - City of Steinbach – 104 Hanover Road East, Steinbach
 - Whitemouth Reynolds Waste Management Facility – NW 21-11-12 EPM, RM of Whitemouth
 - RM of Rockwood – NE 19-13-02 EPM, RM of Rockwood
 - RM of Gimli – 212 Harvard Avenue, Gimli.

Commercial class herbicides

- Licensed hazardous waste collection/disposal facilities: Contact Hazardous Waste Program for more information.

Hazardous Waste Program

Environmental Approvals Branch

Manitoba Conservation and Water Stewardship

160-123 Main Street

Winnipeg MB R3C 1A5

Fax: 204-945-5229

- Return unopened products to pesticide dealer

21. Where can I get more information?

You can get more information on our website:

www.manitoba.ca/pesticide-reduction