

April 22, 2008

**STANDING COMMITTEE ON AGRICULTURE, FORESTRY AND ENVIRONMENT
SECOND REPORT OF THE SECOND SESSION SIXTY-THIRD GENERAL ASSEMBLY
COSMETIC PESTICIDES**

Madam Speaker and Members of the Legislative Assembly:

The Standing Committee on Agriculture, Forestry and Environment is pleased to present its second report of the Second Session Sixty-third General Assembly.

Committee Membership

The Standing Committee on Agriculture, Forestry and Environment was appointed by motion on October 17, 2007, upon recommendation of the Special Committee on Committees. Mr. Charles McGeoghegan was appointed to your Committee on November 1, 2007.

Permanent members of your Committee are:

Alan McIsaac (District 5, Vernon River-Stratford)

Jim Bagnall (District 3, Montague-Kilmuir)

Hon. Carolyn Bertram (Minister of Communities, Cultural Affairs and Labour; District 18, Rustico-Emerald)

Hon. Olive Crane (Leader of the Opposition; District 7, Morell-Mermaid)

Hon. Valerie Docherty (Minister of Tourism; District 17, Kellys Cross-Cumberland)

Cynthia Dunsford (District 6, Stratford-Kinlock)

Robert Henderson (District 25, O'Leary-Inverness)

Charles McGeoghegan (District 4, Belfast-Murray River)

Robert Vessey (District 9, York-Oyster Bed)

Buck Watts (District 8, Tracadie-Hillsborough Park)

Substitute members included:

Mike Currie (District 2, Georgetown-St. Peters)

Bush Dumville (District 15, West Royalty-Springvale)

Sonny Gallant (District 24, Evangeline-Miscouche)

Pat Murphy (District 26, Alberton-Roseville)

Committee Mandate

The Standing Committee on Agriculture, Forestry and Environment is charged with matters concerning agriculture, forestry and the environment. In addition, it may, by majority decision of its membership, meet to examine and inquire into such matters and things as the Committee deems appropriate.

On November 1, 2007, the following motion was passed in the Legislative Assembly of Prince Edward Island:

WHEREAS there is growing concern regarding the health effects of pesticide use on our population, particularly on our children;

AND WHEREAS a recent public petition signed by 4200 Islanders against the use of cosmetic lawn pesticides certainly warrants further review and assessment, with the potential of a province-wide ban;

AND WHEREAS the City of Charlottetown has already requested the right to have the legal authority to ban cosmetic pesticides;

AND WHEREAS different municipal regulatory regimes will create confusion and added challenges around the enforcement of regulations;

AND WHEREAS other cities and towns across Canada have also received similar representations of concern on this identical issue, albeit in a less formal manner;

THEREFORE BE IT RESOLVED that this Legislative Assembly give the Standing Committee on Agriculture, Forestry and Environment a mandate to fully review the implementation and potential impacts of a province-wide ban on the use of cosmetic lawn pesticides.

THEREFORE BE IT FURTHER RESOLVED that the Committee be authorized to meet after the prorogation of the First Session of the Sixty-third General Assembly and make report to this House during the Spring 2008 Session.

The order of reference, expressed in Motion 13, gave your Committee a mandate to fully review the implementation and potential impacts of a province-wide ban on the use of cosmetic lawn pesticides. Your Committee's purpose was not to comment on the relative safety or risks associated with cosmetic pesticides, nor was it to decide in favour or against banning the use of those chemicals. Instead, assuming that if a provincial ban on the use of cosmetic lawn pesticides might become a reality, your Committee deliberated on how such restrictions might be implemented and what the effects or potential impacts of a ban would be.

Background

In recent years, growing public concern about the potential hazards of pesticides has prompted a number of Canadian municipalities to pass local bylaws to impose restrictions on the sale and/or application of these chemicals. Currently, 140 municipalities in seven provinces have pesticide bylaws. On a provincial level, Quebec's Pesticide Management Code, in force since April 2003, sets strict standards to control the use and sale of pesticides. Ontario is now seeking public

comment on proposed legislation to be introduced in the spring of 2008 which would ban pesticides used for cosmetic purposes in that province. In Prince Edward Island there has been some demonstrated public support—particularly in urban areas—to reduce chemical use that may be characterized as unnecessary, or simply for cosmetic purposes.

