

STANDING COMMITTEE ON  
SOCIAL POLICY

COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Monday 9 June 2008 Lundi 9 juin 2008

SUBCOMMITTEE REPORT

COSMETIC PESTICIDES BAN ACT, 2008  
LOI DE 2008 SUR L'INTERDICTION  
DES PESTICIDES UTILISÉS  
À DES FINS ESTHÉTIQUES

REGISTERED NURSES'  
ASSOCIATION OF ONTARIO

ONTARIO COLLEGE OF  
FAMILY PHYSICIANS

CANADIAN ASSOCIATION OF PHYSICIANS FOR THE ENVIRONMENT

ALEX CULLEN

CANADIAN FEDERATION OF  
UNIVERSITY WOMEN,  
ONTARIO COUNCIL

CITY OF TORONTO

CANADIAN CANCER SOCIETY,  
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CONCERNED ABOUT RESOURCES  
AND THE ENVIRONMENT

ONTARIO FRUIT AND VEGETABLE GROWERS' ASSOCIATION

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*The committee met at 1434 in committee room 1.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Shafiq Qaadri):** Ladies and gentlemen, legislative colleagues, I welcome you to the Standing Committee on Social Policy for consideration of Bill 64, An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes

Before beginning the substantive portion of the meeting, I invite our subcommittee members to please read the report into the Hansard record, for which I will call upon Ms. Broten.

**Ms. Laurel C. Broten:** Your subcommittee on committee business met on Thursday, June 5, 2008, to consider the method of proceeding on Bill 64, An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes, and recommended the following:

- (1) That the committee meet for the purpose of holding public hearings in Toronto on Monday, June 9, 2008.
- (2) That the clerk of the committee post information regarding the hearings on the Ontario parliamentary channel and the Legislative Assembly website and, if possible, in major Ontario newspapers.
- (3) That interested people who wish to be considered to make an oral presentation on the bill should contact the clerk of the committee by Friday, June 6, 2008, at 5 p.m.
- (4) That the clerk of the committee provide a list of interested presenters to the subcommittee following the deadline for requests.
- (5) That each caucus provide the names of six proposed witnesses and five alternates to the clerk of the committee by Monday, June 9, 2008, at 10 a.m.
- (6) That each presenter be given 10 minutes in which to make a statement and answer questions.
- (7) That the deadline for written submissions be Friday, June 13, 2008, at 12 noon.
- (8) That amendments to the bill be filed with the clerk of the committee by Friday, June 13, 2008, at 5 p.m.
- (9) That the committee meet on Monday, June 16, 2008, for clause-by-clause consideration of the bill.
- (10) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

**The Chair (Mr. Shafiq Qaadri):** Are there any questions, comments or urgencies with regard to the subcommittee report? Seeing none, I'll ask for its adoption. Those in favour? Carried.

## COSMETIC PESTICIDES BAN ACT, 2008 LOI DE 2008 SUR L'INTERDICTION DES PESTICIDES UTILISÉS À DES FINS ESTHÉTIQUES

Consideration of Bill 64, An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes / Projet de loi 64, Loi modifiant la Loi sur les pesticides en vue d'interdire l'usage et la vente de pesticides pouvant être utilisés à des fins esthétiques.

REGISTERED NURSES'  
ASSOCIATION OF ONTARIO

**The Chair (Mr. Shafiq Qaadri):** We'll move now to presentations by our external presenters. As you know, we're

here to consider the Pesticides Act. I remind everyone listening and those watching elsewhere that the presentations will be 10 minutes in total time. The presenters are invited to use that time as they wish, but if any time is left over, that will be distributed evenly among the parties for questions and comments and, no doubt, aggressive cross-examination.

With that, I now invite Wendy Fucile, president of the Registered Nurses' Association of Ontario. I thank you in advance for the materials you have distributed and invite your cohort to please introduce yourselves for the purposes of Hansard. You have 10 minutes, beginning now.

**Mr. Kim Jarvi:** Kim Jarvi, senior economist, Registered Nurses' Association of Ontario.

**Ms. Wendy Fucile:** Thank you, Mr. Chair, ladies and gentlemen of the committee, we very much appreciate the opportunity to meet with you today. My name is Wendy Fucile, and I am the president of the Registered Nurses' Association of Ontario, RNAO, the provincial association for registered nurses in Ontario.

RNAO members practise in all roles and sectors across the province. Our mandate is to advocate for healthy public policy and for the role of registered nurses in enhancing the health of all of Ontario's citizens. We welcome this opportunity to present our views to the Standing Committee on Social Policy on Ontario's Bill 64, An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes.

Bill 64 has the potential to be an important step in the right direction, but we're not popping the champagne corks yet. RNAO and its members have been working hard to achieve protection against non-essential use of pesticides across this province for many years. We were delighted to attend Premier McGuinty's press conference to introduce this important legislation, and we were especially pleased that during that announcement the Premier stated unequivocally that "Ontario's legislation would serve as a floor and not as a ceiling." We were, therefore, most distressed when this statement was later contradicted by Minister Gerretsen's office.

The bill has some excellent features that could put Ontario at the forefront of protection of the public against pesticides. We are pleased that the bill will ban the use and sale of pesticides for cosmetic purposes and will cover residential, industrial, commercial, institutional, municipal and provincial properties, including rural residential properties. We are also very pleased that the Minister of the Environment announced that the implementation period would be swift, with the ban to be in effect for the 2009 growing season. We do, however, have serious concerns about certain features of the bill in its proposed form, and we will work to further necessary changes to fix those problems.

Specifically, as presently written, the bill would empower the government to introduce other exemptions by regulation. This, in our view, is a dangerous and unnecessary provision that could put current or future cabinets under pressure from industry and undermine the intent of the legislation. Indeed, the lawn care industry organization, Landscape Ontario, makes clear in its briefing note on Bill 64 that it would seek exemptions for so-called weed and insect infestations. These exemptions make implementing pesticide legislation more costly and difficult, and represent loopholes to continue business as usual.

## **1440**

The bill, as presently written, would take away from municipalities the right to exceed the provincial standard in pesticide protection. This pre-emption strategy has been used with great success by the pesticide industry in the US, and we do not want to see it used here. RNAO is most concerned with this, because municipalities have always had a leadership role in pesticide and toxic chemical management, and because municipalities are in a good position to respond to local health issues. Some existing municipal protections—for example, banned uses of pesticides—could be rolled back with the legislation, as currently written.

The bill would exempt gold courses, which is inconsistent with RNAO's belief that exemptions should be limited to public health purposes.

The government has released a list of pesticides that could be banned from use or sale for cosmetic purposes. This list does not include all pesticides of concern; for example, Roundup. An inclusion list of allowed minimally toxic substances would be a preferable approach. A precautionary approach is essential when determining which substances would be allowed on that list.

RNAO is also seeking assurance that the government will provide the needed resources to implement the new legislation, including funding for education and enforcement.

To summarize our recommendations, RNAO strongly supports the ban on the use and sale of pesticides for cosmetic purposes.

RNAO recommends use of the precautionary principle in developing the list of banned or allowed substances. RNAO further recommends employing an inclusion list of allowed substances, which would be more protective than a list of banned substances. An efficient and precautionary process for adding or removing substances from the list must be specified.

RNAO strongly supports province-wide coverage with protection for all Ontario citizens, whether they live in built-up areas or in rural or remote areas.

RNAO supports exemptions for public health, as determined by the medical officer of health, but is opposed to other exemptions, such as exemptions for golf courses.

RNAO is particularly concerned about the exemption for "other prescribed uses," with those uses to be prescribed by regulation. RNAO strongly recommends that the clause exempting other prescribed uses be removed from the legislation.

RNAO strongly urges complete removal of the clause rendering municipal pesticide bylaws inoperative. Ontario must preserve municipalities' rights to take protective legislative measures against pesticides that go beyond those delivered by the province. Municipalities have been key partners in protecting citizens from pesticides, and they must remain our partners. As a citizen in a community where municipal government was an early adopter, I can speak to the value of this approach.

RNAO supports the timely implementation of this legislation for the 2009 growing season, and urges that sufficient resources are allocated for education and enforcement.

This legislation has the potential to be the strongest of its kind in North America. RNAO and its members have a big stake in making it succeed. Nurses in Ontario have fought the cosmetic pesticide battle on many fronts, and we will see that fight through to the end.

Our work began as a collaboration with a wide range of health and environment groups on municipal pesticide campaigns. As a result of our work with these others, at least 32 Ontario municipalities covering 45% of the population now enjoy the protection of pesticide bylaws. Legislation banning pesticides is extremely popular with the public, and Ontarians are looking to the leadership of Premier McGuinty to extend this protection across the province.

RNAO has joined a broad coalition of other health and environmental organizations to lobby for strong legislation to protect against the non-essential use of pesticides. This coalition remains united and determined to work together and work with its broad constituencies to bring the protection that Ontarians want.

RNAO's members are enthusiastic about our position. They give us the strength and determination to continue to work for pesticide legislation that will work and will be cutting-edge in North America.

Ontario's children—our children, our grandchildren—deserve nothing less.

**The Chair (Mr. Shafiq Qadri):** Thank you. We have minimal time for just a few comments, starting with the PC side. Mr. Shurman.

**Mr. Peter Shurman:** Very briefly, you didn't touch on agriculture at all in your presentation, and I'm wondering what your position is in regard to pesticides used on farms, because that's over 90% of pesticide use, and you'd have to agree that's under controlled circumstances. What about agriculture?

**Ms. Wendy Fucile:** In regard to agriculture, I think we have to be clear that there is a requirement that there's nothing cosmetic. We need to look at water supply, where the downflow is, and what else we are introducing at the price of protecting our cost. I believe there are some specific points on that that Mr. Jarvi could make—

**Mr. Peter Shurman:** Can you answer it more briefly?

**The Chair (Mr. Shafiq Qaadri):** With respect, I'll have to intervene there and offer it now to the NDP.

**Mr. Peter Tabuns:** Could you speak very briefly to the health impacts of pesticides that you, as medical professionals, have been concerned about?

**Ms. Wendy Fucile:** Do you want to answer the technical piece, Kim?

**Mr. Kim Jarvi:** The evidence is actually cited in our submission. There are a lot of different reviews, particularly epidemiological literature, that are quite extensive. Dr. Sheela Basrur, for instance, did a study for Toronto in advance of its pesticide bylaw, a very large study that the Ontario College of—

**The Chair (Mr. Shafiq Qaadri):** I have to intervene there. I suggest that if there are any substantive issues to be discussed, perhaps you might contact the MPPs later.

To the government side. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** I just want to express thanks from this side of the table for your presentation. Your information was received and was heard very clearly.

**Ms. Wendy Fucile:** Thank you. We would be delighted to respond to other questions in a different forum.

**The Chair (Mr. Shafiq Qaadri):** Thank you very much, colleagues, and thank to the Registered Nurses' Association of Ontario.

ONTARIO COLLEGE OF  
FAMILY PHYSICIANS

**The Chair (Mr. Shafiq Qaadri):** I will now invite to come forward to the podium Ms. Janet Kasperski, chief executive officer, as I know very well, of the Ontario College of Family Physicians. Ms. Kasperski, as you've seen, you have 10 minutes to make your presentation. Your written materials are being distributed, and I invite you to begin now.

**Ms. Janet Kasperski:** Thank you. I am from the Ontario College of Family Physicians, and I want you to know that we're a chapter of the College of Family Physicians of Canada. We have 8,400 family physicians who practise here in Ontario and 22,000 across Canada. As an organization, we were established in 1954 for the express purpose of setting standards for a new and emerging specialty called family medicine. We oversaw the establishment of family medicine residency programs in the 16, and now 17, medical universities across Canada. We're a body that oversees the education of medical students and family medicine residents, and we work very hard to keep our practising family physicians in the province very current so that they can provide the best advice to prevent disease before it starts and to assess, diagnose and treat disease.

Where exposures to contaminants like pesticides are concerned, we work in our offices, in emergency departments and in hospitals, and we see first-hand the health problems that can occur when we don't protect people, especially our children, from exposures to environmental hazards.

In 1992, Health Canada conducted a Canada-wide survey, and the public identified family doctors as the most trusted source of information on health and the environment, and family doctors stated that their knowledge in this area was quite weak. So we established the environmental health committee to gather the information, the evidence we needed on the impact of the environment on health and to develop it into educational programs and materials that would address this issue.

One of the first areas that the committee researched was pesticides, and we did so because there was a great level of concern amongst our members and the patients they served, and we felt there was an ability to develop preventive strategies, one of which is the pesticide law you are here today to discuss.

In 1999, the Ontario college undertook a review of the literature, to develop a series of educational modules on the impact on the environment and health. We're a cautious group, and we rarely speak out without a foundation of

evidence to back up what we're saying. The evidence that was available to us was in the literature.

The Pest Management Regulatory Agency receives animal studies conducted or paid for by the pesticide manufacturers, but they were kept secret from the general public and considered to be proprietary. The evidence from the studies of humans exposed to pesticides strongly supports the stance we have continued to adopt to this very day. We found evidence of harm from exposures to pesticides. We were particularly worried about pregnant women and their fetuses being exposed to pesticides, as well as infants and children. We crafted our findings into a brochure that family doctors could distribute to their patients, to warn them to avoid pesticides unless it was absolutely necessary.

In 2002, Dr. Sheela Basrur, then the medical officer of health in Toronto, conducted a study looking at the effects of house and garden pesticides on human health. Dr. Basrur found similar effects and began the process of developing a bylaw banning the use of pesticides for cosmetic purposes in Toronto.

As that bylaw moved forward, DuPont, the manufacturer of Agent Orange, threatened to sue the family doctors of this province if we did not remove all references to the pesticide study from our website. Instead of removing the information, we conducted another study to update the literature, to find further research papers that had been conducted since our original study. We found that the newer studies provided even stronger evidence that pesticides are harmful to human health.

That's our report. It's a tome, it's big, it's very well done. Our findings show associations between solid cancer tumours and pesticide exposure: brain cancer, prostate cancer, kidney cancer and pancreatic cancer, among others. We found non-Hodgkin's lymphoma; leukemia; nervous system effects like depression, suicide and learning difficulties; chronic disorders like Parkinson; and birth defects, fetal death and uterine growth retardation.

We are very concerned about pesticides and their effects on adults, but their effects on children really worry us: kidney cancer, brain cancer, haematological tumours such as non-Hodgkin's lymphoma and leukemia, and increased risk of leukemia if the child is exposed in utero.

Our paper, as it was being released, found great pressure from the pesticide industry. They really wanted us to weaken the version of the Toronto bylaw. Dr. Basrur was very much supported during that period of time by a group of doctors, nurses and others who came together to say to her, "Move forward," and she did.

During that period of time, the pesticide industry did everything they could to discredit our paper. An organization in the United Kingdom, very similar to the Pest Management Regulatory Agency, was bombarded with complaints because they were not looking at the literature we were looking at. One of their staff, in defence of the stance they had taken of only looking at animal studies, reviewed our paper and accused us of being selective in the ones we chose. When we explained that we had removed those papers whose methodology was very weak and that were biased, i.e., bought and paid for by others, the non-industry members of that UK group wrote a minority paper supporting our paper.

The pest management regulatory association here in Canada reached out to us. They agreed that they had only been looking at animal studies and agreed to put epidemiologists within their organization. They asked the OCFP to become a member of their advisory committee.

One of the first things we did was take them to task for using the word "safe" in regard to pesticides. Pesticides are never safe. There are some benefits to pesticides. It's why they're regulated. But there is always some danger, particularly to mothers and their fetuses, to infants and children. We have noticed in the literature, in the media, fairly recently that they again are using the term "safe," and we have again taken them to task. They identified the fact that they were trying to reassure the public that they were doing their job. They are not doing their job when they use that word. They would do a much better job if they identified the fact that we should all avoid pesticides unless they're absolutely necessary.

Within your package is an illustration from Mexico. It shows learning disabilities. Children exposed to pesticides are on the right side. They scribble, where children who are protected from pesticides at three and four years of age are able to draw quite accurately. We use it as a sign of the rationale for the learning disabilities that we see within our study.

