
CITY OF KELOWNA
MEMORANDUM

Date: January 30, 2006
File No.: 5280-05
To: City Manager
From: Environment and Solid Waste Manager
Subject: **Commercial Pesticide Notification Registry and Pesticide Bylaw**

RECOMMENDATION:

THAT the Commercial Pesticide Notification Registry continues for residential properties in 2006 with the following change:

- The codling moth (SIR Program) and cherry fruit fly spraying are removed from the exemption category; therefore, commercial spray operators will be required to provide notification as requested by registrants;

AND THAT staff continue to develop a "Be Pesticide Free" education campaign that provides alternatives to pesticide use;

AND THAT the City hire a consultant to conduct a public survey and to host public meetings to gauge the effect that a bylaw would have and the level of public support for pesticide reduction;

AND THAT staff continue researching pesticide bylaws and report back to Council in late 2006;

AND FURTHER THAT staff form a pesticide bylaw advisory committee to research bylaws and alternatives.

BACKGROUND:

Commercial Pesticide Notification Registry

In November 2003, City Council directed City staff to develop a Commercial Pesticide Notification Registry for residents who wish to be notified when commercial spray operations are occurring on abutting residential properties. The program was developed by City Staff in 2004 in conjunction with the Interior Environmental Pest Management Association (an organization of commercial sprayers). The program is voluntary for commercial spray operators; however, all pest control/landscaping companies currently participate and comply with the program. This program is not applicable if a resident or neighbouring agricultural property is applying the pesticides.

In 2004, 284 households registered for the City's Pesticide Notification Program. This was a dramatic increase from less than ten households that registered in 1991 when the City had previously attempted a pesticide notification program. In 2005, 222 households registered

for the program, including all schools in School District No. 23. Reasons for the decline in registration include:

- registrants from 2004 discovered that abutting properties do not hire commercial spray operators;
- registrants assumed they were automatically re-registered, despite information mailed out by City staff stating re-registration is mandatory;
- registrants moved out of the City of Kelowna.

All 2005 registrants will receive a re-registration reminder in early February; this is necessary to ensure that the registry remains up-to-date and that commercial spray operators are presented with current information. In 2006, residents have five options to register or re-register:

- 1) online at www.kelowna.ca under residents\ environment\ pesticides\pesticide notification registry (new for 2006)
- 2) via phone at 469-8556
- 3) via email to enviro@kelowna.ca or ask@kelowna.ca
- 4) via fax to 862-3338
- 5) or by dropping off a registration form to City Hall

The registration deadline is March 15, 2006.

That the Commercial Pesticide Notification Registry continues for residential properties in 2006 with the following change:

- **The codling moth (SIR Program) and cherry fruit fly spraying are removed from the exemption category; therefore, commercial spray operators will be required to provide notification as requested by registrants.**

City staff recommends that the current notification exemptions for codling moth (SIR Program) and cherry fruit fly spraying should be removed from exemption; therefore, commercial spray operators will be required to provide notification as requested by registrants. Notification prior to the spraying of pesticides regardless of the pest being targeted or the reason for contracting the sprayer services should be required.

Currently, the Commercial Pesticide Notification Registry Program states that "spraying as required under the Sterile Insect Release (SIR) Program may occur without notification, as necessary. "In 2005, cherry fruit fly spraying was added to this exemption.

Through discussion with the SIR Program, staff were informed that in the event that a homeowner is given a warning notice from SIR staff to maintain their trees free of codling moth, engaging in a chemical spray program is only one option and is not "required"; it is also noted that chemicals seldom provide 100% control of codling moth and trees should be monitored weekly to remove infested fruit. Homeowners are encouraged to use alternatives such as stripping the infested fruit, stripping their tree(s) of fruit entirely, or removing the codling moth host tree and replacing it with a non-host or non-fruit bearing alternative. Additional control options promoted by the SIR Program include tree banding, blossom thinning, pruning and thinning the tree, thinning and harvesting fruit, minimizing over wintering sites for larvae, sterile moth release, trapping, mating disruption, and natural predators (Okanagan Kootenay Sterile Insect Release Program, www.oksir.org).

AND That staff continue to develop a “Be Pesticide Free” education campaign that provides alternatives to pesticide use;

Environment staff are developing a “Be Pesticide Free” education campaign. The campaign includes City of Kelowna carabiner key chains with information regarding a “12 step program to grow great grass” and pesticide alternative recipes. Additionally, Pesticide Free lawn signs were printed for residents who wish to promote their pesticide free yards. These educational tools, along with brochures, will be available at environmental events such as Family Environment Day, Mayor’s Environmental Expo and BC Rivers and Fisheries Awareness Festival. These educational tools are free to residents and will also be available by request.

AND That the City hire a consultant to conduct a public survey and to host public meetings to gauge the effect that a bylaw would have and the level of public support for pesticide reduction;

Staff recognize the impact that a cosmetic bylaw could have, not only on our residential population, but on the commercial spray operators that work in our City.

