

## Response Form

### *Cosmetic Use of Pesticides in British Columbia*

In the August 25 2009 *Speech from the Throne*, the Government of British Columbia committed to consult British Columbians on “new statutory protections to further safeguard the environment from cosmetic chemical pesticides.”

The Ministry of Environment has prepared a public consultation paper with background information and identified consultation issues for discussion to build understanding about the subject and provide a structure for comments and feedback. Information about the public consultation, including the consultation paper, the response form for providing comments to the ministry, and links to related legislation, are posted on the [Cosmetic Use of Pesticides Consultation Forum](#) website.

Those interested are invited to submit comments on the consultation issues identified by the ministry using the instructions and questions provided on this response form. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form.

Comments received will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note that comments you provide, and information identifying you as the source of those comments may be made publicly available if a freedom of information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding the consultation process, review the information posted on the ministry’s website or contact Cindy Bertram of C. Rankin & Associates, who is contracted to manage consultation comments, at:

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**Comments to the ministry should be made on or before February 15, 2010.**

Discussion comments and responses received by February 15, 2010 will be reviewed by the ministry and a summary posted on the consultation forum website. Following review of comments received through the consultation process, the ministry will inform respondents and post information regarding next steps and any intentions for review or revision of statutory provisions governing the cosmetic use of pesticides.

*Thank you for your time and comments!*

## **Consultation Issues and Questions**

The following consultation issues for discussion and questions outline some of the key issues in considering regulation of cosmetic use of pesticides in British Columbia – based on the public consultation paper available from the [Ministry of Environment website](#). Please let us know what you think.

### **Consultation issues for discussion**

1. Ministry objectives in regulating the cosmetic use of pesticides
  2. Potential regulatory restrictions on cosmetic use of pesticides
  3. Creating classes of pesticides that may or may not be used for cosmetic purposes
  4. Limiting use to qualified applicators and encouraging IPM
  5. Notification and signage requirements
  6. Conditions under which pesticides may be sold or purchased
  7. Public awareness, education, compliance and enforcement
  8. Additional comments
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### **1. Current ministry objectives in regulating the use of pesticides**

In regulating pesticides and the cosmetic use of pesticides, the ministry currently considers:

- Protection of human health and the environment
- Having a science-based approach
- Supporting the practice of Integrated Pest Management (IPM)
- Being appropriate and effective
- Providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests
- Cost-effective compliance and enforcement

### **Consultation Questions:**

1.1 What are your thoughts about these objectives?

The above mentioned objectives are appropriate with the exception that terminology relating to 'cosmetic pesticides' should be omitted due to its highly subjective nature and potentially negative connotation.

1.2 How should these objectives be applied in developing policy and/or legislation to further safeguard the environment from cosmetic use of pesticides?

This question suggests that federally tested and approved pesticides are hazardous to the environment and should have read, "How should these objectives be applied in developing policy and/or legislation in consideration of further enhancing environmental protection relating to the [proper] use of pest control products.

Each of these objectives should first be prioritized. Philosophical statements should be created for each and finally, each objective must be individually defined and a recognized scientific governing body enlisted/assigned to provide recommendations for standards that statutory requirements are based on. Questions we should be asking include:

Protection of Human Health and the Environment:

What is an acceptable level of protection for human health and the environment?

Whose decision is this? For example, it could be agreed upon that The World Health Organization provides independent conclusions on human health effects for particular products like 2,4-d to provide framework for legislation. HealthCanada PMRA can be relied on to test, approve and review pest control products.

Having a science based approach:

Is there data for pesticide use patterns in British Columbia? Has this data been analyzed and to what conclusion? Is there medical research involving BC pesticide users showing abnormal health problems versus the regular population? What is the threshold where the precautionary principle is satisfied with a science based approach? When considering regulation, is the approach toward a pest control product guilty until proven innocent, innocent until proven guilty or somewhere in the middle? Do statements like "There is a growing body of evidence to suggest a link between pesticides and cancer" or "In a World of Multiple Chemical Exposures we must eliminate needless risks from lawn and garden pesticides" qualify as scientific? For example, The International Standards Organization could provide best practices to help identify a protocol for this type of decision making.

Supporting the practice of Integrated Pest Management (IPM):

This is a good example of an already well defined and agreed upon program.

Being appropriate and effective:

The products must be effective. A high priority should be placed on this objective.

Providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests:

This is an important component and all groups should fully support public outreach and education programs.

Cost effective compliance and enforcement:

Will proposed legislation be designed as a financially cumbersome deterrent in the use of pest control products? Will operations that rely on IPM programs in their course of business be able to survive further restrictive requirements? In a total ban scenario, is the 'level playing field' argument appropriate as a business model?