We want you to know that we stood beside Sheela Basrur and we will stand beside this government. However, we want this legislation to be a cellar, and not the ceiling.

Many communities have worked long and hard to develop strong pesticide bylaws that will protect the children in their community. This bill, as it is written, weakens their ability to do so and, indeed, in many respects weakens the very fibre of municipal governments by taking away the right to protect the citizens they serve. You did not do this with smoking. You allowed the municipalities to go beyond the provincial law.

In closing, the OCFP would request that the reference to municipalities be dropped so that our citizens and cities can pass more health-protective pesticide bylaws if they so choose. We would like to see the golf course exemption removed as well. There are many examples across Canada of very successful golf courses that are pesticide free. And we would like to see the "other prescribed uses" exemption removed as well. We are concerned, like our nursing colleagues, that this exemption will undermine everything that the legislation hopes to achieve.

Our closing message to you is the same as the one we give to our patients: Pesticides should be avoided whenever and wherever possible. Cosmetic bylaws need to be passed, and they need to be strong.

**Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kasperski, for your precisely timed remarks. Regrettably, that will leave no time for questions. I thank you for your presence as well as your written submission.

CANADIAN ASSOCIATION OF PHYSICIANS FOR THE ENVIRONMENT

**The Chair (Mr. Shafiq Qaadri):** I'd now invite our next presenters to please come forward: Gideon Forman, executive director of the Canadian Association of Physicians for the Environment, and colleagues.

**Mr. Peter Shurman:** On a point of order, Mr. Chair: I recognize that there's a structure to the committee process, but I don't believe we're being fair to our stakeholders if we time them out at 10 minutes and we get no opportunity to question them.

**The Chair (Mr. Shafiq Qaadri):** I would, with respect, accept your remarks. I would very much encourage you to please speak to your subcommittee member to bring that up at the time these matters are being decided.

I'd now invite Mr. Gideon Forman to please begin.

**Mr. Gideon Forman:** Thank you, Mr. Chair and members of the committee. We very much appreciate your offering us this opportunity to speak today. As executive director of the Canadian Association of Physicians for the Environment, I speak on behalf of nearly 3,000 doctors and concerned citizens from across the country. I'm here today to speak strongly in support of Bill 64, but also to request, as my other health colleagues have, three amendments that we believe would make it even more protective of human health and the environment.

Like Toronto's medical officer of health, Dr. David McKeown, my organization believes that the overall thrust of Bill 64 is exactly right. In fact, we have stated publicly that it has the potential to be the most health-protective pesticide legislation in North America. We're particularly pleased that the government's intention is to ban pesticide sales. By doing this, it will substantially reduce exposure to these toxic products, and therefore provide significant protection against illnesses, primarily cancer and neurological illness, that are associated with pesticide exposure. But like Dr. McKeown, we have serious concerns about the clause in the bill which would render municipal bylaws inoperative.

**1500**

For a start, the very notion of limiting cities' ability to protect human health is worrisome. Today the issue is pesticides; tomorrow it may be something else. Are we seeing here the beginning of a trend toward a general diminution of municipal powers? Whether the issue is tobacco control, junk food, sewer use or community right to know, cities have time and again displayed their expertise in the field of environmental protection and health. What possible sense is there in clipping cities' wings? In short, this clause sets a very troubling precedent that threatens cities' ability to protect citizens in a whole range of areas.

We're also concerned about provincial governments of the future. Obviously, we have great faith in your government, the McGuinty government, but what if 10 or 15 years down the road Queen's Park decides to gut the

cosmetic pesticides ban? There would be no strong provincial legislation at that point and no municipal power to create pesticide bylaws. In other words, the public would lose all protection against toxic lawn chemicals.

Our point is that municipal bylaw-making authority is not a redundancy. On the contrary, it's a vital safety net ensuring that, whatever upper levels of government may do, the public remains safe.

Dr. McKeown has wisely pointed out that municipal powers were not stripped when the province passed its landmark Smoke-Free Ontario Act. Rather, the legislation allows, as you know, the preservation of municipal anti-smoking bylaws, with the caveat that whichever is more restrictive of tobacco—the bylaw or the provincial legislation—prevails. My colleagues at the Canadian Cancer Society tell me that the Smoke-Free Ontario Act is a superb piece of legislation. I understand it's one of the strongest in North America. All we're asking is that the model followed with respect to smoking is also followed with respect to pesticides.

It seems to our organization that this whole legislative exercise, the whole essence of this, is about protecting public health. Surely if a municipality wants to go beyond the provincial legislation and offer its citizens enhanced protection, it should be allowed to do so. We're particularly concerned about severely polluted communities. Some municipalities have more than the average pollutant burden from, say, local industry or a nearby toxic waste dump. I'm thinking of places like Sarnia or Windsor, for example. The local government does not have control over these industrial sources of pollutants, but it can reduce residents' total chemical exposure by enacting a pesticide bylaw.

In short, municipal governments need the ability to respond to their unique local needs, and this means letting them pass bylaws that would go beyond the provincial standard. We therefore ask that any reference to municipalities in Bill 64 be struck out.

The second point is that the exemption for golf courses should be withdrawn. Runoff from golf pesticides ultimately ends up in our water, threatening drinking water supplies, to be sure, but also aquatic wildlife and fish. More worrisome still, scientific studies—and the College of Family Physicians has been excellent at these—on golf course superintendents, who, as we know, spend a lot of time around pesticides, show that these workers have elevated levels of mortality from cancer. I do have the studies here.

While we recognize that golf courses face some special challenges in eliminating pesticides, a permanent legislated exemption, which is what the government's proposing, we believe is not warranted, and frankly is inconsistent with the intention of the bill. After all, golf pesticides, strictly speaking, are a "cosmetic use" as defined in the legislation—i.e., non-essential. There are at least two pesticide-free golf courses in Canada, as you know: There's one in Nova Scotia, Fiddler's Green; and there's another in British Columbia, Blackburn. We see no reason why Ontario operators could not follow in the footsteps of these industry leaders.

We also believe, frankly, that there's an economic argument to be made here, that going pesticide-free could increase golf club revenues and profit, leading to some economic stimulation and some job growth. Would today's health-conscious golfer be willing to pay just a little more to play on a safer, more environmentally friendly surface? We think the answer is yes.

Finally—I will wrap up, Mr. Chair; I'm mindful of the time—we urge you to remove the bill's exemption for the so-called "other prescribed uses." This catch-all clause would, we fear, allow pesticide applications for any and every use. Certainly it could be used to justify cosmetic spraying, which would clearly undermine the bill's whole intention. If the issue here is ensuring that pesticides can be used for emergencies, for health and safety issues or for prevention of illness, surely that's already covered under the quite reasonable health and safety exemption. As a doctor's organization, we can see no possible justification for an exemption that's as broad and as vague as the so-called "other prescribed uses." If allowed to stand, it could undermine everything the legislation hopes to achieve.

In sum, the Canadian Association of Physicians for the Environment is very supportive of the proposed ban. We only ask that you drop the clause referring to municipal powers, and that you remove the exemption for golf courses and the so-called "other prescribed uses."

Mr. Chair, I'm happy to answer any questions.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Forman. About a minute per side, beginning with Mr. Tabuns.



**Mr. Peter Tabuns:** Could you speak directly to the whole question of health impacts on golf grounds managers?

**Mr. Gideon Forman:** Sure. There's been a fair bit of research done in this area. One of the studies that I'm looking at, from the Ontario College of Family Physicians' Pesticide Literature Review—they did what's called a cohort study. They looked at 680 deceased male members of what they call the Golf Course Superintendents Association of America. They compared them to cancer mortality in the general US male population and they found that on a whole range of cancers, this cohort of golf superintendents had higher mortality from cancers. I'm talking about lung cancer, brain cancer, non-Hodgkin's lymphoma and prostate cancer. So there is a fair bit of evidence that these people who spend a lot of their time around pesticides are at increased risk for mortality from cancer.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mr. Shafiq Qadri):** To the government side.

**Mr. Kevin Daniel Flynn:** Thank you for the presentation. Could you comment on your knowledge of the experience of other jurisdictions that have implemented pesticide bans?

**Mr. Gideon Forman:** Sure. The best example, as you know, is the province of Quebec. What we saw in Quebec, based on Statistics Canada, was a dramatic drop in pesticide use following their province-wide ban on these products. They had about a 50% drop in household pesticide use, according to Statistics Canada. So they're very effective in doing what they're trying to do, which is reduce the non-essential use of pesticides.

**The Chair (Mr. Shafiq Qadri):** To the PC side.

**Ms. Laurie Scott:** I just wondered if you could say, in a word or two, what is the active ingredient that you say is linking the workers on the golf course to an increased risk of cancer?

**Mr. Gideon Forman:** There's a whole range of active ingredients, and different golf courses use different products. We're concerned with a whole range of products.

**Ms. Laurie Scott:** We have Health Canada, which you haven't mentioned, and they do all the approvals.

**Mr. Gideon Forman:** They do registrations, yes.

**Ms. Laurie Scott:** Yes. So does Health Canada have no credibility in these studies?

**Mr. Gideon Forman:** Sure, they have credibility.

**Ms. Laurie Scott:** So you don't believe what they're saying? Because they're saying that they have tested the most susceptible portions of the population, and they find no harm or linkages with these ingredients.

**Mr. Gideon Forman:** With all due respect, that's not quite what they say. They say, first of all, that all pesticides come with risks, and they do. There's a whole range of pesticides that they've looked at, and some are more harmful than others. But to say that there's no harm from them I don't think is quite accurate.

**Ms. Laurie Scott:** Well, I can use quotes that they say when their use is prescribed—they measure on the amount that is used, but it's used as directed on the labels, which are, again, all approved by Health Canada. I'm trying to get the science behind all of this so that we have accurate information, and Health Canada is the regulatory body in that manner.

**Mr. Gideon Forman:** Sure. There's a huge amount of science. A lot of the science that they use is animal science. What the doctors and nurses in the cancer Society tend to look at is human science; in other words, epidemiological studies. For example, the Canadian Pediatric Society two years ago published a paper on 2,4-D—this is doctors now—and doctors said: "2,4-D can be persuasively linked to cancers, neurological impairment and reproductive problems." So if you look at what doctors are saying—

**The Chair (Mr. Shafiq Qadri):** I'm going to have to intervene there, Mr. Forman. Despite this being, of course, an ultimately important point, I would, as I say, encourage you to communicate the materials in question and answer later, perhaps through the committee or even directly. So thank you for your presentation on behalf of the

Canadian Association of Physicians for the Environment.

ALEX CULLEN

**The Chair (Mr. Shafiq Qaadri):** I would now invite Mr. Alex Cullen of Ottawa city council for the Bay ward. I would also advise members of the committee that Mr. Cullen is a former member of provincial Parliament, having served in the 36th Parliament from June 1995 to May 1999—as we say, in the good old days.

**Mr. Alex Cullen:** Thank you. You're very kind, Mr. Chair.

**The Chair (Mr. Shafiq Qaadri):** Mr. Cullen, I would invite you now to please begin.

**Mr. Alex Cullen:** Thank you, Mr. Chair and members of committee for allowing me the opportunity to speak. My name is Alex Cullen. I am the councillor for Bay ward in the city of Ottawa, and I'm here to represent the city of Ottawa in supporting Bill 64.

I think you have before you a motion that was passed by our council on May 28: "That city council endorse the Ontario government's initiative to prohibit the use and sale of cosmetic pesticides in Ontario and urge speedy passage of Bill 64, that Ottawa city council request that Bill 64 be amended to permit municipal bylaws governing the use and sale of cosmetic pesticides that are consistent with the intent and purpose of Bill 64, and that this motion be copied to the Premier, the leaders of the opposition parties, the Ministry of the Environment" etc.

**1510**

I won't spend a lot of time providing you with evidence supporting banning the use and sale of cosmetic pesticides. Their health risks to humans, particularly children, are well documented and continue to grow, to the point where we have a number of health organizations across this nation taking up the campaign to eliminate this public health risk.

What I am here to do is speak to you about subsection 7.1(5), which would render municipal bylaws inoperative. The irony is that it was the municipality of Hudson, over 20 years ago, that passed the first bylaw in Canada dealing with cosmetic pesticides. That was taken to the Supreme Court of Canada and the Supreme Court validated that municipality's position. Since then, as the evidence has mounted, municipalities across Canada began to pass bylaws, particularly at the recommendation of their medical officers of health.

In Quebec, because there was such a municipal wave, the government of Quebec put in place the pesticides management code, and obviously we're seeing Ontario take the same position. However, it does not make sense to take away from the very level of government that is closest to the communities it serves the ability to protect those communities where provincial legislation falls short. That is not the position that was taken in Quebec. The Quebec pesticides management code does permit municipal bylaws that deal with the same area, as long as they're not inconsistent with the purpose and intent of the act.

I have to bring to your attention—I'm sure others have—this government's position with respect to smoke-free legislation. As you know, smoke-free bylaws began at the municipal level and took a long time to develop at the municipal level, but it came to the point where the government of Ontario stepped in and passed such legislation. Section 12 of the Smoke-Free Ontario Act states: "If there is conflict between sections 9 and 10 of this act and a provision of another act, a regulation or a municipal bylaw that deals with smoking, the provision that is more restrictive of smoking prevails...." That is exactly what we want to see with respect to this particular legislation.

Mr. Chairman, I'm stopping now because I know that politicians like to ask questions, and I'm going to permit that opportunity.

**The Chair (Mr. Shafiq Qaadri):** Thank you for that regard. I will now offer the floor to the government side. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for travelling down from Ottawa. You obviously have a long-time interest in this subject. I note that you've introduced motions yourself, in 2002 and 2005, for the city of Ottawa to implement a bylaw. I come from Oakville, where we have a bylaw in place—the debate raged for quite some time, but we had successful passage.

**Mr. Alex Cullen:** Congratulations.

**Mr. Kevin Daniel Flynn:** During that debate, there was a lot of interest in the province acting on this instead of municipalities drafting their own bylaws, similar to the smoking bylaws, where you almost had an adversarial situation between neighbouring towns and cities—that type of thing. Obviously there's an advantage, and you support implementation of this bill. Could you expand a little more on your experience with the city of Ottawa and how you got to the position you now are at, where I guess there's some interest but there isn't a bylaw?

**Mr. Alex Cullen:** We came very close—within a tie vote. Quite frankly, our example was across the border. The little municipality of Chelsea has had a pesticide-free bylaw for many years, and the mayor came and spoke to us in favour. We had doctors, nurses, environmentalists, organic growers and community activists. The only people who came to speak against our bylaw were industry advocates from across the province: Weed Man from Kingston, Nutri-Lawn from Brockville. They came from all over the province, as if we were an attraction at that point. It was a difficult conversation.

But just to go back to smoking, in my municipality we had a no-smoking bylaw. Other municipalities had no smoking bylaws, and they varied. I applaud the government for trying to have a common standard to protect Ontarians across the province. But there are times when a community will want to take that extra step. For example, under smoking we can take that extra step if we feel it better protects our community. Why can we not do the same thing with pesticides? If you, as a government, already believe this is not a good thing to expose people to, particularly children, then allow us the opportunity to do that on behalf of our own community.

**The Chair (Mr. Shafiq Qadri):** The PC side: Mr. Shurman.

**Mr. Peter Shurman:** Less than 2% of all pesticides used pertain to the uses we're discussing today, i.e. residential use on front lawns—Weed Man etc. Health Canada, which comprises over 500 technicians, all pharmacological, medical—

**Mr. Alex Cullen:** I used to work at Health Canada

**Mr. Peter Shurman:** Then you know it very well. It is the definitive authority and, supported by the World Health Organization, has stated categorically that the use of pesticides, properly administered, provides no risk to the health of people. I'm asking you for your reaction; you've worked there.

**Mr. Alex Cullen:** I did work there. As a matter of fact, I was a policy analyst for a number of years. They say, "Use as directed." For 2,4-D, do not inhale, do not expose your skin to 2,4-D. Why? Because you may get cancer from it. When you have 2,4-D forming a number of products in our community, going onto our lawns and into our water system—the city of Ottawa has documented the presence of pesticides in our water system—we are carrying it in our bodies. And when our medical officer of health comes to us and says, "This is an easy way to reduce your exposure to the risks associated with these chemicals," we ought to listen.