Cosmetic Pesticides - A Definition

For the purposes of this report, your Committee agreed to use the definition of “pesticide” as found in the report of the City of Charlottetown Cosmetic Pesticide ad-hoc Committee (dated June 2007), which is “any substance that is used to prevent, destroy, repel, attract or reduce pest organisms.” Despite common usage of the term cosmetic pesticides, it is more accurate to refer to the cosmetic *use* of pesticides, which the ad hoc committee’s report defines as the use of a pesticide for reasons which are primarily aesthetic, focusing on the outdoor use of pesticides in the maintenance of lawn, turf, flowers and ornamental plants, trees and shrubs.

Committee Activities

In carrying out its mandate, your Committee held seven meetings to consider the issue, and received briefs and heard presentations from a total of 173 groups and individuals. A complete list of interveners is found in Appendix A to this report. In addition, your Committee reviewed briefing notes prepared by its staff researcher; and examined other information provided by the various presenters in support of their testimony. Your Committee also received numerous telephone calls, emails, and had many personal contacts which served to reinforce the importance of the issue to the people of Prince Edward Island.

Public Consultations

Public input included a number of issues related to cosmetic pesticides, including short-term and long-term impacts on human health; environmental concerns; degrees of risk associated with various ingredients or components of pesticides; ethical considerations; and economic consequences. In the main, the testimony and written briefs focused on the desirability or necessity of instituting restrictions on the use of cosmetic pesticides, rather than concentrating on potential impacts and implications if such restrictions were implemented. The relative safety versus potential dangers of using pesticides for cosmetic purposes was a common theme.

Over the course of the public consultations, your Committee found that positions on the use of cosmetic lawn pesticides are relatively entrenched. Arguments were advanced on both sides regarding the effects and safety of pesticides. There are those who believe that consumers benefit from reasonable access and use of cosmetic pesticides; others hold the view that benefits are transient, while the population as a whole may have to bear health and environmental risks.

At its meeting of **November 6, 2007**, your Committee met to plan its work on this issue for the remainder of 2007 and early 2008. It agreed to place an advertisement in the newspapers across the province to request public opinion on the issue. As a result of this decision, an advertisement soliciting the views of the public appeared in the *Guardian* and the *Journal-Pioneer* on November 14 and November 17, 2007; on November 14, 2007, the ad appeared in the *East Prince Graphic*, the *Western Graphic* and, in a French language version, in *La voix acadienne*. Copies of the advertisement appear as Appendix B.

In conjunction with this effort, comprehensive information concerning the work of your Committee and additional resource information was posted on the website of the Legislative Assembly (www.assembly.pe.ca). An electronic feedback form was made available on the committees' section of the website to solicit comment from the public on this issue.

Your Committee next met on **December 5, 2007**, and received input from the PEI Environmental Health Co-operative, the Sierra Club of Canada, Mr. Kevin O'Brien, Ms. Dianne Corrigan, the Advisory Council on the Status of Women; Mr. David Steeves, the Council of Canadians, Dr. Helen Jones, Ms. Katherine Dewar, the Allergy and Environmental Illness Group, Mr. Philip Brown, Mr. Ifo Ikede, the Canadian Union of Public Employees (CUPE), ECO-PEI and the PEI Medical Society. At this meeting, your Committee agreed to invite representatives of Health Canada's Pest Management Regulatory Agency (PMRA), the federal agency responsible for the regulation of pest control products in Canada, to appear before it.

On **December 11, 2007**, your Committee heard presentations from the Island New Democrats, Ms. Joan Doyle, the Green Party, O Beautiful Gaia Singers, The Cooper Institute, Kool Breeze Farms, Mr. Gary Schneider; Ms. Margie Loo, the Institute of Island Studies, Mr. David Daughton; CropLife Canada; Syngenta Crop Protection Canada, Inc., Dr. Robert Coffin, the PEI Division of the Canadian Cancer Society, Dr. Alice Crook and Ms. Lisa Gallant.

At your Committee's next meeting, on **January 31, 2008**, further input was received from the City of Charlottetown, Atlantic Graduate Lawn Care Pest Control Services, Dr. John DeMarsh, Mr. Michael LeClair, Mr. Andy Jamieson, the Pest Management Regulatory Agency of Health Canada; and Ms. Micheline Levesque from SAE, Inc. for the Canadian Cancer Society PEI Division.

