



**Comments on:**

**Legislative Amendments to the Pesticides Act to ban the use  
and sale of pesticides for cosmetic purposes**

**EBR Registry Number: 010-3348:**

**to the  
Strategic Policy Branch  
Ontario Ministry of the Environment**

**May 21<sup>st</sup>, 2008**

**By the**

**Canadian Federation of University Women  
Ontario Council**

Submitted by  
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This fax contains 12 pages including this cover

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**Re: EBR Registry Number: 010-3348: Legislative Amendments to the Pesticides Act to ban the use and sale of pesticides for cosmetic purposes.**

The Ontario Council of the Canadian Federation of University Women (CFUW) welcomes the opportunity to comment on the *Cosmetic Pesticides Ban Act, 2008*.

Since 1992, CFUW policy has given voice to our concern about the degradation of the environment, the dangers of pollution and the destruction of fragile ecosystems.

In particular, CFUW has addressed the issue of cosmetic pesticides in its policy of 2002.

CFUW has called upon provincial and federal levels of government to:

- educate the public about the importance of biological diversity and protection of fragile ecosystems;
- protect all species of indigenous plants and animals that are at risk in Canada;
- use principles of sustainability when managing species, habitats and ecosystems;
- help raise a general awareness of the necessity of protecting the environment, in particular by expounding the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems;
- continue to expand consideration of ecosystem impact in approval of pesticides, refusing registration to those pesticides harmful to all non-target organisms that function as integral components of our ecosystems and which sustain healthy ecosystems through biodiversity;

- implement public education initiatives that explain ecosystem theory, and expand current initiatives that encourage alternative forms of landscaping and methods of lawn and garden care that promote ecosystem health (including human health) and biodiversity.

The Ontario Council of CFUW commends the Ontario provincial government's initiative with regard to restriction of the cosmetic (non-essential) use of pesticides.

We recognize that important voices in public health, including:

- Canadian Cancer Society
- Canadian Medical Association of Ontario
- College of Family Physicians
- Registered Nurses Association of Ontario
- Canadian Association of Physicians for the Environment
- Ontario Public Health Association

recommend that cosmetic use of pesticides be discontinued. While it is almost impossible to establish direct cause and effect relationships between low level pesticide exposure and human disease, epidemiological and immunological studies continue to raise serious concerns.

We sometimes forget that our health is inextricably linked with the health of the ecosystem in which we live. CFUW Ontario Council encourages the Government of Ontario to recognize that the wisdom of this legislation lies in protection of the environment and those interdependent organisms therein, including humans. It should not be directed primarily at ease of development of new less harmful products when in fact gardening methods developed before the cosmetic pesticide industry began were highly successful in sustaining both lawns and gardens in concert with environmental health.

Since 1990, when the municipality of Hudson, Quebec passed a by-law restricting the use of cosmetic pesticides on public and private property, pesticides have received considerable media attention in Canada.

In 1991, two lawn-care companies challenged the Hudson by-law on the grounds that pesticide use was not within municipal jurisdiction. The court affirmed that municipalities do indeed have the power to pass by-laws regarding pesticide use, so the lawncare companies appealed the ruling. In 2001, the Supreme Court of Canada upheld the municipality's right to pass the by-law. Interestingly, although the health effects of pesticides were not argued during the Supreme Court challenge, the judgment implied that this had been an important factor in the Court's decision. Since then, many municipalities across Canada, including

Toronto and Halifax, have passed by-laws restricting the cosmetic use of pesticides.

As does the Government of Ontario, we recognize the extensive research and public involvement across Ontario that has resulted in these many municipal pesticide by-laws. While CFUW Ontario Council fully supports the concept of provincial restriction of non-essential pesticide use except for public health or protection embodied in the Act as described, municipalities wishing to maintain a *more* restrictive standard of pesticide use as expressed by their municipal councils than the final Act as enacted should have the right to do so.

### **ESSENTIAL CHANGES:**

We appreciate the spirit of protection of human and ecosystem health of the Cosmetic Pesticides Act, 2008. However, the Ontario Council of CFUW believes that there are essential changes to the Act that must be effected if it is to successfully change usage and attitudes with regard to non-essential use of pesticides, and if it is to fully reflect rapidly changing attitudes toward cosmetic use of pesticides in Ontario municipalities.

**CFUW Ontario Council recommends that:**

- **The bill should prohibit use of non-essential pesticides, except as necessary for the promotion of public health or safety.**

**This would negate the need for “other prescribed uses” currently listed under Section 2. “The Act is amended ... 7.1 (2) 5. This subsection is unacceptable and counter to the spirit of the Act.**

- **This prohibition would not apply to uses related to agriculture, and forestry.**
- **Golf courses should be extended limited exception status for three years, by which time the exception would be terminated. Limited exception status would entail strict adherence to prescribed conditions as defined by regulation.**
- **As in Section 12 of the *Smoke-Free Ontario Act*,**  
 “If there is conflict between sections ... of this Act and a provision of another Act, a regulation or a municipal by-law that deals with smoking, the provision that is more restrictive of smoking prevails, subject to subsection 13 (3). 1994, c. 10, s. 12.”

