

February 15th, 2008

Ministry of the Environment
Integrated Environmental Planning Division
Strategic Policy Branch
135 St. Clair Avenue West, Floor 11,
Toronto, ON M4V 1P5

Attention: Robert Bilyea, Senior Policy Advisor

Subject: EBR Posting 010-2248 – “Notice of intent to introduce legislation that would ban the cosmetic use of pesticides in Ontario.”

Dear Mr. Bilyea:

I am writing on behalf of the Environment Health Workgroup of the Ontario Public Health Association (OPHA) to extend our support for the proposed legislation that would ban the cosmetic use of pesticides in Ontario. Founded in 1949, the OPHA is a volunteer, non-profit organization established to provide leadership on issues affecting the public's health and strengthen the impact of people who are active in public and community health throughout Ontario.

In 2001, the OPHA passed a resolution entitled “Non-Essential Use of Chemical Pesticides on Public and Private Lands” (available at http://www.opha.on.ca/ppres/2001-02_res.pdf) which called on municipalities and the Province of Ontario to take action to restrict the non-essential use of pesticides. Although the links between pesticides and human health effects was not causal for the use of pesticides used in lawn care, the OPHA felt that there was sufficient evidence to warrant caution when using pesticides.

We thank you for the opportunity to provide the following comments on the proposed intent of the legislation.

1. Determining the Scope of the Ban

The proposed ban would apply to cosmetic uses of pesticides, those intended to improve the appearance of lawns, gardens, parks and school yards. Do you have any comments on the proposed scope?

The OPHA supports the scope of the ban. However, we advocate that the scope of the ban be expanded to include all residential properties (both urban and rural) and public properties, especially those areas where children will be the primary users of the land (i.e, schools, parks), religious establishments and areas where sports, recreational (including campgrounds and residential camps), cultural or artistic activities are held.

The proposed ban would allow pesticides to be used in situations where it is warranted to help ensure public health (for example, to fight West Nile virus). Are there other situations where the use of pesticides should be allowed?

The OPHA supports the use of pesticides where they are required to protect public health. However, if and when pesticides are used, it is strongly recommended that an integrated pest management (IPM) approach be adhered to. Other situations where pesticides may be warranted include protection against lyme disease as well as in the case of emerging diseases that may arise in the future due to increased temperatures from climate change.

The OPHA does not object to the use of targeted, low toxicity pesticides in situations where there are potentially large impacts to the urban tree canopy. For example, various communities in the Greater Toronto area successfully used a biological pesticide to mitigate the impact of the gypsy moth on the tree canopy. This pesticide was specific to the gypsy moth and did not result in other environmental or public health impacts.

2. Sale of Cosmetic Pesticides

Other jurisdictions have banned the sale of pesticides used solely for cosmetic purposes while municipalities in Ontario have regulated the use of certain pesticides. Should the province consider banning the sale of those pesticides used solely for cosmetic purposes?

Yes, the province should ban the sale of pesticides used solely for cosmetic purposes. The Ontario government should follow the Province of Quebec model – the Pesticide Management Code, which prohibits the sale of fertilizer-pesticide mixtures and mixed packages (e.g. herbicide and insecticide), and prohibits the sale of certain pesticides intended for domestic use.

3. Exemptions/Restrictions

It is proposed that uses of pesticides for the purposes of agriculture and managed forests would be exempt, as they are already governed by stringent rules on the storage and application of pesticides.

The OPHA supports the exemption of agriculture and managed forests from the ban. However, we would also recommend that “sod farming” should not be exempt under the proposed ban. Pesticides used to produce green thick sod are the same pesticides applied by home owners and these pesticides are applied for the same cosmetic reasons. Thus, a ban should include cosmetic use of pesticides on all sod and should be applied across the province.

We would suggest that the MOE create a list of low risk lawn and garden pesticides that would be exempted from the ban.

The government indicated that the focus of the ban would be on “towns and cities, and not on restrictions on rural residents.” Do you have any comments on this approach?

The OPHA feels that the scope of the ban should cover both rural and urban residents. If the ban were to exempt rural residents, how would the government determine what is considered a rural community?

4. Exemptions for Golf

It is proposed that golf courses would also be exempt, but would be required to develop plans to limit the environmental impact of pesticides. Should the government consider setting out minimum requirements for the plans developed by golf course owners/operators? What should the requirements include?

Golf courses should be required to follow an integrated pest management approach to lawn care and maintenance and be limited to the use of approved low toxicity pesticides.

6. Other Comments

The EBR posting states that the focus of the province's efforts will be on outreach and education. The OPHA supports this position. According to a 2004 survey by the Canadian Centre for Pollution Prevention and Cullbridge Marketing and Communications, communities that passed a by-law and supported it with education were more successful than communities that simply relied on a by-law or solely on an education program.¹ The province must ensure that there are adequate resources available for education and enforcement.

Again, we thank you for the opportunity to comment on the proposed legislation.

Yours truly,



Carol Timmings
President

cc: George Smitherman, Minister of Health and Long Term Care
Brenda Mitchell, Director, Environmental Health

¹ Canadian Centre for Pollution Prevention and Cullbridge Marketing and Communications. 2004. "The Impact of By-Laws and Public Education Programs on Reducing the Cosmetic/Non-Essential, Residential Use of Pesticides." <http://www.pestinfo.ca/documents/PesticidesBestPracticeReview-FINAL040324.pdf>