Penalties for non-compliance should be substantial.

## **2. Potential regulatory restrictions on cosmetic use of pesticides**

In considering potential restrictions on the cosmetic use of pesticides, the ministry is taking the following questions into view:

- What is and what is not a cosmetic use of a pesticide? Can certain pests be considered cosmetic? Is there a point at which the management of a pest becomes not cosmetic? Is there a difference in using a pesticide to manage pests on a tree used for fruit production in a residential area and a fruit tree that is strictly ornamental?
- Should the term “cosmetic use of pesticides” apply strictly to outdoor situations (e.g., lawns and/or gardens)? Are there situations where the use of pesticides indoors would be considered to be cosmetic? How would this (indoor) use of pesticide for cosmetic purposes be defined?
- Should the regulation of cosmetic pesticides include uses on residential land, public municipal lands, and/or other private lands?

### **Consultation Questions:**

- 2.1 Do you have any comments regarding new restrictions addressing the cosmetic use of pesticides?

**As mentioned in point 1.1, 'cosmetic pesticide' terminology is highly subjective and infers the the use of pest control products for anything other than agriculture or protection of human health and infrastructure is solely based on vanity and serves no purpose toward human health or well being. The Western Canada Turfgrass Association does not support unnecessary use of pesticides as outlined in a proper Integrated Pest/Plant Management program.**

**The Western Canada Turfgrass Association supports the current systems in place such as HealthCanada PMRA and the BC IPM Act and believes products**

**should be reviewed individually rather than assume all pesticides are created equal and impose blanket legislation. The following mantra simplifies the decision making protocol:**

- 1) The products have to be registered by the PMRA**
- 2) The products have to work**
- 3) The products have to be cost effective**
- 4) The products and methods can not increase our environmental footprint**

**Any new restrictions placed on federally regulated products should focus on users/applicators as opposed to the target usage.**

2.2 How would you define “cosmetic use of pesticides”?

**The WCTA would not make this definition. Again, the terminology is misleading and inappropriately creates a forum where people are being asked to define their values often without even a basic understanding of the subject. A poll asking British Columbians "Should unnecessary pesticides be banned?" would and should obviously yield high support. A poll that asks "Do you support an Integrated Pest Management approach to pesticide use", which is essentially the same question, would and should also yield high support, but would do so only after an explanation of IPM was provided.**

**Pesticides exist to help protect people, property and crops against insects, weeds and disease that can cause significant damage and there is nothing cosmetic about them being used properly.**

**Calling these valuable tools cosmetic is just a way to try and make them seem unimportant, despite the role they play in protecting human health and the environment.**

**No other common household product goes through the level of scrutiny and regulatory oversight that pesticides do. Homeowners are able to freely purchase countless cleaning products, paints and solvents, and other household and automotive chemicals – all of which must be used according to label directions in order to avoid harm. There is no reason why pesticides should be singled out, in particular the subset of lawn and garden products that are typically targeted.**

2.3 Are there any business sectors or particular uses that you feel should not be subject to restrictions on the cosmetic use of pesticides? If yes, what is your rationale for recommending exclusion of these sectors or uses?

**Many groups point out that human health and our environment should not be sacrificed for monetary profit. The WCTA membership couldn't agree more! These statements however, are based on the premise that human health is**

**negatively effected by the use of pesticides, damage is being done to the environment and that subsequent profits are being made. Without sound, scientific evidence to support these claims, there seems to be no reason that any particular business sectors or uses should be singled out for exclusive restrictions.**

### **3. Creating classes of pesticides that may or may not be used for cosmetic purposes**

Some Canadian provinces have introduced statutory provisions that create additional classes of pesticides, with accompanying rules governing their sale and use. Approaches could include creating a class of:

- Active ingredients to which restrictions do apply;
- Active ingredients to which restrictions do not apply;
- Product types to which restrictions do apply; and/or
- Product types to which restrictions do not apply

#### **Consultation Questions:**

- 3.1 Do you feel that creating additional classes of pesticides would be an effective way to regulate pesticides used for cosmetic purposes? Why or why not?

**No, the current classification of pesticides is sufficient and further classification is duplication and will complicate the issue with what would be better served by increased education and training in the safe transportation, storage, application and disposal of already highly regulated pest control products.**

- 3.2 If you do recommend the establishment of new classes of pesticides for regulation, what criteria would you suggest for establishing categories and assigning pesticides to particular categories”?

N/A

- 3.3 What rules would you recommend for the sale and use of pesticides in any new categories?

N/A

- 3.4 What suggestions or recommendations do you have to address products or product types involving a pesticide that may have both cosmetic and non-cosmetic uses?

