

Coquitlam

For Committee

October 18, 2011

Our File: 11-5280-01/000/2011-1

Doc #: 1123871.v1

To: City Manager
From: General Manager, Engineering and Public Works

Subject: **Pesticide Use Bylaw and Outreach Program**

For: **Engineering, Utilities and Environment Standing Committee**

Recommendation:

That Council:

1. Give first, second and third reading to *City of Coquitlam Pesticide Use Bylaw No. 4254, 2011*;
2. In advance of fourth reading of the Pesticide Use Bylaw, and in accordance with the requirements of the *Community Charter*, direct staff to notify local businesses about the pending adoption of the bylaw and invite comment from the business community; specifically, with respect to section 6 of the bylaw, which includes requirements related to the sale of pesticides in the City of Coquitlam;
3. Direct staff to bring forward a Bylaw Enforcement Notice Amending Bylaw for first second and third reading, concurrent with fourth reading of the Pesticide Use Bylaw, to introduce a \$200 penalty for the unlawful use of pesticides and a \$200 penalty for the application of pesticides without a permit;
4. Direct staff to bring forward an amendment to the 2012 Fees & Charges Bylaw to include a pesticide use permit application fee of \$50;
5. Direct staff to bring forward the residential and retailer pesticide education and outreach program with associated budget of \$50,000 to the 2012 Financial Planning Process; and
6. Direct staff to prepare reports for Council in 2012 regarding:
 - a. a median maintenance and/or renovation program that includes a strategy for phasing out the City's use of pesticides for maintaining City medians; and
 - b. a future maintenance strategy and associated terms of agreement for the Pacific Rose Garden that considers alternatives to conventional pesticide use.

Report Purpose:

The purpose of this report is to present a draft Pesticide Use Bylaw and details of a proposed residential and retailer pesticide education and outreach program for Council's consideration.

Strategic Goal:

The initiatives described in this report support the corporate strategic goals of: *Achieving Excellence in City Governance; Strengthening Neighbourhoods;* and *Enhancing Sustainability of City Services and Infrastructure.*

Executive Summary:

At the request of Council, the members of the City's Sustainability and Environmental Advisory Committee completed a review of the potential implementation of a Pesticide Use Bylaw for the City of Coquitlam, and subsequently recommended the City move forward with the development of a bylaw and supporting education and outreach program. Since this time, staff has researched a variety of different pesticide use bylaws within BC and Canada, and has developed the attached Pesticide Use Bylaw for Council consideration. Similar to many other pesticide use bylaws in BC, the bylaw proposed for Coquitlam regulates the use of pesticides "*for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any private residential land or City Land,*" but allows for the use of certain low toxicity pesticides based on Schedule 2 of the provincial Integrated Pest Management Regulation.

Coquitlam's bylaw has some notable exceptions to other similar bylaws, which include: a permitting process to allow for the treatment of severe infestations that cannot be treated successfully by other means; and a requirement for local businesses that sell pesticides to provide information about Coquitlam's bylaw at the point of sale. Although it is anticipated that permit applications will be minimal, a permit fee of \$50 is proposed to help offset some of the City's administration costs. Further, the permitting process will be monitored and evaluated during the initial years of implementation to ensure this process is efficient and effective for the City of Coquitlam.

Implementation of the bylaw will be supported by a comprehensive education and outreach campaign that will use a variety of tools to target residents, businesses, commercial property owners, schools, utility companies and farmers. It is estimated that a budget of \$50,000 will be required to support implementation of the proposed education and outreach program.

Enforcement of the bylaw will begin one year after the bylaw is enacted, and will rely on a combination of complaints, site inspections, and monitoring to ensure that permit holders meet the requirements set forth in their permits. It is proposed that penalties for the unlawful use of pesticides and the application of pesticides without a permit be set at \$200 each.

As the City currently uses pesticides in certain limited circumstances that are not exempt under the bylaw (such as, maintenance of medians and maintenance of the Pacific Rose Garden), it is recommended the City explore options to reduce reliance on pesticides for these applications. Where this is not possible or feasible, it is recommended the City follow the permitting process outlined in the proposed bylaw. Other City applications (such as, the treatment of invasive species, and the treatment of sports fields) are inherently exempt under the bylaw.

Background:

The *Community Charter* gives municipal authority to regulate the application of pesticides on residential and municipal lands while the provincial Integrated Pest Management Act (IPMA) regulates the sale, containment, transportation, storage, preparation, mixing, application and disposal of pesticides. Over 170 cities and towns across Canada have passed partial or full bans on pesticide use to ensure the health and safety of their communities. Canadian communities with pesticide use bylaws range from small municipalities like Tofino (bylaw enacted in 2009) to larger cities, including Halifax (2000), Toronto (2004) and Vancouver (2005). Thirty eight communities in BC now have pesticide bylaws, including all of Coquitlam's neighboring municipalities [Port Moody (2003), Burnaby (2008), New Westminster (2009), and Port Coquitlam (2011)].

At the request of Council, the members of the Sustainability and Environmental Advisory Committee (SEAC) completed a review of the potential implementation of a Pesticide Use Bylaw for the City of Coquitlam. Members of the Committee met on three separate occasions to discuss the pros and cons of implementing such a bylaw in Coquitlam. At these meetings, the members considered information provided by a variety of sources that included their own research, presentations by delegates who attended the committee meetings and the public (through both verbal and written correspondence). In addition, at the request of the SEAC members, staff provided information regarding existing legislation and similar bylaws enacted by other British Columbia municipalities, provincial and federal governments and associated agencies. A copy of all of the information provided to the SEAC members was made available in the Council Lounge for Council to review and reference.