**Mr. Peter Shurman:** I could say the same thing about any medication that's prescribed by a doctor. If I don't take it as directed, I may kill myself.

**Mr. Alex Cullen:** But you're not spraying it all over the place. You're not spraying on people's lawns. The difference with your 2% cosmetic use is that 98% of people live in urban settings. They're being exposed to this. Out in an agricultural area, population density is much less; in an urban area, it's much higher and we cannot defend ourselves from our neighbours spraying these chemicals. As I say, it goes into our water supply and we get exposed, and it's absolutely unnecessary.

**Mr. Peter Shurman:** Do you advocate spraying, for example, for mosquitoes, as is being now done here in Toronto?

**Mr. Alex Cullen:** We don't spray for mosquitoes, but we do put in larvicide to deal with the larvae. We actually use Bti, which is a natural bacterial product, as larvicide. But when you need exemptions to protect public health, the public will be there to support you.

**Mr. Peter Shurman:** Do you eat food that—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Shurman. Mr. Tabuns.

**Mr. Peter Tabuns:** Mr. Cullen, could you talk a bit about the options the city of Ottawa would have if the province imposed a ceiling on actions they could take against pesticide use?

**Mr. Alex Cullen:** Well, if this provision stays in place, we don't have that many options, but it's amazing what citizens will do. Many good ideas come from the bottom up. If you think of blue box, it was not top-down; it was bottom-up. The origin of health care was a municipality, Weyburn, Saskatchewan, which decided to hire a doctor. Many local initiatives become national policies after a while.

I'm concerned about exemptions, for example, that would allow IPM, or integrated pest management, which is touted by the industry as the safe way to go. It's not if the chemicals are still there.

I'm amazed: I have family in Montreal. We get the brochure from Nutri-Lawn in Montreal and the brochure from Nutri-Lawn in Ottawa. In Montreal, they can sell you lawn care services that are pesticide-free for maybe five bucks more a month. It's the same colour of brochure here in Ottawa, and of course they use pesticides. How can they be successful selling their products in Montreal without the use of pesticides? It can be done, and we should do it.

**The Chair (Mr. Shafiq Qaadri):** Thank you for coming forward, Mr. Cullen, as well as for your submission in both official languages.

CANADIAN FEDERATION OF  
UNIVERSITY WOMEN,  
ONTARIO COUNCIL

**The Chair (Mr. Shafiq Qaadri):** I now invite Ms. Elaine Harvey and Sheila Clarke, of the Canadian Federation of University Women, Ontario Council, to come forward. As you've seen, the protocol is 10 minutes in which to make a presentation. I invite you to begin now.

**Ms. Elaine Harvey:** Thank you very much, ladies and gentlemen. I am Elaine Harvey of Kingston, Ontario, immediate past chair of the legislative standing committee of the Canadian Federation of University Women, Ontario Council. With me is Sheila Clarke of Stratford, Ontario, past director of legislation for the national organization of CFUW. Due to the short notice, our president, Myra Willis, was unable to attend today.

CFUW, Ontario Council, welcomes the opportunity to comment on Bill 64, and is pleased that the government of Ontario has initiated a revision of the pesticide bill. CFUW is a 10,000-member national organization with a long-established history of research and advocacy in public affairs. The Ontario council has 59 clubs throughout the province pursuing the same path with regard to provincial matters. CFUW is affiliated with the International Federation of University Women, IFUW, founded in 1919, with members in over 120 countries.

We have a well-established policy on the environment, dating from 1967. We take as our authority in establishing policy the policies of IFUW, CFUW and the Ontario council, recognizing that each adopted resolution has been carefully researched and approved by delegates at duly constituted annual general meetings. The environment has always assumed a large role in our research and advocacy.

**1520**

**Ms. Sheila Clarke:** Good afternoon. My name is Sheila Clarke.

CFUW is supportive of the government intention to protect the residents of Ontario from unnecessary use of pesticides. We particularly commend the application of this legislation to both urban and rural residential properties and the broad application of it throughout the communities. These elements are truly forward-thinking.

CFUW proposes seven recommendations to ensure that the bill will adequately protect public health, successfully change usage and perceptions of pesticides and fully reflect rapidly changing attitudes toward cosmetic use of pesticides in Ontario municipalities.

Firstly, the bill should prohibit use of non-essential pesticides, except as necessary, for the promotion of public

health and safety. This pertains to a fundamental premise of the bill, and that is the designation of chemical components as the criteria of use, or not. A list of this nature is essential for the prohibition of sales of cosmetic pesticides. However, it is puzzling as the defining element for use. It would seem that no use of pesticides for cosmetic purposes is the message we have received surrounding the intent of the bill. That is a definition by use rather than by chemical component and, as such, appears to be the language of many municipal bylaws as well as the general intent expressed by the public.

Approximately 50 years ago, cosmetic pesticide use began. Before that, weeds were generally accepted as a fact of life, and for those who didn't wish to have them, they could be removed manually. Children made necklaces of dandelions, and most mothers received a small and treasured bouquet of what were actually what we call weeds: buttercups, Dame's Rocket, creeping charlie and, of course, dandelions.

There is one consideration that we have overlooked almost completely: The soil at that time was relatively healthy, replete with the micro-organisms necessary to provide nutrients for the plants above, as well as the larger organisms, such as earthworms, to aerate the soil. After 50 years of advertising, we now honestly believe that if there's something we don't like, we can buy some product—even vinegar—apply it, kill the invader and life will be good. We have forgotten that the application of anything in large amounts will kill the soil organisms. They exist in a delicate balance in the soil ecosystem.

To take that one step further, we exist in, and are part of, a delicate ecosystem, one which is sending crisis messages at an increasing and alarming rate. The canaries in the mine are becoming legion. Songbird numbers are down 50% in the last 40 years. If you have ever been on a farm, the beautiful bubbling sound of the bobolink is nearly gone. Frog numbers are declining. Bees and millions of pollinators vital to food crops are disappearing, and the delicate beauty of butterflies is included in that. And now bats are in serious trouble in the northeastern United States. All of these declines have pesticides postulated as part of the story.

We too are canaries in the mines, as several cancers continue to increase in incidence, with no clear etiology: non-Hodgkin's lymphoma, thyroid cancer and multiple myeloma. CFUW agrees with the Canadian Cancer Society that since ornamental use of pesticides has no countervailing health benefit and has the potential to cause harm, we call for a ban on the use of pesticides on lawns and gardens.

In summary, as noted in the very excellent Pesticide Literature Review published by the Ontario College of Family Physicians, it doesn't make sense to prohibit cosmetic pesticides by component or name, but it makes tremendous sense to say that there will be no cosmetic use of pesticides, period. The risk is too great and the benefit superficial at best. The health of our environment and our ecosystem should be our first priority. It makes eminent sense to frame this very important bill in that context.

This would negate the need for "other prescribed uses" currently listed under subsection (2) exceptions. This subsection is unacceptable and counter to the spirit of the act. If health and safety are the defining parameters of any pesticide use, then there is absolutely no need for any further exceptions beyond agriculture and forestry. This subsection, "Other prescribed uses," as it stands, is a wide-open gate to defining weed and bug infestations as exceptions permitting cosmetic pesticide use, an approach that continues the cycle of pesticide-dependent lawns and gardens, postpones soil and plant ecosystem health that much longer and keeps pesticides in the community, which runs counter to the recommendations from those speaking for our health, and especially for the health of our children and of pregnant and breast-feeding women. It is unacceptable. Should the listing approach be retained, then this subsection, "Other prescribed uses," should be deleted.

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. We would prefer to see the golf course exception denied. Should this not occur, the above recommendation would provide an extended lead time for the courses to adapt.

Our fifth recommendation, and you've heard this one before, as in section 12 of the Smoke-Free Ontario Act, 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.

Throughout Ontario, members of communities ranging from small towns to big cities have researched pesticides,

discussed, met in committees, had public meetings and voted on councils. They have taken responsibility for their own health with regard to pesticides and have initiated education programs to assist their citizens in making the transition.

The Supreme Court of Canada has twice upheld the right of municipalities to determine their own pesticide use through municipal bylaws. Just as the government of Ontario wisely did with another public health bill, the Smoke-Free Ontario Act, we urge most strongly the rejection of any provincial override of municipal pesticide bylaws as long as they meet the requirements of the cosmetic pesticides act.

Our sixth recommendation is that 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. While we recognize the intent to define pesticide update procedures and protocols through regulations, we would welcome a reference to this intent noted in the bill.

**The Chair (Mr. Shafiq Qaadri):** You have about 30 seconds left.

**Ms. Sheila Clarke:** We also highly recommend strong public education programs. We circle back to our 50 years of cosmetic use of pesticides and the spectre of chemically dependent lawns, gardens and gardeners. The medical voices and health authorities have clearly indicated to us that we need to remove the cosmetic use of pesticides.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Clarke, and thank you, Ms. Harvey, for your deputation on behalf of the Canadian Federation of University Women, Ontario Council, and for your written submissions as well.

CITY OF TORONTO

**The Chair (Mr. Shafiq Qaadri):** I would now invite Councillor John Filion, chair of the board of health, and Monica Campbell, Toronto Public Health, from the city of Toronto to please come forward. Welcome, colleagues in government, and I invite you to begin now.

**Mr. John Filion:** Thank you very much. We will be as brief as possible in our formal submission to allow time for questions. On behalf of Mayor Miller, I want to thank the members for inviting the city of Toronto to participate in Bill 64's review.

I will focus my remarks on how the province and the city can better work together to protect our health and environment. Appearing with me is Monica Campbell, of Toronto Public Health, who will speak on other aspects of the bill. We are also providing the committee with a written submission.

First, I want to congratulate the province on bringing this bill forward. With the strong support of the late Dr. Sheela Basrur, Toronto was one of the first cities in Canada to ban the use of cosmetic pesticides, so we are very supportive of the bill's intent.

When Toronto's ground-breaking bylaw was introduced, we were under the old Municipal Act. We faced fierce opposition on the theory that the city lacked jurisdiction, but we successfully defended our bylaw to the Supreme Court.

**1530**

Since then, under the leadership of Premier McGuinty and then Municipal Affairs Minister Gerretsen, the province enacted the City of Toronto Act. This act provided the city with broader permissive powers, including clear recognition that the province and the city share legislative responsibility for the environment, health, safety and well-being. Bill 64 provides an outstanding opportunity to demonstrate how this shared jurisdiction can work in practice to benefit Toronto and all Ontarians.

The city's current pesticide bylaw protects Toronto at a level tailored to the city's unique population density, environment and economy. While the current bylaw regulates the cosmetic use of pesticides, it does not ban their sale. With Bill 64, the province will fill this gap, which we very much welcome. But unfortunately, Bill 64 goes further: Instead of providing a province-wide floor, it effectively renders the city's bylaw inoperative, weakening the protection it provides our residents.

Again, we fully support measures that make the city's pesticide bylaw even more effective, but Bill 64 must be amended so the city continues to have the ability to exceed provincial standards in accordance with our unique needs and environment.

**Ms. Monica Campbell:** As Councillor Filion has said, the city supports the overall intent of Bill 64, and particularly the restrictions on the sale of pesticides, which could complement the city's current efforts to reduce pesticide use. However, the current wording will make the city's existing bylaw inoperative, a bylaw that has been in place for four years, and could result in less health protection than under the current Toronto bylaw. For example, Bill 64 would permit the use and sale of the synthetic chemical weed killer glyphosate, also known by trade names such as Roundup, which is presently restricted in Toronto. Bill 64 could also allow other prescribed uses that Toronto's bylaw currently restricts, such as applying chemical pesticides to control weeds, resulting in greatly increased herbicide use.

It is recommended that Bill 64 be strengthened by allowing more health protective provisions of municipal bylaws to prevail, eliminating the broad exemption for other prescribed uses, not exempting golf courses and other properties, ensuring that exemptions do not allow chemical pesticides to be used to treat common weeds on lawns, and adding glyphosate to the list of restricted active ingredients.

The adoption of strong provincial pesticide legislation will enable the public to reduce its reliance on traditional chemical pesticides and shift to more environmentally sustainable and healthy ways of maintaining plants and green space.

Thank you for your careful consideration and for any questions you may have.

**The Chair (Mr. Shafiq Qadri):** Thank you very much. We'll now invite the PC side to begin, with about two minutes or so per side.

**Mr. Peter Shurman:** I'd like to continue in the same vein as I did with the city of Ottawa. Do you spray for mosquitoes in Toronto, for West Nile virus?

**Ms. Monica Campbell:** I wouldn't say that we spray. What we do is larvicide, using a biological pest control agent. These are known as pucks. They are put in catch basins in the sewer system.

**Mr. Peter Shurman:** Larvicide, however, is a pesticide.

**Ms. Monica Campbell:** It is a pesticide

**Mr. Peter Shurman:** Therefore, you would have to agree that under some circumstances, pesticides have a viable use and that in applying them properly, we're protected.

**Ms. Monica Campbell:** Certainly for health protection. The city of Toronto bylaw has a list of exempted pest control products, and that would include biopesticides, which are in general less toxic.

**Mr. Peter Shurman:** Why do you single out Roundup very particularly as something negative when, as I understand it, the science says—and the science is what's important to me—that Roundup, when applied, can be toxic, but once it dries up, which is a fairly short duration, it's fairly inert and not harmful to animals or humans?

**Ms. Monica Campbell:** Again, the concern with a chemical like Roundup, as with some of the other phenoxy herbicides, which in fact seem to be on the list of restricted products under Bill 64, is that it does have some toxicity associated with it. One of the concerns in the city setting is how people actually apply it and do they use it as per label direction. We certainly hear anecdotes all the time that that's not the case.

Again, as others have said before me, it's the issue of controlling its use and not resulting in involuntary exposures of neighbours, given that in a dense urban centre like Toronto, we live very close to each other.

**Mr. Peter Shurman:** Do you yourself eat only organic foods?

**Ms. Monica Campbell:** No, I don't.

**Mr. Peter Shurman:** Therefore, some pesticides would be applied to the foods you eat, leading me to believe that

under certain circumstances you think they're okay.

**Ms. Monica Campbell:** As I understand it, this bill is dealing with what is called cosmetic use, non-essential pesticide use. There seems to be an exemption for agricultural purposes. I believe the city of Toronto would support that direction.

**Mr. Peter Shurman:** Thank you.

**Mr. Peter Tabuns:** Thanks very much, John and Monica, for coming here today. The removal of the power for cities to actually set standards is a key issue. Do you have any further words to offer on this issue?

**Mr. John Filion:** I think it's a huge step backwards. As you well know, Toronto Public Health has initiated a number of very important health issues that at the time were very controversial and then years later came to be adopted by other municipalities, and indeed the entire province in the case of the smoking bylaw we're both so familiar with.

In that example, the province still allowed municipalities to enact stricter bylaws. The province is a large place and I don't think one size fits all. You need to be able to tailor it. We need to be able to continue to initiate. We can't have that taken away from us. I think it would be a huge step backwards to remove some of what we've introduced, and it would set a very bad precedent.

**Mr. Peter Tabuns:** Are you concerned that this precedent might affect other areas of municipal action?

**Mr. John Filion:** I don't have a specific area that I'm concerned about, but in general, I'm very concerned. It's the first time I'm aware of that it would happen. I think it would not be a good thing at all.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mr. Shafiq Qadri):** To the government side.

**Ms. Laurel C. Broten:** We received submissions with respect to the fact that Bill 64 might create a challenge with respect to the eradication of bedbugs. I know Toronto Public Health is engaged on that file and I was wondering if you could comment as to whether you share that concern.

**Ms. Monica Campbell:** I must say I myself am not dealing with the bedbug file. My understanding is that bedbugs are an issue for the indoor use of some kind of pest control product. Certainly in bedbugs, one strategy, and always the first strategy that people reach for, is using heat, like high temperature washing of bed sheets to control the bedbug population. For the city of Toronto, the pesticide bylaw relates only to outdoor use of pesticides. It does not attempt to limit indoor pesticide use. So the bedbug issue would be an indoor situation.

