

Special Committee on Legitimate Pesticides
November 7, 2011
Vancouver #6



Business Council of
British Columbia

**Submission
to the
Special Legislative
Committee
on Cosmetic
Pesticides**

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The Business Council of British Columbia is pleased to provide these comments on the policy and regulatory framework concerning the cosmetic use of pesticides in British Columbia.

By way of background, the Business Council of British Columbia, established in 1966, is an association representing approximately 260 large and medium-sized enterprises engaged in business in British Columbia. Our members are drawn from all major sectors of the provincial economy. The Council maintains an active involvement with environmental policy and regulatory issues. Taken together, the corporate members and the associations affiliated with the Business Council are responsible for roughly one-quarter of all jobs in British Columbia.

On June 2, 2011, the Legislative Assembly agreed to appoint a Special Committee to examine the use of Cosmetic Pesticides and to make recommendations that potentially could lead to new restrictions on the use of these products in British Columbia.

According to the terms of reference, the Special Committee is considering:

1. The scope of any ban on the sale and use of pesticides¹, including those used solely for cosmetic purposes; and,

¹ The three main types of pesticide products are herbicides (which kill weeds), insecticides (which kill insects), and rodenticides (which kill rodents).



2. Any appropriate exemptions and restrictions on the sale and use, which may apply.

The Business Council understands the motivation for the review. Our members support public policies grounded in science that are aimed at protecting the environment and human health. We believe it is essential to have a balanced review process that also acknowledges that pesticide/herbicides are already highly regulated in Canada and BC, and that these products have many valid and important applications, especially in the industrial realm.

As a baseline for the Committee's review, it is necessary to recognize that pesticide/herbicide use in Canada is strictly regulated. Indeed, pesticides are among the most rigorously tested products in the world. All pesticides sold in Canada must be accepted for use by the Pest Management Regulatory Agency (PMA) of Health Canada. This Committee has previously heard testimony from the PMA, outlining the rigorous processes which the agency employs in evaluating pesticide products. Before a pesticide is registered for use, the manufacturer is required to provide scientific information on its effectiveness, toxicity, any food and feed residues, its fate in the environment, and the chemistry of the pesticide itself. Health Canada tests these products for safety, and only approves those which show no increase in health risk. This well established regulatory framework is designed to ensure the acceptability of the risks, merit, and value of pest control products sold in Canada.

Here in British Columbia, the *Integrated Pest Management Act and Regulation* (IPMA) effectively regulates the use of these products to provide further protection for the environment and human health. The *Act* and *Regulation* require that pesticides used on public land and those employed by pest control services be applied under the direct supervision of a person trained in pesticide use. It is illegal to treat pests with products



not governed by this legislation (and/or the companion federal legislation), or to use a herbicide product in a way that is not consistent with its product label. The IPMA also stipulates that pesticides used in an IPM program and under the IPM process can only be employed when no practical alternatives are available. In effect, the IPMA mandates “integrated pest management,” a process that involves a mix of techniques to manage pests, in the case of commercial and industrial uses on public land, and for uses on private land by industries like forestry, utilities, transportation and pipelines. The IPMA does not apply to agricultural uses or to uses by homeowners.

Given the extensive testing and regulations governing the use of pesticides in Canada and British Columbia, the Business Council does not see a convincing case for the adoption of any sort of comprehensive or blanket ban on the “cosmetic” use of pesticides in the province. That said, should the Committee decide that additional restrictions on the “cosmetic” use of pesticides are in fact warranted, we propose that such a step be accompanied by a number of other measures and recommendations.

First, all policy changes affecting pesticide use should consider the cost of disallowing these applications, and the implications of shifting to alternative methods. Only in this way can there be a proper weighing of costs and benefits in the decision-making process. We note that this approach is consistent with the Ministry of Environment’s commitment to a “science-based” regime for regulating pesticide products.

The principle of ensuring cost-effective compliance and enforcement is sometimes overlooked but it is an important consideration in sound public policy-making. Undue regulation adds to operating costs and may threaten jobs. While a few additional regulations may seem insignificant, policy-makers need to be sensitive to the cumulative impact of regulations and the associated need for businesses to allocate scarce resources to achieve compliance. This is not an argument in favour of zero regulation – clearly,



regulation by responsible public agencies is necessary in many domains, including the use of pesticides. Instead, the point is simply that legislators should be looking to develop “smart” regulation that meets the goals set by public policy in an efficient and cost-effective manner.

