

A Pesticide-Use By-law for the City of Ottawa

An outline of a by-law to protect public health by banning the use of pesticides for non-essential, cosmetic purposes in Ottawa



Proposed for Public Discussion

Why should Cosmetic Pesticides be banned?

- **Pesticides hurt.** They are toxins meant to kill, and they disrupt living beings as well as target organisms. They are particularly harmful to children and may be linked to many illnesses including cancer, diabetes, asthma, allergies, autism and attention deficits;
- **Pesticides go everywhere.** They do not stay where they are applied. Pesticides and their degraded products are found in the soil, water and air, and in human tissues, blood, breast milk and semen;
- **Cosmetic pesticides are unnecessary.** There are safer ways to maintain lawns and gardens, and the City of Ottawa has that information available; and
- **It is the mandate and responsibility of Ottawa Council to protect public health.** The Supreme Court of Canada has ruled that municipalities can act in a precautionary manner to protect public health, and in the case of pesticides to restrict their use in the interest of health and good governance. The Federal Minister of Health recognises that local pesticide by-laws will complement federal and provincial regulations.

Key Elements of the Proposed Pesticide-Use By-law:

- Applies outdoors, and does NOT apply to agriculture or forestry
- Deals with non-essential, cosmetic pesticide uses. Uses for public health purposes continues
- Allows for permits for professional treatment of infestations
- Golf courses to have a 3-year phase-in
- Enforcement on a complaint basis as a standard nuisance by-law, with education as the first response (*NO pesticide police!*)
- Pesticide-use bylaw to be phased-in – no fines until 2004 (public education continues)

We ask Ottawa City Council to pass a by-law to restrict pesticide use on private property based on the principle contained in the City's policy governing pesticide use on municipal property. The City's policy states:

"Public health is the primary determinant as to whether or not a toxic substance shall be used in urban areas of the City of Ottawa. Pesticide use shall be limited to cases where the health risks of application of the pesticide are clearly less than the risk to human health resulting from no action, and where the pesticide to be used poses less risk to health than any other practical method of solving the problem."

Elimination of cosmetic pesticide use is supported by: Ottawa physicians from the Children's Hospital of Eastern Ontario, the Ontario College of Family Physicians, the Ontario Public Health Association, Registered Nurses Association of Ontario, the Canadian Association of Physicians for the Environment, Allergy & Environmental Illness Association, Ottawa & District Labour Council

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Preamble: The City of Ottawa's pesticide-use policy is directed at the protection of public health. Many hospitals, schools, churches, housing co-operatives, seniors' residences and commercial enterprises have followed suit. The City of Ottawa has public education materials and a web site about safer alternatives for turf and garden care. These initiatives will be further developed to support the purpose of this by-law.

Prohibition: The application and use of pesticides is prohibited throughout the City of Ottawa.

Exceptions:

1. Low Toxicity Pesticides and Specific Use Pest Control Strategies (to protect public health) are permitted.
2. The use of other pesticides is authorized:
 - For agricultural and forestry purposes;
 - Inside of a building;
 - In public or private swimming pools, the contents of which will not enter a natural water body; for purifying water destined for human or animal consumption;
 - To control an Infestation, with a Temporary Pesticide Application Permit granted by the City of Ottawa.
3. Pesticides may be applied to golf courses within the City of Ottawa until Jan 1 2006. Starting in 2006, only Low Impact Pesticides and Specific Use Pest Control Strategies may be used on golf courses.

Temporary Pesticide Application Permit: A Temporary Pesticide Application Permit for treatment of an infestation may be requested by the owner and/or occupant. The Competent Authority appointed by the City of Ottawa must confirm the Infestation and health hazard, and be satisfied that good Environmental Management practices are not sufficient to protect health with regard to the Infestation. The Competent Authority shall have regard to heightened concerns close to Protected Properties. The application of pesticides pursuant to the Permit may be made by a licensed pesticide applicator, in compliance with all requirements indicated on the Permit, such as safety and notice provisions. The Temporary Pesticide Application Permit will be valid for 10 days, and must be displayed prominently and in view on the property from the day of receipt until 72 hours after the pesticide application. A minimum of 14 days must separate successive pesticide applications for the same infestation.

Requirements for Pesticide Applicators in Ottawa: Applications of any registered pesticide not described on the lists of Low Toxicity Pesticides or Specific Use Pest Control Strategies may only be made by a Pesticide Applicator licensed by the Ministry of Environment and Energy.