**Ms. Laurel C. Broten:** Okay, thank you.

**The Chair (Mr. Shafiq Qadri):** Questions? Mr. Flynn. Forty-five seconds.

**Mr. Kevin Daniel Flynn:** Thank you, Councillor Filion. I think I can ask this very quickly. I think we agree that banning the sale is extremely important. That strengthens everyone's bylaw and legislation. My reading of the existing Toronto bylaw is that what is being proposed would be the same in that it's a ban, it prohibits the use. It provides exemptions for golf courses under firm conditions, but currently the city of Toronto allows for insect exemptions. Is that correct?

**Mr. John Filion:** I think Monica is better able to deal with the technicalities, but certainly the provincial legislation is less restrictive than the city legislation.

**Ms. Monica Campbell:** How the city of Toronto bylaw deals with reducing pesticide use—and we have evidence over the past four years that pesticide use has come way down, herbicides and insecticides as well. But we have a clause there which is the infestation clause.

**The Chair (Mr. Shafiq Qadri):** With respect, Ms. Campbell, I'll have to intervene. I would thank our colleagues in government from the city of Toronto—Councillor Filion, Ms. Campbell and your deputation—for coming forward, as well as your written submission.



CANADIAN CANCER SOCIETY,  
ONTARIO DIVISION

**The Chair (Mr. Shafiq Qaadri):** On behalf of the committee, I will now invite our next presenter, Ms. Irene Gallagher, manager of public issues for the Canadian Cancer Society, Ontario Division. As you're taking your seat, I'd just like to recognize the extraordinary work that the Canadian Cancer Society is doing in helping to publicize a number of different important health issues. With that, Ms. Gallagher, I would invite you to please begin.

**Ms. Irene Gallagher:** Good afternoon, ladies and gentlemen of the standing committee. My name is Irene Gallagher, and I am the manager of public issues at the Ontario division of the Canadian Cancer Society. I would like to begin by thanking you for the opportunity to speak to you today about Bill 64, the Cosmetic Pesticides Ban Act.

As I'm sure you are aware, cancer is a leading health issue in Ontario. This year alone, approximately 63,000 Ontarians will be diagnosed with cancer and 27,300 deaths from cancer will occur. The Canadian Cancer Society is very concerned about the cosmetic use of pesticides, as they offer no countervailing health benefits to society. Many Ontarians share our concerns, as illustrated through a 2007 Oracle poll that indicated 71% of Ontarians support province-wide restrictions on pesticides.

Canadian Cancer Society volunteers and staff have been working with municipal governments and community partners across Ontario since 2002 to prohibit the use of cosmetic pesticides on private lawns and gardens, resulting in 33 municipalities across the province enacting bylaws restricting or prohibiting the use of cosmetic pesticides.

The body of evidence on pesticides and cancer suggests a positive association between exposure to certain pesticides and some types of cancer. Based largely on occupational studies, the list of cancers includes non-Hodgkin's lymphoma and leukemia, and brain, kidney, pancreatic, prostate, lung and breast cancer. There is also strong evidence that children may be more vulnerable than other population groups.

The Canadian Cancer Society applauds the government of Ontario for taking precautionary measures to protect all Ontarians from the health risks associated with the cosmetic use of pesticides on private lawns and gardens. However, the Canadian Cancer Society does want to ensure that the government of Ontario is providing the strongest possible protection to Ontarians through Bill 64.

In order to further strengthen Bill 64, the Canadian Cancer Society recommends the following:

We recommend the removal of section 7.1(5), which renders municipal bylaws inoperative. Municipalities have the right to regulate in areas that impact on public health and the protection of the environment. Although the Canadian Cancer Society is very pleased with the introduction of provincial legislation banning the use and sale of cosmetic pesticides, something we have been advocating for, it should not prevent municipalities from imposing more stringent requirements around protecting the public from exposure to pesticides.

The evidence linking pesticides and cancer is still growing. As the scientific and health communities continue to learn more about the risks associated with exposure to pesticides, municipalities should not be prevented from enacting bylaws stronger than provincial law if the community and city council support stronger protection.

There is reason to believe that this provision in the act would materially weaken current pesticide restrictions in certain municipalities. For instance, glyphosate, the active ingredient in Roundup products, is currently prohibited for use by Toronto bylaws—as mentioned by the previous speakers—in addition to Peterborough and Markham bylaws, but according to the lists published for comment on the Environmental Registry, this would not be banned under the provincial legislation. Passing Bill 64 without removing section 7.1(5) could potentially discourage municipalities from taking protective action on other health and environment issues.

Current municipal bylaws protect 46% of Ontarians. Municipal bylaws have paved the way for provincial legislation, and municipalities should not lose their power to further protect the health of their citizens from exposure to pesticides.

The society's second recommendation is to remove section 5 of 7.1(2), "Other prescribed uses." Bill 64 already

includes all necessary exemptions, including uses related to promoting health and safety. No additional exemptions are required. This section has the potential to authorize exemptions that would undermine the whole intent of the legislation, which is protecting the health of Ontarians.

As previously stated, the Canadian Cancer Society is very pleased with the government of Ontario's decision to ban not only the use but also the sale of cosmetic pesticides. Banning the sale and retail display of pesticides provincially will give Ontarians equal protection and help eliminate any potential enforcement challenges. However, the society recommends structuring the ban on sale with reference to a white list of products authorized for sale and use, and prohibiting the sale of all other pesticides. The blacklist approach, as used in Quebec, lists 20 active ingredients that are found in specific prohibited products. As a result, other products harmful to public health are still available for sale and use in Quebec.

The province of Ontario should prohibit the sale of all pesticides for cosmetic purposes on private lawns and gardens, except for low-impact pesticides. This approach would not only facilitate enforcement but also expedite a change in citizens' habits.

If the government does choose to continue with a blacklist approach, then a plan to develop an efficient process for adding new pesticides to the list of prohibited products is essential. Without a plan in place, it leaves the door open for new, harmful pesticides to be developed and used by Ontarians.

Lastly, the society would like to commend the government for their commitment to implement Bill 64 by spring 2009. During the next year, it will be essential that the new legislation mandate publicity of the ban and public education about non-chemical alternatives to pesticides, and that it include effective mechanisms for enforcement.

Implementation of these recommendations will further strengthen Bill 64 and provide the strongest protection to Ontarians from the health risks associated with the cosmetic use of pesticides on private lawns and gardens.

The government of Ontario has already demonstrated leadership in cancer prevention by passing the Smoke-Free Ontario Act and a province-wide colorectal cancer screening program. The Canadian Cancer Society looks forward to seeing the government of Ontario continue its leadership in cancer prevention by passing and implementing the strongest possible cosmetic pesticide legislation.

I would like to thank the members of the standing committee for your time and consideration given to Bill 64.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Gallagher. We'll begin with the NDP side. Mr. Tabuns—about a minute.

**Mr. Peter Tabuns:** You expressed concern about glyphosate. Could you enlarge on that, please?

**Ms. Irene Gallagher:** I'll just build on what the previous speakers spoke about, that it's an example of how, if current municipal bylaws are rendered inoperative by the provincial legislation, they may weaken current restrictions that are in place through bylaws. For example, glyphosate is on the list of prohibited products in Toronto, but not on the current list posted on the Environmental Registry with regard to the provincial legislation.

**The Chair (Mr. Shafiq Qaadri):** To the government side.

**Mr. Kevin Daniel Flynn:** As always, thank you for the presentation from the cancer society. I think it's an organization that people do really pay attention to.

In your experience, I know that you represent the Ontario division of the cancer society. Other jurisdictions throughout Canada and the proposed legislation: How would you rank that in its current state today?

**Ms. Irene Gallagher:** The current proposed legislation in Ontario?

**Mr. Kevin Daniel Flynn:** What we have before us today.

**Ms. Irene Gallagher:** It's the strongest in Canada that's been presented and, as I understand it, one of the strongest in North America. Banning the sale of cosmetic pesticides is significant and really adds to the enforcement as well as the health protection of Ontarians.

Municipal bylaws: One piece that they were not able to do was ban the sale, and that is why the Canadian Cancer Society was advocating for a provincial ban on sale, to add that value to the current municipal bylaws.

**The Chair (Mr. Shafiq Qaadri):** To the PC side.

**Ms. Laurie Scott:** Thank you very much for appearing here. We just have a short time. When you mentioned specific active ingredients that are cancer-causing, I wonder if you could produce that list of the ingredients that directly cause cancer.

**Ms. Irene Gallagher:** As I'm not a scientist, I wouldn't want to speak to those specific ingredients. That's not my role with the Canadian Cancer Society. But I can give you the sources of evidence that the Canadian Cancer Society does review in developing our positions on pesticides. They come from Cancer Health Effects of Pesticides: Systematic Review, in Canadian Family Physician, 2007; the 2004 Ontario College of Family Physicians' Pesticide Literature Review; the International Agency for Research on Cancer; and the US National Toxicology Program's Report on Carcinogens.

Upon review of the body of evidence—

**Ms. Laurie Scott:** Nothing from Health Canada, though, was on your list.

**Ms. Irene Gallagher:** Not in the list that I have right now, but it is part of—those are just the specifics that we pulled with reference to the presentation.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Gallagher, for your deputation on behalf of the Canadian Cancer Society.

**1550**

CROPLIFE CANADA

**The Chair (Mr. Shafiq Qaadri):** I would now invite forward our next presenter, President Hepworth, as well as Peter MacLeod, executive director of crop protection chemistry for CropLife Canada. Thank you as well for your very elegant and colourful submission, which is now being distributed. Gentlemen, I would invite you now to begin the deputation.

**Mr. Lorne Hepworth:** Thank you, Mr. Chairman, and members of the committee. I'll just touch on some of the slides that are in your presentation in the interests of time.

CropLife Canada represents the companies, the innovators, responsible for the manufacturing and distribution of pesticides as well as plant biotechnology seeds here in Canada for the agricultural market, the urban marketplace and the public health marketplace.

We represent, as you see in the picture of the various logos there, companies that are very large multinationals and some of the more moderately sized Canadian companies, and it includes the two largest companies in Canada that would be responsible for about 90% of all the pesticide sales into the retail market.

I don't think we're unlike any other Ontarian. We too as an industry—our members, our companies, the staff of our companies—share the goal of doing what we can to further reduce any risk from pesticide use. We want to capture the benefits, but we too do not want to have any unnecessary risk, any unacceptable risk, to the public's health or the environment. We have children, we have grandchildren, we have pets, and we like to play on the lawns and on the sports fields too, so I think from that standpoint we share in the goal of this legislation and the committee's approach to it.

The bottom line, however, is that we also support the safe, proper and responsible use of Health-Canada-approved and -registered pesticides when their use is deemed essential.

We've heard a lot of questions about cancer, and I'd like to pick up that theme and specifically speak to four or five points around that.

First of all, Health Canada: Before they will approve for use and provide a registration for any pesticide in Canada, part of their safety assessment includes the risk related to cancer.

Second, the World Health Organization: "Given the lack of evidence linking pesticide exposure to human cancer risk, no cases of cancer can be attributed to either occupational or non-occupational exposure to this group of agents." The American Institute for Cancer Research found no evidence that normal exposure to trace amounts of pesticides increased the likelihood of people developing cancer.

Finally, you heard a reference just a moment ago to what's commonly called IARC, the International Agency for Research on Cancer. I would just make the point, as we underline here in our presentation, that no lawn and garden pesticide used in Canada has ever been classified as cancer-causing by any regulatory agency in the world.

You've also heard a fair bit today about the Ontario College of Family Physicians' literature review, and I'm like you. Doctors are highly respected in our communities. I respect them, but we do respectfully differ with the opinions and conclusions they drew from the literature review. This was not a safety assessment. This was not an experimental test. This was a review of various pieces of literature.

As you might expect, when this literature review was released, it resonated around the world because, if they were right, if the Ontario College of Family Physicians was right, Health Canada and virtually every other regulatory agency in the world was wrong. So this report resonated around the world, and that's why you see the United Kingdom's Pesticides Safety Directorate coming out and questioning the report's conclusions and their veracity. That's why you see the UK Royal Commission on Environmental Pollution raising questions about the veracity of the report, the cherry-picking that went on in the report and the biases in the report.

As well, you can expect that in Health Canada—the day the report came out, was the minister questioned in the House about this? The answer is yes. Did his department stand back and do nothing? The answer is no, because if there was an issue here, the Minister of Health would want to respond—I think he would rightfully know—and the department would want to respond. Basically, their review is no different from anybody else's. They're aware of these epidemiological studies and there's nothing in there, a regulatory regime, that they felt needed to be changed.

I thought it was important to get those facts about that review, which is so often referenced. We ourselves commissioned Cantox Health Sciences to do a review of the literature review, and they too found the same issues of bias in reporting, cherry-picking of various studies etc.

A lot is heard, Mr. Chairman and members of the committee, about the risks of pesticides. Why do we have them? We have them because they can bring great benefit to society. We heard discussions earlier in today's committee hearings about the valuable role of larvicides, which are pesticides, used to control mosquitoes that can cause West Nile virus. In my own community we've had spraying with bacillus thuringiensis, another pesticide to control insect infestations. I know that in some of the ridings that are represented here, there are insect infestations that can damage and ruin the green canopy in the trees in our neighbourhood.

A lot is heard about the risks, and very little about the benefits, of the pesticides. We've made a point of listing some of those benefits here in our paper, such as the cooling effects of a tree canopy, the playing surfaces—being safe on our sports fields, oxygen production, a carbon sink, reduced noise pollution, and a sanctuary for birds and other wildlife.

I would like to make a few comments about the bill in terms of our recommendations. We would recommend that the committee stand on international, peer-reviewed science as we work through the bill and the regulations—not anecdotes, not reports with only half-truths and half the information in them and not on polls, but science. That's the only way the innovative companies that we represent are going to continue to bring products to the marketplace here in Canada: if they know they have a science-based, predictable regulatory system. Our first recommendation is to stand on science.

The second issue is the business of pre-empting the municipalities. We support one set of regulations, one standard for the entire province. We just think it's absolute chaos out there now with the various municipalities. In some you can spray in July and August and in some you can't; in some you can do it on golf courses and in some you can't; some products you can use here and some you can't use there. It's absolute chaos out there and, once again, it's not in the public's interest.

The third point, maybe not in the bill but which we would support, is the fact that there needs to be a phase-in. Quebec phased it in over three years. Municipalities typically phased their bylaws in over three years. Quite frankly, trying to phase this in in the spring of 2009 will cause business chaos as well as, I think, some stewardship issues in terms of what to with a product in the marketplace that can't be used or sold, and some of it specifically labelled for Ontario.

We support the elimination of non-essential use, which is the definition of "cosmetic" in the bill, whether it's for lawns and gardens, golf courses, farming, public health uses. We don't support non-essential use no matter what the sector.

Finally, there are three or four plates at the end of our presentation. If anybody still wonders about the benefits these properties can bring to a landscape in terms of protecting it from things like cinch bugs and grubs and gypsy moths, you only have to look at the last three plates that we've appended here.

**The Chair (Mr. Shafiq Qaadri):** Thank you. We have about 30 seconds each. For the government side, Mr. Flynn.

**Mr. Kevin Daniel Flynn:** In 30 seconds all I can say is thank you very much for coming. Certainly there are a number of opinions that we're hearing here today. Thank you for yours.

**The Chair (Mr. Shafiq Qaadri):** Mr. Shurman.

**Mr. Peter Shurman:** If pesticides disappeared tomorrow, give me a couple of results—all pesticides gone.

**Mr. Lorne Hepworth:** On the agriculture side you'd probably have a 30% to 40% loss in food production. In the urban communities, given the infestations with things like gypsy moths, you could lose a lot of your trees and tree cover. You have lawns where you potentially get grub infestations. You can lose a lawn literally overnight. I think of the golf course folks who are coming before you. I'm not sure, but they would tell you that you can lose a golf green overnight as a result of a fungal infestation. Those are some of the immediate and longer-term results of infestations.