It is recommended that a public survey be undertaken to gauge the effect that a bylaw would have and the level of public support for pesticide reduction. Initially a survey could be undertaken asking all stakeholders how they would be affected by a ban on cosmetic pesticide use. Questions to include could be:

- Do you care for your own lawn and garden?
- Do you use pesticides on your lawn and garden?
- Have you tried pesticide alternatives on your lawn and garden?
- Do you use a landscape professional or a commercial spray operator?
- Should Kelowna have a bylaw that would restrict the use of herbicides and / or pesticides for cosmetic purposes on public and private property?
- In what neighbourhood do you reside?

The results of the survey would then be used to host an open house to answer questions and provide information and education to the community.

AND That staff continue researching pesticide bylaws and report back to Council in late 2006;

At this time, the number of municipal pesticide bylaws adopted in Canada has increased to a total of seventy-five. When all the current regulations and bylaws come into full effect the total number of Canadians that will be affected by a pesticide bylaw will be almost thirteen million, or approximately 42% of Canada's population (www.beyondpesticides.org). Municipalities of all sizes have passed a pesticide bylaw. The largest is the City of Toronto with a population of 2.48 million and the smallest being Sainte-Paule, Quebec with a population of only 199 citizens. Every municipality in the entire province of Quebec has implemented a pesticides bylaw to protect its citizens from pesticide exposure for cosmetic purposes. See attachment for further information regarding pesticide bylaws.

AND That staff form a pesticide bylaw advisory committee to research bylaws and alternatives.

It is important to obtain public input on pesticides, alternatives, bylaws and options from people who are affected by pesticides. An advisory committee should consist of staff (Environment, Parks, Roadways and Bylaw Enforcement), residents, Public Health, commercial spray operators and environmental organizations. Advisory committees have been effective in other communities to help direct staff towards the development of a successful pesticide reduction plan.

City's Spraying of Pesticides

Currently, City Parks and City Roadways use pesticides on public property. On January 9th the Urban Forestry Supervisor reported to Council regarding the Integrated Pest Management Program which stated that 92% of pesticides used in our parks are exempted from the BC Integrated Pest Management Act, as they are environmentally friendly alternatives. City Roadways currently contracts out their pesticide application to a commercial spray operator to maintain their crack and crevice program. Roadways, in consultation with Environment and Parks staff, are considering potential for further pesticide reduction. In 2006 Roadways is going to explore alternatives such as EcoClear, a product that contains acetic acid (vinegar) and citric acid, heat and "super heated" water for their crack and crevice program.

Conclusion

In conclusion, Kelowna's Environment Division believes the above recommendations for Council's consideration are essential for being proactive in reducing pesticides use in our community. These changes and work plan are funded through approved 2006 budget.

Michelle Kam and Danielle Drieschner
Watershed Coordinators

Mark Watt
Environment and Solid Waste Manager

cc: Director of Works and Utilities
Parks Manager
Urban Forestry Supervisor
Roadways Manager

Background Regarding Pesticide Bylaws in Canada

At this time, the number of municipal pesticide bylaws adopted in Canada has increased to a total of seventy-five. Numerous municipalities have been adopting bylaws since the Supreme Court of Canada upheld Hudson, Quebec's bylaw banning the cosmetic use of pesticides within the town's limits.

The background into this decision began in May 1991, when the town of Hudson, Quebec passed a bylaw banning the cosmetic use of pesticides within the town's limits, in an effort to protect the health of Hudson residents. Two lawn pesticide companies were caught spraying pesticides in blatant violation of the bylaw, and were charged. Outraged, the pesticide companies challenged the municipality's authority "to forbid an activity legally authorized by a federal or provincial law." The Quebec court ruled in favour of Hudson.

The companies then appealed to the Quebec Superior Court. The Superior Court supported the earlier decision. Unwilling to let the matter die, the companies, undoubtedly backed by larger chemical manufacturing and distributing interests, pushed the case to the Supreme Court.

Their challenge was dismissed, with costs, by the Supreme Court of Canada in June, 2001. The Supreme Court of Canada upheld Hudson's bylaw 207, which bans pesticide use on public and private property for cosmetic (purely aesthetic) purposes. Therefore, municipalities have the right to protect the health of their residents against environmental threats.

In British Columbia, Vancouver, West Vancouver, Port Moody and Gibsons have all adopted pesticide bylaws. Additionally, North Vancouver (District and City), New Westminster, Nelson and Cumberland have drafted bylaws pending adoption. The amount of residents in these areas equals 808,000.

Pesticides and Our Environment

Pesticides contribute to point source pollution and non-point source pollution. A point source of pollution is a source such as an urban water collection system outfall which discharges pesticide-contaminated water at a specific location. A non-point source, for example, is one which discharges soil and water contaminated by pesticides into the aquatic environment. Once in the environment, certain pesticides break down relatively quickly, whereas others persist over longer periods of time and can accumulate or transform into contaminant by-products. In addition to movement through soil, pesticides can be mobilized by precipitation and wind (www.parl.gc.ca). Some pesticides are carried by wind in the form of vapour, particles or droplets, which enable them to be transported long distances from their source.

Pesticides and Our Health

Several organizations including the Ontario College of Family Physicians, The Sierra Club of Canada, Canadian Cancer Society and the Canadian Environmental Law Association are actively promoting the reduction of pesticides. A review by the Environment Health sub-committee of the Ontario College of Family Physicians has concluded that "people [should] reduce their exposure to pesticides wherever possible." They also state that children and pets are particularly vulnerable to pesticides.