

[| About CGSA](#)[| Member Services](#)[| Events](#)[| Education](#)[| Green Master](#)[| Issues & Info.](#)

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- [+ Latest CGSA News](#)
- [+ Health and Safety](#)
- [+ Turf](#)
- [+ Environment](#)
 - [- Environmental Issues](#)
 - [- Past Environmental Issues](#)
 - [- CGSA Board Policies](#)
 - [- Environmental Management Resource Manual](#)
 - [- IPM](#)
 - [- Pesticides](#)
 - [- Environmental Management Best Practices Survey](#)
 - [- Audubon Certified Canadian Courses](#)
- [+ Equipment Technicians](#)
- [+ Research Issues](#)
- [+ Weather](#)
- [+ NAGA](#)
- [+ TGIF at MSU](#)

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Pesticide Ban Coming to a Golf Course Near You?**February 2002**
By Bob Burrows

"I am an environmentalist who happens to work on a golf course." This is a typical opening remark made by superintendents who are frequently called upon to address various city councils on the issue of pesticides and possible by-law amendments related to their use.

Increasingly, superintendents are being viewed as professionals and the source of expert opinion on intense "green space" management and Integrated Pest Management (IPM) practices. That's the good news. The bad news is that we are witnessing a growing uphill battle with the anti-pesticide activist lobby for the hearts and minds of the general public on what some are calling the "cosmetic use of pesticides."

Is your golf course going to be able to provide good playing conditions in the future, or will it be transformed into a weed-infested, patchy, golf links without the help of plant protectants? If the activists have their way, golf conditions as we know it will change forever. The municipal pesticide by-law issue is one of the Canadian Golf Superintendents Association's (CGSA) top priorities, both on a provincial and national basis (see sidebar). The association has taken a lead role in the pesticide debate to ensure any changes in legislation are made based on fact and not emotion.

The Hudson case

This past year was one of the most important relative to the long-standing issue of pesticide usage on Canadian golf courses. The current pesticide debate actually began taking shape several years ago in the Town of Hudson, Quebec, and before that in Ile Bizard, Quebec, and continues to gain momentum.

The Town of Hudson enacted by-law 270 restricting the use of pesticides within its perimeter. This by-law, unlike previous municipal by-laws, included privately owned as well as public lands. However, two lawn care companies from Montreal decided to continue to offer lawn care services to their Hudson clients and were fined by the town under the new law. The two companies challenged the fine in court claiming the town did not have the right to enact such laws since the companies were using federally-approved products with provincially-licensed staff.

The Superior Court of Quebec ruled in favour of the town. The case was appealed and the Quebec Court of Appeal upheld the original court's decision. The case was then taken to the Supreme Court of Canada. Several interest groups intervened in the case on behalf of the town including the Federation of Canadian Municipalities (FCM). The involvement of these groups only served to heighten the significance of the court's decision as the very legislative power of a municipality now appeared to be on trial.

The Supreme Court's decision

In June of 2001, the Supreme Court of Canada upheld the Quebec Court of Appeal's decision quoting the Quebec Cities and Towns Act (CTA). The act allows towns to "regulate or prohibit the use of combustible, explosive, corrosive, toxic, radioactive, or other materials that are harmful to public health or safety, in the territory of the municipality." While it could be argued the lawyers for the plaintiffs were ill advised in their defense, the fact remains a precedent had been set from which judges could now draw their opinions.

In the Hudson case, Supreme Court judges relied heavily on the "precautionary principle" of accepted international law and the right of senior jurisdictions like the federal government to set standards, while junior jurisdictions (provinces or municipalities) may pass laws that exceed but not relax those senior standards.

This precautionary principle is meant to protect people from activities that may appear to impair "health, peace, order and good government" in any way, whether based on good science or not. This principle errs heavily on the side of caution. In other words, municipalities cannot enact a by-law that stipulates motorists in their jurisdiction are not required to wear seat belts, as this would relax a provincial standard. Provinces, on the other hand, cannot enforce an act which allows for the use of non-turf licensed pesticides as this would relax a federal standard. Municipalities, however, can enact by-laws, which regulate when and where PCP Act-approved pesticides can be used, as this is stricter than federal standards.

The Supreme Court ruling has given the anti-pesticide activist lobby a renewed sense of purpose, even though the ruling only cited the CTA in Quebec. A recent independent, legal clarification on the Ontario Municipal Act (OMA) and its proposed revised wording found most provinces have similar provisions for the application of the precautionary principle in their jurisdictions as long as they do not relax the standards of the senior court.

In Hudson and Halifax, golf courses have been given temporary exemptions, but this may not be what the future holds in all cases. There have been other hot spots across the country including Calgary, which last year successfully adopted a holistic IPM approach (with help from the Alberta Golf Superintendents Association (AGSA) and the CGSA). In Ontario, Caledon, London and Ottawa are seeking public input on this issue before drafting new by-laws.

Healthy lawns

In response to a report by the Standing Committee on the Environment and Sustainable Development, in October 2000, federal Health Minister Allan Rock announced an Action Plan for Urban Use Pesticides. This action plan includes a Healthy Lawns Strategy aimed at reducing Canadians' reliance on pesticide use for lawn care through the application of Integrated Pest Management principles (IPM), with particular emphasis on "pest prevention, use of reduced risk products and application of pesticides only when necessary."

This strategy was developed through a partnership between Health Canada's Pest Management Regulatory Agency (PMRA) and provincial and territorial governments. A Healthy Lawns Working Group (HLWG) was subsequently created to implement the strategy by: assessing pesticide product type availability to the home owner; revising classification of domestic pesticide products; improving product labelling of lawn care pest control products; developing educational/training materials; and

establishing a healthy lawns web site.