October 18, 2011

At their final meeting, the SEAC members in attendance voted unanimously to recommend the City of Coquitlam move forward on the implementation of a Pesticide Use Bylaw with a supporting public education and outreach program. These recommendations were reviewed by Council at the June 27, 2011 Engineering, Utilities and Environment Standing Committee and were approved unanimously at the July 4th, 2011 Council meeting. For reference, a copy of the SEAC recommendations is included as Attachment # 1 to this report.

Staff have since researched a variety of pesticide use bylaws and education and outreach programs in other Canadian and Lower Mainland municipalities, and have developed a draft Pesticide Use Bylaw and supporting residential and retailer education program for Council's consideration. A copy of the draft bylaw is included as Attachment # 2 to this report.

In concurrence with these initiatives, the City of Coquitlam also sent a letter from Mayor and Council to the Minister of Environment and the Premier on July 11, 2011, requesting that the Province "*show leadership and act expediently to enact provincial legislation to ban the sale and use of cosmetic pesticides province-wide.*" For reference, a copy of this letter is included as Attachment # 3 to this report.

Discussion:

Following the recommendation of the SEAC members and subsequent direction from Council, staff have prepared the attached Pesticide Use Bylaw for Council's consideration. In brief, the bylaw regulates the use of non-excluded pesticides "*for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any private residential land or City Land*". The bylaw includes a list of excluded pesticides based on Schedule 2 of the IPMA, which are considered lower-hazard pesticides commonly used throughout the province. In addition, pursuant to the *Community Charter* and consistent with other similar local municipalities, the bylaw also includes exemptions for:

- the management of a pest that transmits a human or animal disease or in response to a human or animal health or safety issue;
- the management of a pest that impacts agriculture or forestry;
- residential areas of farms;
- buildings or inside buildings;
- land used for forestry, transportation, public utilities or pipelines unless the public utility or pipeline is City Land;

- the use of a pesticide in response to a human or animal health or safety issue; and
- the use of a biological control to control or eradicate a pest.

The bylaw proposed for Coquitlam follows similar requirements to the bylaws recently adopted by the Cities of Port Coquitlam and Richmond, but is notably different in that it includes a permit process to allow for the urgent management of an infestation when other non-pesticide alternatives are unavailable or have been exhausted.

The proposed bylaw also includes a requirement for Coquitlam businesses to provide information on the City's bylaw at the point of sale of pesticides. A similar requirement was not found in any other local municipal pesticide use bylaw. Therefore, in advance of final adoption, it is recommended that Council direct staff to notify local businesses about the pending bylaw and invite comment from the business community; specifically, section 6 of the bylaw, which includes requirements for the sale of pesticides in the City of Coquitlam.

Permit Process

During the initial three SEAC meetings, the committee carefully deliberated the pros and cons of pesticide use permits and notification systems and whether one of these options would be appropriate for Coquitlam. While most municipalities that have implemented pesticide use bylaws do not have a permitting or notification option, the SEAC members felt that such an option should be considered for Coquitlam as a last resort alternative to control severe infestations once all other pest eradication options have been exhausted. Their decision was made after considering comments from Council, input from staff, feedback from residents and businesses, and review of the permitting process implemented by the City of Victoria. The final recommendation that went forward to Council from the SEAC read as follows: *"Include a notification process for the use of pesticides for the urgent management of an infestation that threatens the integrity of sensitive ecosystems or poses a serious environmental or economic loss to the owner or occupier of the land, provided: effective non-pesticide alternatives are not available; a certified pest control company is retained to verify, document and notify the City about the infestation prior to applying pesticides; and that the pesticides are applied following the principles of integrated pest management."*

Staff has considered the pros and cons of notification versus permitting, and recommends the City adopt a formal permitting process. Although permitting may be slightly more labour intensive, both processes still require submission of detailed information and review by staff. The main difference is that a notification system is primarily an administrative exercise that has limited enforceability. A permitting process, by contrast, has the added benefits of allowing the City to: deny the use of pesticides if conditions do not satisfactorily warrant their use; impose additional restrictions or requirements as necessary to ensure protection of human health, public safety and the environment; and enforce the specific requirements stipulated within the permit. In addition, through a permitting process, the City can also collect a fee to help offset the administrative costs associated with issuing and enforcing permits; a fee of \$50 is recommended. This information was relayed to the SEAC at the September 8 committee meeting, and the option of moving forward with a formal permitting process was well-received by the committee members.

Staff has reviewed pesticide use permit processes across BC including, the District of Maple Ridge, City of Nelson, Town of Gibsons, City of North Vancouver, District of North Vancouver, City of Kelowna, District of Oak Bay, City of Port Alberni, Capital Regional District, District of Saanich, City of Salmon Arm, City of Victoria, and the City of Kamloops. The permitting processes in these municipalities vary in stringency with the more robust processes including public health and safety requirements (e.g. pesticides cannot be applied within five meters of a bus stop, schoolyard, licensed day care facility, senior's facility, hospital, medical clinic, playground or park). The more robust permit processes also require applicants to research and implement less toxic alternatives to pesticides before a permit is issued. They also take into account environmental health and restrict pesticide use in areas within 20 meters of a river, lake, stream, pond, wetland or open water. The proposed permit process for Coquitlam incorporates similar requirements and restrictions. For reference, a copy of the proposed Pesticide Use Application Form is included as Attachment # 4 to this report.

Based on the experience of other municipalities that include a permitting process with their pesticide use bylaws, staff anticipates the number of permits requested and the associated administrative burden of issuing permits will be minimal. However, staff will review this process during the initial years of implementation and will make improvements as necessary to ensure this process is efficient and effective for the City of Coquitlam. If Council agrees with the proposed permitting structure, staff will bring forward an amendment to the 2012 Fees & Charges Bylaw to include a permit application fee of \$50.

