

A BY-LAW TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY PHASING-
OUT THE COSMETIC USE OF PESTICIDES
RÈGLEMENT VISANT À PROTÉGER LA SANTÉ PUBLIQUE ET L'ENVIRONNEMENT
PAR L'ÉLIMINATION PROGRESSIVE DE L'UTILISATION DES PESTICIDES À DES
FINS ESTHÉTIQUES
ACS2005-PGM-POL-0058 CITY WIDE / À L'ÉCHELLE DE LA VILLE

At the outset of the meeting, Councillor Brooks suggested the committee set an adjournment time following the public delegations, and resume again the next morning. Some councillors did not want to pursue this route and, without Motion, voted on the councillor's suggestion as follows:

YEAS (3): G. Brooks, D. Deans, J. Stavinga

NAYS (4): A. Cullen, C. Doucet, P. Feltmate, D. Holmes

Dr. Dave Salisbury, A/Medical Officer of Health and Dennis Jacobs, Director of Planning, Environment and Infrastructure Policy gave a PowerPoint presentation on the item. A copy of their submission is held on file. Steve Kanellakos, Deputy City Manager believed that staff have achieved a balanced and workable way to protect public health, which the committee and Council should consider.

The committee received the following public delegations:

Dr. Gwynne Jones, Intensive Care Unit, Ottawa Hospital explained that he has seen many many more patients with cancer and severe illnesses than ever before, an increasing number of which are unexplainable illnesses. He spoke of Dr. Nicole Bruinsma from Chelsea, Quebec who died from cancer and was instrumental in banning pesticides in Chelsea years ago. He noted that Chelsea has not been overrun with weeds since pesticides were banned there. He felt that the precautionary principle should be applied and that if a level playing field and a good structure are put in place, people will follow. He stated that what Council is doing is very heroic and important and he hoped the Committee would continue to press ahead and pass this by-law, which is a very minimal act along the precautionary principle of trying to protect the world.

Councillor Cullen noted that some people with allergies say they need pesticides to control their allergies. Dr. Jones thought this an untrue argument and not one that would be taken seriously in the medical field. He stated that the mechanisms of allergy generation and the increase have gone hand in hand. Allergy, Asthma in particular, is a problem of our society and does not occur in poor societies. It has to do with our wealth and vigour, and much of that is to do with a very complex set of chemical and living conditions that we have altered.

Rosario Holmes, Certified Asthma Educator, Lung Association explained there was a misconception about allergies, asthma, et cetera. She indicated that studies have shown that lawn and garden pesticides do not alleviate allergies. It is dangerous for asthma sufferers to be exposed to those pesticides. The Lung Association does not support the cosmetic use of pesticides and recommends that the City implement the by-law to phase out the cosmetic use of pesticides.

Anne MacCallum explained that she has severe chemical and environmental sensitivities. She told of things she has to avoid because of her sensitivities. The migration of pesticides from neighbourhood lawns thwarts her efforts to have an organic garden, and she must use care when going outside because she does not always get warnings when a spraying in the neighbourhood is occurring, some of which are blanket sprayings. Her plants died when pesticides were applied to the property across the street. Pesticides also drift onto other properties and into the water supply. She felt that pesticide company claims that they offer organic programs are deliberately misleading because most simply mix peat, an organic component, in with the pesticide. Many of the companies she called about this refused to relay product information and all of them insisted that pesticides and herbicides were essential because organic programs don't work. She said that the information provided by the industry has been

unreliable and misleading and their tactics and practices are unethical and dangerous. Further, she said that it has demonstrated that it is incapable of self-regulation. She feels the issue is broader than personal concerns because evidence has shown that the substance is not confined to the property on which it is applied, and it ends up polluting the environment we all share. She stated that public health and human rights should be put ahead of pressure from the pesticide industry and should implement the by-law.

Kathleen Cooper, Canadian Environmental Law Association (CELA) provided a summary of the children's health concerns that provide a rationale for the precautionary approach embodied in pesticide by-laws. She indicated there has been an increase in concerns about the increasing amount of unexplained illness, and when faced with these circumstances, it makes sense to decrease the risk of exposure to those chemicals that may be related if they are only necessary for cosmetic purposes, which municipalities have the power to do. She cited the decision taken by the Supreme Court of Canada regarding the upholding of a pesticide by-law (Hudson, Quebec) whereby the court confirmed that Hudson had the power to set by-laws that respond to community concerns and for the protection of the general welfare of the public. The CELA strongly supports the recommendations in the report, with the following comments:

- the by-law should extend to all of Ottawa, including the rural areas;
- the agricultural exception is acceptable;
- societal concerns for children's health are very high and we shouldn't take risks if we don't have to do so.

A copy of her detailed submission is held on file.