**Again, the WCTA would not make this distinction. The real question is whether lawns, gardens, non-commercial fruit trees, parks and rights-of-way are worthy of protection from pests. If the answer is yes, then access to safe, effective, Health Canada-approved pest control products must be maintained.**

#### **4. Limiting use to qualified applicators and encouraging IPM**

##### **Consultation Questions:**

- 4.1 If pesticides are to be used, do you feel that people who apply pesticides to their own property for cosmetic purposes require any special training? If so, what training do you think is needed?

**Education is part of the WCTA mandate and as such, the association supports any program involving training in the proper use of pest control products.**

- 4.2 Do you feel that pesticides should only be used if an Integrated Pest Management (IPM) program has been undertaken? Do you have any comments or suggestions for the ministry to improve the effectiveness of IPM training or requirements in relation to the cosmetic use of pesticides?

**The WCTA has contributed significantly and fully endorses the PlantHealthBC IPM program. The WCTA supports province-wide IPM certification of all professional applicators to ensure pesticides are used properly and only when necessary as part of a broader pest management strategy.**

#### **5. Notification and signage requirements**

##### **Consultation Questions:**

- 5.1 Do you have any comments or suggestions regarding appropriate notification and/or signage when a pesticide has been used (for cosmetic purposes)?

**Again, the question infers a negative connotation and the words 'for cosmetic purposes' should be stricken. If signage indicating pesticide use is legislated, it should be legislated in all areas of pesticide use including farmer's fields, vineyards, building and infrastructure applications, flea collars on pets, treated lumber, paint/pesticide combination products, grocery store produce departments etc. Legislation can not unfairly single out one particular use of federally regulated and registered pest control products.**

- 5.2 Would you want to be informed if a neighbour is intending to use a pesticide (for cosmetic purposes)? If yes, how and when should notification be required?

**No. If a notification requirement is legislated, it should include all pesticide uses, ie. farmer's fields, vineyards, building and infrastructure applications, flea collars on pets, treated lumber, paint/pesticide combination products, grocery store produce departments etc. If a neighbour is using a non PMRA regulated or registered product, said neighbour should be informing others that may be affected by its use.**

## **6. Conditions under which pesticides may be sold or purchased**

### **Consultation Questions:**

- 6.1 Do you have any comments or recommendations regarding existing or new requirements governing the sale of pesticides that could be used for cosmetic purposes?

**The WCTA supports the PRMA's plan to uncouple fertilizer/pesticide combinations and would support other similar decisions that better align with a proper IPM program.**

- 6.2 Do you feel that public access to all or specified classes of pesticides should be restricted or controlled? If yes, in what ways should access be restricted?

**With appropriate training and certification, access should be allowed to federally regulated, registered and approved pest control products.**

- 6.3 Should vendors be required to provide information to prospective purchasers of a pesticide prior to sale? If yes, what information should be provided and how?

**Yes. Information supporting proper IPM programs along with proper transport, use and disposal of pest control products should be available at point of sale.**

- 6.4 Do you feel that sales of pesticides intended to be used for cosmetic purposes should be restricted to buyers who hold special authorization or training? If yes, what authorization (e.g., licensing) and/or training would you recommend?

**The WCTA would support restrictions on the sale of pesticides for all uses ie. farmer's fields, vineyards, building and infrastructure applications, flea collars on pets, treated lumber, paint/pesticide combination products, grocery store produce departments, etc to authorized, trained and/or certified personnel only. We would recommend the current BC Pesticide Applicator Certificate**

**program and/or the PlantHealthBC IPM Accreditation program as models for training programs.**

## **7. Public awareness, education, compliance and enforcement**

The ministry is seeking advice and examples of awareness, education and enforcement programs addressing the cosmetic use of pesticides that are cost-effective.

### **Consultation Questions:**

- 7.1 Do you have any comments or suggestions regarding public awareness and/or education programs addressing the cosmetic use of pesticides (e.g., examples, target audiences, media campaigns)?

**There is an obvious need to educate the public and dispell fears, misconceptions and mis-information about the use of pesticides as a tool in our society.**

- 7.2 Do you have any comments or suggestions for supporting compliance and cost-effective enforcement of any new restrictions on the cosmetic use of pesticides?

**There are many credible non governmental organizations like the Western Canada Turfgrass Association, BC Landscape and Nursery Association, Institute for Sustainable Horticulture, Canadian Golf Superintendents Association and others that could be helpful in supporting compliance and enforcement, particularly through education programs.**

## **8. Additional comments**

### **Consultation Questions:**

- 8.1 Do you have any additional comments or suggestions for the ministry regarding statutory protections to safeguard the environment from the cosmetic use of chemical pesticides?

