

**ENVIRONMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: COSMETIC PESTICIDE USAGE ON PRIVATE PROPERTIES**

**RECOMMENDATIONS:**

1. **THAT** Council authorize staff to draft a bylaw to prohibit cosmetic pesticide usage on residential properties as outlined in Section 3.0 of this report;
2. **THAT** Council request the B.C. Minister of Environment to amend the applicable sections(s) of the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation* to allow local governments to regulate, prohibit and impose requirements in relations to cosmetic pesticides on all private lands;
3. **THAT** Council ask the UBCM to support the request to the BC Minister of Environment to amend the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation* as noted in recommendation # 2;
4. **THAT** Council authorize staff to undertake public education programs on sustainable landscape management practices including provision of alternatives to cosmetic pesticide usage as outlined in Section 4.0 of this report;
5. **THAT** Council forward a resolution to the UBCM requesting support for a province wide prohibition on the use of cosmetic pesticides.

**REPORT**

The Environment Committee, at its Open meeting held on 2008 February 12, received and adopted the attached report seeking Council's authorization to enact a bylaw to prohibit cosmetic pesticide use on private properties. Furthermore, in order to give sufficient time for residents to prepare for the upcoming bylaw requirements, it is recommended that the bylaw come into force one year after the enactment of the bylaw. The Committee recommended that Council approve a strong public education program on sustainable landscape management practices including provision of alternatives to cosmetic pesticide usage.

COPY – CITY MANAGER DIRECTOR PLANNING & BUILDING DIRECTOR ENGINEERING DIR. PARKS, REC. & CULTURAL SERV. CITY SOLICITOR
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To: His Worship, the Mayor and Councillors  
From: Environment Committee  
Re: Cosmetic Pesticide Usage on Private Properties  
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Arising from discussion, the Committee requested that Council ask the UBCM to support the request to the BC Minister of Environment to amend the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation*.

In addition, the Committee requested that Council forward a resolution to the UBCM requesting support for a province wide prohibition on the use of cosmetic pesticides.

Respectfully submitted,

Councillor D. Johnston  
Chair

Councillor P. Calendino  
Vice Chair

Councillor L. Rankin  
Member

**TO:** CHAIR AND MEMBERS  
ENVIRONMENT COMMITTEE **DATE:** 2008 January 02

**FROM:** DIRECTOR ENGINEERING  
DIRECTOR PLANNING & BUILDING  
DIRECTOR PARKS, RECREATION &  
CULTURAL SERVICES **FILE:** 33000-05

**SUBJECT: COSMETIC PESTICIDE USAGE ON PRIVATE PROPERTIES**

**PURPOSE:** To provide the Committee and Council with:

- a) the results of the public and stakeholder consultation process to seek public opinion on a proposed City bylaw on cosmetic pesticide usage on private properties;
- b) recommendations for the key elements of the bylaw to prohibit cosmetic pesticide use on private properties; and
- c) a public education program on sustainable landscape management practices including provision of alternatives to cosmetic pesticide usage.

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**RECOMMENDATION:**

1. **THAT** the Committee recommend Council to:
  - a) Authorize staff to draft a bylaw to prohibit cosmetic pesticide usage on residential properties as outlined in Section 3.0 of this report;
  - b) Request the B.C. Minister of Environment to make amendment of the applicable section(s) of the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation* to allow local governments to regulate, prohibit and impose requirements in relations to cosmetic pesticides on all private lands;
  - c) Authorize staff to undertake public education programs on sustainable landscape management practices including provision of alternatives to cosmetic pesticide usage as outlined in Section 4.0 of this report.

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From: Director Engineering  
Re: Cosmetic Pesticide Usage on Private Properties  
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## REPORT

### 1.0 INTRODUCTION

At the 2007 June 18 Council meeting, Council received a report from the Environment Committee on cosmetic herbicide usage on private properties. Arising from the discussion, Council approved the recommendations of the Committee and authorized staff to: undertake a public and stakeholder consultation process on the framework of the proposed bylaw to regulate the use of cosmetic herbicides on private properties; seek public and stakeholder opinion on expanding the proposed draft elements of the bylaw to prohibit the use of all cosmetic pesticides on private properties; and to report back to the Committee and Council on the outcome of the public consultation process and recommend the final elements of the bylaw for Council's consideration.

The term "cosmetic herbicides" refers to chemicals that are used for controlling plant life (i.e., weeds), and their application is intended to enhance the appearance of lawns on gardens. All herbicides, insecticides and fungicides are included in the definition of pesticides.

