

**Halifax Regional Municipality
Pesticide By-law P-800
Respecting the Regulation of Pesticides, Herbicides
and Insecticides**

2002 Overview

December 2002

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**Pesticide By-law P-800 Respecting the Regulation of
Pesticides, Herbicides and Insecticides
2002 Overview**

Section 1

Introduction, Brief History

By-law P-800, Respecting the Regulation of Pesticides, Herbicides and Insecticides became effective August 19, 2000.

A very general overview of the implementation stages is as follows:

Year 1 (2000/01): Ban on cosmetic use of pesticides on municipal property and commencement of public awareness programs.

Years 2 & 3 (2001/ 02): Commencing April 1, 2001, a ban on cosmetic use of pesticides on residential properties located within a 50 metre radius of:

- a property registered as being occupied by persons at risk who provide medical documentation;
- the boundary of any property containing any schools, licenced day care, playground, park, church, licensed seniors' residence, university or hospital.

Year 4 (2003): Commencing April 1, 2003, a general ban on the cosmetic use of pesticides would apply to all properties in HRM affected by the By-law.

The **2001 Overview Report**, which is available on-line at www.region.halifax.ns.ca (follow the Naturally Green icon to the Pesticide By-law web site) contains a brief history leading up to the Pesticide By-law and an executive overview of the 2001 programs and initiatives.

The intent of this document (2002 Overview) is to provide the reader with a general overview of 2002 related activities.

It is presented in 5 Sections (Introduction, Operational Overviews, Costs/ General Administration, Community Feedback and Key Points for 2003 - 04) in order to help provide an organized and chronicled description on how the various components were put in place, managed and carried out.

Section 5 (Key Points for 2003-04) highlights the major changes for 2003 - 04 with the full ban on affected properties (residential use, municipally owned) to come into effect April 1, 2003.

Section 2

Operational Overviews

By-law Enforcement

This pesticide by-law enforcement report provides an overview of year two enforcement from April 1, 2002 to November 1, 2002. The Report also provides a comparison to the enforcement efforts of year one 2001 to year two 2002.

During both 2001 and 2002, the cosmetic use of pesticides was prohibited on residential properties located within a 50-metre radius of registered properties, and buffered properties. During both summer periods, the Community Projects business unit was responsible for enforcement.

Enforcement Strategy

The enforcement strategy for the pesticide by-law has been in accordance with the Regional Council approved Pesticide By-Law Enforcement Policy. This policy provided the strategic direction that:

- Enforcement of the by-law will be reactive to complaints received and preventative enforcement patrols seeking violations will not be undertaken;
- Response times to complaints will depend upon location of the alleged violation and resources available. It is anticipated that given the staffing levels and the size of the municipality, staff will typically arrive after the alleged application has been applied;
- Investigation into alleged violations will rely primarily upon eye witness testimony and physical evidence such as product containers;
- General Environment Canada weather reports will be utilized to determine alleged violations of the by-law's weather restriction. As a result micro-climate information will only be available through eye witness testimony.

For alleged violations, Council direction provided that:

- The first approach to achieving compliance with the by-law will be through attempted education, mediation and persuasion of alleged violators;
- Repeat violations will be ticketed and/or prosecuted where sufficient evidence is available to support such action.

Transition Year Strategy

During year one of enforcement, staff analyzed trends and monitored closely the number of complaints received and enforcement response required. This analysis was of great use when enforcement for year two commenced. Recognizing that commencing April 1, 2003 the cosmetic use of pesticides on residential properties will be prohibited, year two enforcement became a transition year for enforcement. During the past pesticide season enforcement was provided seven days a week. Resources dedicated to enforcement were full-time uniformed municipal by-law enforcement officers and a member of the Canadian Corps of Commissionaires who was

responsible for pesticide enforcement last year. The transition allowed for municipal union employees to gain expertise and understanding of the pesticide by-law. This experience enabled the municipality to gain the required understanding to enforce the pesticide by-law commencing April 2003 with full-time staff.

In addition to having full-time staff gain experience relative to pesticide enforcement; receipt of complaints, case file management and resolution for pesticide complaints were brought into line with the policy and procedures utilized for all other incoming by-law complaints. This resulted in pesticide complaints being received by the Corporate Call Centre and entered into the municipal by-law complaint-tracking database. This transition allowed for more effective managing, auditing of complaint response and resolution. This year, enforcement actions taken in response to pesticide complaints were in accordance with business unit procedures. One result of this was that standardized written forms (Inspection Reports) were served to alleged offenders.

Operational Activity

The number of pesticide complaints received in year 2, between April 2, 2002 and October 24, 2002 was 111. This was a significant reduction almost 70% from year one, when almost 400 complaints were received in the same time period. This reduction leads staff to conclude that levels of voluntary public compliance with the pesticide by-law are very high. Comparatively, pesticide by-law complaints constitute less than 5% of complaints responded to by By-Law Enforcement Officers.