When asked to comment on the CELA's view on exempting golf courses, Ms. Cooper explained that the By-law should also put in place an annual review mechanism under which they would have to report their reduction progress. If it becomes clear that a steady reduction is not happening, the City should remove golf courses from exemption. When asked why she would support an exemption for infestations, she replied that she understands that an insect infestation can completely destroy a lawn and there are not many non-chemical alternatives to deal with that. She suggested that, as part of a transition strategy, the By-law contain strict guidance with respect to what constitutes an infestation and when the use of pesticides would be acceptable treatment, i.e. numerous dandelions should not constitute lawn damage and grounds to treat as an infestation, whereas a quantity of chinch bugs would.

Councillor Stavinga read out a comment from one of her constituents, an opinion shared by several others in the city, to the effect that the City should trust the information that has been provided by Health Canada and should not seek implement a By-law until such time as the regulatory body informs that the products in question pose a significant risk to health. She asked Ms. Cooper's reaction to this sentiment, who indicated several issues on that account, the first of them being that the federal pesticide regulation is a process that results in a recommendation which does not clearly say that substances are not safe, but rather that there are levels of acceptable risk associated with it. Another issue is that there are many qualifiers in those conclusions because of the nature of the science that goes into the decisions, and it is difficult to obtain conclusive proof. The federal role is important in terms of the regulating pesticides, but the federal Minister of Health re-confirmed the validity of the power of municipalities to act in a precautionary manner to establish by-laws in response to local concerns, to choose to reduce exposures that are unnecessary when risks are uncertain and potentially hazardous. She also pointed out that many of the chemicals that have been around for several years need to be re-evaluated, and the rationale is the major risk to children. She acknowledged that we don't have a lot of concrete proof about the risks, but we do have a lot of troubling information and increasing evidence of risk, and it just makes sense to reduce exposures that are unnecessary.

Councillor Chiarelli inquired how the delegation thought Council should differentiate between the various risks and choose where to take action without concrete proof of the risks, such as the difference between banning cell phone towers and banning pesticides. Mr. Cooper indicated that you do what you

can, based on the research available and the feasibility of the decision.

Sophia Giaccone, a Grade 9 student, indicated that people have put the beauty of a lawn above the health of the people in the community, which is an issue of priority. She commented on lawns she sees a sign on about pesticide use and felt these people are ignorant and selfish.

Alison Leeming is an 11-year old living with environmental sensitivities. She explained that pesticides make her ill and she elaborated on her reactions at being exposed to them. She also distributed copies of a letter she had sent to her neighbours when she was 8 years old, asking them not to spray pesticides on their lawns. Unfortunately, her campaign was unsuccessful, as the neighbours continue to spray. A copy of her letter she referred to in her deputation was distributed and is held on file.

Linda Nolan-Leeming, Pres. Allergy & Environmental Health Assoc. of Ottawa indicated that like her daughter, she too has environmental sensitivities and suffers from Multiple Chemical Sensitivity (MCS), which is recognized as a legal disability by federal and provincial government of Ontario, as well as the Human Rights Commission. It is also recognized in Denmark as a new health disorder, and has acknowledged that it is caused by exposure to chemicals. She informed that she has white blood count that drops in the spring as a result of exposure to pesticides. She said that those with MCS are living proof that pesticides do cause harm, and this should serve as a wake-up call to the rest of society to stop using chemicals and to put human health first. She noted that nearly all of the diseases in children have skyrocketed, that our health and that of future generations is at stake, and she feels it is time to hold the pesticide industry accountable. She pointed out that blanket spraying, contrary to industry claims, is still occurring on a regular basis, and she has been told by more than one applicator that it is done as a 'preventative for pre-emergent crab grass' and is a 'preventative for grubs'. She posed the question that if the majority of people do not use and do not want pesticides, they why should the majority suffer from unwarranted exposure from the minority of people who spray. She tabled a letter from Keith Norton, Ontario Human Rights Commissioner, a copy of which is held on file.

In response to a question posed by Councillor Cullen, Ms. Nolan-Leeming responded that pesticides are not the solution to dealing with allergies and asthma, and can in fact, bring on asthma attacks and make symptoms of allergies much worse because it increases the total load on the immune system.

Jan Kasperski, CEO, Ontario College of Family Physicians indicated the OCFP represents 7200 family physicians and they give advice to the National College and all family doctors across Canada. She indicated that their Environmental Health Committee has undertaken research in the area of pesticides but mostly they have been looking at the research that is available and turning that into good information that family doctors and the public can use. As bans around the cosmetic use of pesticides was becoming more popular, a brochure they had developed several years ago was being used as one of the tools to ask municipalities to utilize a ban of pesticides. The College looked at the evidence that people were using and they found that many sides that were pro-by-laws used those that did show health affects. They conducted a literature review of all the papers that had been produced since their last lit review in 1998 and they collected 12,000 papers related to the health effects of pesticides. They used the methodology called the Cochrane Approach which is physician/scientists used whenever there is a huge body of research material. This methodology is well regarded as the way that family physicians and other medical personnel are able to make sense of large bodies of information. She confirmed that out of that 12,000, 250 the College had sound research methods that they could count somewhat on the results and they felt strongly that the evidence is in: pesticides are associated with some of the most serious and difficulty to treat health problems that exist throughout the world. They believed that prevention is the only answer and they support the by-law for both the urban and rural areas of Ottawa. She reiterated some of the principle findings of their review, noting that some of them were most troubling where children and fetuses are concerned but they also found many problems with adults. In response to questions posed by Councillor Cullen about the difference between what the Pest Management Regulation Agency (PMRA) advocates and what physicians say, Dr. Kasperski indicated that the PMRA is looking at those chemicals that can be used in certain circumstances and it gives advice to all municipalities that pesticides can be used, but very selectively, and in the incidence of

