

TOPIC: Pesticide Legislation in Ontario

TREND/ISSUE

The issue of potential bylaws to regulate use of pesticides on either/both public and private property remains a contentious issue in many municipalities across Ontario.

Crop Life Canada has appealed an initial court decision in favour of the City of Toronto having the right to put in place a municipal bylaw regulating use of pesticides on private property. The appeal is being heard in November 2004 in the Ontario Court of Appeal. Many municipalities are taking a “wait and see” approach to the results of this case and to determine next steps.

BACKGROUND

- There is some doubt as to whether the recently-amended Ontario Municipal Act, together with the Pesticides Act of Ontario, provides legal authority for municipalities to enact pesticides regulatory bylaws.

Many communities across Ontario have held public forums, public hearings or even plebiscites in conjunction with the fall 2003 municipal elections on this issue. Rarely has consensus on one position or another been achieved with polling results showing a 50-50 split in opinion on the use of pesticides.

There is greater awareness and tolerance throughout Ontario for raising thresholds prior to intervention, either organically or chemically, in reducing weeds in public or private places.

The industry has tried to enforce greater use of organic and non-chemical intervention by establishment of IPM-PHC protocols and certification. Integrated Pest Management and Plant Health Care programs and certification of landscape/lawn care companies is promoted to minimize the proliferation of treatment programs that do not first assess condition of turf or plants prior to treatment.

- The Association of Municipalities of Ontario (AMO) convened a Pesticides Task Force. The report is now being reviewed with Ministry of Environment and other Ontario

government officials. AMO is recommending a province-wide approach to regulation of pesticides on private lands, rather than forcing each municipality to enact regulatory bylaws.

- The lawn care/landscaping industry favours stricter certification of operators and to require IPM-PHC training and third party audits. Health agencies and local Medical Officers of Health who also administer pesticides within context of West Nile preventative efforts are also taking interest and action in this issue.
- Newer and safer pesticides are coming onto the market. Corn gluten meal (a pre-emergent weed control, fertilizer agent) has recently been registered by the PMRA (Pesticide Management Regulatory Agency) of Health Canada.

LINKS

This issue affects:

- Association of Municipalities of Ontario (AMO)
- Parks and Recreation Ontario and Ontario Parks Association
- Federation of Canadian Municipalities (FCM)
- Medical Officers of Health in Ontario
- Ontario Ministry of the Environment
- The IPM Council (a consortium of agencies including Landscape Ontario seeking to take proactive action on this issue)
- Sierra Club, World Wildlife Fund, Toronto Environmental Alliance, Toronto Board of Health (a consortium of agencies favouring pesticide bans and ultimately pesticide use in rural areas as well)

Corn Gluten Meal Information:

Halifax Pesticide Bylaw

SierraClub

www.sierraclub.ca/national/programs/health_environment/pesticides/index.shtml

FCM - Responsible Pest Management

www.pestinfo.ca/

City of Toronto

www.city.toronto.on.ca/health/pesticides/factsheets.htm

The Sierra Club
<http://www.sierraclub.com/>
Pesticide Management Regulatory Agency
<http://www.pmra.ca/>
Crop Life Canada
<http://www.cropro.org/>
Urban Pest Management Institute
<http://urbanpestmanagement.ca/english/>
Landscape Ontario
<http://www.landscapeontario.com/>

IMPACT/IMPLICATIONS

- Communities are divided on the issue. Some municipalities favour a balanced approach and to retain limited use of pesticides with use of defined thresholds.
- Banning use has significant impacts on green infrastructure and a municipality's ability to deliver expected outcomes on sports turf, high profile municipal areas and boulevards. Increased vandalism, litter, negative municipal image and potential risk management issues are but some of the implications in total pesticide bans.
- Communities seen as opinion leaders with aggressive pesticide control bylaws face potential lawsuits by the landscaping/lawn care industry.
- Municipalities will be required to take positions on the issue both through education, new regulatory mechanisms and certainly in addressing less use of pesticides on municipal properties. More naturalization must occur if pesticide use and non IPM-PHC approaches are used. Staff must be retrained and budgets readjusted for IPM-PHC programs to succeed.

CONTACT

Prepared by: **John Lohuis**, Director, Department of Recreation & Parks, City of Mississauga

For further information about this Trend Watch or the Public Affairs Task Group, contact:



Larry Ketcheson, CEO
Parks and Recreation Ontario
pro@prontario.org
(416) 426-7142