

# British Columbia Prohibition of Pest Control Products. Special Report.

12/03/2009



## B.C. Government Considering a Ban on Cosmetic Pesticides

August 12, 2009

### *Member Notice*



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RCC [ Retail Council of Canada ] members considering buying plans for 2010 should take note ...

RCC has learned that the B.C. [ British Columbia ] government is currently considering a ban on cosmetic pesticides. The government has not given any indication of when such a ban could be implemented, but they have indicated that a ban is likely, particularly in light of the recent ban implemented in Ontario.

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## UPDATE :

In response, **RCC** has had discussions with the Environment Minister's Office and has written to the Minister. **RCC** has stressed the need for a lengthy implementation period given that many retailers have already purchased products for the next year. Accordingly, **RCC has recommended a phase in period of two to three years.**

**RCC** has also recommended that the government conduct a thorough identification and scientific analysis of all relevant information (i.e. toxicity) for each pesticide, herbicide and fungicide under consideration. This will assist in developing clear definitions and categorization of banned products, as well as assist with educating consumers about their purchasing decisions.

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Finally, **RCC** has stressed the need to harmonize any regulations with those already in place in other jurisdictions to reduce costs and complications.

**RCC** will be meeting with the Minister in the coming weeks to again stress the needs of retailers and will keep members apprised of any developments as they occur.

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## BACKGROUND :

All pesticides used in Canadian provinces are registered by the federal government under the Pest Control Product Act.

Currently, Quebec and Ontario are the only provinces to legislate a ban on the sale of cosmetic pesticides. Alberta, Prince Edward Island and New Brunswick have all publicly announced plans to introduce cosmetic pesticide bans in the near future.



Health Canada's Pesticides and Pest Management web site :  
<http://www.hc-sc.gc.ca/cps-spc/pest/index-eng.php>



Québec pesticide législation :  
<http://www.mddep.gouv.qc.ca/pesticides/permis-en/code-gestion-en/index.htm>



Ontario pesticide legislation :  
<http://www.ene.gov.on.ca/en/land/pesticides/>

For further information, please contact Max Logan, Director, Government Relations in **RCC's** British Columbia office at (888) 246-7705, [mlogan@retailcouncil.org](mailto:mlogan@retailcouncil.org) or Rachel Kagan, National Director, Environmental Affairs, at (888) 373-8245, extension 318, [rkagan@retailcouncil.org](mailto:rkagan@retailcouncil.org).

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July 17, 2009

The Hon. **Barry Penner**  
Minister of Environment  
Parliament Buildings, Room 112  
P.O. Box 9407 – Stn. Provincial Government  
Victoria, British Columbia V8W 9E2  
Via E-Mail : [env.minister@gov.bc.ca](mailto:env.minister@gov.bc.ca)

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## RE: RCC COMMENTS ON BANNING COSMETIC PESTICIDES IN BRITISH COLUMBIA

Dear Minister Penner :

On behalf of Retail Council of Canada (RCC) and our members operating in British Columbia, we are writing with regards to a potential ban of cosmetic pesticides in the province. As you may know, several provinces have either already implemented bans (Quebec and Ontario) or have announced their intention to do so (Alberta, Prince Edward Island, New Brunswick). While we understand your Ministry has not made any decisions or announcements on this issue, we wanted to provide you with our industry's position on banning cosmetic pesticides, as retailers would be significantly impacted by such a decision.

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Retailers, as the sellers and importers of pesticides and the touch point for both consumers and manufacturers, have a significant stake in the development and implementation of any government legislation pertaining to banning cosmetic pesticides. The following represents the initial thoughts of retailers, which may be added to and/or refined as further discussion and consultation takes place.

### RETAILERS REQUIRE A PHASED-IN IMPLEMENTATION PERIOD

It is imperative that retailers be provided with a phased-in implementation period of at least two-to-three years should the government decide to ban the sale of cosmetic pesticides to ensure the responsible removal of affected products from BC store shelves. Over 85 per cent of RCC members are small independent retailers and given their size, their buying cycles are greatly different than larger retailers. Most retailers have already completed their buying cycles and made their purchases for next spring and summer (in some cases they have already purchased for fall 2010). Retailers require a phased-in timeline to accommodate varying buying cycles.