cosmetic pesticides, they are giving the go ahead to develop pesticides to protect. The Precautionary Principle is something that Health Canada very much supports.

Meredith Brown, Ottawa Riverkeeper stated there is a connection between pesticide use and drinking water and while Health Canada regulates the use of those pesticides based on proper use, she indicated that pesticides do not stay on the lawn when they are sprayed and they get into the water table. She was concerned that no one is looking at the cumulative effect those chemicals are having on people's bodies and the City's water filtration plants are not designed to eliminate the chemicals that run off sprayed lawns. She indicated that the ecological effects are widespread and go beyond the human population. Ms. Brown indicated that some birth defects have been seen in some animals that live in the waterways. She believed having a by-law is one way the City can start to make a difference and she urged Council to think about how everyone is affected by the small population using these chemicals.

Caroline Harris-McDonald, Chair, Environmental Committee, Blackburn Hamlet Community Association spoke about the negative effects of pesticides and the effects on children, wildlife, groundwater, et cetera. Studies have associated many of the common lawn and garden pesticides used, to birth defects, developmental delays, motor dysfunction, and immune and nervous system disruption. Children are at particular risk because of their small size, weaker immune system, and the many hours they spend playing outside. Chemical pesticides enter the storm water system and end up in streams, river and lakes where they may kill or harm insects and aquatic life. She referred to a paper put out by the Ontario College of Family Physicians entitled "Environmental Setting and Children's Health", which states that the data implicates pesticides "as inducing damage to children's immune, endocrine, nervous and reproductive systems as well as congenital anomalies, and cancer". The paper concludes that the cumulative effects of being exposed to many different pesticides over a lifetime represent an unacceptable risk to all Canadian children. Ms. Harris-McDonald believed the City needs to act to prevent harm and when substantial evidence of any kind gives good reason to show that an activity, technology or substance may be harmful, even though the knowledge collected may not be entirely complete.

With regards to the argument presented that not being able to use pesticides would have a negative impact on people's property values, Ms. Brown had difficulty understanding how that could be factored into an issue where the health of people is such a serious concern. She remarked that not using pesticides has in fact proven to be a selling feature as more people are looking for properties where pesticides are not used. A copy of her presentation is held on file.

Mark MacKenzie, President, Organic Landscape Alliance explained that he has been in organic landscaping for 17 years and they have learned to deal with infestations et cetera without registered products. He did not support the argument that if pesticides were banned, lawns would be overrun by bugs and weeds and lawn care companies would go out of business. He emphasized that people do not need to give up the concept of a nice-looking lawn by banning legal, but clearly harmful synthetic pesticides. He compared what his company has done and is doing with respect to other companies that had falsely advertised they were ecology-friendly when in fact they still used pesticides to deal with lawn problems. This had an impact on the market share because theirs is a business that relies on time and cultural practices to improve gardens and lawns. He urged Council to leave any infestation loopholes in the by-law for insects, for examples, because there are good organic solutions for all insect problems and is the strength of organic lawn care. He recognized that it would take some years for the public and most lawn care companies to adjust to some ways of working with their lawns and gardens, but he believed the initial frustration would fade over time as people become more used to organic methods.

Jean Cottam explained that her dog was diagnosed with Canine Malignant Lymphoma after he came in contact with herbicides that had been sprayed. She noted that one of the chemicals included 2,4-D, which, she has discovered in her research, may have a half-life of as long as two weeks, contradicting the comments made by the PMRA, who claim that children are safe to play on recently sprayed lawns. She recommended the immediate implementation of the by-law. A copy of her submission is held on

file.

Michel Gaudet, Coalition pour les Alternatives aux Pesticides, Montreal provided committee with an overview of the by-law situation in Montreal and in Quebec in general. He indicated that as city councillors, it is Council's duty to see to the welfare of its residents and a pesticide by-law is a matter of public health, not of lawn care. That is why in Montreal, they passed a by-law and there was so much public support that 23 of the 27 boroughs implemented by the by-law on a voluntary basis one year before it came into effect. He indicated their by-law is a ban and is not IPM (integrated pest management) because a strong by-law is easiest to enforce. Mr. Gaudet referred to the PMRA's decision that the products are safe, although their studies on which this decision is based are not available to the public. In any case, since their report on 2-4D was so flawed, they have lost all credibility. He indicated that under the Montreal by-law, golf courses have to submit a three-year review where they have to show where no pesticides are being used. He believed that Ottawa should show leadership and implement the by-law.

