



What Farmers Need to Know about Ontario's New Regulatory Requirements to Protect Pollinators

Buying and using neonicotinoid-treated
corn and soybean seed

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A growing body of scientific evidence shows that neonicotinoid insecticides are highly toxic to honey bees and other beneficial insects.

In addition, neonicotinoid insecticides are persistent, meaning that they do not break down quickly in soil. They are water soluble and have the potential to easily run off into local watercourses, where they can potentially harm aquatic insects.

In Ontario, there is widespread use of neonicotinoid-treated seeds, in some cases, without evidence of pest problems. Close to 100 per cent of corn seed and 60 per cent of soybean seed sold in the province are treated with neonicotinoid insecticides.

On July 1, 2015, new regulatory requirements for the sale and use of neonicotinoid-treated seeds in Ontario will come into effect and be phased in over a period of time. The requirements will support the Province's target to reduce the number of acres planted with neonicotinoid-treated corn and soybean seed by 80 per cent by 2017 and are focused on ensuring that neonicotinoid-treated corn and soybean seeds are used only when there is a demonstrated pest problem. Reducing neonicotinoid use in these two crops presents the greatest opportunity to decrease pollinator exposure to this neurotoxic insecticide.

This document outlines what farmers need to know to meet these new regulatory requirements.

1. What is the new class of pesticides?

The provincial government is responsible for classifying pesticides and regulating their sale, use, transportation, storage and disposal.

Treated seeds are seeds that have been coated with a pesticide. The new regulatory requirements will create a new class of pesticides—Class 12—for corn and soybean seeds treated with the following neonicotinoid insecticides:

- imidacloprid
- thiamethoxam
- clothianidin

This new class of pesticides applies to corn seed grown for grain or silage and soybean seed.

The regulation does not apply to popping corn, sweet corn or corn used for the production of seed. Nor does it apply to soybean seed planted for the purpose of producing a soybean seed crop of certified status under contract. Corn seed and soybean seed treated only with fungicide are not classified as Class 12 pesticides under the regulation.

There are new requirements for farmers, or other persons, who intend to buy or plant neonicotinoid-treated corn or soybean seed.

2. What are the new requirements?

New requirements for farmers are being introduced to ensure that neonicotinoid-treated corn and soybean seeds are used only when there is a demonstrated pest problem. These requirements will be phased-in over a period of time to allow farmers to adapt.

If you will not be planting neonicotinoid-treated corn or soybean seed, you will not be subject to any new requirements under this regulation.

From August 31, 2015 to August 30, 2016, in preparation for the 2016 planting season, farmers will have the option to take one of two courses of action to purchase and use neonicotinoid-treated corn and/or soybean seed, depending on the amount they intend on planting.

As an incentive to achieve early reductions in the use of neonicotinoid-treated seed, if farmers plant neonicotinoid-treated seeds on *50 per cent or less* of the total area of where they plant corn or soybeans, they will not have to conduct a pest assessment (see Question 5).

Note that the calculation is completed separately by commodity for each of corn and soybeans. Farmers will also need to confirm, in writing, that they are not buying or using more than what is required to plant 50 per cent of this area. This document is called a *Seed Amount Declaration* (see Question 3) and farmers will need to sign it and give it to the sales representative or seed vendor or to the custom seed treater they use to have their seed treated with neonicotinoid insecticides.

If you purchase seed from more than one seed vendor or through multiple sales representatives or direct-to-farm vendors, you can use the same completed Seed Amount Declaration form for each commodity (i.e. corn or soybeans).

If farmers want to buy and plant neonicotinoid-treated seeds on *more than 50 per cent* of the total area of their corn or soybean crop, they will need to complete a pest assessment report (see Question 5) and provide it to the sales representative or seed vendor from which they purchased the seeds or to the custom seed treater they use to have their seed treated with neonicotinoid insecticides.

With this option, farmers will not need to submit a Seed Amount Declaration for the commodity for which they complete a pest assessment report.

On or after August 31, 2016, in preparation for the 2017 planting season, if farmers want to buy and use *any amount* of neonicotinoid-treated seeds, they will be required to:

1. Complete the new integrated pest management (IPM) training (see Question 4)
2. Complete a pest assessment report
3. Sign a declaration called an IPM Written Declaration Form (available July 1, 2015) stating that they have considered IPM principles (see Question 4).

Farmers will need to submit these pieces of information, along with their IPM training certificate number, to the sales representative or seed vendor, including direct-to-farm seed vendors, from whom they purchased the seeds or to the custom seed treater used for treating seed with neonicotinoid insecticides.

