



Comments on:

Regulations and Pesticide Lists to implement the Cosmetic
Pesticides Ban Act, 2008

EBR Registry Number: 010-5080:

to the
Strategic Policy Branch
Ontario Ministry of the Environment

December 20, 2008

by the
Canadian Federation of University Women
Ontario Council

Submitted by
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Re: EBR Registry Number: 010-5080: New General Regulation under the Pesticides Act, 1990 to implement the Cosmetic Pesticides Ban Act, 2008.

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

We appreciated the opportunity to have presented a brief to the Ontario Legislature Standing Committee on Social Policy on 9th June 2008 concerning the *Cosmetic Pesticides Ban Act, 2008*.

As noted, CFUW has a long history of attention to environmental concerns including cosmetic use of pesticides. We have urged all levels of government in Canada 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 before granting approval of pesticides;**
- **refuse 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.**

General Response to Regulations:

CFUW Ontario Council commends the Ontario provincial government's initiative with regard to restriction of the cosmetic (non-essential) use of pesticides. We are especially pleased with the list of proscribed chemicals, and with most of the regulations surrounding exceptions.

In particular, we commend the inclusion of 2,4-D, Glyphosate, Malathion, Malacrop, and Dicamba as Class 1 pesticides. We urge the Government of Ontario most strongly to maintain the prohibition of these substances for cosmetic use. Serious questions have been raised about each of these chemicals regarding safety, ecological impact and soundness of research protocols.

We believe that it is in the best interests of the citizens of Ontario and of the ecosystem upon which we depend to remain firm in the exclusion of *all* chemicals listed in the proposed Regulations.

In addition, CFUW Ontario Council has specific concerns. While we welcome the exclusion of public and school areas from cosmetic pesticide use, **we are concerned with the exceptions provided for golf courses (Sections 19 and 20) and specialty turf (Section 27), such as lawn bowling and cricket sites.**

We support the health and safety exceptions as defined in the Ontario Regulation made under the Pesticides Act, 18 (5), but recommend an extension to the definitions to note danger to human health, similar to that noted in 21 (4)(c).

We have further concerns with the exclusion provided for controlled access highways, believing this to be an important opportunity to extend natural habitat necessary for sustaining natural ecosystems.

Finally, CFUW Ontario Council has grave concerns regarding the omission of a direct reference to an education component. We believe this important component should be given formal standing in the Regulations. We suggest that to implement the Cosmetic Pesticides Ban Act without a comprehensive public education campaign is tantamount to implicit failure of the Act to achieve

its purpose. Should the Act be in place for this spring's growing season, there will be thousands of property owners and municipalities who will have little knowledge of how to create the natural gardens and lawns that were in existence before cosmetic use of pesticides. Their frustration will be great.

As well, given the importance of ecosystem support in today's world, there is an even greater opportunity and responsibility for the Government of Ontario to introduce this Act to the Ontario public in tandem with an education programme. This programme should be designed to promote an understanding of ecology, including biodiversity, species preservation and Ontario's place in the greater ecosystems of our province and indeed of our planet.

Specific Concerns:

Golf Courses and Specialty Turfs (lawn bowling, cricket, lawn tennis or croquet):

While we commend the strong application and posting nature of the golf course and specialty turf regulations, we believe that this Act should encourage the owners of these facilities to explore alternative methods of turf maintenance, recalling, for example, golf course maintenance in the two centuries of golf before pesticides were available. Since a great deal of controversy already surrounds water use and removal of diverse natural areas for monoculture golf courses, this Act should also encourage a cultural awareness that would help lessen the impact of golf courses (and specialty turfs) on the ecosystem.

It is important to note that exposure to the pesticides (primarily fungicides) used on golf courses, e.g., affects not only men and women, but also children who take golf lessons, participate in leagues and/or accompany their parents on the golf course. At the very least, golf courses should be required to use less toxic alternatives.

CFUW Ontario Council recommends that the Regulations specify limited exception status for golf courses and specialty turfs (lawn bowling, cricket, lawn tennis or croquet) 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.

Health and Safety:

CFUW Ontario Council supports in principle the use of pesticides where health and safety may be compromised, but notes the absence of qualification with reference to pesticide control of plant and animal life under definition of public

health **18 (5)** . We note that this clarification for pesticide use for public health exists for structures. See **21 (4)** under the Public Works Protection Act.

18 (5) For the purposes of subsection 7.1 (2) of the Act, “promotion of public health or safety” means the direct or indirect controlling, preventing, destroying, mitigating, attracting or repelling of any of the following pests

1. Animals that bite, sting, are venomous or carry disease, including wasps, bees, mosquitoes and ticks.
2. Plants that are poisonous by touch or ingestion, including poison ivy, poison sumac and giant hogweed.
3. Plants, fungi or animals, including carpenter ants and termites, that may affect buildings, structures or public works within the meaning of the *Public Works Protection Act*.

21 (4) If the pesticide is used with respect to a pest that is a plant, fungus or animal that may affect buildings, other structures or public works within the meaning of the *Public Works Protection Act*,

(c) the pesticide may be used only if the damage sought to be prevented could place the health or safety of a person at serious risk.

