

2.0 PURPOSE:

The purpose of this report is to provide Council with an update on the status of the Integrated Pest Management (IPM) Accreditation program in Ontario. A discussion is provided of the implications of requiring lawn care businesses operating within Burlington being IPM Accredited as a condition of a business license.

In support of mandatory IPM Accreditation for the lawn care industry, a Council resolution for the Federation of Canadian Municipalities and the Association of Municipalities of Ontario is also presented for approval.

3.0 BACKGROUND:

On October 21st, 2002, Council directed staff to give further consideration to regulating the local lawn care industry by requiring that operators be IPM Accredited. Staff were also requested to prepare a Council resolution encouraging senior levels of government to require mandatory IPM Accreditation and to work in partnership with the local lawn care industry to reduce the non-essential use of pesticides during smog and/or heat alert days. Please see Appendix A for the complete Council resolution.

Industry Roundtable Update

On Monday, March 25th, 2003, staff held a roundtable discussion with representatives of the local lawn care industry. Participants were consulted on a number of issues, including actions to reduce impacts on air quality, particularly during smog and heat alert days, and public education initiatives on the importance of reducing the use of pesticides. Industry representatives were also asked for feedback on the proposal to require the local lawn care industry to be IPM Accredited through a licensing by-law. Please refer to Appendix B for a summary of the discussions.

Municipal Update

A number of municipalities in Ontario continue to review their options with respect to reducing the use of pesticides on public and private property. To date, four municipalities in Ontario have adopted by-laws restricting the non-essential use of pesticides on private property, including the Towns of Caledon, Perth, and Cobalt, and the City of Toronto.

The Town of Caledon's by-law will be effective May 1st, 2004. Pesticide applications will not be permitted during July and August except by permit issued by the Town and an IPM Accredited lawn care operator must be used. Blanket applications of pesticides will be prohibited at other times but spot applications will be acceptable.

The City of Toronto's by-law will be effective April 1st, 2004. The use of pesticides will not be permitted except for those situations listed in the by-law, such as the disinfection of swimming pools, water purification, use in enclosed buildings, the control or destruction of pest infestations, and use of wood preservatives. However, the by-law may be amended based on a number of proposed compromises considered by City Council during their deliberations. A

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Pesticide Advisory Committee will be responsible for reviewing Council's 'compromise proposal'. It is to report back to the appropriate committees and Council with proposed amendments. A municipal update is provided in Appendix C for further information.

Furthermore, the Executive Committee for the Association of Municipalities of Ontario (AMO) recently approved the Pesticides Report issued by AMO's Pesticide Task Force. It provides a review of options currently under consideration by many municipalities in Ontario as well as some recommendations for further action, particularly by senior levels of government. A copy of the report can be found in Appendix D for information.

What is IPM Accreditation?

A group of industry associations, government regulators, and advisors have formed the IPM-PHC Council of Ontario (IPM Council) (please refer to Appendix E for a list of members) to develop a standard in turf and landscape care, known as Integrated Pest Management.

According to the federal government's Pest Management Regulatory Agency's 'Healthy Lawns' website, "*IPM puts the emphasis on prevention, looks at all available information and considers all the management options before deciding on the most effective, economical and environmental means of managing a pest problem.*"

Elements of IPM programs are:

- *prevention*
- *regular monitoring*
- *identification of pest or problem*
- *assessment of problem to decide on what action to take*
- *use of a variety of tactics as necessary to deal with pest problem*
- *evaluation of the results and adjustment to the lawn care program as needed"*

Companies that adhere to an IPM program are expected to reduce the amount of pesticides they apply by focusing more on preventative lawn care measures.

Ridgetown College, University of Guelph, is responsible for the actual administration and delivery of the IPM Accreditation program on behalf of the IPM Council. The College also administers the Ministry of the Environment's pesticides licensing requirements under the *Pesticides Act*.

The IPM Council has developed a draft *Policies and Procedures Manual* for those companies planning to become IPM Accredited. To summarize the requirements, lawn care operators must demonstrate their knowledge of and commitment to the principles of IPM through a process of certification, audit, and professional development to become accredited. The company must designate an IPM Agent who will be responsible for ensuring that the company conducts its operations in accordance with IPM principles and the IPM Code of Practice (See Appendix F).

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The IPM Accreditation Program consists of four components:

- a one time IPM examination for the company's designated agent
- agents must obtain 8 continuing education units annually or write an examination
- registered companies must submit to an annual desk review audit to ensure proper employee training, appropriate customer education & marketing materials, pesticide reduction where appropriate, etc.
- registered companies must submit to an on-site (or field) audit at least once every three years if the desk review audit was successful.

The on-site audit will be conducted by a Certified Environmental Auditor through the Canadian Environmental Auditing Association.

Companies may be accredited at different levels, such as:

Registered – when the Agent has successfully completed the IPM Examination.

Accredited – Level I – when they achieve a 'Satisfactory' or better rating on the Desk Review Audit.

Accredited – Level II – when they achieve a 'Satisfactory' rating on the On-site Audit.

Companies planning to become IPM Accredited will be charged a one time fee for writing the IPM Certification Examination and an annual fee to cover the cost of desk and site audits. The desk audit will occur annually and the site audit is expected to be once every three years.

Non-compliance can occur in the following ways:

- Non-payment of fees to the Administrator
- Failure to achieve minimum score on IPM Exam
- Insufficient continuing education credits or failure to achieve minimum score on equivalent IPM exam
- Failure to pass Desk Review Audit
- Failure to pass On-site Audit

IPM Accreditation Program – Status

IPM Accreditation is currently a voluntary program for lawn care operators in Ontario, however, staff have been advised that several associations represented on the IPM Council are intending to make it a requirement of their membership, such as Landscape Ontario.

The IPM Council has requested that the Provincial Government make IPM Accreditation a licensing requirement under the *Pesticides Act*. Ministry of the Environment staff have shown interest in the program, however, it appears that consideration of the matter by the government has been deferred.

4.0 DISCUSSION:

IPM Accreditation Regulation

There is an expectation that by adhering to IPM standards, the use of pesticides will decrease due to an emphasis on cultural or preventative lawn care practices. Monitoring determines whether thresholds for pests have been exceeded and pesticides are to be used as a last resort. This section of the report evaluates the option to require that lawn care companies operating in Burlington be IPM Accredited, as well as considering two other options.

1) Do Nothing – Status Quo

Under this option, there would be no requirement that the local lawn care industry be IPM Accredited.

2) IPM Accreditation Required by a Business Licensing By-law

This option requires that local lawn care operators be IPM Accredited as a condition of a business license. A by-law would be required for the City to begin licensing this business sector.

3) Business Registry for Local Lawn Care Industry (Pest Control Industry)

Under the new *Municipal Act*, the City has the authority to set-up business registries to keep a record of specific business sectors that are currently not licensed. A by-law would also be required for this option. (See Appendix G for further information regarding business registries.)

Analysis

Option one would not require IPM accreditation and, therefore, the industry would continue to operate under status quo conditions. IPM Accreditation would be voluntary for the industry. However, IPM Council members, such as Landscape Ontario, have advised that they intend to make IPM Accreditation a mandatory membership requirement.

Option two requires that the local lawn care industry be IPM Accredited through a business licensing by-law. Lawn care companies are currently not required to have a business license in Burlington. The City does not generally require a specific business sector to be licensed if they are licensed by a senior level of government. Lawn care companies are licensed by the province under the *Pesticides Act* if they are in the business of applying pesticides.

