

Subject: Agenda Item #7 July 11/2005- Bylaw 7559 - Pesticide Use Control Bylaw

Date: Sun, 10 Jul 2005 16:05:04 -0700

From: Corrie Kost <corrie@kost.ca>

To: fonvca@fonvca.org

Your Worship & Members of Council,

Please consider my input on this matter discussed in the attached pdf file.

Thank you,

Corrie Kost

 [10jul2005.pdf](#)

Name: 10jul2005.pdf
Type: Portable Document Format (application/pdf)
Encoding: base64

To: Mayor & Members of Council
District of North Vancouver
From: Corrie Kost
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North Vancouver V7R 2R3
July 10/2005

Bylaw 7559 – Pesticides Use Control Bylaw

Summary

Having read a number of reports from both the environmentalists and those Canadian government agencies responsible for regulating the sale and use of pesticides I see **little scientific basis for this bylaw**. Every substance (even water!) is toxic – it's only a matter of dosage. Nevertheless – if we are to be leaders in maintaining a safe environment – this council may wish to err on the side of safety. Council should realize that **this bylaw skews the scientific risks vs. benefits**. Council should also be aware, as I mention below, that there are much more serious environmental concerns in which the DNV has been remiss at addressing.

I urge council either:

- to **not adopt** such a bylaw and continue with the educational programs conducted in the past **or**
- **adopt the bylaw using Option 3** outlined below.

The Debate

A full debate on the risk vs. benefits is beyond the scope of this input but a few points may be in order:

- Man-made pharmaceuticals drugs have been of enormous benefit by controlling bacteria and viruses in humans and other animals.
- Herbicides are for plants what antibiotics are for animals – and are very effective if not abused/overused.
- Manmade pesticides are fundamentally no different from substances occurring in nature.
- The toxicity of many natural substances are on par with many man-made substances.
- No credible studies have linked cancer with the proper use of pesticides.
- Municipalities have a right to protect the health of their residents.

A list of useful references (2-6) is appended. The Supreme Court (Hudson) case is found at (7) and a Sierra Club summary of it at (8)

A matter of Equity/Leadership

I view the **use of pesticides on public property (eg. golf courses) as a more serious matter** than the cosmetic use of pesticides on private property because:

- members of the public are mostly restricted from accessing private property
- members of the public of all ages have almost unlimited access to public lands
- public bodies have an extra responsibility to protect the public on public lands from undue harm.
- Economics – eg. loss of playability of golf courses - should not override the safety of the public.
- Those who profit from the commercial use of their lands have an extra duty of care to ensure the safe use of their property.
- Use of pesticides on Golf Courses is **largely** for cosmetic purposes – little different than for residential lawns.

If it's the right thing to do then it's the right thing to do for everybody.

Details

This bylaw does not apply to residential gardens for the growing of fruits and vegetables nor for anything growing in hot-houses or other buildings.

Enforceability

Enforcement of this bylaw is highly problematic. It is difficult to detect, much less prove in a court of law, that legally sold, but banned substances have been used on private property. Its utility, like the 3 minute vehicle idling bylaw, is in the prevention of blatant abuse of these products by a very small minority.

Limited Effectiveness of Bylaw

The effectiveness of a bylaw will be severely limited unless the banned products are no longer available for sale. **Banning the sale** of weed and feed products (1) in our municipality is an

essential first step to the overall success of a bylaw. Unless the sale is banned the use of weed and feed type products will continue – as they have in other jurisdictions which have long ago attempted to ban their use. It should be noted that **Weed & Feed products sit openly on store shelves** – some even leaking their products and **fully accessible to the hands of children**. There seems to be some inconsistencies with the safety aspects of the marketing and use of these products.

No Exemptions

There should be no \$50 for “Application for Exemption” as this would appear to members of the public that money overrides principles.

A Third Staff Option

Staff has provided council with only 2 options.

1. With \$50 exemptions and District land exemptions
2. Without \$50 exemptions but with District land exemptions.

There should have been a **third option** – that of a **outright ban of pesticides within the District’s jurisdiction – no exemption provision – no exemption for District owned lands**

Compensation

If council decides to proceed with this bylaw then some form of compensation should be provided to those who have purchased banned products which they are now no longer able to use. Merchants who have stocks of these products that they can no longer sell may also be seeking compensation. A long phase-in notification procedure would help to reduce these compensation costs.

More Serious Environmental Concerns

- The lack of appropriate pump-out stations along our coastline – particularly in Deep Cove – contributing to the annual closures of our beaches.
- The endorsement by members of this council to continue to allow, for many more years, outflows of raw sewage and other toxic effluence into Burrard Inlet.
- The continued sale and use of paints containing lead and/or mercury.

- The use of anti-bacterial detergents – which could and should be banned from household use – as most of it ends up in Burrard Inlet.
- The use of wood burning fireplaces – especially since the particulate matter is carcinogenic. Even limiting their use during winter months would be a good first step!

Conclusions:

From a scientific perspective this bylaw is not needed. As a first preference it should be rejected and the educational program continued/enhanced. If however council still wishes to pass, what I term a “cosmetic” bylaw, then apply the rules to all – no exceptions.

References

- (1) <http://www.flora.org/healthyottawa/fs-7.htm>
- (2) Pest Management Regulatory Agency Fact Sheet on the Regulation of Pesticides in Canada - http://www.pmr-arla.gc.ca/english/pdf/fact/fs_pestreg-e.pdf
- (3) Children’s Health Priorities within the Pest Management Regulatory Agency (SPN2002-01) www.hc-sc.gc.ca/pmr-arla/english/pdf/spn/spn2002-01-e.pdf
- (4) Sustainable Pest Management - <http://www.pmr-arla.gc.ca/english/spm/urban-e.html>
- (5) Healthy Lawns Working Group - <http://www.healthylawns.net/english/html/hlwg-e.shtml>
- (6) Sierra Club of Canada – Municipal Pesticide-Free Campaign - <http://www.sierraclub.ca/national/programs/health-environment/pesticides/campaign.shtml?x=319>
- (7) Hudson Quebec – Supreme Court ruling - http://www.lexum.umontreal.ca/csc-scc/en/pub/2001/vol2/html/2001scr2_0241.html
- (8) Overview by Sierra Club of Hudson decision - <http://www.sierralegal.org/issue/hudson/presentation.html>