Convening again on **February 7, 2008**, to continue its consideration of this matter, your Committee heard from the Canadian Consumer Specialty Products Association. At the conclusion of the public portion of this meeting, Ryan Conway, Research Officer to your Committee, presented information examining federal, provincial and municipal legislation on pesticides and a survey of educational campaigns from other jurisdictions aimed at reducing pesticide use. Your Committee then moved *in camera* to commence discussions of its report to the Legislative Assembly.

Your Committee met twice more *in camera*, on **February 19, 2008**, and **April 10, 2008**, to further consider its report.

Recommendations

As previously stated, your Committee is not commenting on whether it is appropriate or desirable to institute a ban on cosmetic use of pesticides, and is limiting its recommendations to the terms contained in Motion 13, that is, relating to the *implementation and potential impacts* of a province-wide ban.

After due consideration, your Committee presents the following recommendations regarding its review of the implementation and potential impacts of a province-wide ban on the use of cosmetic lawn pesticides. All recommendations are to be considered in light of *potential* restrictions on the use of pesticides for cosmetic purposes.

- 1. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends that agricultural use of pesticides be unaffected.**

Prince Edward Island farmers are already subject to stringent rules on the storage and application of pesticides. Any potential restrictions placed on the sale and/or use of pesticides for cosmetic purposes would not affect agricultural use.

- 2. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends that such limits be province-wide, rather than the responsibility of a municipality or community.**

Although the use of pesticides for cosmetic reasons is primarily of concern to urban rather than rural residents of Prince Edward Island, your Committee is recommending that any restrictions be implemented on a province-wide basis. Leaving the decision to prohibit or permit the cosmetic use of pesticides to municipalities would result in inconsistency across the province. Your Committee believes that a single, comprehensive law for the entire province is preferable.

- 3. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends a three year, phased-in approach be used.**

The first year of implementation would focus on an education program to increase public awareness of the reasons for restrictions on pesticides, coupled with the promotion of alternative methods of lawn care. A great deal of educational programming has been developed by other jurisdictions and non-governmental organizations, and Prince Edward Island could easily build on this resource to deliver a combination of simple tips and more comprehensive advice throughout the growing season. Key elements of an education campaign might include a website with useful information; a telephone information line

to provide direct advice; brochures, fact sheets or technical guides for distribution through CAP sites and libraries; point-of-purchase information; spring and fall advertising in newspapers; displays and information at appropriate public events; and partnerships with community agencies to deliver the message.

Year 1 would be an opportunity for industry and consumers to adjust and plan.

Your Committee recognizes that it can take two or more growing seasons for public understanding and acceptance to develop. In Year 2 and Year 3, resources must continue to be directed to educational and training activities. In addition, restrictions on the sale and use of cosmetic pesticides would be put in place and monitoring for compliance would commence. An initial focus on “weed and feed” products is suggested, as they make up a majority portion of landscape pesticide use.

Years 2 and 3 would be an opportunity to promote alternatives for lawn care and to prepare residents for the enforcement phase.

In Year 4 and beyond, a dual focus on public education and enforcement would be required to motivate compliance, raise awareness and support homeowners in adopting pesticide alternatives. Your Committee recommends phased-in penalties starting with caution letters before moving to tickets or stronger measures for violations. In all cases, educational materials would be provided to homeowners or residents to encourage them to learn about alternatives to pesticide use.

- 4. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends that exemptions be put in place for golf courses to enable them to be maintained in a high standard of quality; as well as exemptions for homeowners and residents to deal with emergencies and infestations which threaten human or animal health.**

Your Committee discussed at length whether to exempt golf courses from pesticide restrictions, and agreed that golf courses should continue to be allowed to use pesticides for cosmetic reasons in order to maintain the high standards of quality for which the Province is renowned. In Quebec, golf courses are permitted to use pesticides, but must submit pesticide-reduction plans to the minister responsible for the environment. A similar approach could be adopted for Prince Edward Island.

Your Committee also recommends exemptions for emergency situations. Any proposed plan for implementing restrictions on pesticide sale and use must include a manner for defining and identifying these infestations, and a permit or other system to enable landowners or professional pest control companies to obtain and apply the appropriate pesticide solution.

5. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends a complementary ban on the sale of pesticides used for cosmetic purposes.