As stated above, the IPM Accreditation program is expected to result in a reduction in the use of pesticides by the lawn care industry. Accountability is expected to improve for the industry as detailed customer records are required for a desk audit process. There is a requirement to participate in continuous education forums and operators will be subject to field audits once every three years.

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Option two was also presented to representatives of the local lawn care industry at the Roundtable Forum held in March by staff. Participants indicated their preference to have the program be made mandatory by the province to level the playing field between municipalities. There is a concern, particularly from the larger companies, of by-laws being approved from municipality to municipality with differences in requirements, such as including additional restrictions and impacting the delivery of an IPM program.

Staff have also raised concerns with this option. The program is extremely new and continues to develop. IPM Accreditation is not a provincial standard and is not recognized by the provincial government. It will be difficult to determine whether the use of pesticides will significantly decrease under this program given that no thresholds have been set for pests or targets for pesticide reduction.

The third option consists of the development of a business registry under the new *Municipal Act*. Although the legislation does not permit the City to impose conditions under the registry system, it does provide a means to monitor the industry. As part of the registration process, specific information can be requested on an annual basis. For example, lawn care companies could be asked whether they are IPM Accredited and, if so, what level.

This option does not level the playing field by requiring companies to be IPM Accredited. However, as noted above, some members of the IPM Council are considering the option of requiring IPM Accreditation as a condition of their trade association membership.

Options two and three both have the challenge of communicating the requirements to members of the lawn care industry. Many operators do not reside in Burlington but still carry out business within the community. The requirements would need to be communicated through the various trade organizations that exist as well as place ads in trade periodicals. There would be a cost to this as well as the internal resources required to develop either the business licensing process or registry.

As well, if IPM Accreditation is a positive step in reducing the use of pesticides by lawn care companies, then it is the position of the Healthy Green Spaces Committee that it should be adopted as a provincial standard. Therefore, it is recommended that the attached resolution (see Appendix H) supporting mandatory IPM Accreditation be approved and forwarded to the Federation of Canadian Municipalities and the Association of Municipalities of Ontario. It is noted that one of the recommendations in the AMO Pesticides Report requests that the provincial Ministry of the Environment regulate Integrated Pest Management under the *Pesticides Act*, and provide that IPM training be required under the licensing provisions for landscape service providers.

Given that the IPM Accreditation program is in its infancy, there is merit in monitoring the level of buy-in by the industry and its effectiveness. Therefore it is recommended that the City proceed with the development of a business registry requiring that members of the local lawn care industry provide specific information to the City on an annual basis, including whether or not they are IPM Accredited. The information would also serve as a public record, providing a comprehensive list of lawn care operators working in Burlington.

5.0 FINANCIAL MATTERS:

It is estimated that 27 person days will be required to develop and implement the business registry for the lawn care industry. Time will be required from the Sr. Environmental Coordinator, and the D&I Business and Application Analysts. This estimate is based on the following information:

- There is no authority to charge the lawn care operators for registration, therefore, it is not an e-commerce application.
- Operators will be required to enter their own information, so the database must be maintained from a web application (an option to fax the information will also be available).
- A security password must be incorporated to protect information.
- It is intended that some of the information on the registry will be available to the public (e.g. company name, business address, type of lawn care services, licensed for pesticides, IPM Accreditation)
- Other issues to be determined include whether operators will update previous information or provide new information on an annual basis, and whether an internal reporting structure will be required.

A second option under consideration would be to provide an application on the web where operators could download and fax the information to the City. Staff could input the information into the database and display it on the web for the public to query. This could reduce the number of person days required to develop the database by approximately 11. However, it would require additional administrative staff time to input the information into the database and update it on an annual basis.

6.0 ENVIRONMENTAL MATTERS:

See Section 4.0 for discussion.

7.0 COMMUNICATION MATTERS:

In order to communicate the City's registry requirements to the industry, particularly those businesses that reside outside the municipality, it is anticipated that advertisements will have to be placed in trade magazines and local newspapers. A preliminary estimate for this is \$5,000. Staff will work with Corporate Communications to ensure that the registry requirements are properly communicated.

8.0 CONCLUSION:

It is recommended that staff report back to Community and Corporate Services Committee with a by-law to permit a registry for lawn care operators. The registry will also act as a source of information for taxpayers who are looking for a company to care for their property.

Staff recommend that the attached resolution be approved by Council endorsing mandatory IPM Accreditation for the lawn care industry by senior levels of government. The Resolution is to be

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copied to both the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM).

As reported in October 2002, the Healthy Green Spaces Committee recognizes that the issue of regulating the use of pesticides at the local level will continue to be a consideration for Council. New research and information is available on a constant basis and the “top of mind” awareness by the community on this issue will also continue to increase.

Recognizing recent events, such as the adoption of pesticide restriction by-laws by some Ontario municipalities, as well as the election of a new council at the end of this year, staff in keeping with the direction CC-199-02-1 are proposing to revisit the regulatory issue and report back to Council in 2004. During this time, staff will continue to monitor the status of the pesticide restriction by-laws in the province, the IPM Accreditation program, as well as any changes that may occur at senior levels of government.

Respectfully submitted,

Tim Commisso
General Manager, Community Services
Chair of the Healthy Green Spaces Committee
905-335-7600 x7747

Lynn Robichaud
Sr. Environmental Co-ordinator
905-335-7600 x7931

Appendices:

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| <ul style="list-style-type: none">A. Council Resolution, October 21, 2002 (CC-199-02)B. Lawn Care Industry Roundtable Forum - SummaryC. Update – Ontario MunicipalitiesD. AMO Pesticides BriefE. IPM-PHC Council of Ontario – List of MembersF. IPM Principles and Code of PracticeG. Municipal Business RegistriesH. Proposed Resolution for FCM/AMO |
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**Staff / Others
Consulted:**

Name	Telephone
Healthy Green Spaces Committee Burlington Sustainable Development Committee Management Committee Marcia Baynton, D&I Louise Fitzgerald, Building Peter Willmott, Region of Halton Beckie Jas, Region of Halton	X7579 X7886

Notifications:

Name	Mailing or E-mail Address
Burlington Sustainable Development Committee Peter Willmott, Region of Halton Beckie Jas, Region of Halton	willmottp@region.halton.on.ca jasb@region.halton.on.ca

Special Instructions:

Regular Agenda

APPENDIX A

CC-199-02-1

THAT the General Manager of Community Services and the Healthy Green Spaces Committee be directed to revisit and report back on the regulatory options for reducing the use of pesticides on private lands based on the occurrence of any of the specific situations outlined in the conclusion of Community Services Division Report COMSERV-5/02, dated September 27, 2002; and

THAT any future report on regulatory options address the requirement for full public consultation on the issue including the need for a comprehensive community wide survey; and

THAT the General Manager of Community Services be directed to conduct a survey on a bi-annual basis on the status of pesticide related by-laws in the Greater Toronto Area and other comparable Ontario municipalities and report the results to Council; and

THAT the General Manager of Community Services be further directed to work in partnership with the local Lawn Care Industry to reduce the non-essential use of pesticides during Smog and/or Heat Advisory days; and

THAT the General Manager of Community Services be further directed to prepare a Council resolution to the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) encouraging the senior levels of government to require mandatory implementation of the Integrated Pest Management (IPM) Accreditation Program within the pesticide industry; and

THAT the Healthy Green Spaces Committee be directed to do further work including stakeholder consultation surrounding possible enactment of a by-law requiring lawn care companies operating within the City to be accredited in Integrated Pest Management together with a report on the possible implications of passing such a by-law; and

THAT the City of Burlington petition the Government of Canada and the Province of Ontario to take a more active role in the restriction of the non-essential use of pesticides and that this petition be copied to AMO and FCM.