Enforcement Strategies:

Staff discussed bylaw enforcement strategies with various BC municipalities (City of Richmond, City of Port Moody, City of Victoria and City of Burnaby), and the consistent feedback included that pesticide use bylaws are generally enforced on a complaint driven basis. Residents are generally concerned about the health and safety of their families, and are quick to report suspected pesticide application by their neighbours. Since adopting their pesticide use bylaws, the Cities of Richmond, Port Moody and Victoria all relayed that the volume of complaints received has been minimal, with Richmond reporting a combined total of 66 pesticide use inquiries and complaints in 2010, of which only 5 were complaint reports of possible pesticide use violations. The City of Victoria receives approximately 40 to 60 inquiries annually, and the majority of these calls are also general inquiries and not complaints. These municipalities also relayed that having a dedicated staff support that is able to respond to calls promptly, is an important component of effective enforcement. Staff must respond as quickly as possible to observe whether a violation is in progress. The City of Port Moody has administered three fines since enacting their pesticide use bylaw in 2003.

In addition to responding to complaints, strategies for enforcement also include asking the resident to produce the container or label of the product applied, observing for pesticide odors and physical signs (e.g. all dandelions are dying or there are large brown patches where all plant material is dead), and/or collecting soil samples from the properties of repeated violators and testing these samples for commonly used pesticides. However, collecting samples is not a commonly used tool as the tests are costly and typically exceed the financial penalties for potential violations.

In addition to responding to complaints and conducting inspections, the proposed bylaw for the City of Coquitlam includes additional opportunities for enforcement. As the permitting process within Coquitlam's bylaw will allow staff to enforce specific and tangible requirements within the permit. Coquitlam's bylaw will also have a requirement for businesses to provide information about the bylaw at the point of sale of pesticides, and failure to do so will be an enforceable offence.

Penalties for failing to comply with similar local pesticide use bylaws are on average \$100 to \$200, with the highest penalty being \$1,000 (City of Richmond). It is proposed that Coquitlam set its penalties at \$200 each for the unlawful use of pesticides and the application of pesticides without a permit. If Council agrees, staff will bring forward an amendment to the Bylaw Notice Enforcement Bylaw, concurrent with fourth reading of the proposed Pesticide Use Bylaw, to reflect these penalties. For reference, a comparison of the penalty structure for various local governments is included as Attachment # 5 to this report.

Education and Outreach:

Education and outreach was an important consideration for SEAC members when recommending the City move forward with a Pesticide Use Bylaw. The SEAC recommended that Coquitlam "*Implement a transformative public education and outreach program*" that targets residents, municipal workers, businesses, pesticide vendors and local utilities through a variety of outreach strategies.

Education and outreach is an important tool for minimizing the need for enforcement. To preempt the application of pesticides, the City of Richmond, as an example, sends staff into busy neighborhoods on evenings and weekends to educate residents as they are working in their gardens. They also send uniformed staff into retail locations to educate business owners and operators about the use of pesticides in the City, and to request they voluntarily pull non-excluded pesticide products from their shelves and replace these with less toxic alternatives.

Staff researched different approaches used by local municipalities for providing education and outreach about pesticide use, and found a range of approaches from providing basic information about the bylaw to more comprehensive approaches that include providing dedicated resources and consultant services to promote the bylaw. As an example, the City of Richmond has one of the most extensive and comprehensive outreach programs. Highlights of their 2010 Enhanced Pesticide Management Program included staffing of a Temporary Full-Time (TFT) Environmental Coordinator, workshops for staff and landscapers, education and outreach to pesticide retailers, delivery of 37 natural gardening and lawn care workshops, residential site visits by Bylaw staff, and development and broad distribution of outreach material. Their deliverables are supported by an annual budget of \$134,000.

For the City of Coquitlam, staff recommends an education and outreach program that includes utilizing tools such as the City's website, social media, brochures, and public workshops. Education to retailers and landscape companies would also be a significant component of the program and would include working with these businesses to either provide point of sale information for all pesticide products sold in Coquitlam (as required by the bylaw) or voluntarily ceasing the sale of these products. As time and resources permit, the program would also include education and outreach to commercial property owners, schools, utility companies and farmers. The program would also include working collaboratively with adjacent municipalities on cooperative outreach and education initiatives to promote a pesticide-free region.

Developing the informational components of the program (brochures, website, etc) could be achieved using existing resources within the Environmental Services and Corporate Communications Divisions, with associated costs for printing and advertising. Additional dedicated TFT support staff would be required during the growing season (March – September) to administer and deliver all components of the education and outreach program, including: enforcing the bylaw; reviewing and approving permits; responding to complaints and inquiries; and conducting site assessments as necessary. It is anticipated that any complaints, inquiries, permit applications or violations outside of the growing season (October – March) are expected to be minimal, and could be addressed by existing regular full-time Environmental Services and Engineering Customer Service staff. Total program costs are anticipated to be approximately \$50,000 annually. It is recommended that during the first year of implementation, staff will focus on education and outreach, with active enforcement of the bylaw requirements beginning in the second year.

Current City Use and Impacts on Municipal Operations:

The City of Coquitlam utilizes an integrated pest management (IPM) approach for dealing with insects, diseases and weeds in City parks and public spaces. Pesticides are used only as a last resort, and when they are used, applications are performed by certified applicators trained in integrated pest management techniques. The City currently uses pesticides to eradicate invasive species (such as, Giant Hogweed and Japanese Knotweed), and to maintain medians and boulevards, sports fields, the lawn bowling green, and the Pacific Rose Garden. Of these applications, the treatment of invasive species and the maintenance of sports fields would be exempt under the bylaw as these are considered essential treatments, and necessary for the protection of human health and public safety. All other applications, however, would be subject to the requirements of the bylaw. Although some municipalities that have permitting processes allow exemptions for City applications, staff recommends maintaining this process to show transparency and public accountability when the use of pesticides is deemed necessary by the City. More detail about the City's use of pesticides is provided below.