Of the 111 complaints received this past year, the majority of valid complaints were about applicators failure to post the required number of signs or posting signs 24 hours in advance of the application. In accordance with the approved enforcement strategy, Officers responding to complaints took action to achieve compliance with the by-law through providing education, mediation and persuasion of alleged violators. There do exist a small number of open cases that are currently under review. This review will determine whether sufficient evidence exists to initiate further legal action such as prosecution.

Over the next six months, the enforcement of the pesticide by-law will be reviewed, and the data and trends of the past two summers analyzed. This analysis will provide information required to make decisions about service provision in April 2003 and beyond.

Education & Awareness Programs

The overall Communications Strategy on the Pesticide By-law and the accompanying Public Awareness and Education Programs on Sustainable Gardening and Landscape Maintenance alternatives to pesticide is of paramount importance and key to the success of the corporate pesticide use reduction initiatives.

The Pesticide By-law is not a stand alone initiative. It is an integral component of a much larger corporate umbrella addressing issues of environmental sustainability.

HRM is working towards a “**Sustainable Community**” one that uses its resources wisely, reduces waste, promotes sustainable practices and provides quality services to its residents.

The Pesticide By-law therefore has been promoted in conjunction with this theme and direction.

Components (examples of 2002 initiatives)

Sustainable Gardening & Landscape Maintenance (examples)

- Train the Trainer Technical Workshops (HRM has over 100 volunteer trainers)
February & March 2002 - Workshop 1 - C. Rubin, British Columbia
Workshop 2 - T. MacKenzie, NSAC
- Public Workshops - Partnership with Halifax Regional Library and NSAC
September - October, 2002 - 5 workshops
- Pesticide By-law Web Site with considerable information and links to sustainable gardening and landscape maintenance practices.
- Series of Fact Sheets on Sustainable Gardening and Landscape Maintenance - available on-line as well.
- Fact Sheet on Administrative Order #23 - Permitted Products
- Sustainable Landscape Maintenance Calendar sent to all households in HRM through Naturally Green.
- Articles in 4 editions of Naturally Green which goes to all households in HRM.
- Educational Poster Series with National Post and Daily News.

Pesticide By-law Information (examples)

- Pesticide By-law brochure
- Pesticide By-law web site
- Corporate Call Centre
- Various fact sheets
- Information flyer to all households
- Several radio and newspaper ads and info clips
- 3 family oriented T.V. commercials on ATV (Spring, Summer, Fall 2002)
- P.S.A.'s throughout the year on major initiatives

Public Displays, Home Shows, etc. (examples)

- NS Homebuilders Home Show - Halifax Forum - March 2002 - over 16, 000 visitors
- Ideal Spring Home & Garden Show - Exhibition Park - April 2002 - over 32, 000 visitors
- Fall Ideal Home Show - Exhibition Park - October 2002 - over 32, 000 visitors
- Various smaller scale community events throughout the year

Public Education & Awareness

Partnerships

In order to maximize resources and reach as many people directly as possible, this was achieved

through internal/ external partnerships and a somewhat social marketing approach to get to the community grass roots.

Public Awareness and educational efforts included external partners such as Clean Nova Scotia, the Nova Scotia Agricultural College, Dalhousie University and internal partners included the Halifax Regional Library, Solid Waste Resources, Parks and Recreation, corporate Environmental Initiatives Committee, etc. as some examples. There were a number of other partners as well.

These partnerships helped leverage other funding, training and communication opportunities providing excellent overall value for HRM taxpayers.

Staff is presently finalizing details with our partners for the 2003 Public Education and Awareness Programs on sustainable practices. This will include at least 12-14 public workshops to be held throughout HRM next year.

Communication Plan

It is planned to continue on with Phase III of the original communications framework established in 2001, however some of the key messaging will be focussed on the full ban effective April 1, 2003, and education and awareness on sustainable gardening and landscape maintenance will continue to be a high priority as well.

Pesticide Permit Application/ Education Program

About Clean Nova Scotia

Clean Nova Scotia is a non-profit environmental organization that provides information to the public, helping them to make positive decisions about our environment. Clean Nova Scotia also delivers a variety of environmental programs in Nova Scotia and the Maritimes.

For over 14 years, Clean Nova Scotia has worked cooperatively with individuals, households, schools, businesses, government, and other organizations to secure a sustainable, environmentally healthy society for future generations to enjoy. Clean Nova Scotia has a long history of providing quality, balanced information to Nova Scotians about different environmental topics. Throughout its history, Clean Nova Scotia has been very successful at creating and delivering educational materials as well as coordinating efforts to educate, raise awareness, and affect behavior change in Nova Scotia.