Research has shown that a ban on the use of cosmetic pesticides is most effective if it includes a ban on the sale of those pesticides. Currently, provincial regulations require that vendors store certain pesticides under a controlled access set-up, while others may be self-selected. Your Committee believes that further restrictions are necessary to support any province-wide restrictions on cosmetic pesticides. As a model, legislation in the province of Quebec forbids the use of 20 pesticide active ingredients on public and private lawns across the province, along with a prohibition of the retail sale of products containing these ingredients.

Because a ban on the use of pesticides for aesthetic reasons is not concerned with pesticides used for agricultural reasons, any restrictions on sales must allow for pesticide-licensed farmers to access these products. As well, because your Committee has recommended exemptions to a ban for various reasons, allowance must be made for licensed professionals, or others, to purchase and apply pesticides for specific purposes.

6. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends Government lead by example by using alternative pest management strategies on provincially-owned property.

Your Committee commends the City of Charlottetown which does not use pesticides on its property yet maintains high quality parks and gardens. The provincial government can likewise educate the public in pesticide-free lawn care and horticulture by utilizing methods and strategies which do not involve chemicals.

7. If restrictions on the use of pesticides for cosmetic reasons are implemented, your Committee recommends professional lawn-care companies be encouraged and supported in making the transition to pesticide-free methods.

Maintaining an attractive, healthy lawn can be a time consuming job. Some people choose to forego this work and hire a professional lawn care company to help maintain their lawn. Your Committee encourages these companies to convert their lawn care services to pesticide-free programs in which organic fertilizers, soil amendments and practices such as aeration, top-dressing and overseeding are used to keep the lawn healthy and prevent pest damage. In order to do so successfully, your Committee recommends that lawn-care professionals be offered financial supports for training in alternative methods during the phase-in period.

Respectfully submitted,

Alan McIsaac, MLA
Chairman, Standing Committee on Agriculture, Forestry and Environment

Appendix A Interveners

Advisory Council of the Status of Women	Costain, Ellen
Allergy and Environmental Illness Group	Council of Canadians
Arnold, Judy	Cousins, Ruby
Arsenault, Celina	Crook, Dr. Alice
Arsenault, Claude	CropLife Canada
Arsenault, Georges	Daigle, Louise
Arsenault, Pat	Daughton, David
Arsenault, Rita	Davey, Daphne
Arsenault, Sylvia	DeMarsh, Dr. John
Association of Registered Nurses of PEI	DesRoches, Joyce
Atlantic Graduate Lawn Care Pest Control Services	Dewar, Edgar and Brenda
Autism Society of PEI	Dewar, Katherine
Bakker, Jiselle	Diamond, Joan
Barlow, Audrey	Dohoo, Ian
Bélair, Rachelle	Doiron, Cindy
Bell, Laurie	Donavan Whitty, Judy
Blanchard, Lisa	Doyle, Joan
Brehaut, Tim	Doyle, Teresa
Brown, Eileen	Dunn, Gemma
Brown, Philip	Eastern School District
Cahill, Marie	ECO-PEI
Callbeck, Diane	Ecology Action Centre
Campbell, Randy	Ellis, Maxine
Canadian Cancer Society, PEI Division	Environmental Health Co-operative
Canadian Cancer Society, PEI Division, West Prince Unit	Evans-Maclean, Mildie
Canadian Consumer Specialty Products Association (CCSPA)	Federation of Prince Edward Island Municipalities
Canadian Medical Association	Fitzgerald, Gretchen
Canadian Union of Public Employees (CUPE)	FitzGerald, Gerald and Lynda
Carroll, Gary	Fraser, Darlene
Chaisson, Judy	Fraser, Judy
City of Charlottetown	Fraser, Natalie
Clarkin, Trisha	Fraser, Thelma
Clow, Nancy	Gallant, Lisa
Coffin, Dr. Robert	Gallant, Marg
Compton, Rosemary	Gallant, Robert
Copleston, Marion	Gard, Mary
Corrigan, Dianne	Giddings, Margie
Cosgrave, Larry	Giddings, Rebecca
	Goodwin, Cathi
	Greaves, Jinny
	Green Party