**Stating that all cosmetic pesticides should be banned is simplistic, does not take into consideration the many social and economic issues and does not provide an effective solution to a problem that arguably does not even exist.**

**Any product, if misused, can result in negative consequences to the environment. This does not mean that bans are the answer. These products are tools intended to solve specific pest problems and they should be regulated in an appropriate, measured way.**

**Is the use of the term “chemical pesticides” intended to differentiate between synthetic and natural pesticides? Health Canada states that “a pesticide (chemical or non-conventional) can only be registered or remain registered for use in Canada if any associated risks to health or the environment have been determined to be acceptable.” Therefore, there is no scientific basis for this type of differentiation.**

**Many jurisdictions have expressed concern about a perceived lack of action from Health Canada in the face of public pressure to do something. Here are just a few points about the history of these bans and how Health Canada's Pest Management Regulatory Agency (PMRA) has responded.**

**The PMRA - and indeed Parliament - was first faced with lobbying to ban urban pesticides when the House of Commons Standing Committee on Environment and Sustainable Development held hearings on the topic back in 2000. Many of the anti-pesticide groups and associations that are lobbying the government of British Columbia also made presentations to the Commons Committee and Parliamentarians at that time. The Liberal government of the day did not ban any products because it recognized that you cannot have a double standard when it comes to health and safety. They rightly concluded that either products like 2,4-D are safe for use or they are not and that Canadians will not abide by one standard for homeowner use and another for farm use because all lives are worthy of the same level of protection.**

**In response to increasing public concern and some municipal reactions, the federal government did undertake - with the support of its provincial counterparts, including British Columbia – a re-evaluation of the eight most widely used lawn and garden products as a priority group beginning in 1999 to determine if further regulation regarding their use and sale was required. As a result, some uses were changed or restricted to further reduce any risk to the user, neighbours or the environment. They also published, again in conjunction with the provinces, a brochure on IPM practices for lawn and garden use. Like British Columbia's government, Health Canada recognized that the public wanted increased assurance regarding safety.**

**Additionally, in 2006 a new Pest Control Products Act was brought into force. Canada is highly respected around the world for its rigorous science-based framework and this Act, which is up-to-date on every aspect of scientific risk assessment and evaluation and which takes into account the precautionary principle, is perhaps the most modern pesticide legislation in the world. The Federal Government has acted in a robust and complete manner when regulating pesticides and it was at the forefront on the urban use issue from the beginning of this decade. Whether the modernization and extra evaluation has been fully communicated to the public including the citizens of British Columbia is a fair question.**

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**Thank you for your time and comments!**

**Please remember to return this response form to the ministry by February 15, 2010.**

If you wish, you may also provide contact information. This information will be compiled separate from responses and used to inform respondents of posting of the summary of comments and subsequent ministry actions to develop and implement the regulatory changes.

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### **(Optional) Contact Information**

If you wish to have your name placed on the ministry listserv to receive further information concerning regulatory changes related to the cosmetic use of pesticides, please provide your contact information – **including an e-mail address** – below. Note that all submissions will be treated with confidentiality by ministry staff and contractors however information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

<b>Contact Name:</b>	Jerry Rousseau, Executive Director
<b>Business or Organization Name (if appropriate):</b>	Western Canada Turfgrass Association
<b>E-Mail:</b>	exec.director@wctaturf.com
<b>Mailing Address:</b>	Box 698, Hope, BC V0X 1L0
<b>Telephone:</b>	(604) 869-9282
<b>Fax:</b>	<b>1-866-366-5097</b>

### **Background and Area of Interest**

Please check "✓" in the appropriate boxes if your primary interest in the ministry's intentions relates to your:

**Interest as a member of the public:**

**Work in the private sector:**

Please describe (e.g., IPM services, turf manager, retail sales):

- Work for a government regulatory agency:**

Please describe (e.g., federal, provincial, municipal):

- Work for a public sector organization:**

Please describe (e.g., health authority, education institution, Crown corporation):

- First Nation:**

Please describe:

- Involvement or work for an environmental or community interest group:**

Please describe: **The Western Canada Turfgrass Association is an Association of nearly 900 members who are interested in further education, turfgrass research and the exchange of information related to turfgrass management. The members represent a diversity of interest such as golf courses, school boards, municipalities, sod farms, nurseries, landscapers, lawn bowling greens, mechanics, horticulturists and the trades which supply the industry.**

- Other interest:**

Please describe:

**Thank you once more for your time and interest in these regulatory changes.**

**If you have any further questions, please contact [cindybertram@shaw.ca](mailto:cindybertram@shaw.ca).**

**You may print this form and either:**

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or

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