

Limiting our risk

A discussion paper about a proposed provincial ban on non-essential lawn care pesticides

Why we want your input

The Nova Scotia government is committed to fostering a healthier, more sustainable environment; therefore, we are looking for ways to reduce the use of pesticides. The province is examining whether it should introduce a provincewide ban on non-essential lawn-care pesticides (also known as cosmetic pesticides).

The government is proposing a ban on cosmetic pesticides used only in lawn and turf maintenance, mainly for weed control or lawn-specific insects. We aren't considering banning pesticides used to control pests that can harm human health, such as rodents or micro-organisms in swimming pools. Nor are we considering pesticides used in vegetable gardens. We are targeting only pesticides used for lawns and turf.

In 2003, Halifax Regional Municipality (HRM) banned the use of cosmetic pesticides on residential and municipally-owned properties. HRM doesn't have the authority to ban their sale. On November 6, 2009, the Union of Nova Scotia Municipalities passed a resolution requesting that the province develop legislation to ban the sale and use of cosmetic pesticides.

We want to hear your input on the proposed ban on cosmetic pesticides. This paper is meant to encourage public input and debate on the government's proposed approach. We want to get your input on how these unnecessary pesticides should be controlled. Some questions you should consider are listed at the end of the discussion paper, as well as how to submit your comments.

What's at stake?

Why some people say there should be a ban on non-essential lawn care pesticides

In recent years, few environmental issues have aroused the concern of the public as much as the use of pesticides to maintain lawn and turf areas. Many homeowners apply pesticides themselves or hire lawn maintenance companies to do it for them. Regardless of the application method, many people claim there is an adverse health effect associated with their use. They say that the pesticides aren't necessary, that they could harm people or the environment, and that we can grow healthy lawns without them.

Potential for harm to people and the environment

Many environmental and health groups say that using these cosmetic pesticides exposes the environment and people to risk unnecessarily, especially sensitive individuals and children. The Canadian Cancer Society, Pesticide Free Nova Scotia, and some medical professionals have asked the government to restrict their use as a precaution.

Why some people say there shouldn't be a ban on non-essential lawn care pesticides

Other people argue that there isn't enough scientific evidence to support a ban on cosmetic pesticides. After all, Health Canada's Pest Management Regulatory Agency approves pesticides for use in Canada. But while Health Canada approves them, it does recommend limiting their use.

What is a pesticide?

A pesticide is any substance used to prevent, destroy, repel, or diminish any pest. Pests can be insects, rodents, weeds, fungi, and micro-organisms such as bacteria and viruses.

Pesticides contain active ingredients and formulants. Active ingredients are the chemicals used to kill. Formulants are additives that make the pesticide stronger or easier to use. They can be more toxic than active ingredients but unlike the active ingredients, manufacturers don't have to tell regulators what they are. This is because they are trade secrets.

Pesticides include

- herbicides to control weeds
- fungicides to control certain types of plant diseases
- insecticides to control insects
- rodenticides to control rats, mice, and other rodents
- biocides to control micro-organisms to sanitize swimming pools and spas
- fungicides and insecticides that preserve wood

That's why we are proposing a ban on cosmetic pesticides.

Some people suggest that it's unfair to infringe on the rights of private property owners. They say a ban might make it more difficult to maintain attractive lawns, leading to a decrease in property values. We don't think property values would decrease because other safer methods of lawn care exist.

Others suggest that banning cosmetic pesticides can cause undue hardship to landscaping and maintenance companies, which would find it too difficult and expensive to maintain services.

What other governments say

Many municipalities across Canada, including HRM, have passed bylaws restricting the non-essential use of pesticides. Now several provinces have started banning or restricting their sale and use. Health Canada says that it is good practice to reduce or eliminate any unnecessary exposure to pesticides.

What the Nova Scotia government says

The proposed Nova Scotia ban takes a cautious approach to this issue. Nova Scotia Environment (NSE) believes that exposing people or the environment to pesticides should be minimized, particularly in cases where that risk isn't necessary. Health Canada allows only

What are the benefits and risks of pesticides?

Pesticides can be useful to society because they keep disease-causing and crop-damaging pests under control. Without some pesticides, society has a harder and more expensive challenge providing people with food, clothing, and in some cases, good health.

Because pesticides are designed to deter or kill pests, some may pose a risk to humans, animals, and the environment if they aren't applied correctly. Because Health Canada has approved the use of pesticides, people assume risks are minimized and may be worth taking. But why take any risk when some pesticides simply aren't necessary?

pesticides it considers acceptable to be used under specific circumstances. But it urges people to use them only when necessary. The Nova Scotia government agrees with Health Canada, which is why we want to eliminate any non-essential use.