- **Pacific Fraser Rose Garden:** Insecticides and fungicides are used at the Pacific Fraser Rose Garden located beside the Dogwood Pavilion. The City has a formal agreement with the Rose Society to maintain the infrastructure of the garden, supply materials, and apply fungicides and pesticides. As it is not possible to maintain a high quality rose garden in this climate without the use of fungicides, the Rose Garden, as it is currently planted, would decline rapidly if the City was to discontinue the current preventative spray program. Options may

exist to plant different types of plants and flowers in the garden that can be managed without the use of pesticides; however, if the garden is changed in this way, the Rose Society may discontinue its involvement with the garden. The City's agreement with the Rose Society is set to expire in August 2012; therefore, it is recommended that staff work with the Society members to explore possible alternatives for the garden that may allow for a reduction in the use of pesticides, and to report back to Council in early 2012 with options to consider. Under the proposed Pesticide Use Bylaw, maintenance of the Rose garden would require a permit.

- **Landscaped Medians and Boulevards:** Landscaped medians and boulevards were historically installed with soil and plant material that introduced seeds and roots of weeds like bindweed, vetch and thistles. As these weeds are very difficult to control with hand cultivation or other natural means, traffic medians throughout Coquitlam, and in particular in the Westwood Plateau area, are treated with a granular herbicide called Caseron. To maintain existing beautification standards without the use of pesticides would require some beds to be completely renovated and/or the frequency and duration of time that crews spend to maintain the beds would need to be significantly increased. It is estimated that without the use of pesticides, it would cost an additional \$40,000 per year in labour costs for manual maintenance of the beds. Alternatively, implementation of a city-wide median renovation program to replace all existing soil and plant material with weed free products, would cost approximately \$100,000 per year over the next ten years. To assist the City in reducing its reliance on pesticides for the maintenance of landscaped medians and boulevards, it is recommended that staff prepare a report for Council in 2012 that examines road median treatments and future maintenance strategies that will compliment the phasing out of pesticide use.
- **Management of Invasive Plant Species:** From 2008 to 2011 Roundup has been applied annually to control the spread and outbreak of a plant called giant hogweed throughout the City and in particular the Rochester Park area. Giant hogweed is an invasive plant that is known to cause toxic skin burns and even blindness. Roundup injections have also been used in the past two years on small patches of invasive Japanese knotweed to eliminate source patches in the upper reaches of the Hoy/Scott Watershed and to prevent downstream infestations. Under the proposed Pesticide Use Bylaw, the application of pesticides for this purpose would be exempt.

- **Sports Fields:** The City has a total of 39 grass sports fields in its inventory and one lawn bowling green. Due to Coquitlam's climate, particularly at higher elevations, these fields are vulnerable to fungal disease and snow mold, which threaten the integrity of the fields, and can present a health/safety risk for users. While the majority of the City's sports fields require only rare curative spraying, the bowling green and higher elevation fields are treated one to two times per year to prevent the spread of fungal disease and mold. Although, staff are exploring the option of tarping the lawn bowling green to protect it during the winter months, there are no other known alternatives for preventing the spread of fungal disease on grass fields. Under the proposed Pesticide Use Bylaw, the application of pesticides for this purpose would be exempt.

Financial Implications:

It is estimated that implementation of the proposed Pesticide Use Bylaw and supporting education and outreach program will cost approximately \$50,000 annually. Some of these costs will be offset through permit application fees, although, based on research of other municipalities with similar bylaws, it is anticipated the volume of permits issued by the City will be minimal, making such offsets negligible. The estimated \$50,000 budget would be apportioned approximately as follows:

- \$40,000 to cover labour costs within Environmental Services Division (including the hiring of TFT support staff during the growing season March - September).
- \$10,000 to develop and implement an education and outreach program.

Additional costs may be incurred as the City explores options to reduce the use of pesticides for applications such as, maintenance of medians, with costs ranging from an estimated \$40,000 annually for increased labour to \$100,000 annually for ten years for the complete renovation of weed impacted beds. These costs and associated options will be evaluated in more detail in a future staff report.

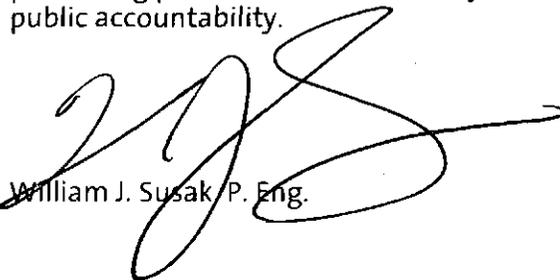
Conclusion:

At the request of Council, the members of the City's SEAC completed a review of the potential implementation of a Pesticide Use Bylaw for the City of Coquitlam. On July 4th, 2011 Council approved the recommendation of the SEAC to move forward with the development of a bylaw and supporting education and outreach program. Since this time, staff from Environmental Services and Legal Services have researched a variety of different pesticide use bylaws within BC and Canada, and have developed the attached.

Pesticide Use Bylaw for Council consideration. Similar to many other pesticide use bylaws in BC, the proposed bylaw regulates the use of pesticides *"for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any private residential land or City Land,"* but allows for the use of certain low toxicity pesticides based on Schedule 2 of the provincial IPMA. Coquitlam's bylaw has some notable exceptions to other similar bylaws, which include: a permitting process to allow for the treatment of severe infestations that cannot be treated successfully by other means; and a requirement for local businesses that sell pesticides to provide information about Coquitlam's bylaw at the point of sale.

Implementation of the bylaw will be supported by a comprehensive education and outreach campaign that will use a variety of tools to target residents, businesses, commercial property owners, schools, utility companies and farmers. Enforcement of the bylaw will begin one year after the bylaw is enacted, and will rely on a combination of complaints, site inspections, and monitoring to ensure that permit holders meet the requirements set forth in their permits.

