
CITY OF KELOWNA

MEMORANDUM

Date: March 12, 2008
File No.: 5280-05
To: City Manager
From: Environment and Solid Waste Manager
Subject: Pesticide Education and Bylaw Update

RECOMMENDATION:

THAT Council receive, for their information, the Pesticide Education and Bylaw Update;
AND THAT Bylaw No. 9920 is brought forward for reading consideration.

BACKGROUND:

On December 10th, 2007 Council endorsed the "Revised" Option 2 Pesticide Reduction Strategy (attach 1). The following is a summary of those specific items, additional information on PlantHealth BC and agency correspondence:

EDUCATION

"Be Pesticide Free" Education Campaign

In 2008, the "Be Pesticide Free" education campaign will be developed with input from a marketing company. They will create media ads for print, radio and TV, an educational brochure and an innovative promotional item. A Co-op student will be implementing the "Be Pesticide Free" education campaign and bylaw awareness from May to September through farmer's markets, public events and booths at retailers and garden centers.

Pesticide Reduction Workshop for Landscapers and Pest Control Industry

On March 25th the Environment Division and the BC Landscape and Nursery Association will co-host a Pesticide Reduction Workshop for Landscapers and Pest Control Industry in Council Chambers. The purpose of this informative session is to update landscapers and the pest control industry regarding the upcoming City of Kelowna pesticide bylaw, provincial and federal regulations, Integrated Pest Management techniques and green landscaping opportunities. An additional workshop with similar presentations will be held later in 2008 for retail outlets and garden centers.

Baseline Pesticide Survey

Kettle Valley Research recently completed a telephone survey regarding lawn care practices and pesticide usage in the City of Kelowna. This survey created baseline data of pesticide use and has determined the percentage of homeowners versus certified applicators who are applying pesticides to residential properties. This survey determined that 49% of households had used a chemical pesticide in the last two years.

R

BYLAW

Pesticide Bylaw

Option #2 (attach 1) that Council choose on Dec. 10 included implementation of a Pesticide Bylaw restricting the use of cosmetic, non-essential pesticides partnered with a comprehensive "Be Pesticide Free" education campaign, with an exemption for certified applicators to continue to use pesticides.

The bylaw has the exemption for certified applicators and is intended to regulate that application and public application of pesticide on residential properties.

The bylaw has excluded City property and utility corridors, pest management on land used for agriculture or forestry, structural pesticide application, fruit and vegetable gardens, and noxious weed/insect control.

The bylaw will require ongoing education and will have some costs associated with implementation in 2009 however the 2008 program will provide a very strong indicator of acceptance and compliance.

Bylaw No. 9920, a bylaw to regulate the use of Pesticides, was prepared for Council's consideration. It meets the criteria and requirements that were endorsed by Council on December 10th, 2007 and is for Council consideration.

When the bylaw is endorsed by City Council, it will be forwarded to CORD and member Municipalities for their consideration.

PlantHealth BC

On December 10th, 2007 Council endorsed Kelowna Parks Division to pursue PlantHealth BC accreditation in 2008 and for City staff to encourage private industry to also pursue accreditation.

Parks will continue to be committed to pesticide reduction and will ensure that all staff are trained through PlantHealth BC.

Correspondence with Federal and Provincial Governments

Additionally, Council has requested a letter be sent to the Provincial and Federal Minister of Environment asking for their support on the action City Council has taken regarding the Pesticide Reduction Strategy (attach 2).

INTERNAL CIRCULATION TO:

Director of W & U, Environment Division Supervisor.

LEGAL/STATUTORY AUTHORITY:

Pesticide Bylaws are local government jurisdiction and legal in Canada.

EXISTING POLICY:

See attach.1 for alternative recommendation (Option 2).

PERSONNEL IMPLICATIONS:

Hiring of 1 seasonal employee/contractor to administer the education and/or permitting program.

COMMUNICATIONS CONSIDERATIONS:

Marketing and Media Plan in progress

FINANCIAL/BUDGETARY CONSIDERATIONS:

A budget review of existing costs and proposed costs is complete. It is anticipated there will be a small percentage increase for 2009 budget.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS: n/a
TECHNICAL REQUIREMENTS: n/a
EXTERNAL AGENCY/PUBLIC COMMENTS: n/a
ALTERNATE RECOMMENDATION: n/a

Submitted by:



Mark Watt, Environment and Solid Waste Manager

Approved for Inclusion:  Director of Works and Utilities

Attachments:

1. Alternative Council Recommendation (Option 2), Dec. 10, 2007.
2. Correspondence with Federal and Provincial Government

**Attachment 1
Alternative Bylaw Recommendation (Option 2)**

REVISED: Option 2: Implementation of a Pesticide Bylaw restricting the use of cosmetic, non-essential pesticides partnered with a comprehensive "Be Pesticide Free" education campaign, with an exemption for certified applicators to continue to use pesticides.