**Mr. Peter Shurman:** The bottom line is—

**The Chair (Mr. Shafiq Qaadri):** Thank you Mr. Shurman. Mr. Tabuns.

**Mr. Peter Tabuns:** What do you say is a non-essential use?

**Mr. Lorne Hepworth:** One of the plates I didn't go over, but I would just pick it up. What is non-essential? The use of a pesticide where the application is not warranted, when pest numbers do not warrant an application; for example, when you should be using a spot spraying as opposed to a broadcast application. It doesn't make sense if you've only got a few spots of weeds to go in and broadcast a herbicide across the entire lawn, and when pest damage does critically impact plant health. There also can be a case, for example, I think in the case of grubs, where you may need to use them as a preventive measure.

**The Chair (Mr. Shafiq Qaadri):** Thank you, gentlemen, for your deputation on behalf of CropLife Canada.

DAVID SUZUKI FOUNDATION

**The Chair (Mr. Shafiq Qaadri):** We'll now move to our next presenter, who is coming to us by teleconference, Lisa Gue, an environmental health policy analyst with the David Suzuki Foundation, who is speaking to us from Ottawa. Ms. Gue, as you've seen you have 10 minutes in which to make your deputation. Are you there?

**Ms. Lisa Gue:** Yes, I am. Thank you, Mr. Chair.

**The Chair (Mr. Shafiq Qaadri):** Great. If our tech people can do something with the volume, I'll invite you to begin now.

**1600**

**Ms. Lisa Gue:** Thank you, Mr. Chairman and members of the committee, for this opportunity to offer comments on

Bill 64 on behalf of the David Suzuki Foundation. The David Suzuki Foundation is a national non-profit environmental organization founded in 1990. We rely on science and education to promote nature conservation and sustainability.

The foundation is supported by more than 40,000 members, including 18,000 here in Ontario. We have offices in Toronto and Ottawa, in addition to our main office in Vancouver. I myself work out of the Ottawa office as the foundation's environmental health policy analyst.

The David Suzuki Foundation welcomes the introduction of legislation to ban the so-called cosmetic use of pesticides in Ontario. The use of pesticides to improve the appearance of lawns, gardens, parks and schoolyards poses unnecessary risks to human health and the environment. I believe you have already heard from the Ontario College of Family Physicians, who have documented the weight of evidence pointing to serious health illnesses associated with chronic pesticide exposure.

Our own investigation of the incidence of acute pesticide poisoning in Canada found more than 1,600 cases in Ontario in one year. In nearly half of these cases, the victims were children under the age of six.

In addition to human health risks, pesticides also threaten pollinators, the helpful insects essential to our food supply. Even small amounts of certain pesticides are known to affect bee longevity, memory, navigation and foraging abilities. Pesticide use in Canada has contributed to declines in native bee populations, most notably in Canada's honey bee population.

While we therefore support the overall direction of this legislation, I'd like to address two important areas in which Bill 64 should be strengthened. Firstly, the clause that would render municipal bylaws inoperative should be struck. Interfering with municipal powers to regulate the use of pesticides to protect public health is unnecessary and potentially damaging. A consistent standard across the province can be achieved without disabling municipal powers if provincial requirements are sufficiently protective. On the other hand, if the scope of provincial requirements leaves room for complementary municipal action, the province should support municipal actions that go above and beyond the province-wide ban.

As currently proposed, however, Bill 64 would undermine specific pesticide restrictions in certain municipalities. For instance, glyphosate, the active ingredient in Roundup product, is currently prohibited for use by the Toronto, Peterborough and Markham bylaws but would not be banned under the provincial legislation, according to the list published for comment on the Environmental Registry.

Bill 64 also includes a permanent exemption for golf courses. Why prohibit a future municipal initiative to reduce pesticide use on golf courses?

I note that in Quebec, where provincial regulations prohibiting the use and sale of certain pesticides were adopted in 2003, municipal pesticide bylaws remain operative, and 91 Quebec municipalities have adopted pesticide bylaws that complement the provincial regulation. This approach is preferable.

Bill 64 has been announced as a measure designed to protect public health and the environment. It must not have the effect of weakening current municipal pesticide policies or pre-empting more protective municipal requirements in the future.

Secondly, the bill authorizes exceptions for golf courses and other proscribed uses that could be exploited as loopholes. These clauses should be deleted or, at a minimum, tightly constrained. To the extent that golf courses require special consideration, this should more properly take the form of a grace period, with a specified expiry date by which compliance with the ban must be achieved. This would give the industry time to adapt and transition, while being consistent with the intent of the legislation to minimize unnecessary pesticide use. A permanent legislated exception for golf courses is not warranted.

Similarly, the open-ended exemption for other proscribed uses is unnecessary and, if broadly used, could undermine the effectiveness of the pesticide ban. Exemptions should be allowed only when necessary to protect public health and safety. This power is separately authorized in the bill. The power to accept other proscribed uses should at least be qualified to require that any exceptions authorized under this clause be time-limited and subject to legislative oversight.

To conclude, on a positive note, we are pleased that Bill 64 will prohibit the sale of pesticides marketed for cosmetic applications, as well as the use of these products. Restrictions on sales will add value to municipal bylaws already in place, which prohibit the use of pesticides on lawns and gardens. It will facilitate enforcement and promote the necessary shift to non-toxic gardening products and practices.

With passage of Bill 64, Ontario will become the second Canadian province to restrict the use and sale of cosmetic pesticides. Quebec, of course, was the first, with a province-wide ban on many lawn pesticides phased in between 2003 and 2006. The Quebec experience clearly indicates the effectiveness of provincial action in this area. Statistics Canada reports that the number of Quebec households using pesticides decreased by half between 1994 and 2005, dropping from 30% to just 15%, while in Ontario, pesticide use remained constant at 34% over the same period.

Ontario could and should set a new standard for implementing a precautionary approach to regulating lawn and garden pesticides. I urge the committee to work co-operatively to address the issues around complementary municipal bylaws and loopholes that would allow for broad exemptions. We hope to see Bill 64 deliver a robust framework for minimizing unnecessary risks to health and the environment from cosmetic pesticides.

Thank you again for this opportunity to provide comments.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Gue. A minute per side, approximately. Mr. Shurman.

**Mr. Peter Shurman:** Ms. Gue, would you favour province-wide hearings on this issue?

**Ms. Lisa Gue:** We know there is broad support from across the province for this legislation. I leave it to the committee to determine the best route forward for hearings. I certainly appreciate the opportunity to participate today by teleconference. I think that with the opportunity for comment that's been provided through the Environmental Registry, that probably hearings in Toronto are sufficient. But I would certainly not oppose broader hearings either.

**Mr. Peter Shurman:** Okay, thank you for the answer to that question. I want to get one more in. You said 1,600 people in one year suffered acute poisoning from pesticides, half of them children. Was that bad storage or bad use?

**Ms. Lisa Gue:** Unfortunately, data is quite scarce. All we're able to report on is the broad tally of cases reported to poison control—

**Mr. Peter Shurman:** So you don't really know.

**Ms. Lisa Gue:** No, but in either case, it does highlight the unnecessary risk associated with having pesticides in the house.

**Mr. Peter Shurman:** Thank you.

**Mr. Peter Tabuns:** Lisa, could you speak briefly to the issues around glyphosate and your concerns about its exemption in this legislation?

**Ms. Lisa Gue:** As the committee will be aware, the specific pesticides and pesticide-active ingredients to be banned will be determined later through regulation, but the concern that I was highlighting with glyphosate is that it is one of the chemicals subject to municipal bans in at least three cities right now and it hasn't found its way onto the proposed list for a province-wide ban. So if the provincial legislation moves forward with a clause that renders bylaws inoperative, glyphosate—up to now banned in Toronto, Peterborough and Markham—would essentially be allowed for use and thereby weaken the protection in that respect afforded to those major cities.

**Mr. Kevin Daniel Flynn:** Thank you, Lisa, for joining us today. We've heard a lot of suggestions from a variety of groups, a variety of opinions. I'm reading a letter of yours that appeared in the Kingston Whig-Standard in March 12. The one paragraph I thought sort of hit the nail on the head says, "Ontario has the power to regulate pesticide sales as well, whereas municipal bylaws only regulate pesticide use. Pulling the prohibited products from Ontario store shelves is the best way to make sure they aren't used." Do you still feel that way?

**Ms. Lisa Gue:** I absolutely stand by that statement. That's the major advantage of the provincial legislation. I think

this is a situation where we can have our cake and eat it too. Again, I would urge the committee to consider amendments that would allow municipal use bylaws to go further than the provincial sales ban.

**Mr. Kevin Daniel Flynn:** Thank you, Lisa.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Gue, for your deputation on behalf of the David Suzuki Foundation in Ottawa.

**1610**

SCOTTS CANADA LTD.

**The Chair (Mr. Shafiq Qaadri):** I would now invite our next presenter to come forward, and that is Ms. Fairbrother, the director of regulatory and stakeholder relations for Scotts Canada. I'd invite you to begin now.

**Ms. Jill Fairbrother:** Thank you, Dr. Qaadri, and distinguished members of the committee. Scotts is the world's leading provider of lawn and garden products for the homeowner, the do-it-yourself lawn and garden person. We make conventional products like Roundup, which has been discussed here extensively today, as well as natural alternatives. When this issue first came about, about seven years ago, Scotts developed a line of lawn and garden products called EcoSense, which are based on the active ingredients that the municipal bylaws prefer.

That said, I think it's important to point out that the only reason that Roundup is banned by municipalities with bylaws is because those bylaws only permit naturally derived ingredients to be used. Roundup is used extensively by conservation authorities and zoos around the world to control invasive vegetation because it is absolutely benign when it comes to human health and animal health. It's recognized by Health Canada as a reduced risk—that is, an extremely low-toxicity herbicide—and that's why it's the herbicide of choice in many delicate ecosystems.

Scotts spends significant dollars to educate homeowners on best practices for lawn and garden care. We promote best practices like over-seeding, use of a lawn soil, and regular feeding for healthy lawns that use less water and are thicker and more able to crowd out weeds.

This government, in its last term, brought in widely heralded legislation to protect the greenbelt, and we agree with the protection of healthy green space. It makes an incredible contribution to our environment by cooling the environment, reducing erosion, reducing runoff and providing the oxygen we breathe.

With respect to Bill 64, we understand that eliminating the non-essential use of pesticides is key for this government, and we support that goal. That's what our education for homeowners has been focused on: teaching people to have a healthy lawn and garden without pesticides. But when it's essential to protect health or to protect landscape, to protect your property and the health of your family, we believe that it's important that people have tools available to help them do so.

What does that mean? Essential use, to us, means that when invasive pests are present at such a level that the risk of injury, allergies, bites, stings or the entire loss of a plant, tree, shrub or other landscape is likely, then it's reasonable to take action to care for your health and that landscape.

We believe that Bill 64 provides a framework for groundbreaking change. While Health Canada and every other OECD country that has a regulatory body that governs pesticides and the World Health Organization all agree that safe-on-lawns, safe-on-food pesticides don't pose any unreasonable risk to health or the environment, we recognize that this government's going to bring about change, and that's change that's supported by many Ontarians. We're anxious to work with the government on achieving the transition that will bring about positive change and not result in any unintended consequences. We're very concerned that people don't resort to home-brewed pesticide recipes, in the view that they may be safer than products that are on store shelves, when those products that are on store shelves have been thoroughly evaluated by Health Canada.

The doctors and nurses who appeared here earlier referred to Dr. Sheela Basrur and her report to the city of Toronto, and I would urge members of this committee to read that report. Dr. Basrur recommended a multi-stakeholder approach that focused on education to achieve a 90% reduction in the amount of pesticides used in the city of Toronto. She did not recommend a bylaw; she recommended a three-year education approach. I would urge



members of this committee to read that report since it was referenced here today.

I'll stop now and take any questions you may have

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Fairbrother. We have a generous amount of time. We'll begin with Mr. Tabuns—about two minutes or so.

**Mr. Peter Tabuns:** In your submission, you are essentially arguing for a greater range of exemptions for the use of pesticides, using them where there are problems with potential bites or stings, stinging nettles on a lawn etc.

**Ms. Jill Fairbrother:** Well, the bill calls for exemptions to protect health and safety, and then other exemptions as required. I believe that there are levels of infestation at which loss of landscape or risk of health is imminent and that those are the exemptions that make sense.

**Mr. Peter Tabuns:** So you would say that there should be an exemption in this act so that if a lawn was threatened with grubs, people would be able to spray?

**Ms. Jill Fairbrother:** Yes.

**Mr. Peter Tabuns:** I understand. Thank you.

**The Chair (Mr. Shafiq Qaadri):** The government side.

**Mr. Kevin Daniel Flynn:** Thank you, Jill, for the presentation today. Is Roundup a product of Scotts or do you have a product that's similar to Roundup?

**Ms. Jill Fairbrother:** No, we make Roundup. We sell Roundup and the acetic acid, which is the natural alternative. We make them both.

**Mr. Kevin Daniel Flynn:** Okay, wonderful. Scotts is a brand that I think most of us in this room would recognize. When you go into a Home Depot, quite often they advertise quite heavily. I was in one the other day and saw a wide range of products and I didn't see any pesticides at all. I thought that was interesting. I was wondering if you could tell us, are you seeing a change in consumer habits when it comes to a demand for environmentally cleaner products, if I can put it that way?

**Ms. Jill Fairbrother:** Certainly we are. If you were in a Home Depot, you would have seen pesticides. You would have seen, for example, the Scotts EcoSense line. They're natural alternatives; they're still pesticides and they're still registered with Health Canada. We are working at finding alternatives, particularly for weeds in lawns and insect infestations, as Mr. Tabuns asked about. We're working on the new reduced-risk chemistry. It'll be registered with Health Canada and we hope that, when the time comes, it will be accepted by Ontario.

**Mr. Kevin Daniel Flynn:** How close are you to introducing them to the public now?

**Ms. Jill Fairbrother:** We've introduced many alternatives already. With respect to weed control on lawns, it may be another year or two.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Flynn. Ms. Scott.

**Ms. Laurie Scott:** Thank you very much for appearing here before us. We were talking about Roundup and its natural alternative, acetic acid. I just wonder if you could expand a little bit. Sometimes it's more harmful to the person to use the natural alternative than it is, in this case, to use Roundup.

**Ms. Jill Fairbrother:** Recognizing that Health Canada has evaluated everything and prescribes what's on the label of every product, Roundup and acetic acid is one example where there are warnings on the acetic acid that it's corrosive, warnings that it can be harmful to eyes. Those warnings are not required on a Roundup label, so it's one where the toxicity of the Roundup is lower than the acetic acid, or the associated risks are lower with the synthetic alternative.

**Ms. Laurie Scott:** Thank you for that. Also, I know that the 2004 report by the Ontario College of Family Physicians

was brought up a lot today. Do you feel that that report was based on scientific evidence?

**Ms. Jill Fairbrother:** I believe that it was based on a selection of epidemiological evidence, but I don't believe that it was based on the weight of scientific evidence that is available globally. The World Health Organization is probably the most respected body globally, and they've made the determination that whether you're talking about lawn and garden use or use on our food, pesticides are safe.

**Ms. Laurie Scott:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Shurman.

**Mr. Peter Shurman:** I'm listening to the presentations today and I'm hearing science at the municipal level, science at the provincial level and very little about science at the national or even the international level. Can you give me some idea of where you get your science from, in terms of definitive effect—cause and effect—on the use of your products?

**Ms. Jill Fairbrother:** Yes. We rely on the body of evidence that's available globally. As a company, we would use active ingredients that are manufactured and registered with Health Canada. They're made by companies like Bayer, Dow and DuPont, so they have those active ingredients tested and registered with Health Canada and other regulators around the world. When they're then formulated in small amounts, I would say—for example, a typical bottle of Killlex, which is a herbicide with which you would spot-spray weeds on your lawn—

**The Chair (Mr. Shafiq Qaadri):** Ms. Fairbrother, with respect, I will have to intervene there. Thank you, Mr. Shurman, for your concluding question, and thank you for your deputation on behalf of Scotts Canada.

MREP COMMUNICATIONS

**The Chair (Mr. Shafiq Qaadri):** I would now invite our next presenter, Jeffrey Lowes, director of government and industrial and relations for MREP Communications. Mr. Lowes, you've seen the protocol. You have 10 minutes in which to make your presentation, beginning now.