As the City currently uses pesticides in certain circumstances that are not exempt under the bylaw (such as, maintenance of medians and maintenance of the Pacific Rose Garden), it is recommended the City explore options to reduce reliance on pesticides for these applications. Where this is not possible or feasible, it is recommended the City follow the permitting process outlined in the bylaw to demonstrate transparency and public accountability.



William J. Susak, P. Eng.

Attachments:

1. Recommendations from the Sustainability and Environmental Advisory Committee (contained in the SEAC June 14, 2011 meeting minutes CEDMS #1073846)
2. Draft City of Coquitlam Pesticide Use Bylaw No. 4254, 2011 (CEDMS #1097259)
3. Letter from City of Coquitlam Mayor and Council to the Minister of Environment and Premier.
4. Pesticide Use Application Form
5. Comparison of Pesticide Bylaw Penalties

This report was prepared by Steffanie Warriner, Manager Environmental Services, and Caresse Selk, Environmental Stewardship Coordinator, and reviewed by Bill Susak, General Manager Engineering and Public Works, and Lori MacKay, General Manager Parks, Recreation and Culture.

**City of Coquitlam
MINUTES – REGULAR COMMITTEE MEETING****SUSTAINABILITY AND ENVIRONMENTAL ADVISORY COMMITTEE
Tuesday, June 14, 2011**

A Regular Meeting of the Sustainability and Environmental Advisory Committee convened on Tuesday, June 14, 2011 at 7:00 p.m. in the Council Committee Room, City Hall, 3000 Guildford Way, Coquitlam, B.C. with the following persons present:

COMMITTEE MEMBERS: Councillor Linda Reimer, Chair
Sandra Baker
Lee Harding
Pat Hibbitts
Natalie Moreno
Mark Westbury
Michael Wilson
Pamela Zevit

ABSENT: Liliana Pérez
Damian Regan

STAFF: Bill Susak, General Manager Engineering and Public Works
Steffanie Warriner, Manager Environmental Services
Caresse Selk, Environmental Stewardship Coordinator
Jay Gilbert, City Clerk (Arrived 7:25 p.m.)
Mia Woerler, Committee Clerk

ADOPTION OF MINUTES**1. Minutes of the Sustainability and Environmental Advisory Committee Meeting held on Wednesday, May 18, 2011**

The Committee approved the Minutes of the Sustainability and Environmental Advisory Committee meeting held on Wednesday, May 18, 2011.

BUSINESS ARISING FROM MINUTES

There was no business arising from the Minutes.

NEW BUSINESS**2. Future Committee Meetings**

Copies of the February 15, 2011 staff report to Council pertaining to the Sustainability and Environmental Advisory Committee were distributed to the Committee members. The Chair requested that Committee members review the attached work plan in preparation for the next meeting on July 14, 2011, and identify which work plan items members would like to discuss for the remainder of the Committee's term and/or to identify items not listed in the staff work plan for consideration.

3. Cosmetic Pesticide Ban

The Manager Environmental Services facilitated a review of the draft recommendation regarding the implementation of a Pesticide Use Control Bylaw with the Committee members.

Discussion ensued relative to the draft recommendation and included the following:

- Whether or not the restrictions are comprehensive (i.e. rodenticides)
- The need to include a check list to quantify and qualify when a certified pest control company may be retained
- Concern with the definition of "serious" as it has different meanings for different people
- The desire for a permitting process in order to retain a certified pest control company for application of pesticides
- The desire for a notification process whereby a resident notifies the City that a certified pest control company would be retained to use pesticides in order for the City to track and formalize the process
- Whether or not an "out-clause" is desired
- The fact that alternative solutions to using pesticides exist
- The need to recognize that the use of pesticides causes potential health hazards
- What the threshold is in determining whether or not to issue a permit
- The need for the City to provide guidelines to the pest control companies for them to abide by and to define what the City deems to be "serious"
- The need to provide information regarding disposal sites where existing pesticide products can be safely/properly disposed
- The fact that a comprehensive education program is essential for the Bylaw to be effective

Discussion continued relative to whether or not a permit or notification process for the use of pesticides would be suitable for the Bylaw. It was noted that some Committee members preferred the permit process over the notification process.

The Committee recommends:

**COMMITTEE
RECOMMENDATION**

That Council:

- a) Direct staff to draft a Pesticide Use Control Bylaw that prohibits the use of pesticides for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants, turf or hardscapes on private residential lands and public lands vested to the City of Coquitlam, but that does not apply to:
 - i) excluded pesticides as defined in Schedule 2 of the BC Integrated Pest Management Act;
 - ii) the use of a pesticides in response to a threat to human or animal health, or public safety;
 - iii) the management of a pest that impacts agriculture or forestry;
 - iv) residential areas of farms;
 - v) buildings or inside buildings;
 - vi) land used for forestry, transportation, public utilities or pipelines unless the public utility or pipeline is owned by the City; and
 - vii) the use of a biological control to control or eradicate a pest;
- b) Include a notification process for the use of pesticides for the urgent management of an infestation that threatens the integrity of sensitive ecosystems or poses a serious environmental or economic loss to the owner or occupier of the land, provided: effective non-pesticide alternatives are not available; a certified pest control company is retained to verify, document and notify the City about the infestation prior to applying pesticides; and that the pesticides are applied following the principles of integrated pest management;
- c) Implement a transformative public education and outreach program that includes, but may not be limited to:
 - i) informing residents, municipal workers, and businesses who are involved with the use, application, sale or disposal of pesticides in Coquitlam;
 - ii) working directly with local pesticide vendors towards voluntarily ceasing the sale of non-excluded pesticides in the City of Coquitlam;
 - iii) working collaboratively with other municipalities to promote a pesticide-free Region through joint outreach and education initiatives;
 - iv) working with local utilities to encourage and promote pesticide free maintenance of transportation and utility corridors; add

- v) considers a variety of outreach strategies (e.g. public notices, media, brochures, mail-outs, website, social media, community events, school programs, seminars, etc.); and
- d) Implement a graduated compliance strategy that:
 - i) relies first on education, but has progressive penalties for ongoing or severe violations of the City's bylaw;
 - ii) allows for a one-year phase in period before penalties are levied for bylaw infractions; and
 - iii) allows for periodic review of the effectiveness of the bylaw.