Project Overview

The summer of 2002 marks the second year that Clean Nova Scotia has worked with the Halifax Regional Municipality to implement the pesticide application permit process and public education components of the recent pesticide by-law. Specifically Clean Nova Scotia has assessed applications received by the municipality requesting the permitted use of pesticides for

cosmetic landscaping purposes. The application assessment process involves a visit to the affected property and a determination of whether a pesticide spraying permit can and should be issued under the special conditions allowed in the by-law. Clean Nova Scotia also responds to public inquiries regarding the pesticide bylaw, natural landscaping alternatives, and permitted pest control methods and products.

Training and Preparation

This year the program coordinator, Donald Dodge, attended the Sustainable Gardening and Landscape Maintenance Trainer workshops held in February. In the late spring we were able to hire Kevin Brooks to work on the program. Kevin came with a background in environmental science and soil testing. Over the summer and fall Kevin has participated in a number of gardening and sustainable landscape workshops. His science background also enabled him to carry out a great deal of research into insects, weeds and pesticides which proved to be especially helpful in dealing with Japanese beetles and apple borer.

Application Review Process

Application Pick Up

This year, to further streamline and enhance the permit review process, we had all the applications faxed to our office in the morning. Once the applications were received appointments, where feasible, were made and a schedule of the days site visits were arranged. In keeping with our standard, all site visits were made within 24 hours of receiving the application.

Site Visit

Each site visit is (whenever possible) booked in advance with the homeowner. Once a permit application is received by CNS, an appointment is scheduled and pesticide permit assessors (normally two assessors) visits the affected property. While on site the assessor(s) examines the property to determine that the conditions described in the application meet those of the notwithstanding clause as spelled out in the by-law which includes:

- type of pest
- threat to human health, or infestation likely to spread to other properties
- extent of damage
- whether the condition is treatable

When the problem is not obvious, the assessor asks the homeowner to point out the problem. The assessor completes a checklist and then discusses the pest problem with the property owner. The homeowner is provided with sustainable alternatives to controlling and preventing the specific pest problem (see *educational materials* below), and any questions the property owner has are answered by the assessor. If the conditions described in the application match those found on the property, and meet the notwithstanding clause of the pesticide by-law, the assessor issues the permit providing a copy to the homeowner and describing the special requirements for applying the pesticide. If conditions are not as described in the application, and do not meet the conditions of the notwithstanding clause of the pesticide by-law, then the permit is rejected and the homeowner

receives a copy of the rejected permit form. If the pest exists yet is not deemed to be at an infestation level, then the homeowner is advised of the right to re-apply for a permit should the pest problem become worse.

Once site assessments are completed, the permit form (either rejected or approved), along with a copy of the application form are returned to the HRM business Centre. Clean Nova Scotia also maintains a copy of each permit and application form.

Most property owners have expressed satisfaction with the property assessment; however in a few cases property owners have expressed dissatisfaction with Clean Nova Scotia's evaluation as well as the permit approval process. In all cases CNS has made every effort to explain the process and the reasons for rejection.

Educational Materials

Each property owner that receives a site visit is provided with an information package that includes.

HRM Naturally Green Pest Control Information Sheet - A series of data sheets particular to an insect. These sheets deal with chinch bugs, white grubs and crane fly/leatherjacket.

HRM Naturally Green Sustainable Turf Maintenance - Outlining natural (organic) techniques for healthy lawns and lawn care as well as soil conditioning.

HRM Naturally Green Fall Practices for Taking care of the Soil

Other Materials - Other materials are occasionally provided such as pictures and descriptions of pests and natural control methods. This material comes from reputable sources including, but not limited to, Rodales and Morton and Associates.

Telephone Inquiries

Clean Nova Scotia has also provided information on a range of landscaping and pesticide by-law topics over the phone. Generally telephone inquiries fall into the following categories:

Specific Control Measures for a Pest Problem - Seeking solutions for pest and weed problems ranging from dandelions to chinch bugs.

Details of Pesticide Bylaw - These questions range from simple to detailed inquiries on issues such as affected properties, signage requirements, notification requirements

General Dissatisfaction with the Ban - Complaints about the permitting process, or the pesticide by-law

Permitted Pest Control Products - Products that are not covered by the ban

Complaints About Pesticide Use - Specific complaints about neighboring properties applying pesticides.

Approximately 150 telephone calls were responded to this season. Of these 33% of calls received

were from Halifax, 22% from Dartmouth/Cole Harbour, 6% from Bedford, 15% from rural/suburban HRM and, 14% from the rest of the province. All calls were promptly handled and closed out by Clean Nova Scotia. In cases where By-law Enforcement had to be involved CNS made the call to By-law Enforcement directly and asked bylaw to return the property owners call.