APPENDIX B

Roundtable Discussion City of Burlington & Lawn Care Operators

Achieving Pesticide Reduction in Burlington

Monday, March 24th, 2003
12:00 – 2:30 **
Appleby Ice Centre - Boardroom
1201 Appleby Line, Burlington

Summary of Discussion

1. *How is your company responding to requests for pesticide free programs?*

Most companies offer organic and pesticide free programs but percentage of customers who sign-on is usually low. Cost is usually a premium.

2. *Are you educating your customers about preventative measures to promote healthy turf?*

Many companies recommend cultural/preventative practices for their customers to maintain a healthy turf. Not all advice is accepted, such as cutting grass at higher lengths. Customers need to hear constant and consistent messages. However, difficult to get buy-in for cultural methods, such as aeration, as they often cost more money.

Consumers don't appear to understand the importance of regular maintenance. Education must explain the "whys".

One company includes aeration as part of their programs; it's not an option. Face-to-face guidance for customers is provided, with explanation of the "whys", such as proper mowing height and watering. The company owner estimates that only 10% follow guidance.

There is a role for a third party to educate consumers on "expectations". For instance, healthy lawns can withstand drought conditions and it may become brown during a drought. There is a credibility issue if such messages come from lawn care operators as consumers expect that they will keep their lawns green throughout all conditions.

Public needs to be educated on proper watering – some consumers over-water while others under-water. It was noted that the City of Mississauga uses mobile signs to educate residents on proper watering. The Region needs to advise consumers when water bans are lifted.

3. *Do you have any ideas for educational initiatives for pesticide reduction?*

Key messages should include: 1) Cut grass 3 inches; 2) Water once per week (if you don't have to cut once a week; and, 3) Leave grass clippings on the ground. Leaving grass clippings on the ground helps maintain nutrient levels.

Another key message – “If you don't need it, don't use it”. There is a public misperception that you need to use weed & feed products as a preventative measure. Need to educate the public on “what are pesticides”. People perceive that weed & feed products are not pesticides.

Need to use term “weed control” and use term “reduction” as opposed to “elimination”.

4. *Are you interested in partnering in a public education campaign?*

Participants agreed that there is a role for third party coordination of public education at the municipal level. One company has distributed municipal educational information in the past to customers (eg grass clipping recycling). There may be more credibility from a 3rd party.

The problem with customers is that the level of acceptance of weeds is low. Consumers will fire lawn care company and find another to deal with problem.

One company is working with Waterloo on public education brochure on healthy turf management practices that lawn care operators can distribute to customers. It was recommended that Burlington/Halton Region follow the same approach. Messages to the public should be positive, not negative.

5. *What are your company policies for heat and smog alert days?*

Many companies are focusing on upgrading their equipment. Some companies are converting their fleet to pick-up trucks with electric pumps to reduce idling (trucks don't need to idle to operate equipment. One company uses small trucks and low volume sprayers (either electric pumps or manual back packs). Some companies are using 4 stroke engines as opposed to 2 stroke engines to reduce emissions.

One company has implemented an idling policy.

Other companies focus on heat and employees as it is a health and safety issue. Employees start and stop earlier during heat alert days. (Companies would start earlier but a municipal by-law would prohibit this). Applications of products are curtailed as they may cause turf damage.

There was no consensus regarding the impact of spraying pesticides on air quality. Participants advised that according to the PMRA and the U.S. EPA, there are no approved pesticides which emit Volatile Organic Chemicals (VOCs). However, there is some question of the impact of pesticides on particulate matter. (Staff to undertake further research).

6. *What are your views on a municipal licensing by-law requiring IPM Accreditation?*

Participants indicated that the lawn care industry is uncomfortable with municipal by-laws, even if they just require that the local lawn care operators be IPM Accredited. The by-laws tend to be very structured and usually difficult to un-enact but easy to amend or expand. There is a concern that IPM program requirements may be negatively impacted if a by-law has additional restrictions and operators will be restricted.

7. *In the absence of a provincially sanctioned IPM Accreditation program, should municipalities require it through a licensing by-law?*

Participants indicated that there is a necessity to confirm whether the province is moving to require IPM accreditation. Can be more political at the provincial level. One participant asked whether the City registry would recognize those companies that don't use pesticides and are therefore not IPM Accredited. The same participant noted that thresholds have not been set for pests to determine when products should be used. As well, there is a problem with some companies that still rely on the use of pesticides heavily.

Another participant responded that the IPM Accreditation program is based on plant health care, therefore, it could include a pesticide free program. Anyone not using pesticides can still be IPM Accredited, but their program would just stop short of using pesticide products. As well, the identification of thresholds is emerging.

The issue of by-law enforcement was raised. Participant frustration was evident that the issue is being dealt with municipality by municipality. A by-law would not deal with the issue of retail sales.

APPENDIX C

Update – Ontario Municipalities

Town of Cobalt	<ul style="list-style-type: none"> • The first municipality in Ontario to pass a by-law to restrict the non-essential use of pesticides on private property. • Modelled on Hudson, Que. by-law • Exemptions include agriculture, horticulture (hot houses, etc.), water purification, swimming pools, etc. • Does not exempt golf courses • Came into effect on Nov. 1, 2002
Town of Perth	<ul style="list-style-type: none"> • By-law adopted and in effect as of April 1st, 2003 • Similar to Cobalt's • Exempts golf courses with conditions • Penalties range from \$100 for first infraction to \$4000 for corporations or other legal entities.
Town of Caledon	<ul style="list-style-type: none"> • By-law approved April 28th, 2003 and effective May 1st, 2004 • Pesticide applications are not permitted in July & August with some exceptions • All other times, pesticides are restricted to spot applications covering no more than 20% of the horticultural landscape • Effective May 1, 2005, applicators for golf courses must be IPM Accredited, and have successfully completed an Environmental Plan and hold a Certificate in IPM under the Audubon Cooperative Sanctuary for Golf Courses • A Public Information Record of commercial applicators will be maintained by the Town beginning May 1st, 2005.
City of Toronto	<ul style="list-style-type: none"> • Council adopted by-law May 22nd, restricting the non-essential use of pesticides with exceptions. • A Pesticide Advisory Committee will consider Council's 'compromise proposal' and report back with proposed amendments. • Comes into effect on April 1st, 2004. Active enforcement to begin in 2005.
Town of Oakville	<ul style="list-style-type: none"> • Staff have been directed to prepare a by-law for Council's consideration, similar to the Halifax model (a phase-in approach), to come into effect in 2005, following a two year education program. • Staff have also been directed to institute a ban, commencing April 1, 2004, on the non-essential use of pesticides on residential properties located within a 50 metre radius of a sensitive person and/or land use (e.g. daycare, playground, park, etc.). • Will include a question on the ballot for the November 2003 municipal election asking residents whether they support a ban on the non-essential use of pesticides on private property.
City of Hamilton	<ul style="list-style-type: none"> • Recently organized a Pesticides Advisory Committee with representation from council, industry, community, and environmental groups. • Committee is to review a range of options, including regulatory and non-regulatory.