It was noted that the Committee members present at the meeting voted unanimously in support of the above recommendation.

Committee members were advised that the recommendation would be forwarded to the June 27, 2011 Engineering, Utilities and Environment Standing Committee meeting and members were invited to attend the meeting.

OTHER BUSINESS

There was no other business.

NEXT MEETING DATE

The next meeting is scheduled for Thursday, July 14, 2011.

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

MINUTES CERTIFIED CORRECT

CHAIR

Mia Woerler
Committee Clerk

BYLAW NO. 4254, 2011

A Bylaw to regulate the use of pesticides within the City of Coquitlam

WHEREAS:

- A. Pursuant to section 8(3)(j) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") and the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, Council of the City of Coquitlam has the authority to regulate the use of pesticides within the City of Coquitlam;
- B. Pursuant to section 8(6)(3) of the *Community Charter*, Council of the City of Coquitlam has the authority to regulate business within the City of Coquitlam; and.
- C. Council of the City of Coquitlam considers that the regulation of pesticides will aid in the protection of the natural environment;

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the "Pesticide Use Bylaw No. 4254, 2011."

2. Definitions

In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

AGRICULTURAL LAND means land designated as agricultural land under the *Agricultural Land Commission Act*, as amended or replaced from time to time, or land that is classified as farm under the *Assessment Act*, as amended or replaced from time to time;

AGRICULTURE means any activity carried out on *agricultural land* that falls within the definition of "farm operations" in the *Farm Practices Protection (Right to Farm) Act*, as amended from time to time;

APPROVED APPLICATOR means a person who holds, or a company which employs people who hold, a valid license, permit or certificate, as required for the use of the particular pesticide being used, issued under the *Integrated Pest Management Act*, S.B.C. 2003, c. 58, and regulations thereto, as amended or replaced from time to time, and who holds a valid business license to conduct business in the City of Coquitlam;

BIOLOGICAL CONTROL means the use of natural agents, such as insects, nematodes, fungi, viruses, bacteria, animals or fish to control or eradicate a pest;

CITY means the City of Coquitlam;

CITY LAND means land owned or vested in the City;

EXCLUDED PESTICIDE means a pesticide included in Schedule A of this bylaw or otherwise listed in Schedule 2 of the *Integrated Pest Management Regulation*, BC Reg. 604/2004, as amended or replaced from time to time;

GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS means the person appointed as the General Manager of Engineering & Public Works for the City from time to time;

PEST means an animal, plant or other organism that is injurious, noxious, or troublesome, whether directly or indirectly, or an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in a human or an animal;

PESTICIDE means a chemical, *biological control* or other material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a *pest*, and includes:

- i. a plant growth regulator, plant defoliator or plant desiccant;
- ii. a pest control product as defined in the *Pest Control Products Act* (Canada) or any regulations therefo, as amended or replaced from time to time;
- iii. a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia) or any regulation thereto, as amended or replaced from time to time;

PRIVATE RESIDENTIAL LAND means land used for residential purposes, including without limitation, common property of a strata corporation with a residential component;

TREATED PROPERTY means a parcel of land on which a *pesticide* has been or will be used;

USE or USED with respect to a *pesticide*, includes mix, prepare or apply, or possess for the purpose of applying.

3. Prohibition

Except as otherwise provided under this Bylaw, a person must not *use*, or permit or cause to be used, a *pesticide* for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any *private residential land* or *City Land*.

4. Exceptions

4.1 This Bylaw does not apply to:

- 4.1.1 an *excluded pesticide*;
- 4.1.2 the management of a *pest* that transmits a human or animal disease;
- 4.1.3 the management of a *pest* that impacts *agriculture* or forestry;
- 4.1.4 residential areas of farms;
- 4.1.5 buildings or inside buildings;
- 4.1.6 land used for forestry, transportation, public utilities or pipelines unless the public utility or pipeline is owned by the City or located on *City Land*;
- 4.1.7 the use of a pesticide in response to a human or animal health or safety issue; and
- 4.1.8 the use of a *biological control* to control or eradicate a *pest*.

5. Permits and Conditions

- 5.1 Any owner or occupier of City or Private Residential Lands may apply to the *General Manager of Engineering & Public Works* for a permit for an exemption from section 3 of this Bylaw, in the form approved for that purpose by the *General Manager of Engineering & Public Works*.
- 5.2 Upon receiving an application for a permit under section 5.1 of this Bylaw and payment of the fee prescribed in the Fees & Charges Bylaw, the *General Manager of Engineering & Public Works*, or his or her designate, must consider the information contained in the application and:
 - 5.2.1 issue a permit exempting the applicant from section 3 of this Bylaw; or
 - 5.2.2 refuse to issue a permit.
- 5.3 The *General Manager of Engineering & Public Works*, or his or her designate, may, before issuing a permit under section 5.2 of this Bylaw, require that the applicant submit any professional reports he or she considers necessary to properly assess the application.
- 5.4 The *General Manager of Engineering & Public Works*, or his or her designate, may, when issuing a permit under section 5.2 of this Bylaw, impose one or more conditions respecting:
 - 5.4.1 the species of *pest* in relation to which the *pesticide* may be used;
 - 5.4.2 the type of *pesticide* that is allowed to be used;

