

Caution:

This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the draft regulation are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

PESTICIDES ACT

Amending O. Reg. 63/09

(GENERAL)

1. Subsection 1 (1) of the Regulation is amended by adding the following definition:

“Ministry’s electronic system” has the same meaning as in Ontario Regulation 245/11 (Registrations under Part II.2 of the Act) made under the *Environmental Protection Act*; (“système électronique du ministère”)

2. Section 1.1 of the Regulation is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

- (c) if the Director or this Regulation specifies that the document be submitted using the Ministry’s electronic system,
 - (i) the person shall submit the document using the electronic system, or
 - (ii) if the Ministry’s electronic system is not capable of receiving a document by direct electronic transmission, the person shall submit the document by another means.

3. Sections 34 and 34.1 of the Regulation are revoked and the following substituted:

Application for licence

34. (1) An applicant for the issuance or renewal of a licence shall submit an application and any accompanying documents to the Director using the Ministry’s electronic system.

(2) In addition to anything else required in this Regulation, an application for the issuance or renewal of a licence shall include such information and documents as the Director may require for the purpose of issuing or renewing a licence, determining a fee or ensuring compliance with the licence, the Act and this Regulation.

(3) An applicant or, if the applicant is a corporation or partnership, a person listed in the application as an official representative of the corporation or partnership in accordance with subsections 38 (8) or 40 (1.1), shall use the Ministry's electronic system to certify that the information in the application and accompanying documents is complete and accurate.

(4) An application shall not be submitted to the Director unless it complies with this section.

(5) A person who holds an exterminator's licence shall not submit an application to the Director for the issuance of an exterminator's licence of the same class.

(6) A person who holds an operator's licence shall not submit an application to the Director for the issuance of an operator's licence of the same class.

(7) A person who holds a vendor's licence shall not submit an application to the Director for the issuance of a vendor's licence of the same class that is in respect of the same sales outlet for which the licence the person holds was issued.

Renewal of licence—timing

34.1 An applicant for the renewal of a licence shall make the application not earlier than 90 days prior to its expiry date and not later than the expiry date.

Expiry date of licence

34.2 (1) An operator's licence, if not renewed, expires on December 31 of the year in which the licence or the most recent renewal of the licence takes effect.

(2) A vendor's licence, if not renewed, expires on the fifth anniversary of the day on which the licence or the most recent renewal of the licence takes effect.

(3) An exterminator's licence, if not renewed, expires on the fifth anniversary of the day on which the licence or the most recent renewal of the licence takes effect.

(4) Despite subsection (3), an exterminator's licence issued to an applicant in accordance with section 36.1, if not renewed, expires on the earlier of,

- (a) the day provided as the expiry date on the applicant's authorizing certificate; and
- (b) the fifth anniversary of the day on which the licence takes effect.

Updating information

34.3 (1) An applicant for the issuance or renewal of a licence whose application is in the process of being considered shall notify the Director in writing of any change in the information required to be provided in or with the applicant's application or under this subsection within 10 days after the effective date of the change.

(2) A holder of a licence shall notify the Director, using the Ministry's electronic system, of any change in the information provided in or with the application for the issuance of the licence or under this section within 10 days after the effective date of the change.

Effective date of issuance and renewal

34.4 (1) A licence takes effect on the day it is issued.

(2) A renewal of an exterminator's licence or vendor's licence takes effect on the day the licence would expire if not renewed.

(3) A renewal of an operator's licence takes effect on the day following the day the licence would expire if not renewed.

(4) Despite subsections (2) and (3), if the Director does not renew a licence until after its expiry date, the renewal of the licence takes effect on the day it is renewed.

4. (1) Paragraphs 2 and 4 of subsection 36 (1) of the Regulation are revoked.

(2) Subsections 36 (2) to (5) of the Regulation are revoked and the following substituted:

(2) If in the course of his or her employment the applicant performs exterminations for his or her employer, the applicant shall submit to the Director the name of the employer.