The following report outlines the findings of the public and stakeholder process, recommends the final elements of the bylaw to regulate cosmetic pesticides on private properties, and proposes a public education program on sustainable landscape management practices including provision of alternatives to cosmetic pesticides on private properties.

### 2.0 PUBLIC AND STAKEHOLDER CONSULTATION PROCESS FINDINGS

The key component of the work plan was to undertake a public and stakeholder consultation process to gauge the level of public support to restrict cosmetic herbicide usage on private properties, and to seek public opinion on expanding the proposed draft elements of the bylaw to prohibit the use of cosmetic pesticides on private properties. To this end, staffed information displays were held at major malls between 2007 August 27 and 2007 September 05. Stakeholder and public meetings were held at *Shadbolt Centre for the Arts* on 2007 September 10 and September 12, respectively. Notices of the mall display locations and the public meeting were advertised in local newspapers and posted at all civic facilities. Staff also placed an article and a questionnaire in the summer edition of *Info Burnaby* and on the City website. Letters were also sent to stakeholders including landscape businesses and stream keepers regarding the stakeholder meeting date and location. The findings of the above process are noted below:

#### 2.1 Stakeholder / Public Meetings and Staffed Mall Displays

Fifteen people attended the stakeholder meeting. While the participants generally agreed on potential impacts of pesticides to human health and receiving environment, there were varying views on prohibiting use of cosmetic herbicides or pesticides on private

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properties, allowance of treatment by professionals versus residents, and treatment methodologies. With respect to their views on options, there was a greater level of support for restricting use of cosmetic herbicides and prohibiting use of cosmetic pesticides on private properties.

For the six people attending the public meeting, the attendees generally favoured restricting the use of cosmetic herbicides on private properties. Some of the comments expressed included limiting application of pesticides by licensed professionals only and management of European Chafer if there was prohibition on use of pesticides.

During the staffed mall displays, over a hundred members of the public received information on the City's proposed program. Overall, there was a general support from the public on establishing a bylaw to prohibiting the use of cosmetic pesticides on private properties.

## **2.2 Cosmetic Pesticide Use on Private Properties - Public Questionnaire Results**

At the end of the public consultation period, the City received a total of 393 completed questionnaires. Three hundred of the questionnaires were provided with resident / business addresses. The majority of these returned questionnaires were from the residents (95.6%), the remaining were from business operators (2.7%) and landscape professionals (1.7%).

Twenty three percent of the respondents supported Option 1 - establishing a bylaw to regulate the use of cosmetic herbicides on private properties; 24.3% of respondents supported Option 2 – expanding the bylaw to prohibit cosmetic pesticides on private properties; 27.7% of respondents supported both Options 1 and 2; and 25.0% of respondents did not support either options. The respondents generally noted a preference that after the enactment of the bylaw, a period of 3 to 6 months should be provided before the bylaw is brought into force.

In addition to the questionnaires, Council also received six separate letters from Burnaby residents expressing their opposition to a City bylaw to regulate the use of cosmetic pesticides. Based on the overall results of the public consultation process including the letters and questionnaires received by the City, a general conclusion can be reached that the majority of respondents support the establishment of a bylaw to prohibit/restrict cosmetic pesticide use on private property.

The prohibition of the use of cosmetic pesticides would allow the City to move one step closer toward the goal of protecting the environment and creating a sustainable community for all to enjoy. The following section of this report outlines the framework of a City bylaw to regulate the use of cosmetic pesticides.

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### **3.0 BYLAW TO REGULATE COSMETIC PESTICIDES ON RESIDENTIAL PROPERTIES**

All pesticides sold or used in Canada must be approved under the federal Pest Control Products Act and Regulations administered by Health Canada's Pest Management Regulatory Agency (PMRA).

The Province, through the BC Integrated Pest Management Act regulates all aspects of pesticide sale, use, storage, transport and disposal of registered pesticides.

Recently, through the *Community Charter*, the Province has allowed the local governments to regulate, prohibit and impose requirements in relation to the natural environment and public health. However, these broad powers have subsequently been restricted through the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* by limiting the regulation or prohibition of cosmetic pesticides\* to residential properties or on land vested in the municipality. Furthermore, the local government does not have the authority to regulate pesticides for: management of pests that transmit human diseases or impact agriculture or forestry; on residential areas of farms; to buildings or inside buildings; and on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality.

While the authority relegated to local governments in regulating use of pesticides on private lands is limiting, staff recommends that based on the consultation findings Council consider enacting a bylaw to prohibit cosmetic pesticide use for the purposes of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on land used for residential purposes except to control infestations. The term "infestation" will be further defined in the bylaw preparation process. Furthermore, in order to give sufficient time for residents to prepare for the upcoming bylaw requirements, it is recommended that the bylaw come into force one year after the enactment of the bylaw.