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City of Mississauga	<ul style="list-style-type: none">• Not pursuing a private pesticide by-law at this time.• Have a 1% target for pesticide reduction on public lands.• Implementing a public education and communication program to encourage residents to reduce pesticide use and use alternatives.
City of Kitchener	<ul style="list-style-type: none">• Municipal Pesticides Working Group represents local municipalities in Waterloo Region• Focus is on education, not a by-law
City of Guelph	<ul style="list-style-type: none">• A special meeting of Council was held May 26th to consider a staff report.• Council have directed staff to develop an outreach & education program.• Council will revisit the regulatory approach in 2004.
City of Ottawa	<ul style="list-style-type: none">• Council voted in December 2002 to not pursue a by-law on private lands at that time• Reduction targets have been set for lawn care and homeowners over a three year period• If reduction targets are not achieved, a by-law will be introduced.

May 28th, 2003

APPENDIX D



AMO Pesticides Brief

May 2003

Association of
Municipalities
of Ontario

393 University Avenue, Suite 1701
Toronto, ON M5G 1E6 Canada
tel: 416-971-9856 fax: 416-971-6191
email: amo@amo.municom.com
website: www.amo.on.ca

1. INTRODUCTION

The AMO Pesticides Task Force (APTF) was established in response to urban municipal requests to provide a common approach, recommendations, and statements on the non-essential use of pesticides in lawns and gardens. Before going any further, we wish to define what is meant by the terms “non-essential (use of pesticides)” and “essential use of pesticides”

- *Non-Essential (Use of Pesticides):*

“The use of pesticides in certain situations where the application is purely an “aesthetic pursuit” (Spraytech v. Hudson Town, 2001, S.J.C. No. 42). It refers to situations on turf and urban landscapes where the application of pesticides is deemed to be unnecessary as the pest is not present in sufficient levels to cause unacceptable damage to a given area.”¹

- *Essential Use of Pesticides:*

Pesticide use is essential in situations where pests could adversely affect public health, agriculture and food production, functionality of a property, forestry uses and public safety or the use of pesticides as mandated by federal or provincial legislation or Integrated Pest Management (IPM)/ Plant Health Care (PHC) programs.

This report is for use by those Councils and staff who are at the forefront of the pesticide debate and are faced with a legislative/regulatory conundrum on pesticide use. The Pesticide Task Force was established in December of 2002 with representation from small and large urban municipalities, those from the north, the south and west parts of the province, as well as representation from the rural sector. The group is made up of municipal politicians and a cross section of municipal staff whose everyday duties deal with health issues, parks and recreation maintenance, agriculture background and enforcement of local by-laws.

For many years, pesticides have attracted attention as potential cancer causing agents, from breast cancer in women to prostate in men and leukemia in children. At various times, interest groups have alleged increases of childhood cancers and adults alike. More recently, the allegations appear to be more emphasized in, among a number of other health concerns, childhood asthma and environmental sensitivity. While the interest groups have been advancing issues of health detriment, the proponents of the use of pesticides have waged an equally persuasive debate on scientific evidence as it relates to the safe use of these products. What seems apparent is that scientific knowledge regarding unnecessary exposure to residential pesticides and the potential health effects is a highly complex area of study and continued studies are needed. Nonetheless, many are recommending that when risks to human health are unnecessary or uncertain, the wisest course of action is to take precaution by reducing use of pesticides in the urban environment. This is consistent with heightened

¹ Community Plant Health Care-Integrated Pest Management Plan, April 17, 2003

public demand for greater regulatory control, primarily at the local level, in order to enhance environmental protection and the protection of human health.

The Task Force heard from a number of organizations and government agencies such as Landscape Ontario, Environmental Coalition of Ontario and Pesticide Free Ontario. The Task Force members, many of whom are at the forefront of this issue locally, shared their information and experiences, which are also reflected in this brief. After consideration of the information and the well-informed presentations from both sides of this issue, the APTF has prepared this briefing report to help pass on information to help inform Councils with the local discussions and to provide our understanding of this issue. The Task Force wishes to provide options and reflections that could be used as a guide by those municipalities currently facing the question of restricting the use of non-essential pesticides in their communities. In addition, as an appendix to this report, the Task Force has provided a limited list of municipalities that have undertaken a closer examination of this issue, such as the Town of Caledon, Oakville, Ottawa, London and Toronto, which individual municipalities may wish to approach for further information.

2. DISCUSSION

Reducing outdoor pesticide use in the urban environments is a subject of ongoing debate. It is an issue that brings conflict and emotion with it. It can pit neighbour against neighbour, homeowners against pesticide applicators and manufacturers. It is heatedly debated at most municipal councils across the province. Interested organizations include residents with an intent on banning the use of non-essential pesticides, some representing large environmental or health organizations. At the other end of the spectrum are the lawn care and pest control industries including the manufacturers.

In Canada, many homeowners spray their grass, dust their roses or care for some other garden plant with the use of pesticides. The U.S. Environmental Protection Agency says lawn owners apply ten times more pesticides per square foot than farmers do to their crops. As a result, there are concerns that the residue of the pesticides enter the groundwater, are carried upward and pollute the air. Birds, earthworms and insects are also exposed. The level of pesticide toxicity and the duration and effects remain somewhat unknown. The indiscriminate use of pesticides is an environmental and health concern for all. On the other side of the issue, it is pointed out that when used as directed, pesticides are safe and provide many benefits, including the control of disease carrying insects and rodents, alleviation of discomfort from weeds, moulds and weeds and diseases that threaten to become invasive.

Clearly there is a need to explore public health policy options based on valid and reliable data. Conclusive data, however, is not available as studies continue in this area. Toronto Public Health (TPH) has undertaken an extensive research of literature relative to the exposure and health effects from pesticides. The findings demonstrated

that while many scientific studies indicated serious health concerns, others do not.² The TPH research acknowledges the weaknesses of epidemiological studies in particular. However, these same studies provide persuasive suggestiveness that pregnant women and fetuses, infants, children and elderly should avoid unnecessary exposures to pesticides as they are considered more vulnerable than the general population. In particular, the increased risks are in relation to fertility problems, spontaneous abortion, miscarriage and certain birth defects, testicular, prostate and cervical cancer, non-Hodgkin's Lymphoma, multiple myeloma, brain and nervous system effects including sensory, motor, mental and psychological effects and Parkinson's disease.

The U.S. Environmental Agency announced on March 4, 2003, that it is proposing tougher environmental guidelines in evaluation of gene-harming chemicals, including pesticides. It has found that babies and toddlers have a 10 times greater cancer risk when exposed to certain chemicals. Similarly, Health Canada's Pest Management Regulatory Agency (PMRA) has adopted many of the advances in the health risk assessment aimed at improving consideration of child-specific vulnerabilities. All this points to prudent avoidance to unnecessary pesticide exposure, particularly higher-risk products currently still on the market which impact vulnerable groups.

Many Councils across the Province are considering the issue of the cosmetic use of pesticides on public boulevards and parks and/or on private property. Many municipalities such as Ottawa, Waterloo, Mississauga, Toronto and the Town of Caledon to name a few, were already involved in the virtual elimination of pesticide use on municipal properties.

Environmental and resident interest groups have been approaching Councils requesting enactments of by-laws to either ban or at least regulate application of the non-essential pesticides on private properties. In support of their position, many of the groups provide Councils with copies of studies describing adverse impacts of pesticides on the environment and human health. By the same token, groups in support of pesticide argue that the sale and use of pesticides are already regulated federally through PMRA and provincially through their legislation.