(3) Paragraph 3 of subsection (1) does not apply to the following:

1. An applicant who applies for the renewal of an exterminator's licence within the time period set out in section 34.1.
2. An applicant who applies for an exterminator's licence within 24 months after the expiry date of an exterminator's licence that was issued to the applicant, if the licence was of the same class and was not suspended or revoked prior to its expiry.

(4) Subsection (1) does not apply to an applicant for the issuance of an exterminator's licence in accordance with section 36.1.

5. (1) Subsection 36.1 (1) of the Regulation is revoked.

(2) Subsection 36.1 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(2) Subject to subsection 11 (2) of the Act, the Director shall issue an exterminator's licence to an applicant who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of an occupation if,

(0.a) the applicant applies in accordance with section 34 of this Regulation for the issuance of an exterminator's licence in respect of the same occupation;

(3) Clause 36.1 (2) (c) of the Regulation is amended by striking out "provides the Director with confirmation in writing from the out-of-province regulatory authority" in the portion before subclause (i) and substituting "certifies".

(4) Subclause 36.1 (2) (c) (iii) of the Regulation is amended by striking out "cancelled or revoked" and substituting "cancelled, suspended or revoked".

(5) Clause 36.1 (2) (d) of the Regulation is amended by striking out "provides the Director with a signed statement" in the portion before subclause (i) and substituting "certifies".

(6) Subclause 36.1 (2) (d) (i) of the Regulation is amended by striking out "obtained" and substituting "purchased".

6. (1) Clause 38 (1) (a) of the Regulation is amended by striking out "be at least 18" at the beginning and substituting "if the applicant is an individual, be at least 18".

(2) Clause 38 (1) (b) of the Regulation is amended by striking out "have official representatives" and substituting "have one or more official representatives".

(3) Subsections 38 (3) and (4) of the Regulation are revoked.

(4) Subsection 38 (5) of the Regulation is amended by striking out "An applicant" at the beginning and substituting "For the purpose of applying subsection 11 (2) of the Act, an applicant".

(5) Subsections 38 (7) to (12) of the Regulation are revoked and the following substituted:

(7) If an applicant for the issuance or renewal of an operator's licence is a corporation or a partnership, the applicant shall submit to the Director a list of the official representatives mentioned in clause (1) (b).

(8) The official representatives mentioned in clause (1) (b) shall ensure that the corporation or partnership, as the case may be, complies with the Act and the regulations.

7. (1) Clause 40 (1) (a) of the Regulation is amended by striking out “be at least 18” at the beginning and substituting “if the applicant is an individual, be at least 18”.

(2) Clause 40 (1) (b) of the Regulation is amended by striking out “have official representatives” and substituting “have one or more official representatives”.

(3) Section 40 of the Regulation is amended by adding the following subsection:

(1.1) If an applicant for the issuance or renewal of a vendor’s licence is a corporation or a partnership, the applicant shall submit to the Director a list of the official representatives mentioned in clause (1) (b).

(4) Paragraph 3 of subsection 40 (3) of the Regulation is revoked.

(5) Subsection 40 (4) of the Regulation is revoked.

8. (1) Subsection 41 (3) of the Regulation is revoked and the following substituted:

(3) A person carrying out an activity authorized by a permit shall carry the permit or a copy of the permit when carrying out the activity.

(2) Subsection 41 (4) of the Regulation is amended by striking out “When performing an extermination, the holder of a permit” at the beginning and substituting “A person performing an extermination for which a permit is required”.

9. Sub-subparagraph 2 ii A of Item 2 of Column 2 of the Table to section 43 of the Regulation is amended by striking out “license” and substituting “licence”.

10. Subsections 47 (2) and (3) of the Regulation are revoked.

11. (1) Subsection 49 (1) of the Regulation is revoked.

(2) Subsection 49 (2) of the Regulation is amended by striking out “mentioned in subsection (1)” and substituting “who is required to hold an exterminator’s licence”.