Based on the type and frequency of calls received **we observed an increased awareness of the pesticide by-law and the desire of homeowners to incorporate sustainable techniques into their lawn care.**

At Source Education

The opportunity was offered to garden centres in HRM to have training in sustainable lawn care provided to their employees. In late spring 57 centres were contacted. The response was not as great as we had hoped. Next season we will make this available earlier in the season so that more garden centres are in a position to take advantage of this training for their staff.

We believe this can be an integral part of our education component and will incorporate it in our proposal for next season.

Pesticide Permit Application Statistics

As of November 20, 2002, Clean Nova Scotia has conducted a total of 199 application reviews and site visits. Outlined below are the permit approval and rejection rates, regional breakdown of applications, and pest problem.

Permit Approval Rates

199 Applications received

Approved	160	or	80%
Rejected	39	or	20%
Permit Not Required	0		

Regional Breakdown of Applications

Dartmouth / Cole Harbour	92	or	46%
Halifax	27	or	14%
Bedford / Sackville	66	or	33%
All other areas	14	or	14%

Pest Problem

Chinch Bug	190	or	96%
Leather Jackets	3	or	1%
Japanese Beetle	1	or	.5%
Leaf Miner	1	or	.5%
Cut Worms	1	or	.5%
*Weeds (poison ivy)	1	or	.5%

*The poison ivy request actually came through HRM. The poison ivy was discovered on the edge of an HRM natural area in Cole Harbour. It had begun to grow out onto the lawn of one resident. We confirmed the presence of the poison ivy and worked together with Joe Ryan-Works Supervisor for the area to ensure that all procedures were followed and residents were aware of the reasons for the application of an herbicide on and around this property. Under the by-law a plant that is considered dangerous to human beings meets the criteria of the notwithstanding clause.

Analysis

The increased rate of approval this year is seen as a positive sign. Our feeling is that the 80% approval rate suggests that we received fewer borderline requests for permits. This can likely be attributed to the applicators having a better understanding of what the by-law allows under the notwithstanding clause, as well as home owners having a higher level of understanding of the hazards of indiscriminant use of pesticides.

This year, again, the data clearly shows the majority of application requests coming from neighborhoods which on average have soil quality issues and soil of insufficient depth. **This suggests the need for continuing education in these areas in regards to long term, sustainable turf maintenance practices.**

Chinch bugs overwhelmingly represent the majority of pest problems. This year the chinch bugs were spread over the whole of the summer and we did not experience as large a spike in August as we did last year. This is not to suggest that the majority of calls did not come in August, but rather that we had a lot of requests in July and the requests carried straight through to late September.

The decline in applications to spray for leather jackets this year is likely the result of the spring being cool and wet. Again, the better understanding of the parameters of the notwithstanding clause likely contributed to a reduction in applications to spray for leather jackets. As a point of interest, we did receive a large number of phone queries in August regarding crane flies. Time will tell if this translates into more leather jacket calls in the spring.

Over all we found residents to have a greater understanding and acceptance of the goals of the by-law. I believe that public education is largely responsible for this. The high approval rate for permits also suggests that we received fewer applications for borderline infestations. We feel that both residents and lawn care companies are making more and better use of alternatives.

Observations

Japanese Beetle (non native pest of quarantine significance)

In August, 2002, adult Japanese beetles were identified in Cornwallis Park. In response, the Canadian Food Inspection Agency (CFIA) began trapping adult Japanese beetles in the park and surrounding area. In excess of 800 adults were trapped, of which over 600 were trapped in the park itself. Soil surveys were conducted in the fall of 2001 around all positive adult traps, and immature stages of the beetle were identified within the limits of the park.

During the fall of 2001 and the winter of 2002, the CFIA met with stakeholders and undertook consultations to develop an eradication protocol. Stakeholders included the Halifax Regional Municipality, the provincial Department of Agriculture and Fisheries, national and provincial landscape associations, residents' associations and potentially affected businesses in the vicinity of the park.

The CFIA deems eradication of the Japanese beetle in Halifax to be feasible because of the limited distribution of the pest, as it is confined to the area in and around Cornwallis Park. Recognizing that no single treatment was likely to succeed in eradicating the beetle, an integrated approach was employed. Eradication activities included restrictions on movement of potentially infested material, an intensive adult trap-out program, removal of preferred larval host materials, enhancement of oviposition sites, and application of a systematic pesticide.

In late May a request came from the Canadian Food Inspection Agency for a permit to spray Cornwallis Park in South end Halifax for the infestation of Japanese Beetle. All appropriate registrations and permits were completed and Clean Nova Scotia issued a permit for the use of pesticide to eradicate the Japanese beetle infestation.