When asked whether the by-law has affected property values in Montreal, Mr. Gaudet explained it has not and in fact, some properties have increased in value. He further confirmed that the by-law has not affected lawn care companies in the city and in fact they are having difficulty coping with the demand.

Frances McInnes, Alta Vista Environmental Network spoke in favour of the by-law. She indicated that despite pesticide reduction talks hosted by the City the past three years, there has been an increase in pesticide use; neither the residents, nor the industry have respected pesticide reduction. She recalled incidents where her neighbours were exposed to pesticides being sprayed in strong winds, residents being convinced by a lawn care company that they had a grub infestation and even though the lawn was treated, there was no improvement over the years when no chemicals were used. Ms. McInnes believed it was Council's responsibility to protect the health of its citizens, especially, the most vulnerable: children, the elderly, those with respiratory illnesses and environmental sensitivities. A copy of her submission is held on file.

Jane Stratton talked about her experience being exposed to pesticides in her neighbourhood and the concerns about the effects these chemicals would have on her family. She was particularly concerned that she does not always know when spraying is going to take place and therefore, does not know when she is going to be exposed to the chemicals. Also, signs where chemicals have been sprayed are not always visible. She was particularly concerned about her child and the health risks posed to him by pesticides. A copy of her presentation is held on file.

Derek Pinto spoke as a member of the local Green Party Electoral District Association and he shared three particular points why he believed pesticides should be banned:

- chemicals do not seem to stay put; they are carried on the wind onto neighbouring lawns;
- pesticides and herbicides are designed to kill and if they are so proficient at killing other life, they must do some kind of damage to humans and other species;
- most human habits kill; the question that must be asked is "How important is it to propagate monocultures of foreign plants that were not meant to grow in this area anyway?".

A copy of his submission, which includes the City of Peterborough's pesticide by-law, is held on file.

Karen Eck, Leader, Ottawa Anaphylaxis Support Group also spoke as the mother of two small boys who have life-threatening multiple food and environmental allergies and asthma. She spoke to the argument made that pesticides are necessary to alleviate allergy symptoms and asthma, but emphasized

that those who suffer from those illnesses do not promote their use to improve their health or that of their children. She indicated that asthma diagnosed before 5 years of age is associated with exposures to many things in the first year of life including wood or oil smoke, exhaust, pesticides, herbicides and others. The latter two were found to be the biggest risk factors contributing to a diagnosis of asthma in children before age 5. As a parent, she relies on her health care provider for their expertise and their message is clear: pesticides are not good for human health. She urged committee to listen to the health care experts who have no vested financial interest in this matter. A copy of her presentation is held on file.

Ria Heynen urged the committee to support the by-law. She did not believe it made any sense to wait until there is absolute proof that those chemicals are harmful because there is enough evidence to support that theory. She remarked that the purpose of pesticides is to destroy and therefore extreme caution must be taken with these chemicals. She noted that all life is at risk when pesticides are used and she urged the committee to support the by-law now.

David Chernushenko spoke as a small business owner of an environmental management-consulting firm. He consults internationally, particularly to the sports and recreational industry; he advises Olympic games organizers, the golf course industry, et cetera. He made the following points:

- reminded members that the role of Council is to protect the health and well-being of the residents of that city, not the profit of chemical producers or chemical lawn spraying companies;
- keeping a healthy lawn or golf course is the best way to keep the pests that are otherwise being sprayed from getting a toe-hold;
- if Ottawa's sports fields are in bad shape it is because too many people are allowed on them too early in the season, thereby destroying the soil structure and the grass before it has a chance to take hold;
- many golf course owners are now finding a growing number of golfers who will only play on greens that are not sprayed with chemicals;
- Ottawa does not have a chance of hosting the Commonwealth Games, unless it is a "green" bid, because the environmental aspects of hosting a major sports events is so prevalent (a green bid includes, among others, the choice not to use pesticides).

Dr. Jean Zigby, Canadian Association of Physicians for the Environment encouraged the committee to pass a by-law to regulate the cosmetic use of pesticides. He agreed wholeheartedly with what other delegations have already said about the harmful effects of pesticides. Montreal has had a municipal by-law for the last three years and it has gained in such popularity that it has come to the point where most residents question the necessity of treating infestations. He believed that the popularity of pesticides is rapidly waning in general, as well as in the medical industry. Because physicians cannot diagnose or detect effectively all of these chemicals, which are known to be quite toxic to various different species, you will not see very often a diagnosis of pesticide intoxication or pesticide-induced cancer in admission summary sheets. Therefore, the only way to protect people is through prevention.

