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Response to the Public Consultation Paper on Cosmetic Use of Pesticides

**Pesticide-Free CRD
February 15, 2010**

- 1.1 What are your thoughts about these objectives?**
- 1.2 How should these objectives be applied in developing policy and/or legislation to further safeguard the environment from cosmetic use of pesticides?**

Protection of Human Health and the Environment

This objective is of paramount importance and should take precedence over all the other objectives. The non-essential or cosmetic use of pesticides is unnecessary, so given there are strong indications in the scientific literature that many pesticides have negative impacts on both human health and the environment, the BC government should apply the Precautionary Principle and ban the sale and use of those pesticides. The precautionary approach should be the overarching guide for all pesticide-use decisions; there is overwhelming evidence to support this approach.

Having a science-based approach

Clearly, all decisions around health and the environment are informed by the best available science. However, scientific opinions vary markedly, for a lot of reasons, including that much of the research is funded and conducted by organizations and companies with a vested interest in the result. The notion that one could stack the scientific papers up on a desk in support of, or not in support of the use of a particular pesticide and the highest pile would "win" and that is how the decision would be made is ridiculous. In reality, the different scientific results are considered and the ultimate decision is a really a social one.

Hence, we do not accept this objective because we believe that the approach to the cosmetic use of pesticides should be informed by science but not based on science and should be founded in the Precautionary Principle.

Supporting the practice of Integrated Pest Management (IPM)

We do not support the practice of IPM for cosmetic uses of pesticides.

In the 1960s and 1970s, IPM was welcomed as a way to reduce the amount of pesticides used. It was motivated primarily by rising costs, in particular the increase in the cost of petrochemical products — oil and natural gas.

IPM programs have clearly resulted in the reduction in the use of pesticides, but they are often problematic because they more often than not result in the use of pesticides, because the IPM decision-making process is a very subjective and not particularly scientific.

The problem with IPM is exacerbated when dealing with the cosmetic use of pesticides because how do you determine a “threshold of damage” when you are talking about the appearance of shrubs or lawns?

There has been a tendency in IPM programs when choosing the “least toxic” alternative control, to instead choose the least costly option, which is usually a chemical insecticide.

IPM paints practitioners into a corner and makes it more difficult to move towards a long-term goal to eliminate all harmful pesticides.

We believe that the provincial government should enact legislation that bans the use and sale of pesticides for cosmetic purposes and hence it makes little sense to invoke IPM.

Being appropriate or effective

The most effective and appropriate way to protect human health and the environment from the cosmetic use of pesticides is to ban their sale and use.

Providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests

It is not all that clear what this objective means.

Cost-effective compliance and enforcement

An outright ban on the sale and use of cosmetic pesticides is far easier to enforce than regulations that allow use of pesticides under limited circumstances. In many cases compliance will arise from the restrictions on the sale of pesticides intended primarily for cosmetic pesticide use.

Cost effectiveness is important but all costs and benefits, not just the financial ones, need to be factored into the decision.

2.1 Do you have any comments regarding new restrictions addressing the cosmetic use of pesticides?

2.2 How would you define “cosmetic use of pesticides”?

2.3 Are there any business sectors or particular uses that you feel should not be subject to restrictions on the “cosmetic use of pesticides”? If yes, what is your rationale for recommending exclusion of these sectors or uses?

The “cosmetic use of pesticides” refers to those pesticides used to improve the appearance of lawns, gardens, ornamental trees and shrubs, parks, sports fields, and other elements of landscaping such as controlling weeds between sidewalk cracks. The cosmetic use of pesticides does not involve controlling pests that constitute a danger to human beings. Cosmetic pesticide use is non-essential and unnecessary.

Pesticide-Free CRD supports a ban on the use and sale of pesticides for cosmetic purposes. Provincial legislation should be comprehensive and include private and public lands, including municipal, residential and commercial areas. Provincial legislation should be accompanied by a strong education program informing the public about the potential risks associated with the use of chemical pesticides, alternatives, and on how to safely dispose of unused pesticides. The legislation should be fully implemented in 2011.