CFUW Ontario Council recommends that this precautionary coda also be added to Public Health control for 18 (5). While we accept that this is the intent, it is not defined either within the Act or the Regulations, and should be.

It is the hope of CFUW Ontario Council that the Government of Ontario has the health of the Ontario ecosystems in mind as a large part of this progressive Pesticides Act. Given that many of the economically and ecologically important species currently at risk sting and/or bite (as will any animal that can, when threatened!), such as bees, our decreasing pollinators, it should be noted that removal of any of these species should be dependent on a genuine risk to human health, and not be subject to misinterpretation. As the Regulation now appears to read, bees in a neighbouring garden would justify the use of pesticide. This is not the intent, we realize, but qualifiers need to be noted.

Controlled Access Roadways:

Controlled access roadways have a huge negative impact on the natural environment, not only on their massive paved portions, but also on the wide verges and medians. These roadways greatly reduce the amount of natural habitat in which birds and other native wildlife thrive.

Unprecedented human interference with ecosystem balance is taking place through use of chemicals and reduction of natural habitat. A large number of species are in serious decline. This decline will have far-reaching impact on our agriculture, our health, and our connection to our natural world. Pollinators e.g.

are critical for food production. In Ontario that means bees. Hive collapse is an ongoing problem. Insect eaters which control insects such as flies and mosquitoes are in decline: songbirds, amphibians, and more recently, bat colonies in the north-eastern US.

Pesticide free habitat is of critical importance to these species. What better opportunity than to enable natural growth on our highway roadsides and medians? Natural ecosystems are self-supporting, having developed here long before we arrived. They are food and shelter for native species of wildlife- and today they have become vital for the very survival of these species.

We do not recommend pesticide clearing and replanting as that which occurred on the 401. That is in direct opposition to ecological principles of species diversity and protection. Plants arrive via wind, birds, and as hitchhikers on animals. There are many plants that will be welcomed as habitat providers by birds and pollinators.

It is also important not to introduce competing species such as crown vetch, which can overtake more desirable species, and which can spread into adjacent areas, but to welcome the diversity of plants we may call weeds, which in fact are natural plants that insects and birds call food. What a wonderful opportunity for Ontario to demonstrate environmental leadership in biodiversity and species protection.

CFUW Ontario Council recommends that the Regulations permit a limited time exception for pesticide use on roadsides and medians on controlled access highways and that non-chemical alternatives, such as mowing, be developed for control where necessary.

Public Education Programme:

There is a critical need for this Act to be accompanied by a well-planned and comprehensive public education programme. This is a golden opportunity for the Ontario Government to make enormous gains in helping citizens to learn more about their environment, and to provide invaluable support to the ecology of our province, at a time when that support is greatly needed.

As noted above, there are many important species in serious trouble at present. It is folly to think that we exist apart from the ecological framework that supports those species. Pollinator numbers, e.g., are plummeting. Agriculture depends on pollinators for a large part of our food production, from hay to fruits to vegetables. Songbirds, according to Dr. Bridget Stutchbury, are no longer reproducing themselves, buffeted by loss of habitat and pesticide exposure. [*Silence of the Songbirds*, Stutchbury, Bridget, Harper Collins, 2007]. Songbirds are important consumers of pest insects which can carry disease.

Providing a programme that will explain basic ecology and give real solutions for maintaining natural lawns and gardens, and one that will be available to all citizens in a variety of formats is not an insurmountable challenge. In part, the work has been done across the province and indeed across Canada in many municipalities. Most include fact sheets, small hand-size booklets, and perhaps workshops. One example currently available in Ontario is the website <http://www.stratfordnaturally.ca>, which includes all three. By accessing materials already directed to natural gardening, the Ontario Government can work in partnership with other communities and organizations, perhaps forming a working committee that could assist with having materials prepared in time for the formalization of the Act.

CFUW Ontario Council recommends that a reference to an accompanying, ecologically sound education programme be included in the regulations.

An education component is an integral part of learning to garden without the cosmetic use of pesticides. The citizens of Ontario will need answers to why and to how, not just rules that prohibit chemicals without supplying alternatives.

More importantly, Ontarians should be encouraged to reframe their concept of good gardening to accept a standard more compatible with the health of the natural ecosystem that supports us all.

For lawn care companies, this is an economic opportunity. They have the chance to educate themselves about natural gardening and provide that service throughout the province. Retailers are already stocking tools for weed digging and organic compost. Learning to begin at the soil, amending it to promote the growth of microorganisms necessary for healthy plant growth is step one. Lawn care providers can become the experts to whom we will turn.

As golf courses and specialty turfs are gradually transformed into more ecologically friendly places, they too may be encouraged to educate their patrons by providing explanations about the transformations under which they are becoming more eco-friendly.

ONTARIO COUNCIL

The Canadian Federation of University Women Ontario Council is composed of 57 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

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

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Myra Q. Willis".

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Appendix A

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

**Note: CFUW Ontario Council policy integrates
CFUW Ontario Council policy as well as CFUW and IFUW policy**

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.

Appendix B

**Canadian Federation of University Women
ONTARIO COUNCIL
Club Locations**

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