**Mr. Jeffrey Lowes:** Thank you, Chair and members of the committee. My name is Jeffrey Lowes. I'm principal investigator for MREP Communications. We were asked by applicators across the province, and now across the country, to review current and pending municipal bylaws. In the process of reviewing the bylaws, they asked us to review the information that has been submitted, and I've heard a lot of the information submitted again today.

**1620**

Concerns about water supply would be one. Every jurisdiction has a municipal bylaw here in Ontario. We've drawn out the Clean Water Act and reviewed their water reports for the past two years where they do actually test for pesticides, and to date we haven't found a municipality that has any pesticides in the raw water, sewage water or tap water. There have been a lot of points made, including the study in Mexico, which talked about children's and birth defects. We reviewed that study, and in the process of looking at the medical evidence and how it was actually conducted, what was not taken into account was the actual water, food, diet and education associated with that study. So it was very superficial in drawing conclusions.

As far as the court cases, a lot of people make reference that they've defended their bylaws all the way up to the Supreme Court of Canada. What they've defended is the administrative law side of the equation, and the appellate judge agreed with CropLife Canada in their presentation that they had no scientific basis other than the fact that they had the authority to proceed with the bylaw. So what we're doing is, we're reviewing the scientific evidence as presented.

In Kingston, in reviewing their bylaw, the city of Kingston proposed a survey to their members throughout the city. They had 2,200 people respond, which is twice the sampling they had here in the city of Toronto. Only 45% felt they needed a bylaw, but 83% that used pesticides used the services of a professional applicator. Nowhere in that survey was there support for a pesticide bylaw. The councillors deemed the survey as being unscientific, ignored the results and proceeded with a bylaw.

Given the support in proceeding with the bylaw in the city of Kingston, an individual came and presented. In the city minutes he was listed as Dr. Gideon Forman, executive director of the Canadian Association of Physicians for the Environment. Mr. Gideon Forman had to correct members of council that he is not a doctor, but he does represent doctors. To date, we still don't understand how many doctors he actually does represent within his group, but in his presentation he cited a study written by the Canadian Paediatric Society on the detrimental effects of 2,4-D. We contacted the Canadian Paediatric Society and asked them about the study. They indicated that, yes, they did publish the study in their report, but they did not authorize the report and they did notify CAPE to not use their name.

Again today it was inferred that the study was done by the Canadian Paediatric Society, and it was not. The doctors listed on that report were indicated as working for the Children's Hospital of Eastern Ontario. We contacted the Children's Hospital of Eastern Ontario and asked if those doctors were on staff; they were not.

This is what has transpired in a majority of the municipalities across Ontario: Peterborough, Kingston, Gananoque. In the preamble to Gananoque's bylaw they indicated that they had a medical report that justified their bylaw. We contacted the mayor and asked for a copy of the medical report. They did not have one.

In Cornwall, they presented a draft bylaw on January 9. We offered to speak to it on January 11, and it was indicated that our input was not required as applicators.

The process at the municipal level has been extremely weighted towards the activists, and we see Bill 64 as correcting this issue, as taking the authority away from municipalities that don't understand the science surrounding the issue.

In reviewing what's been presented today, we'll supply you with a written report based on the comments from the videotape that we have and we'll submit that by Friday noon.

I'm open for questions.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Lowes. We have about two minutes per side, beginning with the government.

**Mr. Kevin Daniel Flynn:** Thank you, Mr. Lowes, for the presentation. Your clients—I was wondering who MREP is. You're a company and you represent, I guess, other companies.

**Mr. Jeffrey Lowes:** I represent applicators that use both organic and synthetic products.

**Mr. Kevin Daniel Flynn:** The applicators that have been in to see me at my constituency office have been supportive of the legislation, so is there a number of the industry you represent, a percentage or a group, that doesn't agree with the people that have been to see me, obviously?

**Mr. Jeffrey Lowes:** I think they're supportive of the legislation, but in addition they're supportive of raising the standards within the industry. We have access to products currently, and we would like to see the level of training provided to the applicators increased and the IPM standards standardized across the province in conjunction with other provinces across the country. In the formation we've contacted the Ministry of the Environment and the Ministry of Natural Resources in other jurisdictions asking whether or not it would be palatable to institute an IPM standards council across Canada.

**Mr. Kevin Daniel Flynn:** Would I know any of these companies? Would these be companies that I would recognize?

**Mr. Jeffrey Lowes:** Applicators?

**Mr. Kevin Daniel Flynn:** Yes.

**Mr. Jeffrey Lowes:** Yes, you would.

**Mr. Kevin Daniel Flynn:** And how many of them would there be?

**Mr. Jeffrey Lowes:** In Ontario or across Canada?

**Mr. Kevin Daniel Flynn:** Well, how many would you represent?

**Mr. Jeffrey Lowes:** In Ontario, right now, I think we're at 86.

**Mr. Kevin Daniel Flynn:** And those are individual companies or franchises?

**Mr. Jeffrey Lowes:** Individual companies. Some of them are franchises. There are three different, distinct groups. There are family-owned businesses, there are businesses that are predominantly owned by women and there are franchise companies.

**Mr. Kevin Daniel Flynn:** Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Flynn. Mr. Shurman of the PC side.

**Mr. Peter Shurman:** Just a brief story and your reaction to it: A couple of years ago before the Toronto bylaw, I owned a single-family dwelling and I used one of the make-your-lawn-pretty companies—I forget the name—and my lawn was beautiful. Then the bylaw came in and they used something else, and the lawn turned to garbage. I was disappointed, but I understood that there was a bylaw. What's in that? What's used now?

**Mr. Jeffrey Lowes:** I have toxicologists on staff who would be happy to speak to this if this committee decides to take this issue further, but we will supply submissions on some of the products out there. Just because you have a bylaw doesn't mean that the product is not going to be used. I know there were implications here that said Quebec reduced their pesticide use by 50%. Unfortunately, New York and Maine, which were in the bottom 50 states for pesticides sales, are now in the top 10.

**Mr. Peter Shurman:** How many companies operate under the Organic Landscape Alliance?

**Mr. Jeffrey Lowes:** The Organic Landscape Alliance—we know of 15; with franchises, possibly 20 to 25.

**Mr. Peter Shurman:** Would you benefit or suffer from a provincial ban of these pesticides?

**Mr. Jeffrey Lowes:** The individual companies and the franchises, like the ones that operated in Peterborough, went to zero. Companies that work under the Organic Landscape Alliance, because their products benefit from bans, were able to sell franchises in those jurisdictions.

**Mr. Peter Shurman:** Okay. If the products could be used safely, should it only be professionals who use them or anyone who's following directions?

**Mr. Jeffrey Lowes:** We advocate that only products approved by Health Canada be used, and only by professionals.

**Mr. Peter Shurman:** Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Shurman. Mr. Tabuns.

**Mr. Peter Tabuns:** In your comments about municipal bylaws, are you suggesting that medical officers of health have not been credible in their recommendations that pesticides be restricted or banned?

**Mr. Jeffrey Lowes:** Most of the bans carry an exempt product list, and most of the products on that list are not registered with Health Canada. So what you're asking the lawn care operators to do is to break federal and provincial laws in order to operate underneath the bylaw.

**Mr. Peter Tabuns:** Are you saying that medical officers of health are not credible when they bring forward these bylaws?

**Mr. Jeffrey Lowes:** I'm saying that they're misguided in the information that they've provided to their councils.

**Mr. Peter Tabuns:** That's all I need; thanks.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Tabuns. And thank you, Mr. Lowes, for your deputation on behalf of applicators and MREP Communications.

PEST MANAGEMENT  
REGULATORY AGENCY

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenter, Mr. Lindsay Hanson, of the Pest Management Regulatory Agency. I invite you to begin now, Mr. Hanson.

**Mr. Lindsay Hanson:** Thank you, Mr. Chair, and thank you to the committee. My name is Lindsay Hanson. I work for the Pest Management Regulatory Agency, a branch of Health Canada. I have a slide deck in front of you that may be a bit long for 10 minutes, so I will endeavour to shorten it up and leave some time for questions.

Health Canada's priorities are the health and safety of Canadians and their food supply. This primary mandate is applied when approving pesticides for use in Canada. The primary objective under the Pest Control Products Act is to prevent unacceptable risk to people and the environment from the use of pest control products. We also enable users to access pest management tools, namely, those pest control products and sustainable pest management strategies.

There's a slide that shows the distribution of responsibilities with respect to pesticide regulation in Canada. At the federal level, which is where I work, are pesticide registration and the re-evaluation process. Within that are the health, environment and value assessments that are conducted by us. We also have a compliance and enforcement arm, and a group that looks at sustainable strategies with respect to agriculture, urban and other sectors.

**1630**

Some of the responsibilities listed under the provincial banner include transportation, sale, use, storage and disposal; training, certification and licensing; and regulation for further conditions on use. I have also listed the municipalities where bylaws for further conditions can be put in place where authority exists.

Under the federal responsibilities, we regulate all pest control products imported into, sold or used in Canada under the Pest Control Products Act. This includes the pre-market review, which is the scientific assessment that we do; post-registration compliance and monitoring; and the re-evaluation process, which is a scientific assessment every 15 years.

The pre-market assessment is an area that includes over 200 studies that are required to register a new product in Canada. The particular areas we examine look at health assessment, those being the toxicological evaluation; the occupational and bystander exposure assessments; and food residue and exposure assessments.

We also do similar work under the environmental assessment banner, in terms of looking at the environmental toxicology and the environmental chemistry and fate. We also look at the value assessment, efficacy, competitiveness and sustainability of the use of that product.

There is a strong reliance on a comprehensive body of scientific evidence and scientific methods. It reflects approaches of other regulatory bodies around the world. It's a systematic application of science to support regulatory decisions. We have a large number of in-house qualified scientists with a wide range of expertise. I work with approximately 350 scientists back in Ottawa. The entire agency has a staff of about 500 people.

The data requirements to register a product in Canada are extensive. These are the scientific studies that are required in order to assess hazards and risks to health and the environment. These are conducted according to OECD guidelines for study protocols.

We have a program within Health Canada under the Pest Management Regulatory Agency which talks about healthy lawn strategy. We also have a re-evaluation program that looks specifically at the priority re-evaluation of those products most commonly used in the urban environment. The healthy lawn strategy was to reduce reliance on pesticide use for lawn care through the application of integrated pest management principles, emphasis on pest prevention and application of pesticides only when necessary.

Under the priority re-evaluation, we looked at the most common active ingredients that are used in lawn care. Those included the insecticides chlorpyrifos, diazinon, carbaryl and malathion and the herbicides 2,4-D, dicamba and mecoprop. The reviews of chlorpyrifos, diazinon and malathion have been completed. Carbaryl is scheduled for 2008. The review of mecoprop has been completed. The re-evaluation of the lawn and turf uses of 2,4-D was conducted in 2005. The final re-evaluation decision document was published on May 16, 2008. The re-evaluation of the lawn and turf uses of MCPA was conducted in 2006 and the final re-evaluation decision document was published May 22, 2008. The re-evaluation of the lawn and turf uses of dicamba has also been conducted.

The new Pest Control Products Act came into force June 28, 2006. Fundamentally, the new Pest Control Products Act strengthens health and environmental protection, makes the registration system more transparent and strengthens the post-registration controls on pesticides.

Some of the regulations under the new Pest Control Products Act are a list of formulants and contaminants of health or environmental concern, revised pest control products regulations, sales information reporting regulations and incident reporting regulations.

With respect to key messages that I would like to give to you today, Canadians should use pesticides judiciously, carefully follow label directions and take measures to become better informed about their safe and effective use. Pesticides registered in Canada for agricultural, forestry, structural and lawn and garden uses must meet all the same health and safety standards in Canada. Health Canada is confident that the pesticides approved for use in Canada, including lawn and garden products, can be used safely when label directions are followed.

Before approving a pesticide, Health Canada critically examines the totality of the scientific information available. Information on pests and pest control methods are available from relevant provincial ministries as well as our own website. We recommend that Canadians who are experiencing pest problems take measures to become better informed regarding various control options, including preventive measures.

I left my contact information there as well. Feel free to contact the agency at any time for additional information. I'd be happy to take your questions.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Hanson. To the PC side, Ms. Scott.

**Ms. Laurie Scott:** You've got a very good presentation. I know it has been difficult with the late notice. You've flown in from Ottawa not knowing whether you could be on or not, so we're happy that you were fit into the schedule.

I wanted to ask you just a short question, really. Do you feel Bill 64, as it is today, is science-based or not?

**Mr. Lindsay Hanson:** I would answer that in this way, in that I've made a presentation here today that talks about the science that is conducted at the federal level. In terms of the extensive, rigorous scientific review that we do of pesticides in Canada, we work with our provincial colleagues with respect to pesticide regulation. Certainly the basis, under the Pest Control Products Act, is that it is science-based. As far as the bill itself, I wouldn't comment on the basis for it as I haven't seen what information was used to make that decision.

**Mr. Peter Tabuns:** What are the risks when people don't follow the instructions on the label? What are the risks if applicators don't follow the instructions that they've been given when they use these products?

**Mr. Lindsay Hanson:** Certainly, the reason for the label conditions, which are required by law under the Pest Control Products Act and are required to be followed by law, are there for a reason. That is the basis for our risk assessment when we register a product in Canada. We do take into consideration how that product is being used, specifically in this case, for example, for lawn and garden uses: How might that product be used? Our risk assessments can build in a margin of safety in terms of looking at uncertainty factors that we apply to the registration of a chemical, so there is a fairly large degree or margin of safety when we register a product. In particular, if we're looking at the domestic market for lawn and garden use, as compared to the agricultural sector where applicators are typically trained and licensed, there were typically major differences in the types of products used at each level.

**Mr. Peter Tabuns:** Have you ever studied the level of compliance?

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Tabuns. To the government side.

**Mr. Kevin Daniel Flynn:** Thank you, Mr. Hanson, for your presentation. Could you expand on what is meant when PMA—our preliminary list of banned pesticides would be the equivalent of, I understand, your reduced risk category, and now you're also developing a more stringent low-risk category. Could you explain to us exactly what that is? In the past, or I guess even now, products are approved and in the future they're found to be not suitable for use, or they pose an unacceptable risk and they're taken off the market. How often does that happen?

**Mr. Lindsay Hanson:** With respect to the first part of your question, reduced-risk chemicals is actually a program that is used to register chemicals that had a relative risk difference to something that was already on the market. It was really a process by which we could register products in Canada that had a lower relative risk compared to something that's already being used on the market.

With respect to the lower-risk products you mentioned, we currently have—

**The Chair (Mr. Shafiq Qaadri):** With respect, Mr. Hanson, I will have to intervene. I thank you for your deputation on behalf of PMRA, Health Canada, and I would certainly invite you to communicate any further information to the committee members.

TOWN OF MARKHAM

**The Chair (Mr. Shafiq Qaadri):** I'd now invite our next presenter, Councillor Erin Shapero, to please come forward. I would also ask you to please take the committee's greetings back to Mayor Scarpitti of Markham. I would invite you, Ms. Shapero, to please begin.

**Ms. Erin Shapero:** Thank you, Mr. Chair and members of the committee. My mayor sent his regards as well. I'd like to thank you for the opportunity to present on this very important matter of Bill 64. This is a very positive step towards eliminating cosmetic pesticide use across the province. I'm here before you today in two capacities: (1) representing Markham council, and (2) as a member of AMO, the Association of Municipalities of Ontario, as a member of their pesticide task force. I will speak from both perspectives this afternoon.

The first thing, on behalf of the town of Markham, by way of background: In June 2007, our council unanimously passed a bylaw restricting the non-essential use of pesticides in the town of Markham. The bylaw came into effect on January 1 of this year. In support of our bylaw, we have passed licensing bylaws so we can pursue rigorous licensing for lawn care providers with conditions. We've undertaken a \$100,000 education outreach program for our residents and we've adopted new maintenance and management policies for our parks and municipal lands with requisite funding to ensure they're maintained pesticide free.

**1640**

In passing our bylaw, the town undertook significant public consultation, extensive research, and we took input over a year and a half's time. We've received public input and industry input and we've heard from various experts in this field. We felt that we undertook a very rigorous consultation program and we feel that the province should rely on the work we've done to establish strong provincial legislation.

