



**Ontario Institute of Agrologists Comments on "Regulatory Amendments to Ontario Regulation 63/09 under the Pesticides Act to Reduce the Use of Neonicotinoid Insecticides," dated March 23, 2015**

May 7, 2015

**The Ontario Institute of Agrology and Agrologists' Role in Canada**

With a mandate to protect the public by accrediting the competence of qualified practitioners within a nationally recognized standard of excellence and to build public confidence in Ontario's agriculture, agri-food and environmental sector, the Ontario Institute of Agrologists (OIA) represents a membership of approximately 500 Professional (P.Ag.), Technical (T.Ag.) and Articling Agrologists (in-training) across Ontario. The OIA's Board of Directors represents all regions of the province and non-voting seats on the Board exist for a representative each from Agriculture and Agri-Food Canada and the Ontario Ministry of Agriculture, Food and Rural Affairs.

There are approximately 10,000 licensed/accredited Agrology practitioners across Canada, with an Institute of Agrology in each province. As regulators, we license/accredit professional Agrology practitioners and govern their work to ensure safe, competent and ethical practice within provincial statute in each of our individual provinces. As members of the Agrologists Agronomes Canada team, we work together to:

- Meet our obligations for national labour mobility (i.e., harmonizing licensing requirements so that Agrology professionals can efficiently become licensed with any regulator in Canada), and,
- Inform Canadians about the role of accredited/licensed Agrology professionals.

All accredited/licensed Agrology professionals have specific areas of expertise or speciality that has been verified by their provincial institute. As a result, they are obligated to work/practice only in those areas in which they have the requisite education, current expertise and capacity. In order to achieve labour mobility all OIA members must meet national eligibility requirements of licensure/accreditation as well as national requirements to maintain accreditation eligibility. Predominant in the Canadian regulatory landscape is that in most Canadian provinces the Agrology profession is fully self-regulated to serve the public interest. In Ontario, the OIA is empowered by Bill Pr 15, *An Act respecting the Ontario Institute of Professional Agrologists*, December 2013. Through this Act, only OIA-accredited practitioners are regulated by the OIA to protect the public by ensuring that the professionals it regulates provide safe, competent and ethical practice and can achieve labour mobility. In Ontario, it remains voluntary for individuals to practice within national qualification assurance requirements. Anyone who wishes to use a protected title or initials must be an OIA member.

Due to the voluntary nature of professional accreditation to practice Agrology in Ontario, not all practitioners possess professional accreditation, requisite education or have met national

standards of competency to practice. The OIA notes that the financial penalties outlined in Section 45 of the *Pesticides Act* will serve as a deterrent to contravening the Act and associated regulations. However, if it is the province's intent to limit the use of neonicotinoid insecticides, under Ontario's current legislation the OIA can remove a member's accreditation due to incompetence or misconduct but it cannot stop someone from resigning and continuing to practise. Furthermore, the OIA cannot rule on such matters by non-members. The OIA believes that the financial penalty alone may not present a sufficient deterrent to achieving Ontario's stated objectives.

The benefit to the general public from professional regulation is their having access to practitioners who meet registration requirements, are required to uphold professional practice standards, and practise within a statutory accountability framework. Given Ontario's legislative framework within Agrology we would like to express our agreement with the proposed Ontario Regulation 63/09 restriction on a "professional pest advisor" as it relates to those who derive a financial benefit; we believe independent advisors are best able to provide unbiased advice. This recommendation acknowledges that some OIA members will not be in a position to serve as a "professional pest advisor". **As a public interest oriented body, the OIA believes that the rationale to reduce the risk of self-interest taking precedence over public interest would logically dictate that the proposed financial benefit provision should remain in place. This is especially so, given Ontario's current regulatory climate where qualification to practise Agrology in the public interest is not mandatory.**

The OIA is pleased that the proposed amendment to Ontario Regulation 63/09 has identified that a "professional pest advisor" can be a member of the OIA under *An Act Respecting the Ontario Institute of Professional Agrologists*, December 2013, if the person's field of practice relates to paragraph 2 or 6 of subsection 3 (2) of this Act. **So as to ensure national labour mobility within Agrology, the OIA advises inclusion under the definition of "professional pest advisor" of Professional Agrologists, Technical Agrologists and Agronomes from other jurisdictions across Canada whose field of practice also relates to paragraph 2 or 6 of subsection 3 (2) of the above-mentioned Act.**

The merits of mandatory licensure as a best practice in most of Canada to practice Agrology and achieve public interest are clear. Ontario's Ministry of the Environment and Climate Change (MOECC) should be aware that Ontario is poised to be the only provincial jurisdiction to recognize proficiency based on criteria derived by the American Society of Agronomy.