Françoise Gour spoke as a person with moderate to severe environmental allergies. She indicated that she lives in an environmentally safe building at the Barrhaven Non-profit Housing Co-op and all the tenants of this 7-unit building have severe environmental allergies. The building is subsidized by the City, which means that environmental allergies are legally recognized. She indicated that it is irrelevant where pesticides are sprayed and for what purpose (agricultural or cosmetic use) because it all affects her. She indicated that if the by-law were put in place and these chemicals removed from her community, it would go a long way to making a huge and positive difference in her life.

Joan Sirrs, Breast Cancer Action recalled the discussion on this item in 2002 and the number of presenters who spoke out against a by-law on prohibiting private use of pesticides. She went on to state that Breast Cancer Action is a survivor-directed voluntary organization working to educate and support those living with breast cancer, as well as their families and the community. She noted that one in three individuals in Ottawa will get cancer and suggested it was as a result of the "environmental soup" we all live in. There are some things people cannot change in their environment, but they can make the

choice not to use pesticides on their property. On behalf of Breast Cancer Action she urged committee to vote in favour of a by-law for cosmetic use of pesticides in urban Ottawa.

Eric Lunn supported a by-law for pesticide reduction. He compared this issue to that of smoking and the fact it took literally decades before the connection was made between smoke and/or second-hand smoke and lung cancer. He urged committee to err on the side of caution and not to fail the children and people of the community.

Thom Bourne, President, Nutri Lawn and Chair for the Ottawa Environmental Coalition indicated that the professional licensed lawn care companies want a by-law. Although in principle they do not agree with any by-law, they understand the value of working together with the City to arrive at a solution. They want a by-law so they can be recognized for what they are: plant health care specialists. They want a by-law so they can continue and complete the three-step solution they brought forward in 2002, including the formation of a joint education committee to resolve any misconceptions on both sides and agree on how to educate the homeowner. Further, a by-law must contain “only Ministry of Environment licensed and IPM accredited companies can operate within the city”. In addition, the by-law must be workable and allow for their businesses to succeed and allow for them to pay their taxes. The by-law must not be so onerous that it would force people to buy and apply chemicals from the store. He believed the committee had the opportunity to craft a by-law that balances the needs of health and business.

Councillor Cullen was encouraged that the industry wanted to work with the City on the by-law. However, the message staff and councillors have heard is that health authorities have made it quite clear that the City has to stop allowing pesticides to be used. Mr. Bourne hoped that a phasing-in of the by-law over a number of years would allow people the time to adjust properly. The councillor noted, however, that opinion polls are currently reflecting the public’s willingness and readiness to support a by-law.

Dr. Robert Cushman stated that education plus legislation together can move much further, which is what this by-law is all about. He remarked that no one could belittle the impacts that pesticides have had on public health. There are a number of issues to be considered, including economics, health, individual rights, and a level playing field. He remarked that the risk of cancer has increased and 48% of the provincial budget goes into health care and he suggested that more needs to be done with regards to prevention. He did not believe the lawn care companies would lose and in fact, suggested that residents would turn to them more because they would turn to the experts. He commented that implementing the by-law would produce a level playing field for all concerned.

With regards to regulation and science, Dr. Cushman noted that many comments have been made about the PMRA and there have been serious criticisms directed at this body following an audit. He noted that the PMRA came to Health Canada from Agriculture Canada and there are approximately 300 scientists involved with only three on the Health Canada side that are dedicated to the research on human exposure to pesticides and the resulting health effects. And so, while there may be chemists and toxicologists, in terms of the research done on the health effects, it falls very far short. He indicated that as part of the peer review literature referred to earlier, there is very little literature contribution from the PMRA and Health Canada. He remarked that there is enough evidence before Council that speaks to risks vs. benefits and he was confident that over time, there would be more and more research to support the case that people should not be exposed to pesticides for cosmetic uses.

Dr. John Molot referred to the literature review produced by the Ontario College of Family Physicians last year on the effects of pesticides and he was speaking on the section of that report which spoke in particular on the impact on children. He indicated they are the most vulnerable to the effect of these chemicals, even before they are born. The literature makes associations with the types of exposures and potential developmental problems, leukemia and the particular vulnerability of kids is that they are going to have these pesticides from before they are born for the rest of their lives. He acknowledged that pesticides levels are going up and there is a question of whether or not there is a physical effect on

the children due to pesticide exposure. The literature review confirmed there was and that exposure to all chemicals in the environment must be reduced.

Paul Koch, Chair, Environmental Advisory Committee provided the following comments:

- The Environmental Advisory Committee (EAC) fully endorses the staff recommendations;
- Through his work as a trained chemical engineer, it has been made clear to him that, in addition to a single exposure to a large dosage of a hazardous substance, the cumulative effects of low dosage exposures over a long period of time can be equally harmful, and this is the case with pesticides that are designed to kill plants and insects;
- A By-law will help people understand the seriousness of the issue and will help them abide by the rules;
- The intent is to eliminate the “cosmetic” use of pesticides, not for legitimate purposes;
- The EAC Motion supports the application of pesticides under controlled conditions to address infestations, subject to the conditions as outlined in the proposed By-law;
- The community should support the by-law, given the Supreme Court ruling, upheld by the Ontario Court of Appeal: the support from the Medical Officer of Health and the fact that over 70 other communities have implemented similar regulations, some more stringent than the City of Ottawa’s;
- Ottawa, as the Nation’s Capital, must show leadership and act on a By-law designed to protect the health and safety of the community, in particular its children;
- The EAC expects a unanimous vote in favour of the By-law, including the rural councillors’: anyone voting otherwise could be perceived as showing little regard for the health of their constituents and pandering to other interests.