Second, if the Committee concludes that additional restrictions are warranted, it needs to think carefully about how “cosmetic” is defined, or whether the term is even appropriate for legislation. The “cosmetic” descriptor is potentially problematic because it may be subject to a wide range of interpretations. The Ministry of Environment’s 2009 Consultation Paper describes cosmetic use as “the use of pesticides for non-essential or aesthetic purposes.” In the Ontario *Pesticides Act*, “cosmetic” is explicitly defined as “non-essential.” One concern is that “cosmetic” and “non-essential” are vague and subjective terms; what is viewed as necessary or essential by some parties could be viewed as cosmetic or superfluous by others. And whether or not something is “essential” is invariably intertwined with issues of cost.

The terms “cosmetic” and “non-essential” fail to recognize the usefulness of pesticides in many contexts. It is important to understand that, left uncontrolled, insect and disease infestations can quickly destroy a green space. Effective use of approved pesticides may be required to prevent significant loss or damage to a landscape. Although weed infestations are more gradual, they too can be costly to control and result in severe damage if left unchecked. These benefits are often overlooked in discussions of pesticide use and are diminished with terms such as “non-essential” or “cosmetic.”

In Canada, the vast majority of herbicides are used by the agricultural industry for crop protection, with a small share for industrial applications. The share of overall pesticide use that may be restricted by new measures targeting “cosmetic” uses is actually very small. It does not follow, however, that new measures in this area would be



unimportant. In some instances, such as golf courses or turf farms, use of pesticides is an essential part of business operations. Other provinces have made exclusions for these types of applications, and if there is new legislation in BC, we encourage the Committee to consider similar allowances for such uses here, even though some people may consider them to involve “cosmetic” applications.

If the intention of introducing restrictions on the cosmetic use of pesticides is to limit their application on school grounds, in public parks, and in residential settings, then it may be wise to explicitly identify these uses and applications rather than adopting vague terminology that is subject to interpretation. In this regard, we note that a number of other provinces specifically identify restricted use on “lawns” (while explicitly permitting pesticide use in settings such as golf courses). Newfoundland and Labrador and Prince Edward Island still allow herbicides to be applied on lawns by licensed applicators (although both have restrictions on the use of products containing 2, 4-D). Alberta has banned fertilizer-herbicide products but still allows the sale of herbicide-only products. More generally, we would urge the Committee to review the regulatory practices and experiences of other provinces that have addressed concerns around cosmetic uses of pesticide products in developing recommendations for British Columbia.

Third, any legislation that may be introduced should clearly distinguish the intended restrictions (so called “cosmetic” uses) from industrial uses. We support the Ministry of Environment’s recognition that non-cosmetic uses of pesticides include uses designed to prevent economic damage or health impacts, and that exclusions have been made to allow the use of pesticides for such activities as public health and safety (including the protection of public works structures), agriculture, forestry, research and scientific purposes, and to protect natural resources.



When necessary, herbicides are used in BC and in other provinces to manage vegetation on railways, at electrical facilities, along transmission right-of-ways, and around oil and gas pipelines, among other “industrial” settings. While most of these applications would reasonably be considered non-cosmetic, and thus presumably would not be affected directly by new limits on “cosmetic” uses, there is a risk that legislation aimed at cosmetic uses could spread over time to industrial uses. For this reason, the Business Council recommends that any new legislation adopted in BC include language that explicitly exempts non-cosmetic industrial uses from the scope of any new restrictions. If revisions to the statutory provisions governing pesticides are intended primarily to reduce their use in residential lawn applications, parks, or other urban contexts, then language making this clear should be incorporated into the “purposes” section of the legislation. The Committee should be aware that eliminating pesticide use across a range of industrial applications could have significant negative consequences for public health, worker safety, prevention of wildfires, and the operational viability of a number of industries that play significant roles in the BC economy.

It is also important to note that private property adjacent to any of the types of industrial facilities or infrastructure sites mentioned above can serve as a source of infestation. Prohibiting all applications of pesticides on domestic property could undermine the effectiveness of integrated pest management programs; allowance for such uses therefore should be included in any new legislation that the Committee may recommend.

As a final comment, the Business Council also has some concern about the prospect of a spreading patchwork of regulation in this domain. We strongly support the implementation of a coherent set of rules across the province, recognizing that urban and rural settings may warrant somewhat different treatment. As we understand it, around 20 municipalities in BC have already taken steps to restrict pesticide use, with some prohibiting all pesticides in their jurisdictions while others allow some applications with a



municipally-issued permit. Having an array of diverse or conflicting rules in different communities can create unnecessary confusion for industry as well as consumers and leads to higher compliance costs. The Ministry of Environment should ensure that any changes touching on the cosmetic use of pesticides will supersede municipal regulations in order to establish a coherent provincial regulatory framework for the use of pesticide products.

The Business Council appreciates the opportunity to provide input on potential changes to the regulations governing the cosmetic use of pesticides.