The OIA finds it confusing that a person who is a Certified Professional Agronomist (CPAg) under the American Society of Agronomy is recognized in the proposed amendment to Ontario Regulation 63/09 as a "professional pest advisor". A review of CPAg program participants in Canada in 2014 identified that there is one CPAg program participant in Ontario and this person is the only one in all of Canada as of the date of writing. The criteria and rationale used to determine eligibility of Canada's one and only CPAg remain unclear.

### **Summary of Significant Comments from the OIA's Submission to Ontario Dated January 23, 2015**

Agriculture and Agri-Food Canada (AAFC) has commented that evidence suggests bees are increasingly stressed by the confluence of several factors. AAFC has responded to this situation by focusing its research on long-term issues that affect honeybee health and survival. We support AAFC's and Ontario's continued efforts, along with collaborators, to look into all the significant causes of honeybee mortality.

We encourage Ontario to evaluate the impact of the proposed regulation. The province should assess the cost of this program so as to ensure the continuing competitiveness of its agricultural sector in comparison with other jurisdictions that do not adopt similar practices. For example, Ontario could estimate the cost of the current measure underway of modifying planters so as to redirect ventilated exhaust; of the assessment, reporting and administration process by industry and government; of application of alternate insecticides; of increased costs of insurance premiums for crops and for crop scouting; and, especially, of potential significant crop losses to farmers who wrongly predict the need for insecticide-treated seed. Continued financial assistance toward the purchase or building of planter deflectors under the "Growing Forward 2" initiative is also desirable.

We note that the re-evaluation assessments of the neonicotinoid insecticides, which will be published by the Pest Management Regulatory Agency (PMRA) in the next several years, will incorporate risk and value assessments based on the Canadian use pattern. We continue to strongly encourage Ontario to use these re-evaluation assessments as the basis of updating and refining its regulatory approach in the future. We strongly encourage explicit acceptance that Ontario's regulatory approach is an interim measure until the science is more definitive, or five years have passed, whichever comes first. Once further value research has been conducted; the joint re-evaluation risk and value assessments have been published by the PMRA, US Environmental Protection Agency, and California Department of Pesticide Regulation; and experience gained of the impact and effectiveness of regulation, a longer-term approach that is applicable in the Ontario context can then be proposed, considered, and implemented. Furthermore, being as the potential exists for circumstances to change in the future (such as the arrival of new pests or the registration of new insecticide products), we encourage acceptance of the need for continued flexibility in updating this regulation and related documents.

#### **OIA's Comments on the Proposed Amendments to O.REG. 63/09 (GENERAL)**

Phasing-in of Professional Pest Advisors: Regarding Proposed Regulation 8.2 (2), this section describes a phasing-in of professional pest advisors, who would assess the need for neonicotinoid-treated corn or soybean seeds, in a step-wise fashion from east to west in three geographic areas of Ontario, over three years from 2017 to 2019. This may prove difficult to effect as the large number of advisors needed to do this work would be located all across Ontario and not in one (in 2017), then two (in 2018), and finally all three (in 2019) of the specified geographic areas. Furthermore, this section appears to require that assessments can only be done by professional pest advisors in all geographic areas of Ontario every year on or after August 31, 2020. In contrast, Ontario's document "New Regulatory Requirements to Protect Pollinators" appears to contradict this regulation, stating the "Requirement for a professional pest advisor to complete an assessment every three years will be phased in between 2017 and 2020." **Consequently, the OIA is asking that 1) the apparent differences between the two documents in the required frequency of assessment by professional pest advisors from 2020 onwards be clarified, and 2) a more functional plan be devised for where these professional pest advisors would be located across Ontario during the phase-in period of 2017 to 2019.**

Requirements for Training: Ontario proposes in Regulation 45.1 to establish a system for regulating neonicotinoid-treated seeds that will include training on integrated pest management methods in corn and soybeans that would protect pollinators. Any person (e.g., a farmer or a person who supervises the planting of neonicotinoid-treated seeds) who purchases neonicotinoid-treated seeds would be required to receive this IPM training, which will first be available in fall 2015, and throughout winter and spring 2016, and will be offered in a classroom

and on-line. Following successful completion of the course, a certification number, valid for five years, will be given. Our question is whether there has been a determination of the course curriculum, as well as the competency requirements and qualification assurance associated with delivery of such a course. No answer in this regard was forthcoming from MOECC at the April 2, 2015 Toronto consultation attended by the OIA. It would be reasonable to presume that the province would only rely on instructors who would meet the criteria for “professional pest advisor” to deliver the course curriculum associated with implementation of the revised Ontario Regulation 63/09 but this is not currently clear.