A copy of the EAC submission is held on file.

Councillor Brooks, noting that many rural residents do not support a By-law, asked whether rural Councillors should vote against their constituents’ wishes. He pointed out that many Doctors and PhDs live in rural areas and that Council has an obligation to educate people who then can decide for themselves. In response, Mr. Koch said that, given the evidence and information currently available, the precautionary principle should apply and people should ensure they don’t use substances that are not 100% safe. He posited that, if a vote were held in Ottawa today, the majority of residents would vote in favour of a By-law to reduce the use of pesticides for cosmetic purposes.

In response to a question from Councillor Cullen, Mr. Koch confirmed that the lawn care industry had appeared twice before the EAC to make presentations.

Councillor Bédard inquired whether the EAC had considered limiting the use of pesticides to professional applicators. Mr. Koch stated that it would be a good practice in certain situations. He expressed the belief that homeowners would likely not call the City for a permit if they were able to access the products to treat household problems such as ant and bee nests. He felt that harmful products should be banned, and that the industry should treat infestations with products and methods that are safe and promote those treatment methods.

Susan Harvey spoke as a mother of a 5-yr child currently undergoing treatment for leukemia, said she worried that her own repeated exposure to pesticides and herbicides improperly sprayed on lawns in her neighbourhood prior to her daughter’s birth may be partly to blame for her child’s illness. Living in an upper income neighbourhood in Canada increases a child’s risk of contracting leukemia by 14%, because people in those neighbourhoods use more chemicals on their lawns. Ms. Harvey spoke about applications in her area being done improperly, with no consideration of wind or weather conditions at the time. She asked that people consider whether cancers are being caused because of a false perception of beauty represented by a perfect and weed-free lawn. She urged Councillors to vote against the use of pesticides and herbicides for cosmetic use in their communities.

Katherine Gunn pointed out that, on the one side, there is the lawn care industry that wants to make a profit, and on the other, private citizens and other professionals whose only motive is protecting the health and safety of the environment. Making a profit should not be the only reason on which society bases its decisions. The industry's claims that jobs would be lost if the By-law is implemented are not totally validated because organic methods have shown they can generate broad employment and produce good results. The lawn care industry is supported by a massive chemical industry that is purely driven by profit. Finally, Mr. Gunn stated that, if residents had not reduced pesticide use in the last three years, there was no reason to believe there would be much of a difference over time.

Rosalie Reynolds stated that unnecessary pesticide use adds to the burdens humans impose on the planet. She was pleased to see that authorities are finally beginning to collect the alarming statistics of the effects that pesticides have on the health of all living things. She noted that even the World Bank has acknowledged these statistics, and she has no doubt that there will be a ban on these products eventually. She questioned how much damage would be done to the earth and its children before the ban occurs. She acknowledged that the industry's concerns about job and income loss are genuine, recalling that tobacco farmers suffered the same problems when the smoking By-laws were put in place, but this is not a justification for maintaining a bad habit.

Bob Stevenson expressed the view that City councillors and people in other levels of government were using “wet-finger politics”, testing public opinion before taking a public stance on issues. A By-law is long overdue, and there already has been a long enough debate on the matter. In addition to contributing to 80% of all cancers environmentally induced, pesticides cause damage to marine plant and animal life through contamination of groundwater. There is a lack of political will, especially at the federal level, to control polluters. Mr. Stevenson said the federal regulatory process was flawed and there has never been adequate testing for the 75,000 new chemicals marketed over the past fifty years: federal regulators rely on the chemical manufacturers for test results. Chemical companies should be required to prove there are no long-term negative impacts on humans and on the environment before being allowed to market their products.

Darlene MacInnis, Office Manager, Nutri-Lawn said she is pro-pesticides and does not support the implementation of the By-law being proposed. Her husband, Jody MacInnis, is the Production Manager at Nutri-Lawn and a licensed applicator and pesticide examiner with the Ministry of the Environment. He shares his wife’s view on the subject. Ms. MacInnes pointed out the 350 industry professionals have come together to educate their clients. They feel the products they apply are safe and properly used by professionals and caution that the By-law would be detrimental both to the industry and the community. Lawn care companies have had success in reducing pesticide use and she urged the Committee to not support a total ban on cosmetic pesticides but vote in favour of more education and a workable compromise.