The industry response

A number of interested parties with common goals have come together to present a unified front in the face of anti-pesticide lobbyists. The Royal Canadian Golf Association (RCGA) is spearheading industry efforts in Ontario. Its partners include the Ontario Golf Superintendents Association (OGSA), the Ontario Golf Association (OGA), the National Golf Course Owners Association, (NGCOA), ECO and CGSA in concert with a professional lobby group. These are strategic alliances, which together form a unified provincial strategy whenever representation is requested by various ministries or municipalities.

The golf industry is not advocating the use of more pesticides to maintain golf courses. The industry wants to illustrate the many good things currently being done to protect the environment, and demonstrate the economic importance golf has on local regions and the negative impact a pesticide ban would have on these local economies.

Pesticides are used as a last resort, and only after all other pest control methods have been exhausted before imminent turf loss occurs. Moreover, superintendents have a fiscal incentive not to use pesticides, as they are expensive tools, which affect operating budgets.

Interestingly, a recent IPSOS-Reid poll conducted by the Canadian Manufacturers of Chemical Specialties (CMCS) found over 60 per cent of Canadians do not support pesticide bans as this would affect their established rights as property owners. It seems Canadians take great pride in the appearance of their homes, and a well-maintained property impacts positively on its re-sale value.

A message worth repeating

The industry coalition has developed some guidelines and messages superintendents should consider if called upon to discuss pesticides. They are as follows:

- Express the depth, complexity, and ramifications of a ban and the need for ministries to take a slow approach.
- Consider the economic impact of any decision to ban pesticides.
- Restrict the ability of municipalities to implement bans.
- In the absence of proven effective alternative products, there is a need in the golf industry for the legitimate, responsible, and controlled use of pesticide products unfettered by municipal bans.
- Pesticides are a part of our success in maintaining the playing conditions Canadian golf courses have become renowned, which has a direct link to tourism.
- Help research institutions and manufacturers bring to market bio-friendly products.
- Reinforce the PMRA-stated objective of fast-tracking products through the approval process.
- Pesticides are not for cosmetic or non-essential use as turf loss has an economic and enjoyment value for the golfer and owner.
- Charitable golf tournaments or the PGA tour would have difficulty in justifying holding an event at a venue with poor conditions.
- Courses along our border with the U.S. would lose clientele.
- We are environmental stewards.
- Band-Aid solutions would create chaos with brown and green communities with virtually unenforceable regulations.
- Pesticides are already well-regulated and tested by the federal government with the public having the option of entering the course when posting of an application has taken place, thus an exemption for golf is warranted.

Some do's and don'ts

If you have been called upon by your local municipality to make a presentation on this issue, consider the following:

- Contact the local clerk's office to get on the schedule
- Get other superintendents to attend and speak
- Get to know the local issues and personalities
- Be yourself and be honest and brief
- You must attend (because activists will)
- Each municipality is different (no standard presentation) yet, there is a universal theme
- Personal letters to councillors work better than blanket letters
- All groups should be represented
- Do not put anyone else down to build yourself up
- Hired guns are not what councillors want, rather local constituents
- Look at the big picture
- Repeat your three key messages
- Act as a partner not an adversary
- Try to present an issue by stressing that products are already strictly regulated
- Volunteer your expertise
- Ask to be part of the process, they respect our opinions
- Help to educate councillors
- Do not fight science with better science. Try not to mention studies that refute other studies.

"Just let the dandelions grow on your lawn"

Such statements show a lack of knowledge about pesticides and their potential benefits. The real issue is not the cosmetic use of pesticides—it's about choices.

In his presentation, "The debate on pesticides: science has been lost and PR has won," Dr. Mark Winston of Simon Fraser University's Centre for Pest Management points out, "The media has taken the debate to extremes, creating an us versus them scenario, with industry losing its credibility."

Winston went on to tell attendees at the 48th annual conference of CropLife Canada (formerly the Crop Protection Institute), "The middle ground, where the risks balance the benefits of pesticides is lost."

The suggestion that pesticide use is cosmetic or non-essential is extreme, and may have its roots in various (and unfounded) health concerns. In fact, in a 1997 report to the National Cancer Institute of Canada (NCIC), an ad-hoc panel on pesticides and cancers concluded, "It was not aware of any definitive evidence that suggests synthetic pesticides contribute significantly to the overall cancer mortality." The panel added, "It did not find any existing evidence that suggests that crop protection chemicals and lawn and garden products are likely to be a major cause of cancer."

With progressive analytical technology, scientists can now detect one part per quadrillion. Consider that one part per million equals one square inch in a baseball diamond, and one part per billion equals one second in 32 years. How can we define zero? However, it seems that zero exposure is what anti-pesticide group is advocating.

It's about choice

Each day choices are made which affect our health in a more profound way than any pesticide product with an LD50 of 10,000 (Daconil) could ever accomplish (where a 65-kg person would need to ingest 650,000 mg or 650 kg ai./kg of body weight).

There is no such thing as zero risk—life is about balancing risks and benefits. It's about making choices. Choices like: labouring in our own gardens, playing golf without having to invoke the "unplayable lie" rule on dollar spot-infested fairways, or caring for

loved ones in an environment of our choosing.

In times like this, lawmakers are a little skeptical of science, experts, studies, outsiders, lobbyists, public-relations firms, and environmental activists. They want to hear from you, the local taxpayer on how by-laws will affect your life or business. Rest assured. This issue is coming to a council chamber near you. Are you ready?

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