Additionally, staff proposes that the B.C. Minister of Environment be requested to amend applicable section(s) of the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation* to allow local governments to regulate, prohibit and impose requirements in relations to cosmetic pesticides on all private lands.

### **4.0 PUBLIC EDUCATION PROGRAM ON SUSTAINABLE LANDSCAPE MANAGEMENT PRACTICES**

A strong proactive education program providing information on proposed bylaw requirements would assist in creating greater awareness amongst residents. In addition, provision of information on sustainable landscape management practices and alternatives

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\* The term "cosmetic pesticides" is generally defined to be the use of pesticides for non-essential use in situations where the application is purely for aesthetic purposes.

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to chemical use such as biological control would be useful to residents to address issues such as European Chafer. Building up on the existing "Let it grow, Naturally!" program, the above information would be highlighted through brochures, City web site, articles in *Info Burnaby* newsletter, and various public events. Partnering education opportunities with schools, commercial retailers and stewardship programs would also be explored.

In the fall of 2007, staff from British Columbia Landscape and Nursery Association (BCLNA) and Institute of Sustainable Horticulture, Kwantlen University College, met with City staff to provide an overview of the *PlantHealthBC* Pest Management Accreditation Program. This program was built on the programs currently in use in Ontario, the Maritimes and Alberta. In BC, the program is developed by a multi-stakeholder group comprising of industry, provincial government, municipal government, regional health authorities and is to be administered by The Institute for Sustainable Horticulture, Kwantlen University College as an independent third party.

The program objectives are to:

- encourage widespread responsible pest management in BC by holding lawn care, arboriculture and landscape maintenance companies, golf courses and parks accountable to a high standard of practices for weed, disease and insect control and by facilitating industry access to Integrated Pest Management / Plant Health training;
- create open, transparent, self-sustaining programs built on strong partnership with key stakeholder groups; and,
- provide the public with a simple and reliable method of seeking companies and organizations that use responsible pest management practices.

Amongst other requirements, audits of companies would be undertaken by the program administrator as a part of maintaining accreditation. The implementation of the program is proposed to start in 2008, and municipal partnering in the program was being sought for a period of up to 5 years at a cost of \$3,000 per year. In general, the role of local government would be to promote the program to residents via established channels and through ongoing communication / branding support and requiring contractors operating within their area to be accredited. Given that the application of the proposed bylaw is for cosmetic pesticides and on residential lands, staff support Burnaby's participation in the subject program as it will require companies responding to infestations, structural pest problems, and similar pest management problems on residential and other private lands to apply IPM principles in responding to pest problems. City funding contribution will be reviewed on an annual basis and subject to a satisfactory review of the program progress. Funds required for participation in the program will be included in the 2008 Engineering Annual Operating Budget.

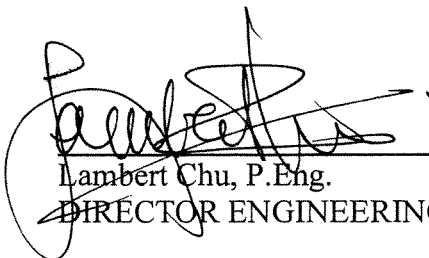
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**5.0 CONCLUSION**

Based on the findings of the public stakeholder consultation process, staff recommends that Council consider enacting a bylaw to prohibit cosmetic pesticide use for the purposes of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on land used for residential purposes except to control infestations. Furthermore, in order to give sufficient time for residents to prepare for the upcoming bylaw requirements, it is recommended that the bylaw come into force one year after the enactment of the bylaw.

Furthermore, as the authority relegated to local governments in regulating use of pesticides on private lands is limiting, staff recommends that the B.C. Minister of Environment be requested to amend applicable section(s) of the *Spheres of Concurrent Jurisdictions – Environment and Wildlife Regulation* to allow local governments to regulate, prohibit and impose requirements in relations to cosmetic pesticides on all private lands.

Additionally, staff are recommending that a strong public education program on sustainable landscape management be established to assist in raising greater awareness of the requirements of the proposed bylaw and provide alternates to pesticide use.

  
Lambert Chu, P.Eng.  
DIRECTOR ENGINEERING

  
Basil Luksun  
DIRECTOR PLANNING &  
BUILDING

  
for Kate Friars  
DIRECTOR PARKS,  
RECREATION &  
CULTURAL SERVICES

DD:

Copied to: City Manager  
Director Finance  
City Solicitor