Councillor Cullen inquired whether Nutri-Lawn offered organic programs. Ms MacInnes replied that the company has offered three organic programs for years and committed half its advertising to that side of the business. In spite of this, no more than 10% of clients switched to organics. Some chose to include chemically administered weed control making it difficult to classify them as totally organic customers.

Councillor Cullen pointed out it was not the City’s intent to put lawn care companies out of business. In both Montreal and Halifax, which have similar by-laws in place, there has been no impact on the number of lawn care companies in operation and, in some cases, companies that offer organic programs have seen increased business. Commenting on these observations, Ms. MacInnes indicated that Nutri-Lawn representatives from those cities would address the Committee later, and explain how the by-laws have had a negative impact on them. Councillor Cullen pointed out that the independent research conducted by Decima found that in 2003, 34% of residents that hired lawn care companies were not offered a choice between chemical and non-chemical methods: that percentage grew to 41% in 2005. He felt that, although Nutri-Lawn might be working towards a transition between the two techniques, many companies were not.

Councillor Diane Deans asked what sort of compromise the industry wanted. Ms. MacInnes said that IPM accredited companies should be able to assess and solve homeowners infestation problems without the homeowner needing a permit, and want to be able to use pesticides if the problem warrants it, for example, if there are more than 5-7 grubs per square foot of lawn, or on a preventative basis if there is a known history of infestation in the immediate neighbourhood. They would also continue to educate customers and work with the City on reduction targets.

Dr. Marge Sanborn stated that, in a 2004 study, the Systematic Review of Pesticides on Human Health Effects, the following conditions were reported: premature births, serious birth defects, genetic malformations, low-weight babies and infertility; a strong incidence of non-Hodgkins lymphoma and genetic damage to cells were also observed. She pointed out that 40% of children with leukemia have slow metabolic rates, and are impacted by insecticides and pesticides. Dr. Sanborn asked that Councillors protect the health of, and provide better conditions for, the entire community.

In reply to questions from Councillor Cullen, Dr. Sanborn indicated that the study’s findings had not been challenged in any journals or through peer review. She added that this conservative group of

physicians were surprised by the large amount of research into the effects of pesticides. With regard to whether the science in the study conflicts with that of scientists involved in PMRA, Dr. Sanborn said that some chemicals have been out for several years without being re-evaluated and numerous pesticides are being taken off the market at the present time.

Councillor Cullen made reference to a report by the Ontario College of Family Physicians, which states that the PMRA agrees that people should reduce their reliance on and exposure to pesticides and he Dr. Sanborn whether she thought it was catching up. She responded by saying that an advisory group in the United Kingdom had made the same observation.

Councillor Janet Stavinga asked whether this means that regulatory action is needed in the U.K. Dr. Sanborn clarified that the advisory committee would not identify who did their review, but advised people not to use pesticides and put a statement to this effect on its web page.

Dr. Jennifer Armstrong, an environmental physician certified by the International Board of Environmental Medicine, has seen 2500 patients and has a 2-year waiting list. In a survey of people with chemical sensitivities, eighty percent of these stated they knew how they became ill and sixty percent of those ascribe their condition to pesticides (*Source: Nicholas Ashford, Ph.S, and Claudia S Miller, M.S. Chemical Exposures-Low Levels, High Stakes.* Van Nostrand Reinhold, New York 1991).

Dr. Armstrong urged an end to the use of pesticides, adding that the following leading medical experts support a pesticide bylaw:

- the Canadian Association of Physicians for the Environment;
- the Registered Nurses' Association of Ontario;
- the Children's Hospital of Eastern Ontario;
- the Canadian Cancer Society;
- the Ontario College of Family Physicians.

She said she was not aware of any legitimate medical organization that endorses the use of pesticides for cosmetic purposes.

Dr. Armstrong continued by saying that the Committee should also reject the IPM approach. In Halifax, people with chemical sensitivities don't have to leave the city when spraying is done. She emphasized the need for caution in the Ottawa Valley because of the lack of air currents, and she said she expected the by-law to be strict. Dr. Armstrong disagreed that this is a property rights issue, noting that pesticides have no borders: they drift and contaminate the groundwater, the rivers, the air people breathe, the soil.

When asked from which areas the majority of her clients originate, Dr. Armstrong replied that many are from the Glebe and Kanata. In response to Councillor Clive Doucet, she said she thought this could be ascribed to the fact that there are a higher percentage of educated people living in those areas. Dr. Armstrong concluded her presentation by urging City Council to adopt a by-law similar to the one recently adopted by Peterborough, which she said puts people's health first. The complete text of her submission is held on file.

Barbara Stein, Ever Green Pest Control, made reference to a study of Mexican children damaged by pesticide use, noting that the following effects were observed:

- Had trouble with 30-minute recall;
- Had problems with hand-eye coordination;
- Showed less creativity and were more aggressive.

Ms. Stein emphasized the need to adopt a pesticide by-law for the long term. Many products are still in the experimental stage, and there has only been approximately 50 years of pesticide use. She stated that all physicians and health care professionals were pro-ban.