Municipal Councils are the grassroots of public pressure, the public that demands actions and decisions. Even at the municipal level, there is debate whether they are the most appropriate level of government to deal with this issue. After all, if there is a public health issue, it begs the question why should the entire populace not be protected equally. If that is the case, does it not make sense that a higher level of government must establish a consistent level of protection, that being of course, the Federal and Provincial governments? The Federal and Provincial governments possess the resources and technical expertise to comprehensively analyze and evaluate new and existing products for their risks and appropriateness in the market place. The Task Force heard that over 350 scientists are engaged with Health Canada in the testing and evaluation of new products and re-evaluation of older pesticides. There is already the authority in the Pesticide Act for the Province to annually review the legislative regime for improvements so they should and must do it.

² Dr. Sheela V. Basrur, *Lawn and Garden Pesticides: A Review of Human Exposure and Health Effects Research* (Toronto Public Health, April 2002)

There are already resources and a knowledge appropriate base at the Provincial level, which can be set to clarify the entire field of pesticide legislative/regulatory authority in a most expeditious way. It is the role of the provincial government to lead/set policy with public input/debate not the courts.

As the issue is a matter of significant public interest, there is a need for clarity of roles and legislative initiative between the two senior levels of government and the municipalities to provide appropriate policy and legal framework within which pesticide use can be addressed. Municipalities should not, on their own, be forced by the lack of leadership and inadequacy of legislative authority, at the senior levels of government, to implement the approach advocated by the “Precautionary Principle”, which will be discussed later in the report.

To better understand the legislative and regulatory environment as it pertains to pesticides in Ontario municipalities, we provide you with an overview of current status of these matters, as we understand them.

2.1 The Federal Government-Health Canada and the Pest Management Regulatory Agency (PMRA)

“The Federal role through the (PMRA) has the mandate to protect human health and the environment by minimizing risks associated with pesticides, while providing access to the pest management tools required for agriculture, forestry, industry and personal use. Pesticides imported into, or sold or used in Canada are regulated under the **Pest Control Products Act** and Regulations. The PMRA is responsible for administering this legislation, registering pest control products, re-evaluating registered products and setting maximum residue limits under the Food and Drugs Act.”³ PMRA reviews pesticides to determine that products are acceptable in terms of safety, merit and value. It registers those products that meet their evaluation criteria and it also undertakes re-evaluations of the most common active ingredients used in lawn and turf care products, which have been registered and are currently on the market.

The new Pest Control Products Act (PCPA 2002), which is also administered by PMRA, received Royal Assent on December 12, 2002 but will not be proclaimed until the new Regulations are in place, which may take up to 2 years to complete. The Act regulates all components and substances that are used in the pest control products. Before we address the provisions of the new Act, here is a paraphrased definition of a pesticide as provided by the Pest Control Products Act (2002):

Any product, device, organism, substance or item that is manufactured, represented, sold or used as a means for directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest by interfering with their biological processes. Control products include active ingredients used in the manufacture of end-use products and the end-use products themselves. Pesticides include herbicides, insecticides, fungicides, miticides, antimicrobial agents, pool chemicals, microbials,

3 Fact Sheet on the Regulation of Pesticides in Canada, Pest Management Regulatory Agency

material and wood preservatives, animal and insect repellents, and insect-and rodent-controlling devices.

The primary objective of the new Act is to prevent unacceptable risks to people and the environment from the use of pest control products. It also intends to make the registration process of new or re-evaluated products more transparent and to strengthen the post-registration of products.

PMRA applies risk assessment methods in evaluating products to determine the possibility of harm to people and the environment from all the pesticide products in use in Canada.

To do the assessment, PMRA follows internationally accepted standards:

The Minister is to give special consideration to children and to assess aggregate exposure and cumulative effects of pesticides on children;

The Minister is to have clear authority to refuse to consider an application or to maintain a registration if the applicant or registrant does not provide information necessary to substantiate claims of the product value and its risks are acceptable;

There is to be authority to impose mandatory reporting requirements with respect to the effects of the registered product on human health and safety, the environment or with respect to its value;

There are to be strengthened compliance measures pertaining to increased fines and periods of incarceration in the event of conviction for an offence; and

The Minister is to create new opportunities for public participation in respect of application for and the registration of pest control products as well as with respect to policies, guidelines and codes of practice relating to the regulations of pest control products.

The Federal Government has also launched the Action Plan on Urban Use Pesticides. The Action Plan focuses on three key elements:

1. Healthy Lawns Strategy, which is a partnership between the PMR Agency and the provincial and territorial governments. The goal of the Strategy is to help reduce Canadians' reliance on pesticide use for lawn care through the application of Integrated Pest management Principles (IPM). Particular emphasis of the IPM program is pest prevention in the first place, reduced use of the pesticide products, and applying pesticide only as a last resort. The Healthy Lawns group is currently harmonizing the federal and provincial classification systems for regulating pesticides in Canada. This harmonization would classify products based on product toxicity and environmental hazard. It is proposed that higher risk products be subject to vendor licensing and training

requirements. The Healthy Lawns Strategy is also exploring labelling requirements for pesticides.

2. Registration of new reduced risk products in which the PMRA will facilitate access to reduced risk products through harmonization activities including review of reduced risk chemical pesticides and biopesticides.
3. Product re-evaluation in which the most common active ingredients used in lawn care is being re-evaluated. The re-evaluation will target child specific exposure and incorporate additional safety factors.

2.2 Ontario Legislation/Regulation

The Province regulates the sale, use, storage, transportation and disposal of pesticides that are registered by the Federal government and in accordance with the provisions of the Federal Pest Control Products Act. Ontario has **the Pesticides Act and Regulation 914**, which are administered by the MOE and address issues relevant to the sale, use and handling of the pesticides. Once a pesticide product is registered by the federal government, it is classified into one of six different schedules pursuant to Regulation 914 and the recommendation of the Ontario Pesticide Advisory Committee, which is described below. The schedule a product is assigned, determines who can sell or use it. Homeowners have access to only the least toxic pesticide products. The MOE also administers a pesticides management program which includes education and training programs, the licensing and certification of applicators, vendors and growers, and the issuing of permits for certain pesticide uses. The MOE also has a joint role with PMRA of enforcement and compliance (setting fines, revoking and refusing licences, issue warnings etc.) environmental monitoring of pesticides, and response to spills or accidents. In addition, it provides expert advice to the public and other stakeholders, and encourages the use of Integrated Pest Management to reduce reliance on pesticide use.

The Province has set up the Ontario Pesticide Advisory Committee to review product information to recommend classification of pesticides into one of six schedules. The decisions for classification are based on established criteria, including human health and environmental considerations.

Classifications are important because they limit use of pesticide products to users with appropriate training, places more stringent controls on sale, use and handling of higher risk products than on lower risk products. Higher risk products are sold only at a licensed vendor outlet, used only by a licensed exterminator and require a permit for a specified use.

MOE is currently consulting on a new national classification system, which is being developed by the Federal Government. This would allow the province to regulate the sale and use of pesticides based on the degree of risk. There will be two categories for domestic products to separate the lower and higher risk products. Similarly, there will be two categories of the commercial products. The highest risk products will be

screened and placed in a restricted category. Special use precautions will be promoted for those products. Any domestic pesticides that do not readily breakdown are to be removed from the market altogether.

Also being looked at is the package size of domestic products to correspond with "single season use". This would take into consideration recommended rates of application, average treatment area and the average number of treatments per season required. This responds to the concern of the overuse and disposal of pesticides by disseminating the information at the point of sale and restricting the product concentration by selling pre-mixed products.