Neighborhoods Working Together

This year we had the opportunity to help neighborhoods work together to find alternatives to pesticide use. One example began with a phone call from the mother of a child with cystic fibrosis in August. At the time a permit had been issued to a neighbor to spray for chinch bugs. The mother of the child was interested in alternatives to spraying as her neighbor had suggested to her that if alternatives were available they would not spray. I was contacted by the neighbor and supplied them with advice and information on sustainable lawn care. Over the next week we spoke to six other neighbors on the street and provided them with advice and information. This neighborhood is known to us for poor soil conditions and lack of soil depth. So we tailored our advice to these neighbors around looking at longer term solutions to a healthy lawn. We suggested all the neighbors get together to have top dressing parties in the fall and spring, sharing the cost and labour of improving the conditions in their neighborhood. To our knowledge the permit to spray was never acted upon and no spraying took place on that street.

Permit Applications

Over the course of the season we noticed that 15% of our applications were from properties which had received permits to spray the previous season. The low number of repeat applications is an indication that the goals of the education and awareness programs are working. We expect to see this number fall even further as more citizens of HRM are made aware of alternatives and sustainable lawn care techniques.

Conclusion

Finally, Clean Nova Scotia has been pleased to work in partnership with HRM on this program. We look forward to helping HRM continue to educate the citizens on the benefits of sustainable lawn care.

Research, Education and Related Initiatives

Along with our own programs and information, HRM has also accessed a number of excellent resource and information on sustainable maintenance practices and has made electronic links to them from our web site so the general public can have readily available access to them as well. Our Naturally Green and Pesticide By-law web sites are very popular, locally and nationally. These sites received over 25, 000 visits this past summer alone.

HRM has developed a sustainable Landscape Maintenance Handbook and Set of Sustainable Practices Protocols. These are available both internally and to the landscape industry, general public and others who may wish to use them as a guideline.

HRM in partnership with the Provincial Resource Recovery Board, FCM Federal Green Municipal Enabling Funds, Dalhousie University and others has recently completed Phase III of source separated municipal compost topdressing research trials on our athletic fields. We have over 340 HRM owned sport fields located throughout HRM that would benefit from compost topdressing and related sustainable maintenance practices. However, we need to carry out applied science research to determine the operational, environmental and cost effectiveness of using source separated compost as part of an overall integrated sustainable maintenance program. It will also help complete the ecological cycle from curb side green bin to field.

It is planned to continue on with this and related research on sustainable practices and operationalizing the positive and beneficial findings, including sustainable alternatives to pesticides.

Section 3

Costs

Maximizing Resources

The 2001 Overview Report provided details on a number of internal and external partnership opportunities that have kept costs down and provided an enhanced pesticide use reduction program and related public education and awareness campaign on sustainable gardening and landscape maintenance. We have continued and expanded these opportunities in 2002.

Internally, we have utilized centralized corporate resources such as the Call Centre, HRM Business Centres, By-law Enforcement, in-house marketing and communication staff from Shared Services and positioned the pesticide use reduction initiatives under the “**Naturally Green**” corporate umbrella. This has allowed further partnering and cost sharing through joint newsletters, promotion and advertising.

Externally, HRM has partnered with Clean Nova Scotia, Landscape Nova Scotia, various community groups, the Nova Scotia Agricultural College and others in the delivering of a comprehensive public education and awareness program on sustainable gardening and landscape maintenance.

2002-03 Fiscal Operating Budget

The Pesticide By-law and related public education and awareness programs are one of the programs/ services managed by the Strategic and Sustainable Resource Management Unit.

Costs directly associated with the implementation of the By-law and related programs generally break-down are as follows:

Public Education and Awareness	-	\$40, 000
Communications Plan, Advertising, Promotion, etc	-	\$40, 000
Research, Education and Related	-	\$ 5, 000
Permit Review Process and Education Program	-	\$35, 000
Administration, Support and Related	-	\$45, 000
By-law Enforcement	-	\$32, 000

Long Range Costs

After 2003, when the By-law has been fully phased in, and implementation continues to go well, we may be able to reduce some of the direct costs attributed to it. The Pesticide By-law is part of the overall corporate environmentally sustainable initiatives (Naturally Green). This includes other ongoing efforts such as the sustainable maintenance research trials on athletic fields (i.e. MSW compost topdressing). Council may wish to look at investing any future savings in the Pesticide By-law into operationalizing some of the sustainable practices research and/or other related environmental sustainability initiatives. However, this is a decision for later years.

General Administration/ Property Registry

In accordance with Section 7 of the Pesticide By-law a **Pesticide Property Registry** was established and upon submission of the appropriate documents, including two physicians letters expressing an opinion that a named resident of the property to be registered is hypersensitive to and suffers adverse medical reactions as a result of exposures to pesticides which are potentially life threatening, a property owner could register his/ her property.

