

Subject: FW: The meaning of Toronto's pesticide by-law

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July 13, 2005.

Toronto Star

The meaning of Toronto's pesticide by-law

by GIDEON FORMAN

Some commentators say the big story around Toronto's new pesticide by-law is that it's being ignored as homeowners and lawn-care companies continue to spray chemicals on residential property. While it's true a few people are thumbing their noses at the legislation, I'd say the interesting point is not the scofflaws - their numbers will drop dramatically as fines kick in and organic firms expand their business - but the fact the by-law reflects a new maturity and self-confidence on the part of our local government.

Before the law came in, those of us who wanted our neighbours to stop spraying had to humiliate ourselves. We had to go to the folks next door and say, "Look, your lawn chemicals are making my kids and me sick. Could you please refrain from doing this?" And they could decide to be good guys and stop or they could decide to continue. The choice was theirs. All we could do was supplicate ourselves and hope they might take pity.

I remember once going to a homeowner around the corner - he lived across from a boys' and girls' club - and saying there were children constantly passing his garden, would he consider avoiding these products? I even handed him literature on non-toxic alternatives. He took my pamphlet, said thank you very much and continued to squeeze the lever on his spray gun.

The city government was in something of a similar position. In the years before the prohibition, it ran subway and newspaper advertisements urging people to go natural. "Please keep poisons off the grass," the ads implored. The city had no teeth to back this up. All it could do was ask nicely and hope residents would comply.

I found those ads pathetic - especially the "please" part. Here were products that were clearly harmful - they were poisons, after all - and instead of forbidding their use the municipality could only make a request.

If citizens were in no mood to stop, there was nothing council could do.

If something needs to be done to protect human health or the environment, government shouldn't be reduced to having to make suggestions. It should have the power to compel.

When it comes to infant car safety, for example, decision-makers don't go around pleading. They pass child seat-restraint laws.

Prior to the by-law, City Hall came across as impotent.

It was forced to stand and watch as the poisoning continued, as people and pets were exposed to toxic products, as our water became polluted.

No more. With the coming of the new legislation, the city no longer has to humiliate itself. Just as council doesn't beg people to butt out in bars or drive slowly on side streets or avoid parking near a fire

hydrant, so, too, it doesn't beg them to avoid pesticides: It requires them to. And if they choose to flout the law and spray anyway, there are legal consequences. There are no more entreaties, but fines and enforcement.

I'd say a city which goes this route is more self-respecting. It demonstrates more self-assurance and dignity. Where pesticides are concerned, it's picked itself up off the floor. It's no longer grovelling and hoping people will listen. It's laying down the law. It's insisting.

That's good for the environment. It's also good for the city's sense of self.

Gideon Forman is executive director of the Canadian Association of Physicians for the Environment.

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2005-07-13

London Free Press

Lawns sprayed without consent

Lawn-care companies did the wrong properties, leaving owners upset.
JOE BELANGER, Free Press City Hall Reporter

Diana Chester doesn't use pesticides and doesn't want them.

So it's not surprising she wasn't happy when she returned from a vacation this month to find a pesticide warning sign on her lawn.

"I couldn't believe it," the Londoner said yesterday.

"I think the city needs to put a (pesticide) ban in place because if nobody can use them, then this wouldn't happen."

The incident surfaced days before a controversial bylaw that could ban pesticide use in the city returns to city council's environment and transportation committee Monday.

A lawn-care company sprayed Chester's Maxwell Crescent home June 29. She knows, because an invoice was found in her mailbox.

Chester told the company of the mistake. A manager has yet to follow through on a promised meeting to discuss it, she said.

"Obviously a mistake was made and it's something no one can predict happening, but I still shouldn't be in a situation like this," said Chester, mother of two pre-schoolers.

Chester is now worried about using the potted fresh herbs she keeps on her porch.

Angela and Eric Savory, who live in Old North, were also on vacation in May when a different company sprayed their lawn.

"I was astounded," said Angela Savory.

"You'd think there would be some kind of mechanism in place to ensure these chemicals are applied only where people want them applied."

When Savory complained to the city and Ontario's Environment Ministry, she got little help.

Orest Katolyk, the city's bylaw enforcement manager, said there's nothing the city can do.

"It would be a private matter, a civil action," Katolyk said.

Savory said a ministry officer responded but refused to take action against the company, which at first denied the spraying.

"I just think it's wrong that someone can walk onto your property and spray a chemical," Savory said.

"This stuff needs to be used safely and you can't just go around spraying willy-nilly. I don't think enough checks and balances are in place."

Coun. Fred Tranquilli, who chairs the committee, said he wants to know if there are federal or provincial rules in place before including them in a bylaw.

"I would take my own property being sprayed mistakenly seriously and consider initiating some private litigation," he said.

Committee member Coun. Bill Armstrong, a ban proponent, said he's heard about spraying mistakes, such as spraying over property lines.

"We can certainly take a look at something, but that's just careless to be spraying someone's property," he said.

Tony DiGiovanni, executive director of Landscape Ontario Horticultural Trades Association, said mistakes are rare.

"But if it happens, people should call the company and, if they don't get a response, call me," DiGiovanni said.

City staff are preparing a report for the committee on several topics, including enforcement options and other municipal bylaws.

The issue has pitted environmentalists against an industry that employs an estimated 250 people in the city.

City council has discussed the issue for several years.

A committee set up to help draft a bylaw was disbanded last year after failing to agree on key issues.

Council put the issue on hold this year awaiting an appeal court decision in May that upheld a Toronto bylaw.

Council must decide between three options:

- A total ban on pesticide use, except for bug infestations.
- A ban but extending the definition of infestation to include weeds and fungi.
- No action, except for continuing education aimed at curbing pesticide use.

Environmentalists want a ban on the cosmetic use of pesticides in the city, except for bug infestations, health threats and large sport fields, sidewalks or railway rights of way. They say the chemicals are harmful to the environment, animals and humans.

The local lawn-care industry says there's no scientific evidence pesticides pose a threat to health or environment. They also warn a

ban could cost hundreds of jobs.

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The Laws of Ecology: "All things are interconnected. Everything goes somewhere. There's no such thing as a free lunch. Nature bats last."

by Ernest Callenbach

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