The Kelowna Parks Division will pursue PlantHealth BC accreditation in 2008 and City staff will encourage private industry to also pursue accreditation. Once PlantHealth BC is deemed successful by City staff, an amendment will be recommended to Council in 2008 to require mandatory PlantHealth BC accreditation for all pesticide applicators as part of the Pesticide Bylaw.

The bylaw if **Option 2** is recommended would come into effect in 2009.

Cost: \$90,000 (ongoing) plus \$10,000 (additional Parks training and administration in 2008)

Level of Anticipated Effectiveness: Low to Moderate

Attachment 2
Correspondence with Federal and Provincial Governments

December 20, 2007
File: 0430-01

The Honourable John Baird
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

Dear Mr. Baird:

On December 10, 2007, Kelowna City Council approved a Pesticide Bylaw restricting use of cosmetic, non-essential pesticides except by certified applicators. This bylaw will be introduced with a significant Be Pesticide Free education campaign commencing in 2008 with the bylaw enacted in 2009.

As part of this bylaw, Kelowna Council also authorized the City's Parks Division to pursue PlantHealth BC accreditation in 2008 and City staff will encourage private industry to also pursue this accreditation. PlantHealth BC is an independent program operating out of the Institute of Sustainable Horticulture at Kwantlen University College (Langley, B.C.) which focuses on industry, NGOs and government agencies to participate in a new Pest Management Accreditation Program. This program's objectives include encouraging widespread responsible pest management in BC by holding users accountable to a high standard of practices for weed, disease and insect control.

The City of Kelowna bylaw also includes a directive that, once PlantHealth BC is deemed successful by City staff, an amendment will be recommended to Council in 2008 to require mandatory PlantHealth BC accreditation for all pesticide applicators as part of the Pesticide Bylaw.

City Council is taking these measures in response to increasing public support for a ban on cosmetic pesticide. Unfortunately, a ban on the use of cosmetic pesticides in Kelowna does not mean residents cannot purchase these pesticides. Since pesticide registration is regulated by the Federal Government, Kelowna Council respectfully requests your ministry give consideration to promoting the following:

- That all cosmetic pesticides are re-tested as per the updated standards in a timely manner, and
- That all cosmetic pesticides deemed to be have harmful impacts to the environment and human health be immediately removed from the market, and
- That public accountability be maintained by ensuring the Pesticide Management Regulatory Agency to effectively operate.

With more and more municipalities enacting Pesticide Bylaws (40% of Canadian communities are protected with a pesticide ban of some kind), support from the Federal Government in ensuring that only less toxic products such as those that are exempt as per the BC Integrated Pesticide Management Act (2003) be available for the public would support Canadian communities as we endeavour to preserve our environment and our health.

I look forward to hearing about your Ministry's pursuits on this topic.

Sincerely, on behalf of Council,

Sharon Shepherd
MAYOR

cc: Council
Ron Mattiussi, City Manager
Mark Watt, Environment and Solid Waste Manager
Ron Cannan, MP Kelowna Lake Country

December 20, 2007
File: 0410-20

The Honourable Barry Penner
Minister of the Environment
BC Provincial Government
PO Box 9047
STN PROV GOVT
Victoria BC
V8W 9E2

Dear Mr. Penner:

On December 10, 2007, Kelowna City Council approved a Pesticide Bylaw restricting use of cosmetic, non-essential pesticides except by certified applicators. This bylaw will be introduced with a significant Be Pesticide Free education campaign commencing in 2008 with the bylaw enacted in 2009.

As part of this bylaw, Kelowna Council also authorized the City's Parks Division to pursue PlantHealth BC accreditation in 2008 and City staff will encourage private industry to also pursue this accreditation. PlantHealth BC is an independent program operating out of the Institute of Sustainable Horticulture at Kwantlen University College (Langley, B.C.) which focuses on industry, NGOs and government agencies to participate in a new Pest Management Accreditation Program. This program's objectives include encouraging widespread responsible pest management in BC by holding users accountable to a high standard of practices for weed, disease and insect control.

The City of Kelowna bylaw also includes a directive that, once PlantHealth BC is deemed successful by City staff, an amendment will be recommended to Council in 2008 to require mandatory PlantHealth BC accreditation for all pesticide applicators as part of the Pesticide Bylaw.

City Council is taking these measures in response to increasing public support for a ban on cosmetic pesticide. Unfortunately, a ban on the use of cosmetic pesticides in Kelowna does not mean residents cannot purchase these pesticides. Since pesticide sales are regulated by the Provincial Government, Kelowna Council respectfully requests your ministry give consideration to promoting the following:

- That cosmetic pesticides not appearing on the BC Integrated Pesticide Management Act (2003) exempt list be immediately removed from the market, and
- That a province-wide ban on cosmetic pesticide use be established.