There were approximately 200 medically registered properties in 2002. There is no fee to medically register a property as per the direction of Regional Council. A number of callers advised that since they were already within 50 metres of a buffered public property they did not register their property. It is therefore assumed that the Property Registry may have been much larger if this had not been the case.

The Property Registrations, along with other routine administrative functions such as permit requests were handled by our HRM Business Centres. Documents and information was available at all HRM Business Centres as well as on-line on our corporate web site. **This helped provide immediate and readily available information for the public.**

In accordance with the Pesticide By-law, Section 8, HRM advised in writing, of the registered properties to owners of affected properties within 50 metres of these medically registered properties. Several thousand letters were issued.

Also in accordance with Article 9, of the By-law, HRM provided monthly updates (hard copy and electronic form where available) of the Registered Properties to each commercial pesticide applicator, that HRM was aware of, operating in the municipality.

In addition to this and beyond the requirements of the By-law, HRM also provided overall lists of all affected properties by the By-law on our corporate web site for the public and industry and this was regularly updated. This service was extensively used by the public and industry.

Generally, the Property Registry and related functions appeared to run quite well.

The Property Registry will be set aside effective April 1, 2003, when the full ban comes into effect. This is discussed further in Section 5 of this overview.

Section 4

Community & Stakeholder Feedback

Opinion Polls/ Surveys, etc.

The Pesticide By-law is not a stand alone initiative. It is a component of a much larger corporate umbrella addressing issues of environmental sustainability. HRM recognizes that our natural surroundings must be sustainably maintained and managed to help ensure quality and healthy community living now and for the future.

The Pesticide By-law therefore has been promoted in conjunction with the corporate “Naturally Green” initiatives.

The By-law regulates the use of pesticides on the residential properties of almost 40% of the entire provincial population, who happen to live within HRM, and on all HRM owned property.

Subsequently we are talking about a piece of legislation that touches many people and their residential properties thus making the overall communications and public awareness initiatives so important as well as the feedback from the public to determine the effectiveness of the communications and awareness programs and on the By-law itself.

In a commissioned public survey carried out by Corporate Research Associates Inc., on behalf of HRM, in August 2001 **awareness was high across the Region of the fact that the HRM Municipal Council had implemented a by-law to regulate certain aspects of pesticide use in the Municipality, with over 92% of home owners being aware .**

This same survey also indicated that 85% of respondents were interested in learning more about alternatives to pesticides.

Therefore, after two years of a transition period and fairly comprehensive public education and

awareness programs on the By-law and on sustainable gardening and landscape maintenance, **HRM needed to know how ready is the whole community for the full ban, effective April 1, 2003.**

The results are in and an independent third party public opinion poll shows that the majority of homeowners are now practising sustainable alternatives to pesticide use on their properties.

The Fourth Quarter 2002 CRA Metro Quarterly Survey carried out in the late fall of 2002 indicates only 7% of homeowners still using pesticides as their main control measure with the **overwhelming majority practising alternatives to pesticides.**

Local Comments

Overall, the vast majority of residents are aware of the By-law and appear to support its general intent. This is based on the various survey and opinion polls and direct feedback to staff through several thousand enquiries.

It is noted that some polarized views still exist regarding the By-law. There are some that believe that the By-law still does not go far enough in regulating pesticides, while a completely opposite view that the By-law goes too far is held by a few, particularly in the segment of the landscape industry directly involved with pesticide applications. Some major pesticide application companies have now though diversified their operations and are experiencing new business opportunities.

Regarding citizen calls, some callers were concerned that advance and adequate pesticide application signage was not always being posted by pesticide application companies. These calls were referred directly to By-law Enforcement for immediate follow up and action.

A few callers had assumed that a medically registered property provided a cart blanche no spray zone within 50 meters of the registered property. However, the rationale for the Property Registry was to allow identification of those properties for the purpose of notice, similar to other buffered properties. The application of the By-law was the same. Also, once the full ban comes into effect April 1, 2003, notice is required for pesticide applications on all residential use and municipally owned properties as is an approved permit.

A number of callers requested information ranging from controlling pest problems such as chinch bug; concerns about the use of weed and feed type fertilizers and are these types of formulations covered by the By-law; requests for community and neighbourhood training sessions on sustainable gardening and landscape maintenance; are golf courses included under the By-law; information on safe alternatives to pesticides; to requests for a pesticide ban on all properties in the municipality.

Almost all callers appeared to support the general intent of the By-law in reducing pesticide use and encouraging safer alternatives.

Representatives of some of the pesticide application companies through the landscape industry remain of the opinion that the By-law was ill conceived and herbicide applications should be

permitted through an integrated pest management approach. This was expressed in a report they forwarded to Landscape Nova Scotia in October 2002.

In a letter last year to the Mayor, dated August 14, 2001, Landscape Nova Scotia on behalf of its membership advised that it was committed to pesticide reduction through the use of integrated pest management. Staff was very pleased to hear this commitment.

