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Ministry of Environment      \*\*\* **BY EMAIL ONLY @ CINDYBERTRAM@SHAW.CA** \*\*\*  
c/o Cindy Betram,  
PO Box 28159 Westshore RPO,  
Victoria B.C. V9B 6K8

Dear Sirs/Mesdames:

**Re:    Amendments to Integrated Pest Management Regulations**

It was only two years ago that Premier Christie Clark assured British Columbians that she has supported a ban on cosmetic pesticides “for years” and promised that her government would deliver such a ban.<sup>1</sup> But much has happened in those two years, and your office is instead consulting on regulations that will allow continued cosmetic pesticide use, but limit the application to commercial lawn care companies or other licenced applicators. This approach fails to solve many of the problems associated with cosmetic pesticide use and ignores the wishes of the vast majority of British Columbians.

**Support for a Ban**

We note that Ontario, Quebec and the Maritime Provinces have all banned the use of cosmetic pesticides, as have 40 municipalities across BC. In 2011 both the Premier and the Opposition agreed that a ban was the solution.<sup>2</sup>

British Columbians have consistently favoured a ban over an attempt to regulate cosmetic pesticide use. Polls show that 76% of British Columbians favour a ban,<sup>3</sup> and members of the public who engage in government consultations have consistently favoured a ban.<sup>4</sup> A ban is supported by a wide range of health and environmental organizations, including the Canadian Cancer Society and the Canadian Association of Physicians for the Environment.

Most recently, the Special Committee on Cosmetic Pesticides invited public comments and reported that:

Of the 7,300 people who responded to the [Committee’s] e-questionnaire ... [a]lmost 5,000 supported a ban on the sale and use of pesticides for cosmetic purposes. Their reasons for supporting a ban, ranked in order of most to least common, were: pesticides are harmful to

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<sup>1</sup> A. McLeod. Ban on cosmetic use of pesticides coming: Premier. Available at <http://theyee.ca/Blogs/TheHook/BC-Politics/2011/05/04/PesticidePromise/>.

<sup>2</sup> Ibid.

<sup>3</sup> <http://www.civicgovernance.ca/node/791>.

<sup>4</sup> <http://wcel.org/resources/environmental-law-alert/provincial-consultations-show-88-support-cosmetic-pesticide-ban>.

the environment; pesticides pose a risk to human health; there are safer alternatives on the market; to promote consumer safety; and to reduce the reliance on pesticides.<sup>5</sup>

Despite the fact that 69% of the respondents to the Committee's survey favoured a ban, the government is claiming that its "licensed users" approach, which definitely is not a ban, is aimed at "address[ing] concerns expressed in recent consultations on the cosmetic use of pesticides conducted by the Ministry and the Special Committee of the Legislature on Cosmetic Pesticides."<sup>6</sup> In this round of consultations, the Committee discussed the possibility of licensing cosmetic pesticide use and a significant majority of respondents to the survey made it clear that increased regulation was not their preferred approach.

### **The problems with licensed applicators**

From a health and environmental perspective we see a host of problems with the government's licensed user approach, and only one possible advantage.

The advantage is that the actual application of pesticides will be done by people who (due to their training) should be able to understand, and presumably follow, the pesticide labels – which is essential to minimizing the risks posed by pesticides. Arguably the additional cost of paying for lawn care companies might dissuade some people from applying pesticides, or convince them to use the safer alternatives exempted from the new rules.

Although it might seem intuitive that using licensed applicators would result in a reduction in the amount of pesticides used, there is no evidence that past government efforts to require applicators to use "Integrated Pest Management" (a planning system for pesticide use) has actually resulted in reductions in the quantity of pesticides used. The Ministry of Environment stopped publishing reports on amounts of pesticides used in BC shortly before the province's new *Integrated Pest Management Act* came into force, and despite promises made to us, have not provided an updated report.

Now consider the many down-sides:

**Pesticides used in close proximity to families, children and pets** - Children and pets, as well as pregnant women and others who are vulnerable to pesticide exposure, are likely to come into contact with pesticides used on lawns and in yards. One need only read pesticide labels to realise that these are dangerous substances which should not be used lightly. Consider this condition (which seems to rely on especially compliant children or alert parents), which appears on some domestic pesticides: "Do not allow others such as children and pets on treatment area during application or to re-enter treated areas until spray has dried."

Each year there are over 6000 reported pesticide poisonings in Canada, 2832 of which involve children.<sup>7</sup> 190 children are reported poisoned in BC each year (of 436 reported pesticide poisonings). It is well documented in the U.S. that pesticide poisonings are frequently misdiagnosed and substantially under reported, so the actual figure is likely much higher.

**Pesticides entering the environment** - Ontario's ban on cosmetic pesticides resulted in a dramatic drop in the levels of pesticides being detected in urban streams. The Ontario Ministry of Environment discovered one year after its ban went into effect:

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<sup>5</sup> <http://www.leg.bc.ca/cmt/39thparl/session-4/cp/reports/PDF/Rpt-CP-39-4-Report-2012-MAY-17.pdf>.