With respect to sales and handling, MOE regulates storage, display, transportation and disposal of pesticides. The Ministry plays a full stewardship role by specifying requirements for all aspects of safe handling of pesticides. In addition, MOE requires a Vendor Licence for sales of higher risk pesticides. It is our understanding that the Ministry is considering improvements to the Vendor Licence requirements.

MOE also issues operator, exterminator, and vendor licences, trains/certifies pesticide users and vendors, reviews and approves use permits for more risky/toxic substances and monitors compliance and enforces regulation.

In addition, MOE assists in environmental monitoring of pesticides in, among other things, an urban setting, provides expert advice to public/stakeholders, and encourages the use of Integrated Pest Management (IPM) practices.

In addition to the environmental legislation, municipalities are governed by the direction embodied in the Municipal Act. **The old Municipal Act R.S.O. 1990** made provision for by-laws through section 102 which gave councils power to "pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law". These powers were not unlike the Cities and Towns Act in Quebec, the legislation governing municipal conduct such as that of the Town of Hudson.

However, we now have **a new Municipal Act 2001**, which came into force in January of 2003 and the provision relative to passage of by-laws, that being Section 130, has been changed to read that "A municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to health, safety and well-being of the inhabitants of the municipality". The impact of this wording on Ontario municipal capacity to regulate pesticides use is unknown.

To make matters more perplexing, Private Members Bill 208 advocated amendment to the Municipal Act that would give municipalities specific powers to "prohibit the spreading or use of pesticides in non-essential situations if the prohibition is related to the health, safety and well-being of the inhabitants of the municipality". The Bill received second reading December 10, 2002, and was forwarded to the Justice and Social Policy Committee. However, the Bill died when the legislature was prorogued in March of 2003.

2.3 Municipal Reality

A number of municipalities in Ontario are looking at ways to address public concerns relative to the non-essential use of pesticides on private property. Lets look at some of the relatively recent developments in respect to this matter across the country.

In 1991, the municipality of Hudson passed a by-law relying on the Cities and Towns Act, which prevents homeowners from applying pesticides to their properties. Two landscape companies appealed the by-law to the Supreme Court asking it to rule that municipal governments lack the authority to ban cosmetic use of pesticides on private property.

The Supreme Court decision upheld the right of the municipality of Hudson to regulate pesticide use through the application of the “precautionary” principle. According to international law “the precautionary principle” states that environmental measures must anticipate, prevent and attack the causes of environmental degradation, and that lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible damage. In other words, it is better to be safe than to be sorry, that governments can take measures to protect the health of it’s citizens without definitive scientific proof. It’s important to note that Hudson did not completely ban the use of pesticides but rather regulates and allows pesticide use in defined areas/circumstances through a permit system. Pesticides can be purchased at local garden centres and hardware stores with permit. In addition to the Town of Hudson, there are now in excess of 30 additional municipalities, in Quebec, which have passed similar By-laws.

On March 5, 2003, Quebec adopted a Pesticides Management Code, thereby introducing new, stricter regulations to control pesticide use and prohibit the sale and use of some pesticides. The Code includes restrictions such as 20 specific active ingredients prohibited from use on lawns. Pesticide-fertilization combination products are prohibited from sale and use in the domestic market. Sale of domestic use products are dispensed in special access shelving inaccessible by the public. Increased training for retail vendors selling domestic pesticides has also been mandated. The Code will be completely phased in by 2008.

Halifax, Nova Scotia, through a specific legislative empowering provision, passed a by-law regulating private use of pesticides within a 50 metre radius of any schools, hospitals, day care centres, parks, playgrounds, senior citizens’ residence, university, church or a person at risk. As of April 1, 2003, the by-law will also be regulating the use of cosmetic pesticides on private lands.

In Ontario, the Towns of Cobalt, Perth and Caledon have passed such a by-law. We anticipate that the Cities of Toronto and Ottawa and the Town of Oakville may be considering a By-law in the near future. Adoption of a regulatory by-law is a complex issue as there are a number of elements, which must be considered, such as the enabling legislation. Prior to adopting a by-law, there are fundamental questions that should be answered with respect to existing federal and provincial environmental legislation and their potential to overlap with or supersede a proposed by-law.

Municipalities need to recognize that a regulatory by-law will not eliminate the problem of unnecessary or cosmetic use of pesticides on lawns and gardens without bringing additional resources to bear. Additional resources will be required to target and educate the public on the options available to build a healthy lawn to be successful. As well, any regulation requires that pesticide applications may be permitted under specific circumstances and, as such, administrative supports will be required to provide these permit services. In addition, support enforcement of any by-law will require services to allow for reporting of violations, complaint investigation and response including consequences such as fines for failure to obtain permits or illegal use of pesticides in contravention of the by-law.

Many municipalities have also largely curbed or completely abandoned the use of pesticides on municipally owned properties such as parks and road boulevards. This allows municipalities who have established partial bans, the Cities of Mississauga and London, the Towns of Oakville and Caledon and the City of Toronto, as well as others, to get accurate recognition as they have embraced the principles of Plant Health Care (PHC)/Integrated Pest Management (IPM) in their municipalities. Their practical experience over many years of minimal reliance on pesticides has revealed the need for:

- *proper information and education programs to be in place;*
- *proper equipment to be in place;*
- *proper budget allocations to adopt healthy lawn maintenance; and*
- *proper communication efforts in conjunction with the community.*

In some municipalities, which have eliminated the use of pesticides in public spaces, on roadsides, lawns and gardens there has been an immediate change in the appearance of these sites. This has created dissatisfaction in a vocal portion of the population who find the new appearance unacceptable. As a result, some municipalities have had to seek hundred of thousands of dollars to:

- *pay for the restoration of these sites;*
- *place additional annual operating funds to support Plant Health Care programs which did not exist prior to the elimination of pesticides;*
- *increase turf grass cutting to keep some pests in check; and*
- *pressure to replace turf with new sod installations, a very costly and non-sustainable program especially within municipal boulevards.*

Municipalities, which do not implement alternative strategies to provide solutions to the cosmetic pesticide use concerns of their residents, may find themselves pressured to implement new restoration and maintenance programs. The cost may vary on the resident tolerance levels to the new turf appearance and the type of municipal response.

2.4 Minimizing the Risk

The Precautionary Principle influences environmental policy development in many parts of the world including the European Union, USA and Canada. It was also the guiding

principle in the Canadian Government's report of the Standing Committee on Environment and Sustainable Development, "Pesticides: Making the Right Choice" (May 2000). The "protection of human health and the environment was seen by this committee as the absolute priority in pest management, especially the protection of children and other vulnerable populations and that a precautionary approach should be taken in decision-making."

In the Town of Hudson v. Spraytech, the Supreme Court cites international law's "precautionary principle" in the decision to uphold the town's pesticide by-law. Specifically, the Court, in its deliberations, refers to the definition of the Bergen Ministerial Declaration on Sustainable Development (1990), which states, "In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation."

The Pest Control Products Act, Bill C-8, has taken the "precautionary approach" to refer to currently registered products and in respect to new products. It is defined in the Act as follows:

"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent adverse health impact or environmental degradation."

The "precautionary principle" applies to policy makers at all levels of government. If areas remain that can not be covered by the Federal/Provincial exercise of due diligence then, it stands to reason that Municipal governments also have an obligation to exercise that same level of care for what is remaining.

3. WHAT IS REQUIRED ?

The secret to changing lawn care practices is to educate the community about the appropriate product use, for those intending to continue using pesticides, and about alternatives, for those choosing not to use pesticides.