Landscape Nova Scotia suggested in its letter that a proper pest management scheme would look at all pests in the landscape and have the ability to deal with infestations before significant damage were to occur. Landscape Nova Scotia did not feel that the By-law provided the ability to deal with weed and disease infestations.

Regarding weeds, the Pesticide Advisory Committee to Council did not as a whole consider weeds as an infestation issue, however did propose remedies for plants that could cause human health concerns. These conditions were incorporated into the By-law. Sustainable remedies for weed control include mechanical removal and cultural practices that improve the soil and turf and mitigate weed issues and are readily available, although in some cases it maybe more expensive initially. In the longer term, sustainable landscape maintenance regimes are most often less costly.

The recent public opinion survey as earlier discussed in this Section indicates that the vast majority of property owners are practicing more sustainable alternatives to pesticides in the maintenance of their lawns and landscapes and this public trend is reflected in the calls and enquiries staff have received this year.

Regional, National, International Related Comments/ Activities

Over the past year HRM has received literally hundreds of requests from across Canada for information on our sustainable initiatives such as the pesticide use reduction initiatives and public awareness and education programs on sustainable gardening and landscape maintenance. A number of other calls have come from as far away as China and Australia.

Major international companies involved in the manufacture of domestic property and home care products have also contacted HRM directly to ensure they have a good understanding of the pesticide use reduction initiatives and consumer trends and direction towards more sustainable products and practices. This has included companies such as SC Johnson, Scott Turf Care Products, Home Depot, Canadian Tire, and others.

For example, some of the largest retail chains in Canada, i.e. Loblaws (Atlantic Super Store) will not be carrying pesticide products in their garden centres as of 2003.

Other major entities and organizations have put in place similar directions for 2003.

The Department of National Defence (DND) one of the largest land owners and employers in HRM has put in place an Environmental Directive on eliminating the cosmetic use of pesticides for lawn

care for **all** DND properties across Canada, effective April 1, 2003.

At the **federal level**, HRM was requested to provide direct testimony before the House of Commons Standing Committee on Health during debate and hearings on the proposed new Pest Control Products Act. Several MP's saw HRM as a good example in promoting pesticide use reduction and environmental sustainability and requested direct information on our initiatives.

This federal legislation aimed at protecting human health and safety and the environment by regulating products used for the control of pests was re-introduced in the House of Commons as Bill C-8 and received final reading and approval in mid December 2002.

HRM was also requested to provide direct feedback to the Pest Management Regulatory Agency (PMRA) on a Proposal for a Harmonized Pesticide Classification System for Canada. Submission deadline is early February 2003. HRM's comments were forwarded in late November 2002.

This federal initiative is discussed further in Section 5.

Pesticide use and risk reduction appears to be a major issue locally, nationally and internationally as citizens demand more environmentally sustainable alternatives to pesticide use and healthier, safer communities overall.

Halifax Regional Council's leadership and direction on pesticide use reduction and promotion of sustainable alternatives appears to be on the leading edge of this global movement.

Section 5

Key Points for 2003 - 04

Full Ban and Property Registry

Pesticide By-law - Full Ban - April 1, 2003

Most of By-law P-800, Respecting the Regulation of Pesticides, Herbicides and Insecticides has been in place since August 2000, however two major changes coming into effect April 1, 2003, include:

Full Ban (Section 5(1))

"Commencing April 1, 2003, no person shall carry out or permit or suffer to be carried out a pesticide application within the Halifax Regional Municipality."

Property Registry (Section 5(2) and Section 7)

"After April 1, 2003, the Municipality shall cease to maintain the Pesticide Registry pursuant to Section 7 of this By-law and the provisions of Section 7 to 10 inclusive shall no longer apply."

What This Means

Full Ban (Section 5.(1))

In essence this means a full ban in conjunction with the definition of a “pesticide application” which is defined in the By-law as, “the application and use of pesticides for the maintenance of out door trees, shrubs, flowers, other ornamental plants and turf on the part of a property used for residential purposes or on a property of the municipality”.

By-law P-800 has a detailed definition for “pesticide” which includes any pesticide as defined under the provincial and federal environment acts and the federal Pest Control Products Act or is intended for use as a pest control product. It also includes fertilizers, such as “feeding and weeding” type formulations which contain pesticides. The pesticides must be listed on the package. All pesticides used in Canada are required to have a Pest Control Products Act (P.C.P.#) number which must be shown on the pesticide label/ package.

Pesticides Still Permitted

In conjunction with article 6(1) of the By-law, the list of products listed in Administrative Order #23 (Permitted Pesticides) are exempt.