Gregory, Maureen and Wade
Hatcher, Colleen
Howard, Clara Jean
Howard, Margaret
Ideke, Ifo
Industry Task Force II on 2,4-D Research
Data
Institute of Island Studies
Island New Democrats
Jamieson, Andy
Johnston, Frances
Jones, Dr. Helen
Kelly, Sherrie
Kennedy, Kathy
Kirstmanson, Helen
Kool Breeze Farms
Laquerre, Eleanore
Laskarin-Hanks, Leslie
LeBlanc, Isabel
LeClair, Michael
Leon, Eva and Wolf
Levesque, Micheline
Long, D.M.
Loo, Margie
MacDonald, Edward
MacDonald, Hugh
MacDonald, Karyn
MacDonald, Sandra
MacDonald, Sr. Wanda
MacDonald, Walter
MacEachern, Bonnie and Burns, Derek
MacEachern, Frank
MacKay, David
MacKay, Gloria
MacKay, Milton and Joan
MacLean, Mary Beth
MacLean, Mary
MacLeod, Dave and Lord, Joanne
MacRae, Beryl
Malone, Tracy
Martin, Flora
McCullough, Kimberly
McEntee, Kandace
Morrow, Mike
Mullally, Genevieve
Mullen, Melissa

Mutch, Jeni
Mutch, Lorraine
O Beautiful Gaia Singers
O'Brien, Kevin
O'Grady, Brendan
PEI Medical Society
Pendergast, Norah
Perry, Edith
Perry, Eleanor
Perry, James
Perry, Sr. Theresa
Pest Management Regulatory Agency
(Health Canada)
Peters, Floyd
Pitt, Muriel
Porter, Reg
Pothier, Tina
Raynor, Elmer
Reddin, Aggi-Rose
Reddin, Lindsey
Reddin, Rob
Reddin, Tony
Riley, Peggy
Rochon, Caitlin
Rogers, Ruth
Ryan, Verna
Sampson, J.M.
Schneider, Gary
Sierra Club of Canada
Simmonds, Kali
Smith, Bill
Smith, Pam
Sorensen, Susan
Southern Kings and Queens Unit of the
Canadian Cancer Society
Steeves, David
Stewart, Dave
Stewart, Sadie
Storey, Anne
Syngenta Crop Protection Canada, Inc.
The Cooper Institute
Thorne, Lizanne
Town of Stratford
VanWiechen, Nancy
Weale, David
Webster-Stahel, Simone

White, Sr. Laretta
Whitty, Judy and Doug
Wilkinson, Tom and Audrey
Wood, Louann
Zelin, Jenni

Appendix B
Advertisements



Legislative Assembly
of
Prince Edward Island

Standing Committee on Agriculture,
Forestry and Environment

Public Hearings on Cosmetic Lawn Pesticides

The Standing Committee on Agriculture, Forestry and Environment of the Legislative Assembly of Prince Edward Island has been given the mandate to fully review the implementation and potential impacts of a province-wide ban on the use of cosmetic lawn pesticides.

The Committee invites those interested in participating in this review to contact them by Friday, November 23, 2007. A schedule of hearings will be established after the level of public interest has been determined.

Those who do not wish to make a presentation to the Committee in person but wish to express an opinion on the matter may send their comments to:

Standing Committee on Agriculture,
Forestry and Environment
Office of the Clerk
Province House
PO Box 2000
Charlottetown, PEI C1A 7N8

(fax) (902) 368-5175
(tel) (902) 368-5972
assembly@gov.pe.ca

www.assembly.pe.ca



Assemblée législative
de
Île-du-Prince-Édouard

Comité permanent de l'agriculture, des forêts et
de l'environnement

**Audiences publiques sur les pesticides
cosmétiques pour les gazons**

Le Comité permanent de l'agriculture, des forêts et de l'environnement de l'Assemblée législative a reçu le mandat d'examiner exhaustivement la mise en oeuvre et l'impact potentiel d'une interdiction à l'échelle provinciale d'utilisation des pesticides cosmétiques pour les gazons.

Le Comité invite ceux et celles qui désirent participer à cet examen de faire connaître leur intention d'ici le vendredi 23 novembre 2007. L'horaire des audiences sera défini une fois que l'intérêt du public sera connu.

Ceux et celles qui ne veulent pas faire de présentations au Comité en personne mais qui voudraient exprimer une opinion sur la question peuvent faire parvenir leurs commentaires à l'adresse suivante :

Comité permanent de l'Agriculture, des Forêts et de
l'Environnement
Bureau du greffier
Province House
C.P. 2000
Charlottetown, PEI C1A 7N8

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