Actually, just this spring, we enhanced our bylaw even further by removing in 2009 an infestation clause that we had passed in our original bylaw in 2007. I have provided members of the committee with a copy of the resolution from Markham council and our recommendations to the provincial government on this matter.

I'm not going to go through all six of those recommendations—members, you can take a look at those. I will go to the sixth recommendation, and I think this is, first and foremost, the message that my mayor and council wanted to convey to you: "That the province of Ontario take a leadership role in defining a rigorous standard of prohibition that will apply to all municipalities, but that municipalities also be given the option to enact higher standards on the restricting use of cosmetic pesticides."

I think what we're asking for when you pass your provincial legislation is that at a minimum you meet the standard that the town of Markham has set out in our bylaw. It is one of the most progressive bylaws in the province, and if there are questions around why that is, I'm happy to go into that.

In my second capacity here this afternoon, I'd like to speak with you on behalf of the letter that you also have before you from the Association of Municipalities of Ontario. I'm just going to read two brief sections from that letter to you. Again, I sit on the task force of that association.

I'll read it to you: "The Association of Municipalities of Ontario has requested in the past that the government provide a clear, consistent direction to address the issue of cosmetic use of pesticides. We commend the government in moving in that direction.

"While AMO is supportive of the proposed legislation banning the use and sale of cosmetic pesticides across Ontario, we are concerned about a clause in this bill which would render municipal bylaws inoperative and would like to see that clause removed from the proposed legislation.

"Provincial regulation of pesticides ought to be the floor from which municipalities can regulate further, in accordance with local needs. We believe such a direction would be consistent with the intent of the Municipal Act, which was recently amended to bolster local powers to protect human health and the environment. We urge the province to take the approach it took with respect to its anti-tobacco legislation. The Smoke-Free Ontario Act states that, 'If there is conflict between sections 9 and 10 of this act and a provision of another act, a regulation or a municipal bylaw that deals with smoking, the provision that is more restrictive of smoking prevails.'"

That is what we are looking for in terms of this legislation, and I think that concludes my comments.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Shapero. We'll begin with the NDP, about two minutes or so per side.

**Mr. Peter Tabuns:** Erin, could you tell us why you see your bylaw as the most progressive in Ontario? What are the elements?

**Ms. Erin Shapero:** Sure. In relation to the legislation that is before you, there are three areas I draw your attention to. Number one is the products that the town is permitting. That list is based on the extensive public health research that was done by the city of Toronto. Our list matches their list and that is the only list that we have with permitted products. Anything not on that list is not permitted.

The other area that is progressive is in relation to golf courses. Our bylaw does exempt golf courses for a period of three years. In that three-year time frame, we've made it a condition, actually, of the exemption that golf courses submit to us the products they use and the amounts on a yearly basis and the information they submit with respect to their IPM accreditation. So we will be reviewing that at the municipality. If, at the end of three years, we see that there is very little decline in the use of those products, then the exemption at that time would be reviewed by the municipality. That is an area where we felt we needed to be in accordance with the views of our community.

The other area I would direct you to is the area of licensing. In terms of actually enforcing a bylaw, we found that licensing lawn care operators was the best way to do that, and they have to meet a certain number of conditions that the municipality has set out—and there are a number of conditions. If they don't meet those conditions, then we can revoke the licence and they cannot operate in the town of Markham.

I should tell you that we heard from the industry throughout our extensive consultation that this would be just terrible for their business, and at the time we were very concerned about that. In the end, industry has complied in the town of Markham. We have just as many lawn care operators, who are operating traditionally and organically.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Shapero and Mr. Tabuns. We'll now move to the government side.

**Mr. Kevin Daniel Flynn:** Thank you, Erin, for coming today. It's good to see you. Your bylaw came into effect when?

**Ms. Erin Shapero:** It came into effect January 2008.

**Mr. Kevin Daniel Flynn:** Just this January; okay. That would be the same time as Oakville's, then.

**Ms. Erin Shapero:** Yes. It was passed in June 2007, but we allowed a transition period.



**Mr. Kevin Daniel Flynn:** Just to get an idea of where we're at compared to yours, then, the proposal that's before us would prohibit the use, whereas you're going to change at end of this year and you won't allow exemptions for insect infestations.

**Ms. Erin Shapero:** That's right. In 2009 those exemptions will end.

**Mr. Kevin Daniel Flynn:** Which would be the same as our proposal. Currently, you have exemptions for golf courses. Do you plan to keep those exemptions?

**Ms. Erin Shapero:** As I mentioned, that will depend, after a three-year review of the information provided by golf courses in the town of Markham.

**Mr. Kevin Daniel Flynn:** And the three years started January 1 of this year?

**Ms. Erin Shapero:** Yes.

**Mr. Kevin Daniel Flynn:** And the one thing, obviously, you can't do is—you can license but you can't prohibit the sale.

**Ms. Erin Shapero:** Yes, that's correct.

**Mr. Kevin Daniel Flynn:** So the proposal that's being put forward by the province right now—you're saying you've got one of the most progressive bylaws in the province, and I'd agree with that; it's very similar to what's being proposed here today. There may be a difference on some of the lists, it sounds like, of the prohibited products, which is something that I think we could work through over the summer.

**Ms. Erin Shapero:** Potentially, but I think there is something a little bit deeper in terms of how the province intends to work with municipalities. If you look historically at how 40% of Ontarians have been protected by bylaws, it has been through municipal bylaws. So it's gotten us to this point, but municipalities are really looking for a partnership on this with the province. I think that that partnership would show itself—

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Flynn. To the PC side, Mr. Shurman.

**Ms. Erin Shapero:** —through treating this bill the same way as the non-smoking bylaw was dealt with.

**Mr. Peter Shurman:** I know Erin, and she'll keep talking until the end of the sentence—no problem.

Do you spray in Markham now for West Nile, gypsy moths or any other infestation?

**Ms. Erin Shapero:** York region's health department—that is their domain. As far as I know, we've not sprayed for gypsy moth. The West Nile virus—their treatments are done through the catch basins; there is not fog spraying.

**Mr. Peter Shurman:** So it's the larvicide, which is a pesticide.

**Ms. Erin Shapero:** Yes.

**Mr. Peter Shurman:** Do you agree with that, and will that change?

**Ms. Erin Shapero:** I think for public health reasons that is necessary, and I agree with the public health reasons why we would use pesticides.

**Mr. Peter Shurman:** Okay. One of the problems here in this discussion is whose jurisdiction is this, anyway? One of the things you and I share, because I'm in the riding that is part of your domain, is a termite infestation in some areas, which requires pesticides. Inside usage is exempted, but I suspect that you agree with the use of pesticides for that as well.

**Ms. Erin Shapero:** Yes, again, for public health reasons; but for cosmetic reasons, no.

**Mr. Peter Shurman:** Well, yes, until it falls down.

**Ms. Erin Shapero:** So I agree with you, yes.

**Mr. Peter Shurman:** This Markham legislation has been described by you as progressive, and I have no reason to doubt that. Why does Markham think it knows better than Health Canada, in terms of what should and shouldn't be available to people to use or not?

**Ms. Erin Shapero:** We rely heavily on the advice of medical officers of health on this matter; that is what we have been reliant upon. The PMRA, as you may know—there is an element of industry that is within that agency. So it is not an entirely independent body.

**Mr. Peter Shurman:** Thank you very much.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Shapero, for your deputation on behalf of the town of Markham.

RETAIL COUNCIL OF CANADA

**The Chair (Mr. Shafiq Qadri):** I would now invite Ms. Kagan, the national manager of government relations, environment, for the Retail Council of Canada. I invite you, Ms. Kagan, to begin now.

**Ms. Rachel Kagan:** Thank you. I did bring 25 copies of my submission; I see that they're being passed around now.

Good afternoon. My name is Rachel Kagan and I'm the national manager of government relations for environment for the Retail Council of Canada. On behalf of RCC's members operating across the province, I just want to thank you for the opportunity to appear before you today. I'll try to move through the presentation quickly so that we have some time for questions at the end.

The Retail Council of Canada has been the voice of retail since 1963. We represent an industry that touches the daily lives of most people in the province. Our members represent all retail formats: department, specialty, discount and independent stores, and online merchants. While we do represent large mass merchandise retailers, the majority of our members are, in fact, small, independent merchants and over 40% of our membership is based here in Ontario.

Speaking briefly about the contribution of the retail industry, I would note that retail is the province's second-largest employer, with more than 830,000 employees in Ontario. That's actually a little-known fact, but we rank right behind manufacturing. And, in terms of scale, retail is well ahead of health care, the tourism industry and others. It's just a huge industry in terms of employment.

In addition, the retail industry had more than \$146 billion in sales in Ontario last year, and has over 16,000 storefronts in the province. Retail is truly an industry that touches the daily lives of most Ontarians.

**1650**

With respect to the business before the committee today, I am going to restrict my comments to the proposed amendments to the Pesticides Act; that is, the provisions that, if passed, would amend the Pesticides Act and give the province the authority to ban the use and sale of pesticides—which includes herbicides, fungicides and insecticides—for cosmetic purposes, and supersede existing municipal cosmetic pesticide bylaws.

Retailers, as the sellers and importers of designated products and the touch point for both consumers and manufacturers, have a significant stake in the proposed legislation. Indeed, RCC and our members are committed to the health and safety of Ontarians. The fact of the matter is that retailers are and want to be good corporate citizens.

Overall, we support the proposed legislation; however, we have a few recommendations we would like you to consider today regarding implementation timing and consumer education.

RCC understands that the government has expressed a goal of having the ban in effect by spring 2009. However, this is not a feasible timeline, in particular for our small retail members. RRC recommends that retailers be provided with a phased-in implementation period of at least two to three years in order to ensure the responsible removal of affected products from store shelves. Over 85% of RCC members are small, independent retailers, and given their size, their buying cycles are greatly different from larger retailers, many of whom have already announced their

intention to phase out the sale of traditional lawn and garden chemicals following the government's original announcement in April. However, it's just not feasible for small and independent retailers and garden centres in Ontario to meet the government's desired timelines of removing such products from their shelves by spring 2009. Most retailers have already completed their buying cycles and made their purchases for next spring and summer, and in some cases they have already purchased for fall 2009.

Independent retailers do not have the financial or human resources to comply with difficult and onerous legislation and regulations. Most small retailers do not have the same opportunities that larger retailers may have in being able to send product back to their suppliers. In order to ensure that banned products are removed from Ontario stores, retailers must be provided with a phased-in timeline of at least two to three years.

In addition to timing, I want to talk briefly about the importance of education and consumer awareness. To ensure compliance with the proposed legislation, retailers must clearly understand their obligations under any new laws affecting the sale of merchandise, and consumers must also be educated and influenced to change their purchasing behaviour. We understand that part of the intent of this legislation is not just for the protection of the health and safety of Ontarians, but also to support innovative green alternatives to pesticides. As the touch point for both consumers and manufacturers, retailers are the vital link in the supply chain and are strategically well-positioned to assist in educating and increasing awareness among consumers. We'd be pleased to work with the government on the development of a consumer awareness and education program.

Lastly, I'd like to mention that harmonization is a fundamental concern for our sector. The need for legislation and regulation to encourage harmonization with federal, provincial, territorial and municipal laws cannot be overstated. Approaches to pesticide use across Canada are far from consistent and increasingly place national retailers in the position of having to comply with a patchwork of requirements across the country, not to mention the confusion it creates for consumers across different provincial and municipal jurisdictions. On that note, we are very pleased that the government has declared that the proposed amendments, if adopted, would render inoperative a municipal bylaw that addresses the sale and use of pesticides.

Before I conclude my remarks, I just want to reiterate on behalf of the small, independent retailers and garden centres across the province the need for a phased-in implementation period of at least two to three years in order to ensure the responsible removal of cosmetic pesticides from store shelves.

Thank you again for your time today. I'd be happy to take any questions you might have.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Kagan. To the government side—about a minute and a half per side.

**Mr. Kevin Daniel Flynn:** Thank you, Rachel, for the presentation. You've already told us that there have been some proactive responses from some of your members, and you've also expressed your support for one comprehensive law for the whole province, so that everybody's operating from the same page, I suppose.

Do you see a further role for retailers in things like public education, outreach, that type of thing, and could you expand on that a little bit?

**Ms. Rachel Kagan:** Absolutely. As mentioned, retailers, being the touch point between those making the products and selling them to the consumers who are using them, have a very important role to educate the consumer. We're on the front lines. The consumers know that we're there, and we're there to help them, and that's certainly a role that we see. We want to work proactively with the government to ensure the same message is across the province. It really speaks to the shared responsibility approach. We all have a responsibility, not just government, not just retailers, but consumers as well, to change our behaviour.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Flynn. If there are no further questions, to Ms. Scott, PC side.

**Ms. Laurie Scott:** Thank you very much for appearing here before us today. I know there's been a lot of discussion of the rural and urban split on this bill. We know that farmers have done a lot with their environmental farm plans and the health and safety of their foods that we all consume. You did speak about the need for harmonization with the legislation and the regulation. Do you think it is good government to leave it to Health Canada and the Canadian Food Inspection Agency to ensure the public safety of our food supply?

**Ms. Rachel Kagan:** RCC does represent some food retailers but not all of them—there is the Canadian Council of Grocery Distributors—but overall we certainly support CEPA, the environmental protection act review that’s currently going on with Health Canada and Environment Canada. They’re doing a comprehensive review of substances—so it’s food and really everything—and this really speaks to the need for the federal approach and the harmonized approach, as opposed to doing a patchwork and having different provinces and different municipalities target different substances or different ingredients in food products.

**Ms. Laurie Scott:** Do you think that we need province-wide hearings on the regulations? This is where the meat and the detail are going to be—in the regulations. Would you recommend province-wide hearings on those regulations?

**Ms. Rachel Kagan:** For the cosmetics act?

**Ms. Laurie Scott:** For the bill.

**Ms. Rachel Kagan:** Yes, absolutely.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Scott. Mr. Tabuns?

**Mr. Peter Tabuns:** No questions, thanks.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kagan, for your representation on behalf of the Retail Council of Canada.

AGRICULTURAL GROUPS  
CONCERNED ABOUT RESOURCES  
AND THE ENVIRONMENT

**The Chair (Mr. Shafiq Qaadri):** I would now invite Ms. Shaer and Mr. Wettlaufer of the Agricultural Groups Concerned About Resources and the Environment, AGCare, to please come forward. Gentlemen, thank you for your deputation. Please begin now.

**Mr. Richard Blyleven:** Thank you, Mr. Chair, and to the committee. I’m Richard Blyleven, chair of AGCare, and this is Paul Wettlaufer, the vice-chair.

AGCare is a coalition of 17 different farm organizations that represent Ontario’s 45,000 fruit, vegetable, field crop and flower producers on environmental issues like pesticide use. We were formed 20 years ago to promote pesticide safety training for farmers, including the grower pesticide safety course, which is now mandatory under the Pesticides Act.

Ontario’s farmers support the banning of unnecessary and irresponsible pesticide use. We know how important it is to use pest control products safely and we are committed to responsible pesticide use. Pesticides provide great benefits if used properly and as directed, and they are a very important tool in food production.

We appreciate that agriculture has been exempted under the proposed legislation; however, we do have concerns that we would like to bring to your attention today through our written submission.

Bill 64 proposes to ban the cosmetic use of pesticides on all lawns and gardens. Banning the federally approved pest control products provincially will negatively affect farmers. The future success of Ontario farmers lies in the ability to be competitive against farmers in other areas, especially in the United States. A provincial ban on federally approved products will create regulatory uncertainty for developers of pesticides. We anticipate that this will lead to reduced investment in our product approval in Canada, making it harder for us to compete on an even playing field. The proposed pesticide ban also contradicts the extensive knowledge of Health Canada’s Pest Management Regulatory Agency—PMRA—and sends confusing and contradictory messages to the public about the value of Canada’s regulatory review and scientific evaluation of pesticide products.