They can only plant neonicotinoid-treated seeds in the application area (or areas) on their farm property identified in their pest assessment report.

3. What is a Seed Amount Declaration?

A Seed Amount Declaration is a written commitment to only plant *50 per cent or less* of the total area of your farm operation with neonicotinoid-treated corn or soybean seed.

Note that the calculation is completed separately by commodity for each of corn and soybeans. In order to purchase neonicotinoid-treated seed, this declaration must be provided to the person from whom farmers are purchasing their seed or to the custom seed treater.

The declaration must include:

- the acreage of land on which farmers will plant treated and untreated corn or soybean seed before August 31, 2016 at all of the farm properties that are used for their agricultural operation
- the location of each farm property or a legal description of the property
- the total acreage of all of the application areas where farmers will plant neonicotinoid-treated seeds before August 31, 2016 and all of the farm properties that are used for the agricultural operation.

A Seed Amount Declaration is valid only for seed intended to be planted in the 2016 growing seasons.

4. What is the new integrated pest management (IPM) training?

Integrated pest management (IPM) is an approach to managing pests that is environmentally and economically sustainable. IPM promotes the use of different methods to prevent and reduce the risk of pests and encourage beneficial insects, including pollinators. Under IPM, pesticides are used as a last resort to control pest problems.

Starting on August 31, 2016, successful completion of a new IPM training course will be required in order to purchase and plant neonicotinoid-treated corn and soybean seed. Farmers will need to provide proof that they have completed this training by submitting their certificate number to a sales representative, vendor or custom seed treater. Certification is valid for five years (i.e. farmers will only need to take course once every five years).

The IPM training will be unique in that it will include training on the importance of pollinators in the ecosystem and how to protect them from pesticide exposure. It will also include training on identifying pests and pest scouting methods, and alternative methods to using pesticides.

The new IPM course will be available starting in Fall 2015, and will run continuously thereafter. Following successful completion of the course, farmers will receive a certificate number.

Where is IPM training available and what is the cost?

Farmers will be able to take training in a classroom at various locations or online through the University of Guelph, Ridgetown Campus. To encourage participation, IPM training will be offered FREE OF CHARGE until September 2016. More information about training will be *available in August 2015*.

Do farmers need to take IPM training if they hire a person to do the planting on their farm(s)?

Farmers do not need to take IPM training if they are a farm owner who hires people to purchase and plant seeds. In this case, the person they hire (e.g., farm manager or supervisor) will need to take IPM training.

An IPM trained person can supervise up to seven people who are planting seeds on the farm.

Are farmers required to receive IPM training if they do not plan to use neonicotinoid-treated corn and soybean seed?

No. If farmers do not intend to buy and plant neonicotinoid-treated seeds, they are not required to take IPM training or file a pest assessment report. Non-treated seed or fungicide-only treated corn and soybean seed, for example, are not Class 12 pesticides. Farmers do not need IPM training to purchase or plant these types of seeds.

5. What is a pest assessment report?

A pest assessment report is documented proof that there is a pest problem that requires the use of neonicotinoid-treated seed to control the pests.

In order to purchase neonicotinoid-treated corn and soybean seed, a person (i.e., farmer) must provide a pest assessment report to a vendor, sales representative or custom seed treater.

There are two kinds of pest assessments: soil pest scouting and crop damage assessment.

Soil pest scouting is a method that confirms the presence of an average of two or more grubs or one

wireworm in soil at a farm property (see the Conducting A Pest Assessment for Use of Class 12 Pesticides for more information on pest thresholds). A report must verify that pest thresholds have been met or exceeded.

A farmer can choose when to do soil pest scouting. This is often done in the Spring or Fall.

From August 31, 2015 to August 31, 2016, any farmer can do soil pest scouting, perform a pest assessment and prepare a report.

Starting August 31, 2016 until August, 31, 2017, farmers will be able to perform a pest assessment and prepare a report if they have a certificate number from completion of the new *integrated pest management (IPM) training*.

Starting on August 31, 2017, a requirement that a professional pest advisor conduct a soil pest assessment and prepare a report will begin to be phased in. This requirement is being phased in over time on a geographic basis to best target regions with the greatest pollinator mortality rates.

Once the professional pest advisor requirement is phased in, a professional pest advisor will need to perform (or supervise) the soil pest scouting assessment and complete and sign the report at least once every three years.

For the soil pest scouting method an *Inspection of Soil – Pest Assessment Report* will need to be completed and signed. The report form can be downloaded online or a copy can be requested by contacting the Ministry of the Environment and Climate Change.

Crop damage assessment is a method that confirms:

- at least a 15 per cent stand loss in corn caused by pests
- at least a 30 per cent stand loss in soybean caused by pests.