Golf courses and Pesticide Applicators (for non-agricultural and non-forestry uses) must register with the City of Ottawa by March 1 of each year. A log of pesticide use including identity, quantity, dates and areas of application must be kept and be available for inspection upon the premises, and be supplied to the City of Ottawa in November of each year.

All owners and occupants of abutting properties, and Protected Properties within 100 m of the property line shall be given 48 hours notice of pesticide applications.

Enforcement: A by-law officer shall investigate each complaint under this by-law. Where there is evidence of a pesticide application contrary to this by-law, the officer shall inform and provide to the offender an information package on the health risks associated with pesticides and an information package on safer alternatives to pesticides. Only upon repeat offences, and beginning in 2004, shall the penalties under this by-law apply.

Nuisance: The use of pesticides contrary to this by-law constitutes a "nuisance".

Limitations: This by-law does not diminish responsibilities or provisions under any other statute of Ontario or Canada to protect health or to preserve the environment.

Definitions:

Application of pesticides includes, but is not limited to, spraying, atomising, gaseous applications, and spreading of pesticides in granular, powder or liquid form.

Competent Authority is a person appointed by the City of Ottawa who has expertise in horticulture, pest control and environmental management.

Environmental Management Landscaping practices (plant selection, design, maintenance, agricultural practices, etc.) to maintain a landscape using only low toxicity pesticides.

Infestation Plants, insects, fungus or other organisms that pose a hazard to human health, such as noxious weeds as defined by legislation, that cannot be controlled by good Environmental Management.

Low Toxicity Pesticides are pesticides that have a minimal impact on the environment and human health. They may be used without restriction. Low toxicity pesticides share the following characteristics:

- they represent the lowest risk, in both the short and long term, for human health;
- they have little impact on non-target organisms;
- they are specific for the target organism;
- they degrade rapidly to non-toxic products;
- they represent lowest risk for the environment during their use and their degradation.

A list of pesticides of low toxicity will be maintained by the City. It may include:

- materials that are generally regarded as safe (for example food or animal feed grade substances, such as vinegar and corn gluten for weed control, or milk or baking soda for mildew)
- soaps, dormant oil, lime/sulphur preparations, borax;
- Diatomaceous earth for crawling insect control in sheltered areas and adjacent to buildings; and
- bio-pesticides i.e. organisms that specifically attack certain kinds of insects, such as nematodes to control grubs.

Occupant A person other than the owner who occupies a building or, in the case of a commercial establishment, the person who conducts the commercial activity.

Owner The person who holds the deed of the property.

Pesticide Applicators are persons licensed by the Ministry of Environment and Energy to apply pesticides.

Pesticides are substances, including micro-organisms, that interfere with the normal biological processes of living organisms deemed to be pests, such as noxious plants or weeds, plant diseases, insects, fungi, or other unwanted living things. "Pesticides" includes but is not limited to insecticides, herbicides, fungicides and rodenticides. "Pesticides" includes all products that contain active ingredients of pesticides, such as fertiliser with herbicide.

Protected Properties Children's day-care establishments, schools, nursing homes, hospitals, health clinics, places of worship, public lands, old age residences, day camps and playgrounds are protected properties. As well, a residence where the owner and/or one of its occupants exhibits hypersensitivity to pesticides and/or to chemical products will be protected when the hypersensitive individual presents to the City of Ottawa a signed letter by a medical doctor licensed to practice in Ontario, attesting to their health condition.

Specific Use Pest Control Strategies are to deal with specific situations putting human health at risk. A list of least-toxic pest control strategies for health risk situations will be maintained by the Health Department of the City of Ottawa.

Call or write or e-mail your City Councillor and let them know that you support a pesticide-free bylaw!

Call 580-2400 to find out who your City Councillor is and their contact information, or go to www.ottawa.ca.

Dear Councillor _____ ,

As a resident in your ward, I am writing to express my support for a bylaw banning the cosmetic use of lawn and garden pesticides.

There are studies that show that lawn care pesticides pose health risks to humans, and are very damaging to the development and behaviour of children. That is why responsible health organizations such as CHEO and the Ontario College of Family Physicians support municipal bylaws banning the cosmetic use of pesticides. As well, Environment Canada recognizes that these chemicals also pollute our drinking water and kill birds and beneficial insects.

There are safer, effective alternatives to pesticides for lawns. **I urge you to support a pesticide bylaw for the City of Ottawa.**

Please contact me to inform me what position you will take on this important health issue.

Sincerely,

(Your name and address)

cc. The Coalition for a Healthy Ottawa



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