The homeowners choosing to continue to use pesticides need their knowledge base expanded to include plant health strategies based on Integrated Pest Management (IPM). Using the right tool at the right time, in the right way is important. In this way, the reliance on pesticides could be balanced in terms of the real needs.

Homeowners choosing not to use pesticides or using them as a last resort, must be given access to information about alternative lawn maintenance. The message needs to get out to the regular homeowner and that may be a substantive effort in terms of resources. Once the information is out, it needs acceptance by that same homeowner to expend a great deal more energy than mowing the lawn to keep his turf green and pest free. The basis for a healthy landscape is the soil. The homeowner has to be

assured that the alternatives to pesticides will not “break his back” or “break his wallet” if there is to be long-term abandonment of pesticides. However, what has been found by the Canadian Centre for Pollution Prevention and others when they looked at the proposal to provide a “Best Practices Review of the Impact of By-laws and Public Education Programs on Reducing the Cosmetic/Non-Essential, Residential Use of Pesticides” is that no one had studied the relative effectiveness and costs of the various approaches that were being tried. They were left wondering how effective the bylaws were proving, and what sorts of outreach approaches were most successful with and without a bylaw in place.

Municipalities are confronted with the challenge of carrying out evaluation of effective pesticide reduction programs, often without available technical staff, knowledge of provincial or federal agencies/organizations that would help prevent duplicity and expensive primary research expenditures. Yet, they need to know the relative cost-effectiveness of approaches used to decrease cosmetic use of pesticides, whether that be through education alone, education with a bylaw/legislation or bylaw/legislation alone. They also need to have some idea of a proportion and number of residents reached, and the proportion and amount of residential pesticides reduced. Municipalities in Ontario, for the most part, will be unable to address the enormity of this task.

The Province is best equipped to assume the leadership role with the pesticide issue. This will avoid the quagmire experienced around the smoking legislation, where consistency of by-law application cannot be counted on in any part of the province. The public needs assurance that they will have the same level of protection, no matter where they live, work or recreate in this province. A need exists to make the necessary improvements to the current legislation in order to address many issues around pesticides including, but not limited to, the tightening of training/certification requirements through amendments to Reg. 914, public health and safety, education and financial implications.

The federal and provincial governments need to clearly address the health impacts of pesticide products currently on the market. If such a determination is inconclusive due to limited scientific knowledge, then both levels of government must seriously consider a range of alternatives to limit health risk, including limitations on the sale of products.

Economic issues also need to be more fully understood and addressed. The federal/provincial governments need to provide the full impact analysis of switching to the Integrated Pest Management/ Plan Health Care program. This needs to include financial, environmental and health considerations.

The Pest Management Health Agency, should be compelled to accelerate the analysis of lower-risk products to provide the public with safe alternatives.

4. OPTIONS THAT SOME MUNICIPALITIES ARE PURSUING

Municipalities who are considering reducing outdoor use of pesticides in urban areas can approach the issue in the way that best meets the needs of their community. This could include phasing out pesticides and/or implementation of Plant Health Care (PHC) or Integrated Pest Management (IPM) programs on publicly owned greenspaces, providing public educational material and/or development of municipal by-laws.

Municipalities who have phased out or banned pesticides on their publicly owned greenspaces have provided advice to the Canadian Centre for Pollution Prevention (C2P2) on lessons they learned during the process. A toolkit is being produced by C2P2, which can be used by those municipalities wishing to phase out the use of pesticides on municipal properties. This “How to” guide for municipalities will raise issues confronting municipalities as they embark on pesticide reduction initiatives. The Guide will include tools and techniques for assessing a municipality’s state of readiness for pesticide reduction as well as implementation strategies. The tool is being reviewed by the steering committee and municipal parks managers.

Municipalities could provide public educational material that helps householders understand the need to reduce pesticides and how to care for their lawn using plant health care practices/integrated pest management principles. Attached is a list of web pages for some of the educational material produced by the three levels of government.

In addition, some municipalities may consider development of pesticide by-laws. Several Ontario municipalities have conducted public consultations, developed and enacted by-laws. The resulting city reports are also available online for some of those municipalities who are considering this avenue of pesticide reduction.

Web pages:

<http://www.healthylawns.net/>

<http://www.hc-sc.gc.ca/pmra-arla/english/legis/pcpa-e.html>

http://www.city.toronto.on.ca/council/environtf_pestcouncil.htm

<http://www.town.caledon.on.ca/>

<http://www.region.halifax.ns.ca/pesticides/index.html>

http://www.region.halifax.ns.ca/pesticides/Background_Reports.html

<http://www.mississauga.ca/rec%26parks/html/parks/pesticide/pesticides.htm>

http://www.town.oakville.on.ca/Search_5953.htm

<http://city.ottawa.on.ca/search?NS-search-page=results&NS-collection=English>

<http://www.hamilton.ca/Parks/Programs/pesticide.asp>

5. RECOMMENDATIONS

1. That AMO requests that Provincial Government take leadership to uniformly and consistently address the issue of non-essential use of pesticides on lawns and gardens by homeowners and local applicators in urban municipalities across the province. This is clearly a matter of provincial interest in terms of public health and the environment and dealing with it on a municipal-by-municipal basis does not make sense. The Ontario Pesticide Advisory Committee, which was created under the Pesticides Act and is an existing resource that needs to be more actively and publicly engaged in the pesticide issue in support of the Province taking on a leadership role.
2. AMO requests the federal Minister of Health to ensure that regulations made under the Pest Control Products Act require annual reporting of pesticides sales data, both by active ingredient and by municipality in which the products are sold.
3. That AMO requests the federal Minister of Health and the provincial Minister of the Environment to expedite and expand programs presently underway to:
 - increase public access to reduced-risk pesticides;
 - restrict public access to high-risk pesticides;
 - improve access to information about the safe use of pesticides;
 - regulate the sale of pesticides at licensed vendor outlets with certified and trained staff;
 - regulate product labelling to ensure better use of labels for informed purchasing and use;
4. That AMO requests the Federal and Provincial governments to include the municipal sector as a partner in the Federal/Provincial/Territorial Committee mandated to provide advice and direction to governments on programs and policies for pesticides with the aim of enhancing sustainable pest control practices.
5. That AMO requests the provincial Minister of the Environment to establish standards for Integrated Pest Management in regulations under the Pesticides Act, and provide that IPM training be required in order to be a licensed landscape service provider.
6. AMO requests that the PMRA proceed expeditiously in re-evaluating and re-registering the remaining pesticides products as per the commitment.

7. AMO requests that PMRA expeditiously process the evaluation and registration of New Reduced Risk Products for the market, and further, that PMRA make all effort in notifying manufacturers that there is an interest in effective alternative products for the Canadian market.

8. AMO urges the federal Minister of Health to expedite the development of the new Regulations to permit the proclamation of the new Pest Control Products Act, 2002.

ACKNOWLEDGMENTS

The Association of Municipalities of Ontario (AMO) would like to thank the members of the AMO Pesticides Task Force for their contribution to the preparation of this paper.