Why take any possible risk from pesticides that merely make our lawns greener? Nova Scotians need to find ways to minimize their exposure and reliance on pesticides. We think pest control products for lawn maintenance are a non-essential use, which is why we're proposing to eliminate them from the environment.

What alternatives are there to non-essential lawn care pesticides?

The best alternative is growing a stronger lawn. Grass species native to our climate are much harder than southern species such as Kentucky bluegrass. There should be at least 15 centimetres of good soil under grass.

Using biopesticides can be less harmful. Biopesticides are made from natural materials such as animals, plants, bacteria, and minerals. Some are natural pheromones or microbial pesticides.

Biopesticides are becoming more popular because

- they generally affect only the target pest and other closely-related organisms
- they're often effective in very small quantities
- they generally break down quickly

Other methods of weed and pest control include building physical barriers and, of course, good old-fashioned weeding.

How are pesticides currently regulated in Canada?

The Federal Role

Pesticides must be registered before they can be imported, manufactured, sold, or used in Canada. Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for regulating these pesticides. Using the *Pest Control Products Act*, the PMRA administers

domestic class pesticides

- are registered for home use
- are packaged in small containers and intended for single use or one season use
- do not require users to have any training, certification, or special personal safety equipment
- pose little risk to users or the environment if label directions are followed
- can be bought by the public at retail outlets

this legislation. It registers pest control products, re-evaluates registered products, and sets maximum residue limits under the federal *Food and Drug Act*. Residues are small amounts of pesticide left on or around something that's been treated.

Before it will register a pest control product, Health Canada evaluates scientific data submitted by the pesticide company to ensure that the pesticide is an acceptable health and environmental risk. It must also be considered to be of value to Canada.

Unlike the United States, applicants must show that the products actually work as promised. This means the Canadian process is tougher but ensures consumers get a better, safer product. Based on the PMRA's evaluation, products are registered for sale and use in Canada and classified for domestic, commercial, or restricted use, or the product is rejected.

All pest control substances, whether natural, organic, or artificial, must be registered by the PMRA to be marketed in Canada as a pesticide. You can read more about the PMRA and the federal government's role on its website at www.pmra-arla.gc.ca.

The Provincial Role

Nova Scotia Environment regulates the sale, use, storage, and disposal of pesticides in the province. It also requires applicators and vendors of restricted or commercial class pesticides to become certified. In some cases, applicators also require an approval permit from NSE to apply pesticides.

Domestic class pesticides aren't regulated in the province, outside of federal regulations. Anyone applying them to their own properties doesn't need training, a permit, a license, or any special certification.

The Municipal Role

In Nova Scotia, only HRM has the authority to ban the application of cosmetic pesticides. It doesn't have the authority to ban their sale. HRM does allow people to apply for a permit to use cosmetic pesticides under certain

commercial class pesticides

- are used in lawn maintenance, agriculture, forestry, industry, or other commercial operations
- often have similar active ingredients to domestic class but more concentrated
- are kept in larger containers with higher concentrations so they pose a greater risk than the domestic class pesticides
- require special training and certification of users or vendors

restricted class pesticides

- have more limits on products than commercial class
- pose a greater risk to users, other people, or the environment due to higher toxicity and application method

circumstances, but this practice would no longer occur under the proposed ban. Other municipalities have the authority to create a registry which would require lawn maintenance companies to give notice to registered citizens before applying pesticides.

Currently, no municipality can restrict pesticide use for lawn maintenance on commercial or industrial properties. HRM can only restrict use for residences and municipal properties.

What have other provinces done about this issue?

Quebec

- targets pesticides that specifically pose a risk to human health according to the Quebec government, not because they are considered cosmetic pesticides
- in 2003, banned the use of most pesticides on lawns of public, semi-public, and municipal properties
- in 2004, prohibited the sale of fertilizer-pesticide mixtures and mixed packages such as herbicide and insecticide
- in 2006, prohibited the sale of certain domestic pesticides intended for use on lawns
- banned about 20 active ingredients, found in about 150 commercial products, from lawn use specifically because the government believes they pose a human health risk