**where both municipal pesticide ban by-laws and the *Cosmetic Pesticides Ban Act* exist, the provision that is more restrictive of non-essential pesticide use and/or sale will prevail.**

- A mechanism must be stipulated in the act that will address future product development to accommodate name changes, formula “tweaking” and development of new products.
- Public education with regard to alternative and proactive methods of lawn and garden care should be mandated within the Act. (When defined in regulation, this could in fact be a cross-reference process to the many excellent programmes already extant in municipalities across Ontario, but should nonetheless be recognized as an essential part of the Act.)

**SUGGESTED CHANGES to the TEXT of the ACT:**

- **Strike in Section 2, Bill 64, Cosmetic Pesticides Ban Act, 2008**

7.1(1), (2), (3), (4) and (5)

**Insert instead in Section 2**

**2. The Act is amended by adding the following clauses:**

Prohibitions – pesticides used for cosmetic purposes

**4. (2) No person shall use or cause or permit the use in, on or over land or water of a pesticide for any use except for the promotion of public health or safety.**

Excepted uses

**(3) As defined by the regulations, subsection (2) does not apply to the following uses of a pesticide:**

**(a) Uses related to agriculture.**

**(b) Uses related to forestry.**

**(4) Golf courses shall receive limited exception for a period of three years, subject to regulation.**

Conflict with other legislation

(5) Where both municipal pesticide ban by-laws and the *Cosmetic Pesticides Ban Act* exist; the provision that is more restrictive of non-essential pesticide use will prevail.

Requirement related to excepted uses

(6) A person who, pursuant to subsection (4) uses a non-essential pesticide shall comply with such requirements as may be prescribed.

Prohibition on sale, etc.

6. (2) No person shall sell, offer to sell or transfer a pesticide that has been defined as specific to cosmetic use except as defined under 4. (4)

(3) Protocols shall be established by regulation to ensure currency of those pesticides defined as specific to cosmetic use only.

(4) where both municipal pesticide ban by-laws and the *Cosmetic Pesticides Ban Act* exist; the provision that is more restrictive of sale of non-essential pesticides shall prevail.

- **Substitute in Section 4 of Bill 64, Cosmetic Pesticides Ban Act, 2008**

34. (2) Subsection (1) does not authorize the Director to exempt a person from a provision of a regulation made with respect to **section 4. (2)**

- **Substitute in Section 5 (1) of Bill 64, Cosmetic Pesticides Ban Act, 2008**

Section 35. [Regulations] of the Act

**Substitute:**

38. prescribing pesticides for the purpose of subsection **6 (2)**

39. defining golf courses for the purpose of paragraph 1 of subsection **4.(4)**

40. defining agriculture for the purpose of paragraph 2 of subsection **4.(3)1.**

41. defining forestry for the purpose of paragraph 3 of subsection 4.(3)2.

42. defining promotion of public health or safety for the purpose of subsection 4.(2)

Strike:

43. prescribing uses for the purpose of paragraph 5 of subsection 7.1 (2);

Substitute:

44. prescribing conditions that **must be met for subsection 4. (4)** to apply;

45. prescribing requirements that must be complied with for the purpose of subsection 4 (4)

Strike:

46. prescribing sales, offers to sell or transfers to which subsection 7.1 (4) does not apply;

Substitute:

47. providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in relation to section 4. (2) and 6.(2) and (3)

Strike:

48. prescribing municipal by-laws to which subsection 7.1 (5) does not apply.

- Strike the Section 5 (2) of Bill 64, Cosmetic Pesticides Ban Act, 2008

Strike: Pesticides prescribed for s. 7.1

Strike: (2) A regulation made under paragraph 38 of subsection (1) shall not prescribe a pesticide unless the pesticide may be used for a cosmetic purpose.

Strike: Municipal by-laws to which s. 7.1 (5) does not apply

**Strike: (3) A regulation made under paragraph 48 of subsection (1) shall not prescribe a municipal by-law unless the passing of the by-law is required under an Act.**

## **ONTARIO COUNCIL**

Ontario Council of the Canadian Federation of University Women is composed of 59 clubs comprised of graduates living in urban and rural areas across Ontario. We are non-partisan, non-sectarian and we are totally member funded.

Our policies are voted on by a one club/one vote system so that all areas of Ontario, from northern communities to large cities, have an equal voice. This results in well-balanced policies that may be embraced by most Ontarians.

Our members put their education and diverse skills at the service of their communities and are active in:

- public affairs
- public education, justice, health and environmental issues
- improving the status of women in Ontario, and
- ensuring human rights in the province.

CFUW Ontario Council is part of the Canadian Federation of University Women and has links to the International Federation of University Women (IFUW).