(3) Subsection 49 (3) of the Regulation is amended by striking out “mentioned in subsection (1)” and substituting “who is required to hold an exterminator’s licence”.

12. Section 67 of the Regulation is amended by striking out “license” wherever it appears and substituting in each case “licence”.

13. Subsection 75 (4) of the Regulation is revoked.

14. Subsection 86 (2) of the Regulation is revoked.

15. (1) Subsection 87 (1) of the Regulation is amended by striking out “a copy of the licence” and substituting “a copy of the licence that is at least 8.5 by 11 inches in size”.

(2) Subsection 87 (2) of the Regulation is amended by striking out “at more than one location” in the portion before clause (a).

(3) Clause 87 (2) (b) of the Regulation is amended by revoking the portion before subclause (i) and substituting the following:

- (b) notify the Director, using the Ministry’s electronic system, of the email address, if any, of each licensed exterminator in charge, and the class of licence and licence number held by each licensed exterminator in charge, and identify, with respect to the site of each location,**

(4) Clause 87 (2) (c) of the Regulation is amended by striking out “notify the Director of any change” at the beginning and substituting “notify the Director, using the Ministry’s electronic system, of any change”.

16. (1) Section 89 of the Regulation is amended by striking out “During” at the beginning and substituting “Subject to subsection (2), during”.

(2) Section 89 of the Regulation is amended by adding the following subsection:

(2) A person who holds an operator’s licence may permit a vehicle to be used to transport or apply a pesticide in connection with an extermination during the first 21 days following the date on which the licence was issued or renewed if a temporary marker for the calendar year obtained from a website maintained by the Ministry is displayed within the vehicle so that it is visible and legible at all times.

17. (1) Subsection 94 (1) of the Regulation is amended by striking out “a sales outlet” and substituting “the sales outlet”.

(2) Subsection 94 (2) of the Regulation is revoked.

18. (1) Paragraph 4 of subsection 96.1 (2) of the Regulation is amended by striking out “submitted to the Director” and substituting “submitted to the Director using the Ministry’s electronic system”.

(2) Subsection 96.1 (5) of the Regulation is amended by striking out “submit to the Director” in the portion before paragraph 1 and substituting “submit to the Director using the Ministry’s electronic system”.

19. (1) Clause 99 (2) (e) of the Regulation is amended by striking out “licensed vendors of the General class” and substituting “the operation of a sales outlet”.

(2) Clauses 99 (2.1) (a) to (d) of the Regulation are revoked and the following substituted:

- (a) the person has within the previous 60 months obtained from the body that offers the course referred to in clause (2) (e) a document that states,
 - (i) the person has provided the body with a signed statement confirming that,
 - (A) the person has purchased the training material for the course mentioned in clause (2) (e), and
 - (B) the person is, in his or her own opinion, knowledgeable about the legislation and regulations that govern the practice of the occupation of outlet representative in Ontario, and
 - (ii) the body is satisfied that the person holds an authorizing certificate issued by an out-of-province regulatory authority in respect of the occupation of outlet representative and that the authorizing certificate has not expired and has not been suspended, cancelled or revoked; and
- (b) the authorizing certificate has not expired and has not been suspended, cancelled or revoked by the out-of-province regulatory authority that issued the certificate.

(3) Section 99 of the Regulation is amended by adding the following subsection:

(2.2) A person required to hold a vendor’s licence of the General class shall have readily available at the sales outlet covered by the licence,

- (a) the document or a copy of the document that demonstrates that the outlet representative for the sales outlet has successfully completed within the previous 60 months a course mentioned in clause (2) (e);
- (b) the document or a copy of the document that demonstrates that the outlet representative for the sales outlet has otherwise satisfied the Director that he or she is qualified to sell and transfer pesticides; or

- (c) the document or a copy of the document that demonstrates that the outlet representative has satisfied the requirements of clause (2.1) (a).

20. Clause 107 (2) (a) of the Regulation is amended by striking out “license” and substituting “licence”.

Commencement

21. [Commencement].