If a farmer believes they have experienced crop damage from pests, they can choose to have a crop damage assessment conducted. A professional pest advisor will be required to conduct this assessment as this method requires specialized knowledge of pests and crop damage.

Pest assessments must be done according to the Conducting a Pest Assessment for Use of Class 12 Pesticides guideline. The guideline is available online at

www.ontario.ca/neonics or can be requested by contacting the Ministry of the Environment and Climate Change.

The guideline outlines how assessments are to be conducted, sets out the minimum thresholds, and explains how to calculate the application area where the neonicotinoid-treated seeds are to be planted at the farm property.

After August 31, 2016, a pest assessment report must be completed each year in order to purchase and use neonicotinoid-treated seeds.

For the crop damage pest assessment method, an *Inspection of a Crop – Pest Assessment Report* will need to be completed and signed by a professional pest advisor. The report form can be downloaded online or a copy can be requested by contacting the Ministry of the Environment and Climate Change.

6. Who can conduct a soil scouting pest assessment?

The requirement to have a professional pest advisor perform a soil pest assessment is being phased in over time on a geographic basis to best target regions with the greatest pollinator mortality rates.

To prepare for the 2016 growing season, anyone, including farmers, can perform a soil pest assessment with no special certification or training.

Starting August 31, 2016 (for the 2017 growing season) only those with IPM training can conduct a soil scouting pest assessment and prepare a pest assessment report. If a farmer has received IPM certification, they can perform the soil scouting pest assessment.

Starting on August 31, 2017, a requirement that a professional pest advisor conduct a soil pest assessment and prepare a report will begin to be phased in. This requirement is being phased in over time on a geographic basis to best target regions with greatest pollinator mortality rates.

Once the professional pest advisor requirement is phased in, a professional pest advisor will need to perform or supervise the assessment and complete a report at least once every three years.

Farmers will need to refer to the *schedule* of the counties and regions of Ontario to know when professional pest advisors are required for their area.

It is important to remember that a crop damage assessment must always be done by a professional pest advisor as this form of assessment requires specialized knowledge of pests and crop damage.

7. Who is a professional pest advisor under the regulation?

A professional pest advisor is an individual who fits one or more of the following criteria:

- recognized as a Certified Crop Advisor (CCA) certified by the American Society of Agronomy and a member in good standing of the Ontario Certified Crop Advisor Association
- a registered member (i.e. a professional agrologist) under the Ontario Institute of Professional Agrologists Act 2013 with a field of practice relating to pest control or the production processing and protection of agricultural, horticultural and related products and supplies
- a person who holds an authorizing certificate issued by an out-of-province regulatory authority in respect of a field of practice similar to a professional agrologist
- a person who has the qualifications equivalent of a CCA or professional agrologist as determined by the Ministry of the Environment and Climate Change.

8. Where do farmers submit their completed pest assessment report?

Farmers will need to provide the completed pest assessment report to the treated seed vendor and/or the treated seed sales representative from whom they purchase their neonicotinoid-treated seeds. If they use the services of a custom seed treater to have seed treated with neonicotinoid insecticides, they will need to provide the completed report to the custom seed treater. They must also keep a copy of the report at their farm for at least two years.

The vendor or custom seed treater will then submit the report to the Ministry of Agriculture, Food and Rural Affairs.

What if farmers contract someone to treat the seeds at their farm? Do they have the same requirements?

Yes. Farmers will still be responsible for complying with the regulation and must follow the same requirements and timelines as they would if they were buying seeds from a vendor/treated seed sales representative. All relevant documentation will need to be provided to the custom seed treater.

9. What else do farmers need to know before using neonicotinoid-treated corn and soybean seeds?

Farmers will only be able to buy and use varieties or hybrids of neonicotinoid-treated seeds that vendors have put on the “Class 12 Pesticides List”. The list will be posted on a website of the Government of Ontario by August of each year.

The regulation does not include requirements for the transport and storage of Class 12 pesticides.

You must use a neonicotinoid-treated seed in accordance with the directions that are required to be set out on the label or tag by the federal government.

10. Are there any new requirements if farmers want to use only non-treated seed?

No. There are no requirements for using non-treated seed or fungicide-only treated seed. Using non-treated seed can help protect pollinators and reduce the impact of neonicotinoids on the environment.

To access guidelines and forms you will need to provide, please visit:

www.ontario.ca/neonics

Completed and signed forms must be provided to the vendor, sales representative or custom seed treater.

For more information, please visit:

www.ontario.ca/pollinators

Ministry of the Environment and Climate Change Public Information Centre

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