Members

Mike Galloway, Councillor, City of Kitchener and Chair

Linda Cunningham, Councillor, Town of Kirkland Lake

Allen Taylor, Deputy Reeve, Township of East Garafraxa

Carol Mee, Supervisor, Environmental Information and Education, Toronto Public Health, City of Toronto

Karen Clark, Supervisor, Environmental Health Assessment and Policy, Toronto Public Health, City of Toronto

Noreen Knight, Environmental Property Standards Officer, Town of Caledon

John Lohuis, Director, Recreation and Parks, City of Mississauga

Mike Minkowski, Legal Counsel, Legal Services, City of Mississauga

Stephen Monet, Co-ordinator of Environmental Initiatives, City of Greater Sudbury

Bill Coxhead, Manager of Operation, Parks and Forestry, City of London

Chris Mark, Assistant Director, Operations, Parks and Recreation Department, Town of Oakville

AMO Staff

Milena Avramovic, Senior Policy Advisor, AM

APPENDIX E

IPM Council Membership*

The Council's members include but are not limited to, the following groups:

Ontario Parks Association
Hydro One
CropLife Canada
Ontario Golf Course Superintendents Association
Sports Turf Association
Ontario Vegetation Management Association
Urban Pest Management Council of Canada
International Society of Arboriculture
Landscape Ontario
Professional Lawn Care Association of Ontario
Professional Lawn Care Association of America, Canadian Chapter
Structural Pest Management Association of Ontario
Parks and Recreation Ontario
Environmental Coalition of Ontario

Technical Advisors:

Ontario Ministry of Agriculture and Food
Ontario Ministry of Environment

*Source: The IPM Council's *Policies and Procedures Manual for IPM Accreditation* (draft)

APPENDIX F

IPM Code of Practice*

IPM Code of Practice (Lawn Care)

1. Agree to follow the IPM/PHC Code of Practice.
2. Focus their business on the promotion and implementation of cultural practices such as using optimum soil depth and quality, suitable turf varieties, over-seeding, proper mowing heights, watering, fertilizing, aeration and/or de-thatching as components for maintaining healthy lawns and landscapes and preventing pest problems.
3. Will encourage, educate and solicit the assistance of the property owner/manager in ensuring that optimum cultural practices are followed.
4. Monitor the customers' lawn and landscape for pest infestation at regular intervals and maintain a log of observations. Will provide the collected monitoring data in support of a province wide monitoring network and database. This information will be relayed to a provincial monitoring database every two weeks from March to November.
5. Support the principles of Integrated Pest Management as defined by Health Canada.
 - Integrated Pest Management or "IPM is a decision-making process that uses all necessary techniques to suppress pests effectively, economically and in an environmentally sound manner to sustain healthy landscapes."
 - The elements of IPM include:
 - Identifying potential pest organisms.
 - Monitoring pest and beneficial organism populations, pest damage, and environmental conditions.
 - Managing ecosystems to prevent organisms from becoming pests.
 - Managing pest populations using strategies that combine biological, cultural, mechanical, behavioural, and when necessary chemical control.
6. Support mandatory IPM re-certification for all licensed employees.
7. Document pesticide reduction and pesticide alternative strategies through IPM and agree to monitor and keep records of pesticide use (active ingredient/ square metre) for audit purposes.
8. Offer a pesticide free alternative to customers who choose not to use pesticides.
9. Not apply pesticides unnecessarily.
10. Not sell programs that are based on numerous pesticide applications but rather encourage programs and services based on PHC/IPM.
11. Use pesticides only after examination (monitoring) and diagnosing, and in combination with additional horticultural measures.
12. Will prepare all sites for proper application i.e. remove items from the lawn etc.
13. Will apply treatments that are properly timed to maximize effectiveness. (Preventative treatments are discouraged and will only be used based on pest history as locally monitored. A province wide monitoring system will also be utilized.)
14. Utilize spot treatments for the control of weeds and insects. Blanket applications are only used if warranted.
15. Implement an effective staff training and safety procedure.
16. Apply pesticides only to target areas.
17. Implement buffer zones (where necessary) when making applications adjacent to sensitive sites.

*Source: The IPM Council's website – www.planthealthcare.ca

APPENDIX G

Business Registry – Alternative to Business Licensing

The *Municipal Act, 2001* introduced an alternative to having a formal business licensing scheme, namely business registration. Section 157 of the Act enables municipalities to create a registry of businesses that could be subject to municipal licensing but are not. Businesses that are subject to business licensing under a municipal by-law cannot also be subject to the business registry system. A by-law requiring the registration of any business or class of business under this section must include an explanation as to why the municipality is registering the business.

The benefits of a business registration system are varied.

- municipalities can keep track of who is operating businesses in its municipality without subjecting the business or class of businesses to formal licensing.
- The requirement to register and maintain a business registration can be applied to businesses wholly or partly carried on within the municipality, even if the business is being carried on from a location outside of the municipality.

The scope of the municipal power to establish and maintain a registry and to require and maintain a business to register and maintain its registration includes the following powers:

- To prohibit the carrying on of or engaging in the business unless the business has registered in the registry;
- To revoke or suspend a registration;
- To require that the business name, ownership, contact information, including address, telephone number and contact name and the type of business be provided;
- To require, for both initial registration and ongoing registration, that any other information for the registry specified in the by-law to be of municipal interest, be provided;
- To require, within such time frame as is established by the municipality, updated information for the registry be provided if the information contained above changes; and
- To exempt any business from all or any part of the by-law.

Clearly, the powers pertaining to registration are not as significant as licensing powers. Most significantly, under the licensing provisions municipalities can impose conditions as requirements for obtaining or maintaining a licence (including the payment of licence fees, restricting the hours of operation of the business, powers of inspection of places, premises and equipment used in the business, license regulate or govern the place or premises and the persons carrying on the business or engaged in the business). The municipality does not have the power to charge a fee for registration.

APPENDIX H

CITY OF BURLINGTON

Encourages Senior Levels of Government to Require Mandatory IPM Accreditation

WHEREAS the City of Burlington has committed to essentially eliminating the use of pesticides on public property by adopting the principles of plant health care and emphasizing the use of cultural, preventative turf management practices; and,

WHEREAS the City of Burlington has committed to implementing a public outreach and education program to reduce the non-essential use of pesticides on private property; and,

WHEREAS the Region of Halton's Medical Officer of Health has recommended an approach of prudent avoidance for the non-essential use of pesticides; and

WHEREAS Integrated Pest Management (IPM) is an approach that uses all available techniques in an organized process to suppress pest populations in effective, economical and environmentally safe ways, with particular emphasis on:

- Cultural practices that promote optimum plant health;
- Pest prevention;
- Application of pesticides only when necessary;
- Use of reduced risk products;

WHEREAS the IPM Council representing the pest control industry in Ontario is currently developing a voluntary IPM Accreditation program for pest control operators to promote environmentally friendly maintenance practices and that the non-essential use of pesticides should be used as a last resort;

NOW THEREFORE BE IT RESOLVED THAT the City of Burlington encourages the provincial and federal governments to require that all lawn care operators be IPM Accredited if they use pesticide products in their operations.

This resolution will be sent to:

The Honourable Jean Chretien, Prime Minister

The Honourable Anne McLellan, Minister of Health (Canada)

The Honourable David Anderson, Minister of Environment (Canada)

Mr. Stephen Harper, Leader of the Opposition (Canada)

Ms Paddy Torsney, M.P.

The Honourable Ernie Eves, Premier of Ontario

The Honourable Chris Stockwell, Minister of the Environment (Ontario)

The Honourable Tony Clement, Minister of Health & Long-Term Care

Mr. Dalton McGuinty, Leader of the Opposition (Ontario)

Mr. Cam Jackson, M.P.P.

Mr. Ted Chudleigh, M.P.P.

Mr. Ted McMeekin, M.P.P.

Ms Joyce Savoline, Chair, Region of Halton

Mr. John Schmal, President, Federation of Canadian Municipalities

Mr. Ken Boshcoff, President, Association of Municipalities of Ontario