- 5.4.3 the area of land on which the *pesticide* may be used;
 - 5.4.4 the frequency and the period of time in which the *pesticide* may be used;
 - 5.4.5 a requirement that the *pesticide* may only be used by an *approved applicator*; and/or
 - 5.4.6 any condition he or she considers necessary to protect the health and safety of persons within the *City* or the environment.
- 5.5 Any person who, pursuant to a permit issued by the *City*, uses a *pesticide*, or causes, allows or permits a third- person to use a *pesticide* on property owned or occupied by that person must:
- 5.5.1 post signs clearly visible from any road or public pathway abutting the *treated property* which must:
 - 5.5.1.1 measure at least 12 centimetres by 17 centimetres, be made of a material that is weather resistant and be placed on a support that is weather resistant;
 - 5.5.1.2 indicate clearly that a *pesticide* will be or has been used on the *treated property*;
 - 5.5.1.3 indicate clearly the commercial name of the *pesticide* which will be or has been used; and
 - 5.5.1.3 be placed on each frontage of *treated property* within three (3) meters of each of the property lines separating the *treated property* from the adjacent property, and thereafter one (1) Sign every sixteen (16) meters;
 - 5.5.1.4 be erected on the *treated property* for a period of not less than forty-eight (48) hours preceding the day the use of the *pesticide* is to commence and must remain in place for a period of at least forty-eight (48) hours following the completion of the use of the *pesticide*;
 - 5.5.2 not apply a *pesticide* within two (2) meters of any property line unless the written permission of the adjoining property owner has been obtained;

- 5.5.3 not apply a *pesticide* within five (5) meters of a bus stop, schoolyard or park;
- 5.5.4 not apply a *pesticide* within a distance of fifteen (15) meters from a surface well or of three (3) meters from an artesian well;
- 5.5.5 not apply a *pesticide* within twenty (20) meters of any of the following:
 - 5.3.5.1 a river, lake, stream, or open water;
 - 5.3.5.2 an enclosed depression with definable banks capable of containing water;
 - 5.3.5.3 any channel having definable beds and banks capable of conducting confined runoff from adjacent lands;
 - 5.3.5.4 a wetland;
- 5.5.6 apply the *pesticide* in accordance with the written instructions of the manufacturer and the label on the container but where those written instructions contradict any provision of this Bylaw the greater distance, lesser wind speed, greater time after or before rainfall, or the lesser air temperature shall apply;
- 5.5.7 not apply a *pesticide* by means of spraying or fogging on trees or shrubs when the wind velocity exceeds eight (8) km/hr;
- 5.5.8 not apply a *pesticide* when it is raining or the forecast of rain within the period indicated on the *pesticide* packaging material as necessary to ensure the efficient application of the *pesticide* unless otherwise indicated on the label of the *pesticide*;
- 5.5.9 not apply a *pesticide* when the temperature exceeds 27 degrees Celsius unless otherwise indicated on the label of the *pesticide*; and,
- 5.5.10 not apply a *pesticide* on trees during their blooming period.

6. Sale of Pesticides

No person shall sell, offer for sale or display for sale any *pesticide*, other than an *excluded pesticide*, within the City unless that person displays a copy of this Bylaw at every point of sale terminal and at every display of the *pesticide* and also affixes a label to the packaging of the *pesticide* that refers the purchaser to the City's website for information on this bylaw and the use of pesticides in the City.

7. Offence and Penalty

7.1 Every person who violates any provision of this Bylaw, or who causes, allows or permits any act or thing to be done in violation of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues is deemed to be a separate offence against this Bylaw.

7.2 Every person who violates a provision of this Bylaw, or who causes, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding the maximum set out in the *Offence Act*, as amended.

8. Severability

If any section or part of a section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the severed portion.

READ A FIRST TIME this " " day of " ", [Click here and insert current year].

READ A SECOND TIME this " " day of " ", [Click here and insert current year].

READ A THIRD TIME this " " day of " ", [Click here and insert current year].

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this " " day of " ", [Click here and insert current year].

_____ MAYOR

_____ CLERK

SCHEDULE "A"

Excluded Pesticides

- 1 acetic acid (DOMESTIC)
- 2 animal repellents (DOMESTIC and COMMERCIAL) except thiram
- 3 anti-fouling paints (DOMESTIC and COMMERCIAL)
- 4 antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
- 5 asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
- 6 bacillus thuringiensis kurstaki (Btk) (DOMESTIC)
- 7 bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
- 8 boron compounds (DOMESTIC)
- 9 boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)
- 10 capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
- 11 cleansers (DOMESTIC and COMMERCIAL)
- 12 corn gluten meal (DOMESTIC and COMMERCIAL)
- 13 d-phenothryn (DOMESTIC)
- 14 d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
- 15 deodorizers (DOMESTIC and COMMERCIAL)
- 16 fatty acids (DOMESTIC)
- 17 ferric phosphate (DOMESTIC and COMMERCIAL)

- 18 ferrous sulphate (DOMESTIC and COMMERCIAL)
- 19 hard surface disinfectants (DOMESTIC and COMMERCIAL)
- 20 insect bait stations (DOMESTIC)
- 21 insect pheromones (DOMESTIC and COMMERCIAL)
- 22 insect repellents (DOMESTIC)
- 23 laundry additives (DOMESTIC and COMMERCIAL)
- 24 material preservatives (DOMESTIC and COMMERCIAL)
- 25 methoprene (DOMESTIC)
- 26 mineral oils for insect and mite control (DOMESTIC)
- 27 n-octyl bicycloheptene dicarboximide (DOMESTIC)
- 28 naphthalene for fabric protection (DOMESTIC)
- 29 paradichlorobenzene for fabric protection (DOMESTIC)
- 30 pesticides in aerosol containers (DOMESTIC)
- 31 pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
- 32 piperonyl butoxide (DOMESTIC)
- 33 plant growth regulators (DOMESTIC)
- 34 polybutene bird repellents (DOMESTIC and COMMERCIAL)
- 35 pyrethrins (DOMESTIC)
- 36 resmethrin (DOMESTIC)
- 37 rotenone (DOMESTIC)