A major focus of world attention is the increasing cost of food and the fear of global food shortage. The Secretary General of the United Nations has urged farmers to produce more food to stop this growing problem. In Canada,

there are fewer farmers every year, the amount of available farmland is decreasing and climate change is threatening our ability to grow crops. At the same time, the world's population is growing faster than ever before.

We recommend that the agricultural use exemption for pesticides be made permanent. If farmers are to successfully rise to the challenge of producing more food for the growing global population, we will need every tool available to us. This includes pesticides so that we can continue to feed not only ourselves, but others around the world.

At this time, I would like Paul to take over.

**1700**

**Mr. Paul Wettlaufer:** We feel that it's the unnecessary and irresponsible use of pesticides that needs to be banned, not the products themselves. Therefore, we would like to present agriculture's successful approach to responsible pesticide use that could easily be applied to domestic use.

Farmers must be trained and certified under the grower pesticide safety course before they can purchase or use pesticides. Agricultural pesticides are only sold by vendors who are certified via the pesticide vendor certification course, and both farmers and vendors must be recertified every five years.

Since this came into effect, farmers have voluntarily reduced pesticide use by 52%. We would like to stress that these reductions did not come as a result of product bans or restrictions, but through voluntary actions by farmers.

Our recommendations are: Professional pest control operators such as lawn care companies should be required not only to be licensed, but trained and certified in integrated pest management and recertified by examination every five years, similar to agriculture; and pesticides should only be sold from behind a counter to those who can prove that they have been properly trained and certified in the responsible use of pesticide products, similar to pesticide products for agricultural use.

Based on our experience of introducing and implementing responsible pesticide use training and policy 20 years ago and what we have learned over those two decades, we feel this is a clean, simple and defensible approach that will achieve results we all care about: protecting human health and safeguarding our environment in a responsible manner.

To summarize, pesticide use on farm lawns and gardens is not cosmetic but important to pest control on the entire farm. We urge the inclusion of farm lawns and gardens in the agricultural use exemption. The current approach contradicts Health Canada's PMRA and sends confusing and contradictory messages to the public about Canada's scientific evaluation of pesticide products.

We recommend that agricultural use exemption for pesticides be made permanent. Farmers feel they need every tool available. If we are to produce more food, this includes pesticides so that we can continue to feed not only ourselves, but others around the world. We feel that it is the unnecessary and irresponsible use of pesticides that needs to be banned, not the products themselves, and we recommend the implementation of agriculture's successful approach of training and certification of the users and vendors.

Agriculture is a significant part of Ontario's economy. As farmers, we are proud of our role as food producers, and as environmental stewards we want to be sure of our future in the rural landscape. We also urge you to examine our written submission.

Thank you. We would be pleased to answer questions.

**The Chair (Mr. Shafiq Qadri):** Thank you, gentlemen. There's about a minute per side, beginning with Mr. Shurman of the PC.

**Mr. Peter Shurman:** Do you have, gentlemen, any statistics or studies on health care concerns or issues affecting agricultural workers who have been actively involved regularly with the use of pesticides?

**Mr. Richard Blyleven:** No, we do not.

**Mr. Peter Shurman:** Okay. You cite the Ministry of the Environment website as advising people to hand-pull

weeds, but you say that's negative. Why?

**Mr. Richard Blyleven:** To hand-pull weeds?

**Mr. Peter Shurman:** Yes. In your presentation you cite the Ministry of the Environment website as saying to hand-pull your weeds as opposed to using anything else. You didn't say it; they did.

**Mr. Richard Blyleven:** Oh, you're talking about the submission to the standing committee.

**Mr. Peter Shurman:** Yes, I am.

**Mr. Richard Blyleven:** Well, I'm an organic farmer myself and I do pull lots of weeds.

**Mr. Peter Shurman:** So that's a good idea? It's an alternative?

**Mr. Richard Blyleven:** It's a lot of work.

**Mr. Peter Shurman:** I remember that. My dad used to make me do that.

We import a lot of produce into Canada. We import from various countries abroad. Pesticide latitude in other countries is much broader, oftentimes, than it is here. How does that affect your members?

**Mr. Richard Blyleven:** In the broader use of pesticides? You have to—

**Mr. Peter Shurman:** Well, for example, grapes from Chile, cherries from California; the pesticide laws are quite different there.

**Mr. Richard Blyleven:** That's right.

**Mr. Peter Shurman:** What's the effect on your membership?

**Mr. Richard Blyleven:** Well, go to Niagara and you'll find peaches and things like that being ripped out of the ground because—

**The Chair (Mr. Shafiq Qadri):** Gentlemen, I will have to intervene and offer it now to Mr. Tabuns.

**Mr. Peter Tabuns:** In your commentary, you don't have a problem, then, with a ban on the use of these pesticides in urban areas?

**Mr. Richard Blyleven:** We're talking responsible use, yes.

**Mr. Peter Tabuns:** Sorry, just so I'm clear: The way the legislation is written as it applies to urban areas is not a concern for you?

**Mr. Richard Blyleven:** Well, it is, in that we use the exact same products as they would in urban areas, so to the public, it would be perceived that the same products that we use on our fields and crops would be toxic because of the cosmetic pesticide ban.

**Mr. Peter Tabuns:** You think it would change the public perception.

**Mr. Richard Blyleven:** We feel, yes.

**The Chair (Mr. Shafiq Qadri):** To the government side.

**Mr. Kevin Daniel Flynn:** Thank you for the presentation and thank you for being here today. Two questions: Can you describe the sort of training that you need to undergo now in order to be able to apply pesticides on your crops?

**Mr. Richard Blyleven:** Okay. As a farmer, every five years we have to go through a day course, a pesticide safety course. That was started back in 1990 when AGCare was formed and worked along with the government.

**Mr. Kevin Daniel Flynn:** You made a good point, or you made an interesting point, when you said that “things may happen on the lawn that could affect my crop.” Something may presumably happen on the lawn of the farmhouse?

**Mr. Richard Blyleven:** Well, some of the same products are used.

**Mr. Kevin Daniel Flynn:** Okay, but it wouldn't be some dandelions or crabgrass getting into a crop, or something like that. It would be something different.

**Mr. Richard Blyleven:** We have those weeds coming into crops.

**Mr. Kevin Daniel Flynn:** You do? But would they affect your crop? Is that what you were talking about?

**Mr. Richard Blyleven:** Yes.

**The Chair (Mr. Shafiq Qaadri):** Thank you, gentlemen, for coming forward on behalf of the Agriculture Groups Concerned About Resources and the Environment—AGCare.

ONTARIO FRUIT AND VEGETABLE GROWERS' ASSOCIATION

**The Chair (Mr. Shafiq Qaadri):** I would now invite our final presenter of the day, Mr. Hunter, expert advisor on pesticide issues for the Ontario Fruit and Vegetable Growers' Association.

Mr. Hunter, as you're seated there, you've seen the protocol, no doubt. I invite you to begin now.

**Mr. Craig Hunter:** Thank you, Mr. Chairman and members of the committee, for this opportunity. I see that there is room for two more speakers, so can I have half an hour? No? Okay.

**The Chair (Mr. Shafiq Qaadri):** I will need to speak with the Premier on that. Please continue.

**Mr. Craig Hunter:** I want to qualify myself first. I've heard a lot of speakers here today who represent this, and are doing this and that. The two gentlemen ahead of me are both active farmers and have a lot of on-farm experience. My family first farmed in Verulam township, where Ms. Scott's riding is, and are still farming, since 1832.

I've been on the property I have for almost 30 years and I have used pesticides. In the past, I've sold pesticides, I've developed regulations on pesticides, I've done a lot of years of developing recommendations for pesticide use in agriculture and in other areas. I've worked with the PMRA on a number of committees, including the committee that developed the low-risk pesticide guidelines that somebody mentioned earlier.

I want to come here today, though, from my background with pesticide education. There have been a number of references to the need for pesticide education. First of all, I want to start out by saying that I support the elimination of misuse, overuse and unnecessary use of any pesticide in any venue. It is essential that to be able to do so, one must know what safe use, appropriate use and justified use are. It takes education and training, like with any other complicated issue we deal with in society today.

Growers demanded legislated, mandatory pesticide education in Ontario in 1991—the first province in Canada to do so. The government was amazed. They came back and said, “You want this to be mandatory?” The growers said, “Yes.” The government agreed and made it mandatory five years later. Today, there are over 25,000 farmers in the province who are certified and recertified by examination every five years. Forestry workers and golf course applicators are required to be licensed by the Ministry of the Environment to do their work with pesticides.

I only presume that these groups have been exempted from most of the provisions of Bill 64 because of this training and expertise that they practise and profess to have. On the other hand, homeowners will not be allowed the use of many pesticides—I believe there are 83 active ingredients—because of concerns that they cannot be trusted to use pesticides outside their homes in a safe manner, presumably since they're not suitably trained. However, they may use some of these very same products indoors, where the risks of exposure are many times greater than anything that happens outdoors. It matters not to me if the indoor use is for health and safety reasons. After all, it is the dose that causes the risk. The user should still be required to prove competence to buy and to use products in such a sensitive environment.

Interestingly, while over 80 active ingredients will be banned for outdoor cosmetic use, others are going to be promoted for those very same uses. So is it the use that's cosmetic or the pesticide? I guess it depends on what side of the argument you want to discuss.

All of these products, whether they're to be banned or not, have been approved for use by Health Canada. Who gets to play God, to decide which one is better or safer than the others? On what basis is this discrimination to be practised? What possible new factor is used to suggest that the cosmetic use is okay if done with product X but not with product Y? Would it not be much better to follow the tenets of the proposed bill by requiring appropriate training for all pesticide purchasing and use? This would include indoor use, outdoor use, products from the X list and the Y list. Since Health Canada has deemed all of these registered pesticides of use when applied according to the label, it seems to me the only issue is to ensure that the label is read—and it's only available in English and French—comprehended and then followed.

The educational materials for this training are already available. Online training capacity is also already available. To truly create safety for our children and the environment, only knowledge gained by training and from facts—not urban myth, not made-up stories—will give Ontarians the comfort zone they need and that I think the original intent of this bill was meant to do. Mandatory training will achieve what does not appear to be forthcoming in what I have seen so far on paper or heard in debate.

I would be glad to answer questions, and I'd love to re-answer some of the questions you've already asked. Thank you for the opportunity.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hunter. About a minute and a half per side, beginning with Mr. Tabuns.

**Mr. Peter Tabuns:** Sir, are you suggesting that medical officers of health have made recommendations to councils on the basis of myth and urban legend?

**Mr. Craig Hunter:** I didn't just suggest that; I absolutely agree with that statement.

**Mr. Peter Tabuns:** So you don't think medical officers of health are competent to recommend on health issues? Is that what you're saying to me?

**Mr. Craig Hunter:** In any profession, one should always stick to practising in the areas where one has competence. If the medical officer of health is trained in medicine, practise medicine. But if the medical officer of health has no background in toxicology and never worked with pesticides, they should ask for advice, not give opinion or, worse, re-utter things that have been told to them that they haven't verified as fact.

**Mr. Peter Tabuns:** Have you ever talked to a medical officer of health?

**Mr. Craig Hunter:** Absolutely, I have.

**Mr. Peter Tabuns:** And have they said they've made up the data upon which they've made these decisions?

**Mr. Craig Hunter:** I didn't say they've made up the data. You said that. You said that, sir.

**Mr. Peter Tabuns:** Urban myth and legend is generally something that one doesn't regard as a sound basis for making political decisions. You've suggested to me that the medical officer of health of the city of Toronto, Sheela Basrur, and—

**Mr. Craig Hunter:** I didn't say that, sir.

**Mr. Peter Tabuns:** —David McKeown don't know what they're talking about.

**Mr. Craig Hunter:** I didn't say that either. You said that.

**Mr. Peter Tabuns:** "Urban myth and legend" was the language you used.



**Mr. Craig Hunter:** That's correct.

**Mr. Peter Tabuns:** I asked you and you said, in fact, those recommendations were based on urban myth and legend. You are telling me that people—qualified physicians—have been putting forward fantasies as policy at the municipal level.

**Mr. Craig Hunter:** No, you just said that, sir. I never said that.

**The Chair (Mr. Shafiq Qaadri):** I need to intervene there and would offer it now to Mr. Flynn of the government side.

**Mr. Kevin Daniel Flynn:** Has your organization tracked its own pesticide use over a given period of time? You must have reduced your use, I would think, over the years.

**Mr. Craig Hunter:** Absolutely. In fact, in one of my former lives I looked after the collection of pesticide use data for Ontario for agricultural use. This has been published. It's done every five years, and has been since 1973. Horticulture has embraced the use of integrated pest management and the use of reduced-risk products wherever possible, and has done everything it can to reduce use. It saves them a lot of money, and because they live on that land and drink the water on that land, they want to minimize anything that they use.

**Mr. Kevin Daniel Flynn:** I'm seeing that there are a lot of advances. I did a tour of some greenhouses in Ontario. I was quite impressed with the lack of pesticide use and the use of, I guess, good bugs to go after the bad bugs.

**Mr. Craig Hunter:** That's all part of the integrated pest management approach that our growers use.

**Mr. Kevin Daniel Flynn:** That's used inside. Is there any application for that in field crops?

**Mr. Craig Hunter:** We are using things like pheromones to disrupt the mating patterns of insects on apples, peaches and so on. They're literally twist ties put through a vineyard or an orchard. They confuse the mating patterns and reduce the pest population so—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Flynn. I'd now offer it to the PC side.

**Mr. Peter Shurman:** Mr. Hunter, thanks for coming today. You're as close as it gets to a use expert; with all due respect to the profession, medical doctors are not. Is this bill based on good science?

**Mr. Craig Hunter:** The intent of the bill, from what I can read—to reduce unnecessary use—makes good sense. It is how it will be done or how it's proposed to be done that I have difficulty with.

**Mr. Peter Shurman:** I'm just concerned with—and I'd like your opinion on this—whether or not, when we talk about cosmetics, we're talking about the bill itself. In other words, is this the appearance of doing something or are we doing something meaningful? We're listening to deputations here that suggest that there are about four levels of government involved in the control of this problem.

**Mr. Craig Hunter:** I thought when the bill came out that it was about banning the use of pesticides in cosmetics. Every cosmetic that women are wearing today has pesticides in them.

No, it's about reducing unnecessary use. Everyone can agree to that. Banning—

**Mr. Peter Shurman:** Can I ask you quickly before my time expires: Is there any major agri-crop that you could grow without pesticides?

**Mr. Craig Hunter:** And make money? No.

**Mr. Peter Shurman:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hunter, for your deputation on behalf of the Ontario Fruit and Vegetable Growers' Association.

Are there any further concerns of the committee? I see there are.

**Ms. Laurie Scott:** I wanted to know, if we could ask a question, if the Pesticides Advisory Committee was able to provide a written submission to the hearings today.

*Interjections.*

**Ms. Laurel C. Broten:** Okay. In a convoluted way, I'll now answer the question with the answer that Katch has just given me.

They are mulling it over. That group was spoken about specifically at the subcommittee meeting. They are making a determination internally on whether they would want to do that, and they still have time because the deadline for written submissions is Friday.

**Ms. Laurie Scott:** Okay. I would hope that they would decide to put a presentation in. I don't know if you can answer: Were they consulted at all before the bill was drawn up?

**Ms. Laurel C. Broten:** That's not a question that I can answer for you, Laurie.

**The Chair (Mr. Shafiq Qaadri):** Mr. Tabuns?

**Mr. Peter Tabuns:** Could we have legislative research provide us with Sheela Basrur's report to city of Toronto council on pesticide use?

**The Chair (Mr. Shafiq Qaadri):** I'll direct legislative research to do that.

**Mr. Kevin Daniel Flynn:** Mr. Chair, just to answer Ms. Scott's question, my understanding is that the group was consulted with three times during the preparation of the proposed bill.

**The Chair (Mr. Shafiq Qaadri):** Are there any further questions, comments or urgencies? Seeing none, as Ms. Broten has done, I will remind both the committee and also any external deputants that the deadline for submitting written submissions for the committee's consideration is Friday, June 13, 12 noon, to the committee clerk.

Seeing that there's no further business, this committee stands adjourned for clause-by-clause hearings one week hence. Thank you.

*The committee adjourned at 1719.*

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