With more and more municipalities enacting Pesticide Bylaws (40% of Canadian communities are protected with a pesticide ban of some kind), support from the Provincial Government in ensuring that only products that are exempt as per the BC Integrated Pesticide Management Act (2003) be available to the public would support Canadian communities as we endeavour to preserve our environment and our health.

I look forward to hearing about your Ministry's pursuits on this topic.

Sincerely, on behalf of Council,

Sharon Shepherd
MAYOR

cc: Council
Ron Mattiussi, City Manager
Mark Watt, Environment Manager
MLA Al Horning, Kelowna Lake Country
MLA Sindi Hawkins, Kelowna Mission

Reference: 96471

Her Worship Mayor Sharon Shepherd
and Councillors
City of Kelowna
1435 Water St
Kelowna BC V1Y 1J4

Dear Mayor Shepherd and Councillors:

This is further to my acknowledgement letter to you of January 9, 2008 regarding the City of Kelowna's intended new pesticide bylaw. In your letter of December 20, 2007, Council requested that the Ministry of Environment give consideration to promoting a ban on the sale and use of cosmetic pesticides, other than those pesticides listed as "excluded" in the BC Integrated Pest Management Regulation (IPMR).

I wish to assure you that the ministry is committed to protecting human health and the environment in relation to the use of pesticides. The ministry conducted a public consultation and a review of pesticide use standards leading up to enactment of the new IPMR in December 2004. Ministry staff remain committed to ensuring that pesticides are used safely and only when necessary.

Pesticides can only be used in Canada if they have been evaluated and registered by the Pest Management Regulatory Agency (PMRA) of Health Canada. It is that agency's mandate to prevent unacceptable risk to people and the environment from the use of pesticides. It is PMRA which establishes conditions and limitations for the use of pesticides through extensive health and environmental reviews. PMRA has medical doctors on its advisory panel as well as expert staff who evaluate short- and long-term human health and environmental impacts. British Columbia relies on PMRA to evaluate the safety and efficacy of pesticides, and to only allow registration of products for uses that are determined to be safe.

The British Columbia Ministry of Environment administers the Integrated Pest Management Act (IPMA) which regulates pesticide use in British Columbia by setting requirements for pesticide sales, and pest control service companies, as well as for industrial and invasive pest control. The regulations set standards for use and promote the application of integrated pest management, which involves using pest prevention and alternatives to pesticides where possible. IPMA has not been used to ban the sale or use of pesticides registered by PMRA, but can impose requirements and limitations on specified pesticides.

Authority has been granted under the BC Community Charter Act to allow municipalities to enact bylaws to regulate the use of pesticides for the maintenance of trees, shrubs, flowers and turf on residential and municipal land. As you noted, a considerable number of municipalities have such bylaws although they are somewhat different; relating, in part, to the differing public views on this matter across the province.

In addition, ministry staff have been investigating how to support municipal bylaws, such as by banning the sale of cosmetic pesticides. There does not appear to be an easy solution to this issue because most pesticides with cosmetic uses also have non-cosmetic uses. For example, a weed control pesticide can be registered for control of weeds around garden trees and ornamental shrubs, which might be considered cosmetic pest control, and the same pesticide can be registered for control of poison ivy or other noxious weeds, which would likely not be considered cosmetic pest control.

Ministry staff are also working on a national committee to develop a classification system for domestic pesticides that would identify two types:

- a) those that should only be sold with considerable customer/vendor interaction; and
- b) those requiring less customer/vendor interaction.

The pesticides requiring less interaction would be primarily sold in containers of less than one litre or kilogram in size, and would be ready-to-use (i.e., in a squirt bottle) and not a concentrate. The ministry proposes to seek public comment on the adoption of such a national classification system for imposing restrictions on the sale of type 'a' domestic pesticides in British Columbia.

Further, the ministry is considering how best to restrict the use of lawn products which contain fertilizer and herbicide combinations, and are not compatible with the goals of Integrated Pest Management because they are broadcast over entire lawns, rather than applying a herbicide in a way that targets only the weeds.

Thank you again for informing me of the actions taken by the City of Kelowna, and your views on the role that should be considered by the Ministry of Environment to regulate pesticides. The ministry's role is also being considered within the regulatory framework of the three levels of government. Ministry staff are carefully monitoring these municipal actions, and researching additional steps that can be taken by the Government of British Columbia regarding the use of pesticides for cosmetic pest control, as we pursue our mutual goals of protecting human health and the environment.

Sincerely,

Barry Penner
Minister

pc: Sindi Hawkins, MLA (Kelowna Mission)
Al Horning, MLA (Kelowna Lake Country)
Ron Mattiussi, City Manager, City of Kelowna
Mark Watt, Environment Manager, City of Kelowna