- 38 silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
- 39 silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
- 40 slimicides (COMMERCIAL)
- 41 soaps (DOMESTIC and COMMERCIAL)
- 42 sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
- 43 surfactants (DOMESTIC and COMMERCIAL)
- 44 swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
- 45 tetramethrin (DOMESTIC)
- 46 wood preservatives (DOMESTIC)

DRAFT



July 11, 2011
Our File: 11-5280-01/000/2011-1
Doc #: 1083458.v2

Honourable Dr. Terry Lake
Minister of the Environment
PO Box 9047 Stn Prov Govt
Parliament Buildings
Victoria, BC, V8W 9E2

Honourable Christy Clark
Premier
PO Box 9041 Stn Prov Govt
Victoria, BC, V8W 9E1

Dear Premier Clark and Minister Lake:

RE: Provincial Legislation to Ban the Sale and Use of Cosmetic Pesticides

On July 4th 2011, Coquitlam City Council voted unanimously to proceed with developing and implementing a Pesticide Use Control Bylaw, including a supporting public education program, for the City of Coquitlam. The City of Coquitlam will be joining 38 other municipalities across BC to regulate the use of pesticides in our communities.

The City of Coquitlam is taking progressive action to reduce the use of pesticides. While a bylaw supported by a robust education and outreach program is anticipated to be effective in reducing pesticide use in Coquitlam, a complete elimination of unnecessary cosmetic pesticide application will not be realized until the Province takes action to ban the sale of these products.

The City of Coquitlam hereby requests that the Province show leadership and act expediently to enact provincial legislation that will ban the sale and use of cosmetic pesticides province-wide.

Yours truly,

Richard Stewart, Mayor

- c - Peter Steblin, City Manager
- John Dumont, Deputy City Manager
- Jay Gilbert, City Clerk
- Bill Susak, General Manager Engineering & Public Works
- Steffanie Warriner, Manager Environmental Services



PESTICIDE PERMIT APPLICATION FORM

PROPERTY INFORMATION:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: _____

PID LOT BLOCK DL PLAN

OWNER INFORMATION:

NAME OF OWNER: _____

MAILING ADDRESS: _____

TELEPHONE: _____

LICENSE HOLDER AND CERTIFIED APPLICATOR INFORMATION:

NAME OF LICENSE HOLDER: _____

NAME OF CERTIFIED APPLICATOR: _____

MAILING ADDRESS: _____

TELEPHONE: _____

Please attach a copy of the license and certificate to the application form.

POTENTIAL RISKS ASSOCIATED WITH PESTICIDE USE AND ALTERNATIVE REMEDIES:

1. Are you aware that there may be health risks associated with general pesticide use?

Yes No

2. What measures have you taken to research alternative methods to using pesticides? (If none, please check online sources or visit the library for more information on alternative remedies to pesticide use)

DESCRIPTION OF INFESTATION:

1. Is this application for an insect or plant infestation?

Insect Plant

2. Briefly describe the nature of the infestation:

3. Does the infestation pose a threat to human or animal health, public safety, or the environment?

Yes No

If yes, please specify the nature of the threat

4. Will the infestation result in severe damage or economic loss to the property owner?

Yes No

If yes, please specify the nature of the loss

5. What is the name of the integrated pest management practitioner / company or individual who did the infestation assessment (if different than the certified applicator above)? Please attach a copy of the assessment report (required).

6. Please describe what alternatives to using pesticides have been tried for the treatment of this infestation and why these alternatives have failed.

7. What is the brand name and pest control product (PCP) number of the pesticide requested?
Please list the active ingredient(s) in the product and the quantity required.

8. What is the location and size of the area to be treated?

9. What is the proposed date and time of day for the pesticide application and the number of applications requested?

10. Have there been previous requests for pesticide use on this property?

Yes No

11. Will the pesticide be applied within two (2) meters of any property line?

Yes No

If yes, please attach written permission of the adjoining property owner.

**I HEREBY MAKE APPLICATION TO APPLY PESTICIDE TO THE ABOVE
NOTED PROPERTY AND SWEAR THAT THE INFORMATION PROVIDED
HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

PROPERTY OWNER'S SIGNATURE

DATE

The personal information collected on this form is done so pursuant to the Community Charter and/or the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The personal information collected herein will be used only for the purpose of processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or an agent duly authorized under another Act.

Proposed Pesticide Bylaw Penalties for the City of Coquitlam with Comparison to Other Local Municipalities

Offence	Local Government						
	Coquitlam (proposed)	Port Coquitlam	Port Moody	Maple Ridge	Burnaby	Pitt Meadows	Richmond ⁱ
Unlawful use of pesticide ⁱⁱ	\$200	n/a ⁱⁱⁱ	1 st - \$100 2 nd - \$200 3 rd - \$300	n/a	\$200	\$200	1 st - \$100 2 nd - \$500 3 rd - \$1000
Application of Pesticide without a permit	\$200	n/a	n/a	\$250	n/a	n/a	n/a
Failure to post signage	n/a	n/a	n/a	\$100	n/a	n/a	n/a
Pesticide use in prohibited area	n/a	n/a	n/a	\$100	n/a	\$200	n/a

ⁱ Richmond used Municipal Tickets as opposed to Bylaw Notices to enforce its Pesticide Bylaw. This is the reason the fines exceed \$500 in some circumstances.

ⁱⁱ This offence relates to the Bylaws where there is simply a prohibition on the use of pesticides, and not a permitting process.

ⁱⁱⁱ Port Coquitlam has not adopted any fines pursuant to its Pesticide Bylaw.