The list includes: Insecticidal soaps, Herbicidal soaps, Bt (*Bacillus thuringiensis*), Nematodes, Other biological control organisms, Animal repellents, Rodenticides, Injected tree treatments, Sticky media, Borax, Dormant oils, Horticultural oils, Bordeaux mixture and other sulphur compounds, Lime sulphur, Ferric phosphate, Pruning paint, Pheromone traps, Pyrethrum (or pyrethrin), Diatomaceous earth.

Information sheets are available on the Permitted Products List.

Other Pesticides That Can Still Be Used After April 1, 2003

In accordance with Article 6(2), “Notwithstanding any provisions of this By-law, a pesticide application may be carried out to control or destroy plants or insects if such plants or insects constitute a danger for human beings or to control or destroy insects which have infested a property, if such pesticide application is specifically permitted by the Inspector for that purpose and the pesticide application is carried out subject to such terms and conditions as shall be prescribed by the Inspector.

Pesticide Application Permit Process

In response to Article 6(2) a Pesticide Application Permit process was established two years ago and appears to be working well. Information about the Permit process can be accessed on-line or at any of our Business Centres. There are no permit fees.

Property Registry (Section 7)

As previously indicated the Property Registry will cease to be maintained after April 1, 2003. The Registry was established in order to identify, for notification reasons, medically registered properties during the 2 year transition period.

After April 1, 2003, the full extent of the By-law comes into effect making the Property Registry

redundant. In essence the notification and related clauses in the By-law will apply to all residential use properties.

Administrative Order #23

Administrative Order Number 23, Respecting Pesticides, Herbicides, and Insecticides Excluded From the Pesticide By-law is a companion document to the Pesticide By-law P-800 and provides a list of Permitted Pesticides that are excluded from the provisions of the Pesticide By-law. It was approved by Regional Council on August 22, 2000.

The list includes such products as Insecticidal Soaps, BT (Bacillus Thuringiensis), Dormant Oils, Lime Sulphur, etc.

Staff believe there should be a formal science based protocol to amend the Permitted Products List. Staff also suggest that it be a clear and transparent process with established time lines to allow for appropriate changes (if required) to collateral materials, web sites, brochures, etc. that reference the Permitted Products list, thus giving the public ample notification of changes.

A proposed Protocol to Amend Administrative Order #23 was presented for Regional Council's consideration on June 5, 2001, however Regional Council requested that staff re-review the proposed recommendation in conjunction with the efforts at the time of the federal **Pest Management Regulatory Agency (PMRA)** and its **Healthy Lawns Strategy**.

Over the past one and one-half years, staff has been awaiting important information from the PMRA on the results of some of the key initiatives they have been mandated by the Federal Government to carry out under the Healthy Lawns Strategy. This includes a re-evaluation of the seven most commonly used lawn pesticides; a federal reclassification system for residential use pesticides; an enhanced pesticide safety review process; to name a few that were to have been completed by the end of the 2001-02 fiscal year.

In a letter from the Honourable Anne McLellan, Minister of Health, dated October 23, 2002, staff was advised that the re-evaluation of major lawn care pesticides against the stringent new standards that have been adopted both in Canada and the United States is nearing completion and should be completed sometime in 2003. "Products that do not meet today's standards will not be available in the future."

As well and as previously mentioned in this Overview Report, "A Proposal For A Harmonized Pesticide Classification System For Canada" is presently underway with the Pest Management Regulatory Agency (PMRA) with submissions to be in by early February 2003.

Although the PMRA appears to be behind schedule, staff believe it is important to have the results of these federal initiatives prior to returning to Regional Council with a recommendation for a protocol to carry out amendments to Administrative Order #23. In the interim, staff would use the originally proposed draft protocol as a guide should it be needed.

Summary

Overall the roll out of the By-law P-800 and related education and awareness programs are going well.

The intent of the By-law, to protect those medically affected by pesticides and also the environment, appears to be effective to date.

The general public, as witnessed in the recent opinion polls, appears to be embracing Regional Council's leadership and direction in pesticide use reduction by practising sustainable alternatives to pesticides in the maintenance of their own properties.

There is a strong global wide effort to reduce pesticide use and risks and HRM appears to be on the leading edge of this movement.

Proposed new federal legislation and policies appear to be heading in this direction as well.

Therefore, while we await the results from a number of ongoing pesticide related federal initiatives, staff suggest we continue to implement the By-law as originally approved.

Once we have the results of the federal initiatives, staff can review the information and provide Regional Council with any proposed changes (if needed) to By-law P-800 for Council's consideration.

Staff does recommend though that if there are any proposed changes for Council's consideration they be done at the same time, as the amending process could be somewhat lengthy, based on past experience.

We also must keep in mind the lead time required to produce brochures, fact sheets, etc. and provide reasonable advance notice to the public and industry.

Communication and Public Awareness have been key factors in all of the Pesticide By-law related initiatives and will continue to be.

Stephen King

December 2002