Respectfully submitted,



Myra Willis  
President, Ontario Council  
Canadian Federation of University Women

## Appendix A

### **SOME CANADIAN FEDERATION OF UNIVERSITY WOMEN POLICY CONCERNING PESTICIDES and the ENVIRONMENT**

**Note: Policy for CFUW Ontario Council integrates resolutions passed by CFUW Ontario Council as well as the Canadian Federation of University Women (CFUW) and the International Federation of University Women (IFUW).**

#### **2002 Non-Essential (Cosmetic) Pesticides: Registration and Education**

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada to take the following immediate actions regarding non-essential (cosmetic) pesticides, particularly parkland, lawn and garden pesticides.

1. Implement independent, periodic laboratory evaluation of all pesticides currently on the market, and all future pesticides, applying the principles of scientific objectivity recognized by leading medical journals (including the Canadian Medical Association Journal).
2. Require evaluation criteria for pesticide registration to include expanded measures of extended environmental processes: persistence and spread, bioaccumulation, biomagnification, chemical and biological interactions, and genetic impact, as well as full public disclosure of all ingredients (including formulants/inerts).
3. Continue to expand consideration of ecosystem impact in approval of pesticides, refusing registration to those pesticides harmful to all non-target organisms that function as integral components of our ecosystems and which sustain healthy ecosystems through biodiversity.
4. Implement public education initiatives that explain ecosystem theory, and expand current initiatives that encourage alternative forms of landscaping and methods of lawn and garden care that promote ecosystem health (including human health) and biodiversity.

#### **1999 Endangered Species**

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada and the provincial and territorial governments to pass and enforce legislation which will;

- a. recognize our global responsibility in respect to the critical importance of protecting wildlife species at risk;
- b. protect the critical habitat for all species at risk, as well as suitable buffer zones surrounding critical habitats;
- c. protect all species of indigenous plants and animals that are at risk in Canada;
- d. use principles of sustainability when managing species, habitats and ecosystems
- e. ensure that independent and government scientists play a vital role in the progress of identifying and protecting the species at risk;

RESOLVED, That CFUW urge the Government of Canada and the provincial and territorial governments provide sufficient funding to:

1. implement an action plan with sufficient funding, which provides the best options for preventing

further decline and improves conditions for vulnerable species.

2. implement recovery programs for all extirpated, endangered and threatened species, including recovery plans for all taxonomic groups of indigenous wildlife and develop a timetable for implementation
3. encourage stewardship for indigenous wildlife through education; and

RESOLVED, That the CFUW urge the Government of Canada to negotiate agreements with the provincial and territorial governments to harmonize such protective legislation.

### 1995 **Sustainability**

RESOLVED, That national federations and associations should:

1. urge their respective legislative bodies to incorporate the protection of the environment as an overall goal into their basic laws;
2. help raise a general awareness of the necessity of protecting the environment, in particular by expounding the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems;
3. promote the education of girls and boys of all ages in science, technology and disciplines relating to the natural environment; and
4. encourage governments to promote the development of sustainable and ecologically sound consumption and production patterns including ecologically safe waste disposal, the re-use and recycling of resources, the reduction of air pollutants, the careful management of energy sources and the use of environmentally sound technologies.

### 1992 **Endangered Ecosystems**

RESOLVED, To encourage the national federations and associations to urge their respective governments to:

1. educate the public about the biological (preserving biological diversity), ecological, economic, educational, recreational and spiritual importance of wilderness areas and the need to protect endangered ecosystems;
2. establish a system of parks and/or reserves of diverse and representative wilderness areas, free from industrial and resource development, in accordance with the recommendation of the World Commission on Environment and Development (The Brundtland Commission);
3. set a timetable within the next ten years for the implementation of this system before further destruction of natural habitats and the animal life dependent upon them occurs; and
4. make available adequate resources to implement this system in the allotted time.

**1989 Environment Our Common Future**

RESOLVED, That national federations and associations be encouraged to take action in their respective countries, and where possible, to encourage joint participation with IFUW affiliates in neighbouring countries to prevent further deterioration of our global environment by working to implement the recommendations of the Report of the World Commission on Environment and Development, "Our Common Future", (Brundtland Report) presented to the UN General Assembly in October 1987.

**1970 Pollution**

RESOLVED that the Canadian Federation of University Women requests the IFUW to urge its member organizations throughout the world to press vigorously, individually and collectively, for true inter governmental co operation and immediate action to clean the polluted air, soil and water, and to prevent further pollution on a world wide basis.

**ONTARIO COUNCIL****Club Locations**


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Ajax – Pickering	Kingston	Ottawa
Aurora - Newmarket	Kitchener - Waterloo	Owen Sound & Area
Barrie & District	Leaside - East York	Perth
Belleville & District	London	Peterborough
Brampton	Markham- Unionville	Renfrew & District
Brantford	Milton & District	Sarnia Lambton
Brockville & District	Mississauga	Saugeen
Burlington	Muskoka	Scarborough
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Cornwall & District	Norfolk	St. Thomas
Etobicoke	North Bay	Stratford
Georgetown	North Toronto	Sudbury
Georgian Triangle	North York	Thunder Bay
Grimsby	Northumberland	Toronto
Guelph	Oakville	Vaughan
Haliburton Highlands	Orangeville & District	Welland & District
Hamilton	Orillia	Weston & District
Kanata	Orleans	Windsor
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