Small businesses are the life blood of BC's economy. Independent retailers do not have the financial or human resources to comply with difficult and onerous legislation and regulations. It is simply inefficient and impractical to enforce aggressive timelines for such a ban. If not enough time is provided, there would be a high risk that substantial amounts of banned product would be pulled off the shelf in a short period of time, which is a situation that must be avoided to ensure that such a large quantity of products would not be disposed of inappropriately.

Again, RCC recommends that should the government decide to ban cosmetic pesticides, they provide retailers with a phased-in implementation period of at least two-to-three years.

### SCOPE

RCC recommends that should the government decide to legislate banning cosmetic pesticides, they should conduct a thorough identification and scientific analysis of all relevant information (i.e. toxicity) for each pesticide, herbicide and fungicide under consideration. This will assist in developing clear definitions and categorization of banned products, as well as assist with educating consumers about their purchasing decisions.

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## HARMONIZATION

Harmonization is a fundamental concern for the retail sector. The need for legislation and regulation to encourage harmonization with federal, provincial and 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. Implementing different laws in every province is costly and administratively burdensome for retailers and is confusing for consumers; and as such, harmonization must be entrenched as a foundation of the proposed legislation.

RCC recommends that any provincial legislation that is created must over-ride, and thereby render inoperative, existing municipal by-laws that address the sale and use of pesticides.

## EDUCATION AND CONSUMER AWARENESS

To ensure compliance with any new 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. RCC and its members would be pleased to work with your Ministry on the development of voluntary guidelines that are clear and understandable to assist affected retailers in complying with any legislation.

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## CONCLUSION

The health and safety of consumers is of the utmost concern for retailers. From our members perspective, the top priority is to be assured the products that they sell are safe. Thank you for your consideration of our above recommendations regarding potential legislation to ban cosmetic pesticides in British Columbia. If you require any further information or clarification, please do not hesitate to contact us directly at (888) 373-8245.

Sincerely,

Rachel Kagan Max Logan  
National Director, Environmental Affairs

Max Logan  
Director, British Columbia



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**FORCE OF NATURE** was launched for continuous transmission on the Internet on January 1st, 2009. It is a series of e-newsletters destined for the **GREEN SPACE INDUSTRY**, the **ENVIRONMENTAL MOVEMENT**, politicians, municipalities, and the media, nation-wide across Canada, and parts of the United States. **FORCE OF NATURE** is produced in two parts. First. The **MEDIA REPORT** itself that reports on the current events affecting the future of the **GREEN SPACE INDUSTRY**. Second. **INDEPENDENT PERSPECTIVE**, which is a running commentary, sometimes also of a more technical in nature.

**FORCE OF NATURE** is the brainchild of William H. Gathercole and his entourage. The opinions expressed in these e-newsletters, even though from an **INDEPENDENT PERSPECTIVE**, may not reflect those of everyone in the **GREEN SPACE INDUSTRY**, or Mr. Gathercole's many associates. Be warned ! Mr. Gathercole and his team may sometimes be very irreverent and fearless with these e-newsletters.

William H. Gathercole holds a degree in Horticulture from the **UNIVERSITY OF GUELPH**, and another pure and applied science degree from **MCGILL UNIVERSITY**. He has worked in virtually all aspects of the **GREEN SPACE INDUSTRY**, including public affairs, personal safety, and environmental issues. Mr. Gathercole has been a consultant and instructor for decades. Mr. Gathercole has been following the evolution of **ENVIRONMENTAL TERRORISM** for over a quarter-century. His involvement in environmental issues reached a fevered pitch in the 1990s, when he orchestrated, with others, legal action against unethical and excessive municipal regulations restricting the use of pest control products. ( i.e. the Town of Hudson. ) Although he can be accused of being **ANTI-ENVIRONMENT-MOVEMENT**, he is, in fact, simply a strong advocate **FOR** the **GREEN SPACE INDUSTRY**. However, this position has not precluded him from criticizing the industry itself. Nonetheless, his vast knowledge of our long journey with environmental issues is **UNDENIABLE**. ( Hopefully ! ) For many years, Mr. Gathercole has been a contributing columnist for **TURF & RECREATION Magazine**, Canada's Turf and Grounds Maintenance Authority.

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