Ontario

- as of April 2009, uses the *Cosmetic Pesticide Ban Act* and accompanying regulations to ban the sale or use of specific active ingredients used for lawn and residential garden care
- banned over 95 active ingredients in more than 250 products for cosmetic use
- banned use of cosmetic pesticides on lawns, vegetable and ornamental gardens, patios, driveways, cemeteries, in parks, and in schoolyards.
- overrules any local municipal bylaws to create one set of rules across the province

New Brunswick

- in June 2009, banned all 2,4-D products provincewide
- banned 231 domestic class products that are broadcast-applied, or applied to all areas of the lawn at one time, using hose-end attachments, granules, or concentrates
- broadcast ban includes some products considered alternative or low toxicity products in other provinces or municipalities
- requires all lawn maintenance companies and golf facilities to become Integrated Pest Management Accredited

Prince Edward Island

- has announced controls similar to New Brunswick's

Alberta

- banning sale and use of fertilizer/pesticide combinations effective January 2010

Proposed Nova Scotia government action

Provincially ban the sale and use of non-essential pest control products for lawn and turf maintenance
--

The purpose of this proposed ban is to eliminate selected pesticides from Nova Scotia's lawn maintenance market. This will reduce unnecessary exposure of people and the environment to pesticides. The proposed ban will affect commercial lawn maintenance companies, municipalities, and home owners when maintaining lawns. Under the proposed ban, pesticide use will be prohibited on the lawns of private, public, semi-public, municipal, and commercial properties.

Permitted pesticides

To administer the proposed ban, a list will be developed to determine what products are permitted for use on lawns and turf. This is similar to current regulations in HRM and in the province of Quebec. These may include products that can be considered lower risk or biopesticides such as acetic acid, borax, and insecticidal soaps.

Any products that aren't considered acceptable would be banned from sale and use for lawn maintenance. These would include products such as 2,4-D, glyphosate, and fertilizer/pesticide combination products.

Exemptions to non-essential lawn care pesticide ban

Certain industries and sectors will be exempt from a proposed pesticide ban. These include agriculture, aquaculture, forestry, and professional structural pest control companies. This last sector includes controlling pests for public health, such as rodent, bedbug, and ant infestations. These sectors already have rules on how to store and apply pesticides.

Golf courses will be exempt if they adopt the Atlantic Golf Superintendents Environmental Self Assessment Manual. This is a manual developed by Nova Scotia Environment in cooperation with industry stakeholders.

We want all sectors that are exempt to actively find ways to reduce their reliance on chemical pest control products by using lower risk pesticides, biopesticides, or other methods.

What are some of the benefits and drawbacks of a provincial ban?

Benefits

- Taking a cautious but proactive approach to protect the environment and human health by reducing unnecessary exposure to chemicals
- Increased opportunity for a consistent approach across the province and Atlantic Canada
- Encouraging the development of more environmentally sustainable products by limiting the sale of non-essential and potentially harmful products in retail outlets

Disadvantages

- Could cause changes in the lawn maintenance industry – costs of products could increase and workers would need more training and certification to maintain residential and municipal lawns

What you should consider

1. Do you believe that the application of pesticides for lawn maintenance is non-essential? Why or why not?
2. Do you agree with the provincial ban on non-essential lawn care pesticides proposed by the Government of Nova Scotia? Why or why not?
3. Do you have any additional comments about the proposed non-essential pesticide ban?

How to respond

Additional information on pesticide management in Nova Scotia can be found at www.gov.ns.ca/nse/pests/

We welcome your comments on the topics and issues raised in this discussion paper. It is meant to encourage public input and debate on the government's proposed approach.

You can provide your feedback to us in a variety of ways: via mail, e-mail, phone or fax. You can also submit your feedback via an online form.

Comment Period

Consultation submissions will be accepted to **March 7, 2010**.

Comment Submissions

Comments can be submitted via our online consultation form (<http://www.gov.ns.ca/nse/pests/>), email, fax, or regular mail.

To submit written comments via regular mail, you may print and complete a consultation feedback form found at www.gov.ns.ca/nse/pests/ and send to:

Proposed Non-essential Pesticides Ban Comments
Nova Scotia Environment
5151 Terminal Road
P.O. Box 442, Halifax
NS B3J 2P8

policy@gov.ns.ca

Phone: 1-888-320-0555

Fax: (902) 424-0644

Submissions received will be considered by Nova Scotia Environment as part of the public consultation process. Your submission may be made available to the public with the exception of your personal information, which will only be disclosed in keeping with the privacy provisions of the NS Freedom of Information & Protection of Privacy Act. Should you wish any of the information provided to be held in confidence, please clearly indicate this for consideration.