



Terrestrial Invasive Plant Management Using Class 9 Pesticides

Applying for a Letter of Opinion for the
Natural Resources Exception

Natural Resources Exception under Ontario Regulation 63/09

- 1) Overview of the natural resource management provisions in the cosmetic pesticides ban
- 2) Outline decision criteria
 - o Does the project meet the intent of the Natural Resources Exception?
 - o Who can undertake a project



Background

- Ontario's cosmetic pesticides ban took effect on April 22, 2009.
- Objective was to reduce public exposure to pesticides, and applies to cosmetic use of pesticides including its use on lawns, gardens, school yards etc.
- Recognition that there was a need to allow for the use of certain pesticides for certain types of activities...
- There are exceptions to the ban, including uses related to
 - Golf courses
 - Agriculture
 - Forestry
 - Promotion of public health or safety
 - poisonous plants, public works, buildings and structures
 - Other uses (e.g. arboriculture, specified sports fields, scientific purposes, other legislative requirements)
 - **Natural resources**

Natural Resources Exception under Ontario Regulation 63/09

- Resource management projects that propose to use **Class 9 pesticides** must comply with the requirements of the Natural Resources Exception under Ontario Regulation 63/09.
- The **purpose** of these projects must be to manage, protect, establish or restore natural resources – with the goal of protecting and enhancing Ontario's biodiversity.

Natural Resources Exception under Ontario Regulation 63/09

The criteria for the Natural Resources exception:

- Project must
 - control an invasive species, **or**
 - benefit a species of plant or animal native to Ontario, **or**
 - protect or restore a rare ecosystem or its components
- AND**
- be in accordance with **integrated pest management** (“IPM”) principles.

Who can undertake a project under Natural Resources Exception?

- Act states the Natural Resource Management Project may be undertaken by:
 - **MNRF or Conservation Authority (CA) staff** or Licensed exterminators hired by the CA or MNRF
 - Proponents who have an **agreement** with MNRF
 - Proponents who receive a **Written Opinion** from MNRF
- The project must also adhere to all other provisions of the *Pesticides Act*
 - *Example -Use of licensed exterminator*



Do any other exceptions apply to your project ?

- If the project is covered by another provision in the *Pesticides Act* - the Natural Resources Exception does not apply

Examples



Dog strangling vine invading a woodlot (>1ha), impacting forest harvest = **Forestry Exception**



Phragmites impacting visibility on highway right of way = **Public health or safety, public works exception**



Giant hogweed = **Public health or safety, poisonous plants exception**

Consult with MOECC Regional Pesticide Specialist for advice on these exceptions.

Does the *Natural Resources Exception* apply?

Is the objective of the project to control or eradicate an invasive plant ?

- MNRF staff confirm identification of the invasive plant and that management of this species is a provincial/local priority
- Use supporting documents (e.g. OIPC invasive plant lists) as a guide to confirm that control is not cosmetic (e.g. dandelion)



Does the *Natural Resources Exception* apply

- **Is the objective of the project to:**
 - Benefit a species of plant or animal native to Ontario?
 - E.g. Control vegetation to protect a Species at Risk or the habitat of a Species at Risk
 - Protect/restore rare ecosystem or its components?
 - E.g. control of vegetation to rehabilitate a tall grass prairie ecosystem



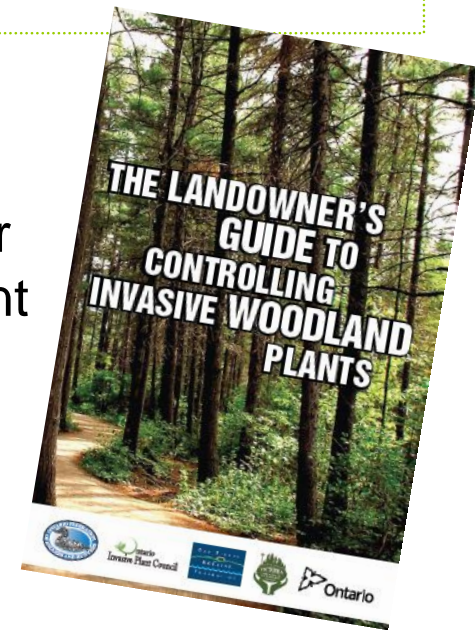
Does the *Natural Resources Exception* apply?

Does the project meet Integrated Pest Management (IPM) principles?

- IPM - the practice of preventing or suppressing damaging populations of pests by applying multiple comprehensive and coordinated control tactics.
- Project application should reference, peer reviewed best management practices (BMPs) for control such as those produced by the OIPC

Requesting a letter of opinion on the natural resources exception

- 1) Ensure that no other exception(s) for use of a Class 9 pesticide apply.
- 2) Contact your local MNRF office for an application for Letter of Opinion for Natural Resources Management Projects Involving Class 9 pesticide use.
- 3) Submit application
- 4) MNRF reviews application
 - Natural Resource Management Project
 - Integrated Pest Management (IPM) Principles
- 5) MNR may issue a written opinion stating that the project is a natural resources management project.
- 6) If written opinion is issued, your project can proceed as described.
 - The term of a written opinion can be up to 5 years.



Natural Resources Exception Advice on Species at Risk (SAR)

- Project proponents and licensed applicators are responsible for ensuring compliance with all provincial and federal regulations including the *Endangered Species Act* (ESA)
 - The ESA sets a world-class standard for SAR protection but also recognizes that some activities may occur even when SAR are present.
 - Applicants for letter of opinion should contact their local MNRF office as early in process as possible to identify whether authorization is required under the ESA.
 - Each project is considered on a case-by-case basis to determine whether an authorization is required.

For more information on invasive species and obtaining a letter of opinion

- Local MNRF District office
- Francine MacDonald, Senior Invasive Species Biologist, Natural Heritage Section, MNRF, 705-755-5136