## **OIA's Comments on the Document: Conducting a Pest Assessment for Class 12 Pesticides**

Soil Assessment: With regard to the soil pest scouting assessment approach outlined in this document, what is the scientific basis for the requirement of a minimum of 5 soil or bait trap samples from 5 locations per 100 acres and for the numbers of insects that constitute action or treatment thresholds? The choice of number of sample locations per 100 acres is critical; it must be high enough, to reduce to a minimum the number of false positive and false negative assessments, and low enough not to be cost prohibitive. This document states that specified thresholds must be met or exceeded at each sample location. This means that in a situation where, say, 4 out of 5 sample locations exceed the threshold by a substantial margin but 1 sample location has nothing, treatment would not be allowed despite strong evidence of its being needed. If a professional pest advisor were to increase the number of sample locations per 100 acres to 10 or more, in order to increase the level of confidence in the assessment, there would be an increased likelihood of not meeting the threshold in at least one sample location and of not being able to recommend treatment despite its being needed.

**Consequently, the OIA proposes that threshold values be averaged for the five or more sample locations per 100 acres. Furthermore, the regulations need to permit professional pest advisors the flexibility to advise the planting of neonicotinoid-treated seed to only part of a 100 acre field if they deem it appropriate based on their assessments.**

Crop Damage Assessment: With regard to the crop damage pest assessment approach, what is the scientific and economic basis of the use of thresholds for stand losses due to insect damage of at least 15% (corn) and 30% (soybeans)? These stands would be compared either with seeding rates, or the more labour-intensive but sensitive estimates of numbers of plants in locations where there is no apparent stand loss, so as to determine whether a neonicotinoid seed treatment can be used in the following year. We don't currently have access to reliable information on the cost difference between seed that has or has not been treated with a neonicotinoid but it is not expected to amount to more than a few dollars per acre -- in fact, there may prove to be no difference at all. Even allowing for some compensation in yield by the remaining plants following stand reductions caused by insect feeding, the impact on yields of stand losses of at least 15% (corn) and 30% (soybeans) likely far exceeds the cost of treatment of seeds with neonicotinoids. Based on data from OMAFRA (2014) for average crop yield multiplied by farm value per bushel, reductions in yield of just one percent would cost producers of corn \$7.51/acre and of soybeans \$6.33/acre. If yield reductions were five percent, losses would jump to \$37.55/acre for corn and \$31.65/acre for soybeans. **Consequently, the OIA recommends reducing thresholds for minimum levels of stand losses due to soil insects particularly where comparisons are made with locations in fields where no apparent stand loss occurred. Threshold levels of stand losses of no more than 10% (corn) and 20% (soybeans) would reduce potential yield losses to more acceptable levels even in situations where stand losses are just below these proposed thresholds.**

Current Research Underway in Ontario: The OIA also notes that the first year of a four-year research program was conducted in 2014 by Grain Farmers of Ontario and the University of Guelph Ridgetown Campus to assess soil pest presence and abundance, risk factors and yield data in corn and soybean rotations. Once this research has been completed, the OIA anticipates that the above-mentioned thresholds and other recommendations will be revised in accordance with the results.

### **Reference**

OMAFRA, 2014. Estimated Area, Yield, Production and Farm Value of Specified Field Crops, Ontario, 2011 - 2014 (Imperial and Metric Units). Ontario Ministry of Agriculture, Food and Rural Affairs. [http://www.omafra.gov.on.ca/english/stats/crops/estimate\\_new.htm](http://www.omafra.gov.on.ca/english/stats/crops/estimate_new.htm) (site accessed on May 4, 2015).

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Ontario Institute of Agrologists  
100 Stone Road West,  
Suite 108,  
Ontario Agricentre,  
Guelph, Ontario  
N1G 5L3  
519-826-4226