Currently, municipalities have the ability to regulate the cosmetic use of pesticides. While new provincial legislation may regulate the sale and use of pesticides for cosmetic purposes, it should continue to affirm a municipality’s ability to adopt bylaws dealing with “cosmetic pesticides,” and state that in a situation of conflict, the most restrictive law should prevail. Our concern is that if the province adopts what we would consider “weak” legislation, we would hope that individual municipalities would have the ability to introduce or maintain “stronger” legislation.

It would of course be considerably more cost-effective to have strong provincial legislation that would eliminate the need and considerable costs associated with each municipality adopting its own bylaw.

Agricultural and forestry applications are generally beyond the scope of regulatory restrictions on the cosmetic use of pesticides.

We do recommend that the golf industry be given a three-year phase out time for adaptation to new regulations. This will allow the golf industry to open their market to alternative products that have been successful in other countries and in Canada. There are a number of golf courses including the Blackburn Meadows Golf Club on Saltspring Island, and the Granby River Golf Course located in Grand Forks BC that maintain completely pesticide-free operations. We see no particular reason for golf courses to be exempt from a phase-out of cosmetic pesticide use. We note that the technology exists

to manage landscapes, even on this scale, without having to resort to the use of chemical pesticides.

3.1 Do you feel that creating additional classes of pesticides would be an effective way to regulate pesticides used for cosmetic purposes? Why or why not?

3.2 If you do recommend the establishment of new classes of pesticides for regulation, what criteria would you suggest for establishing categories and assigning pesticides to particular categories?

We do not support allowing chemical pesticide use, but would support a “white list” that specified a small number of safe, non-synthetic pest control options.

If regulatory restrictions allow for the use of otherwise banned pesticides when necessary to protect public health and safety, it may be useful to set out a limited class of pesticides that can be used and sold under this exemption, and to establish conditions for their retail display and sale.

3.3 What rules would you recommend for the sale and use of pesticides in any new categories?

Only pesticides containing exclusively low-risk ingredients should be available for sale and allowed for cosmetic purposes. The PMRA list of biopesticides is a useful reference. Other pesticides should not be sold or used if the only labelled use is cosmetic. If the labelled use includes both cosmetic and other applications, the pesticide should not be used for cosmetic purposes and sales should be restricted.

3.4 What suggestions or recommendations do you have to address products or product types involving a pesticide that may have both cosmetic and non-cosmetic uses?

Pesticides that are solely for cosmetic use should be banned from sale. All other pesticides, other than those on a list of allowed pesticides, should only be sold to licensed pesticide applicators.

Many pesticide active ingredients are sold under a different name and registration depending on how they are used. For example the same active ingredient could be in products that are sold for domestic or agricultural purposes.

Retailers should have an obligation to inform customers of legal restrictions on the use of these products.

4.1 If pesticides are to be used, do you feel that people who apply pesticides to their own property for cosmetic purposes require any special training? If so, what training do you think is needed?

We support a comprehensive ban on the use and sale of chemical pesticides for cosmetic purposes. Under this sort of legislation, there is no need for training.

4.2 Do you feel that pesticides should only be used if an Integrated Pest Management (IPM) program has been undertaken? Do you have any comments or suggestions for the ministry to improve the effectiveness of IPM training or requirements in relation to the cosmetic use of pesticides?

We do not support the IPM approach and feel that it has allowed pesticide applicators the ability to continue with “business as usual.” If the provincial government embraced the Precautionary Principle, as have many agencies and jurisdictions throughout the world including the United Nations, the long-term goal of all of the province’s regulatory processes would be the banning of the use of toxic pesticides for all uses.

5.1 Do you have any comments or suggestions regarding appropriate notification and/or signage when a pesticide has been used (for cosmetic purposes)?