<sup>6</sup> Ibid. The Committee's report did not provide a break-down on the views of submissions that did not make use of the survey provided.

<sup>7</sup> <http://www.davidsuzuki.org/publications/downloads/2007/DSF-pesticide-poisoning.pdf>.

Concentrations of 2,4-D, dicamba, MCPP, total phenoxy herbicides and total insecticides were significantly lower in 2009 [a year after the ban was implemented] and a decrease in carbaryl concentrations approached statistical significance. Depending on the stream, median and maximum concentrations of 2,4-D, dicamba and MCPP were up to 94% (mean 67%) and 97% (mean 65%) lower in 2009, respectively.<sup>8</sup>

**Stronger, more dangerous pesticides may be used** - Some lawn care companies apparently view themselves as providing a commercial service, and thus use “commercial” pesticides on lawns, rather than the “domestic” pesticides that federal government considers appropriate for residential users. Commercial pesticides are often stronger and more hazardous than pesticides registered for domestic use. Take, for example, the pesticide Par III, which contains Mecoprop-P<sup>9</sup>, 2,4-D<sup>10</sup> and Di-Camba<sup>11</sup>, the label for which says (among other things):

Toxic to small wild mammals, birds, aquatic organisms and non-target terrestrial plants. TOXIC to broadleaf terrestrial plants. ... The use of this chemical may result in contamination of groundwater particularly in areas where soils are permeable (e.g., sandy soil) and/or the depth to the water table is shallow.

At least one lawncare company that operates in BC, Canadian Lawn Fertilization, actually advertises its use of Par III for lawns on its website,<sup>12</sup> and we’re aware of other lawn care companies using this pesticide on residential lawns and school yards. It is not entirely certain that this is legal (since the pesticide is supposed to be used on “turf”, not lawns), but it has been described to us by Health Canada staff as an area where there is some “wiggle room.” British Columbians will object to being subjected to commercial class pesticides in a residential context.

**A patchwork of regulations** - One of the arguments for a provincial cosmetic pesticide ban is that 40 municipalities across the province already ban cosmetic pesticide use, creating a patchwork of rules. The proposed regulations will allow local governments to “opt-out” of the provincial rules. That apparently means that those municipal bans can continue – but also that local governments can decide to weaken the provincial requirements – allowing a wider range of unlicensed pesticide uses.

**Ongoing conflicts between neighbours** – In our experience, cosmetic pesticide use can be a major source of conflict between neighbours. Since the new regulations would require notice of pesticide use to be posted (a good thing), but provides no recourse for neighbours who are concerned about that pesticide use (except to avoid the treated area or take personal precautions), we believe that increased conflicts may result.

**Difficulty of enforcement** – A ban on cosmetic pesticide use is easy to monitor and enforce, while a system which requires licensed applicators to comply with technical legal requirements and license conditions is not. Since the *Integrated Pest Management Act* was brought into force in 2007 there has never been a conviction under the Act (54 tickets for \$575 each, and 4 enforcement orders, have been issued).<sup>13</sup> For a lawn care company, a \$575 ticket could become simply a cost of doing business.

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<sup>8</sup> [http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/stdprod\\_080108.pdf](http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/stdprod_080108.pdf)

<sup>9</sup> [http://www.pesticideinfo.org/Detail\\_Chemical.jsp?Rec\\_Id=PC36209](http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC36209)

<sup>10</sup> [http://www.pesticideinfo.org/Detail\\_Chemical.jsp?Rec\\_Id=PC33374](http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33374)

<sup>11</sup> [http://www.pesticideinfo.org/Detail\\_Chemical.jsp?Rec\\_Id=PC32872](http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC32872)

<sup>12</sup> [http://www.puregrow.ca/healthy\\_lawn\\_tips.php](http://www.puregrow.ca/healthy_lawn_tips.php)

<sup>13</sup> Information from <https://a100.gov.bc.ca/pub/ocers/searchApproved.do?submitType=menu>

That's a lot of problems arising from allowing the use of pesticides on lawns and yards. In our view such pesticide use is unnecessary and encourages other land owners to use pesticides (resulting in increased use).

### **Conclusion**

We have chosen not to address each and every point of the proposed regulations, for the simple reason that to do so would miss the fundamental problem with this legislation – it does not solve the problems posed by cosmetic pesticide use and it does not reflect what British Columbians have told you in several rounds of public consultation. British Columbians want and deserve a ban.

We call on you to abandon the licensing approach proposed in the Intentions Paper and instead deliver on a cosmetic pesticide ban, as has been promised by the Premier.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gage". The signature is fluid and cursive, written in a professional style.

Andrew Gage,  
Staff Lawyer  
West Coast Environmental Law Association