5.2 Would you want to be informed if a neighbour is intending to use a pesticide (for cosmetic purposes)? If yes, how and when should notification be required?

We support a comprehensive ban on the use and sale of chemical pesticides for cosmetic purposes. Under this sort of legislation, there is no need for signage or notification.

If however the ministry chooses not to support a ban, then clearly signage and notification are very important.

6.1 Do you have any comments or recommendations regarding existing or new requirements governing the sale of pesticides that could be used for cosmetic purposes?

We support a comprehensive ban on the use and sale of chemical pesticides for cosmetic purposes, where only a “white list” of low-risk products is available for sale and cosmetic use.

6.2 Do you feel that public access to all or specified classes of pesticides should be restricted or controlled? If yes, in what ways should access be restricted?

Yes. The sale of prohibited cosmetic chemical pesticides (non-white listed products) should be banned. Public access to pesticides for non-cosmetic uses should be restricted (i.e., sold behind the counter, or locked and accompanied with educational material on the appropriate and legal use). The Ministry of Environment should consider reporting requirements to track the retail sale of restricted pesticides in order to evaluate the effectiveness of new restrictions.

6.3 Should vendors be required to provide information to prospective purchasers of a pesticide prior to sale? If yes, what information should be provided and how?

Pesticides that remain available for sale because they have a valid non-cosmetic use should only be sold to licensed applicators.

6.4 Do you feel that sales of pesticides intended to be used for cosmetic purposes should be restricted to buyers who hold special authorization or training? If yes, what authorization (e.g., licensing) and/or training would you recommend?

We support a comprehensive ban on the use and sale of chemical pesticides for cosmetic purposes and therefore a requirement for training that allows for the continued cosmetic use of pesticides would be inconsistent.

7.1 Do you have any comments or suggestions regarding public awareness and/or education programs addressing the cosmetic use of pesticides (e.g., examples, target audiences, media campaigns)?

Provincial prohibitions on the sale and use of cosmetic chemical pesticides will increase public awareness as retailers and lawn care providers shift to promoting alternative products. A provincial education program should address alternatives to pesticide use on lawns and gardens. A provincial education campaign should also include the potential health and environmental impacts of pesticides, as well as safe disposal of leftover pesticides. The BC government should draw on the expertise and experiences of a number of municipalities and regional districts that have already developed excellent educational campaigns.

7.2 Do you have any comments or suggestions for supporting compliance and cost-effective enforcement of any new restrictions on the cosmetic use of pesticides?

New provincial prohibitions on the sale of pesticides for cosmetic uses will facilitate enforcement. Education will also encourage people to safely dispose of unused pesticides and switch to alternative practices.

8.1 Do you have any additional comments or suggestions for the ministry regarding statutory protections to safeguard the environment from the cosmetic use of chemical pesticides?

New provincial restrictions on cosmetic pesticides should retain a municipality's authority to adopt and enforce additional restrictions or requirements.

We encourage the BC government to move quickly with legislation this year that is fully implemented in 2011.

Banning the cosmetic use of pesticides is the first step in a series of actions the provincial government should take to reduce the public's exposure to pesticides throughout the province.

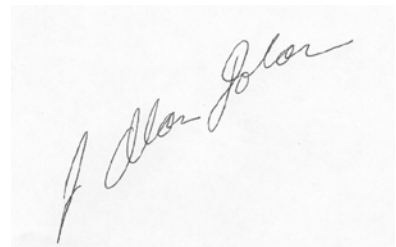
Pesticide-Free CRD is a coalition of organizations and individuals in the Capital Regional District (CRD) that is concerned with the use of pesticides in our community.

Our mission is to protect the health and environment by eliminating the use of all unnecessary pesticide products.

The coalition:

- Advocates for bylaws that restrict the non-essential use of pesticides
- Promotes education programs that provide information to the public on alternative methods for managing pests
- Supports all initiatives that reduce our community's exposure to pesticides

This response was submitted on behalf of Pesticide-Free CRD by:



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