Monica Kaiser, said she is afflicted with chronic fatigue syndrome, and receiving care from Dr. Jennifer Armstrong. The Ontario Health Insurance Plan does not cover the cost of her medication and she feels she is paying with her health for green lawns.

Anna Van den Kamp said her child has not protection from what may already be in her breast milk. She is an athlete and part of a Clean Air group. She spoke about the fact that toxins have been found in the breast milk of Inuit women in the north, as well as in women from this area, and she asked for the Committee's help in protecting herself and her child from these toxins.

Micheline Levesque, Solutions Alternative Environnement read from a prepared statement held on file. Ms. Levesque made the following points, based on her involvement with the pesticide issue in Montreal:

- The industry needs to be involved in planned health care;
- Statistics show that seventy to ninety percent of the population is concerned about pesticides;
- People don't really know how pesticides work and must be educated about the products;
- A permit to use pesticides should be authorized only as a last resort;
- The new business model is hard on lawn care companies.
-

She urged the Committee put a by-law in place and emphasized that it must have no grey zones.

Marilyn Moffatt, Advocacy Chair Volunteer, Canadian Cancer Society called this an important and complex issue. She pointed out there is little data on cancer risks and exposure to carcinogens. Ms. Moffatt said the CCS has declared a position on pesticides and notes that the amount and quality of research on this subject is growing. She spoke about children and elderly persons as being at highest risk, and she felt there is an obligation to protect them. There is no need for pesticides, as weeds and unwanted plants can be removed in other ways.

Sean McKenny, Ottawa and District Labour Council stated that pesticides represent more than a potential for harm and he felt society cannot take that chance. Mr. McKenny expressed scepticism about the lawn care industry's estimation of job loss should a by-law be put in place. He referred to the fact that companies had a number of years to reduce the use of chemical products, but this did not work, and therefore a ban must be put in place, to move forward. Mr. McKenny also pointed out that there are a number of adjustment programs to help workers who have been displaced.

Councillor Cullen inquired about the Canadian Union of Postal Workers' (CUPW) position on this issue. Ms. McKenny said that, as postal workers sometimes have to cross someone's lawn to deliver the mail, they support the ban. Councillor Bédard wanted to know whether there is a law that covers security risks and the right of workers to protect themselves. Mr. McKenny made reference to the Right to Refuse, noting it has caused a lot of discussion and debate, and he stated that workers have that right if they feel compromised.

Hector Ewing was unable to stay, but submitted written comments, which are held on file. Mr. Ewing was not in support of the by-law.

Carmen Rodrigue, Registered Nurses Association of Ontario, said she represents 23,000 nurses whose wish is to advance individual and public health. She emphasized the need for regulation and spoke in favour of a by-law. The Nurses' Association has taken a public stand on the issue and supports the precautionary principle. Ms. Rodrigue said the use of pesticides yields no benefits, and there is scientific evidence linking pesticides to illnesses. She indicated that pesticides were found in the Rideau River in 2003, supporting the widely held view that they travel far and wide: they also affect the groundwater. Ms. Rodrigue urged the Committee to protect the rights of its citizens by approving a by-law banning pesticide use for cosmetic purposes.

Jodie McInnis, Production Manager, NutriLawn Lawn Care spoke as an accredited pesticide examiner with the Ministry of the Environment and has worked in the lawn care industry for 14 years. He is a husband and the father of a seven-year old girl. He has done the research on the products and the alternatives, and can emphatically state that he feels safe using and recommending pesticides, and teaching technicians how to apply them. He asked how banning professional lawn care companies from spot-applying weed and insect control on private property could be seen as a health issue. He pointed out that City staff believes it is unsafe for his child and him to walk by lawns sprayed with pesticides but that eating foods sprayed with the same pesticides is acceptable. He posited that people living in rural areas, near farms where pesticides are sprayed must be much healthier than those living in the City, since pesticides are not seen as harmful to rural residents. In addition, Health Canada and other health organizations say that pesticides are safe when used properly. Mr. McInnis wondered why it is easier to believe scientists who aver that smoking causes cancer than scientists who say that pesticides are safe when used properly.

Mr. McInnis concluded by saying that a by-law will not stop people from using, and possibly over-using, products that are available in stores to protect their assets: the only result will be that lawn care professionals will be put out of business.

Councillor Cullen made reference to the Organics Free program offered by NutriLawn, and he inquired whether, should Council pass the by-law, this wouldn't be something the company can market and use.

Mr. McInnis said it was possible to promote organic products when lawns are healthy, but organics don't eliminate weeds or insects. When asked to respond, the City Horticulturalist, Ms. Jackson-Hughes said she did not agree, stating that many of the insect problems can be managed by improving horticultural practices. Once the soil structure has been improved, weeds can be more easily pulled out and are much less of a problem.

Replying to a further question from Councillor Bédard about customers' use of organic methods, Mr. McInnis indicated that sixty percent of NutriLawn's organic customers use pesticides throughout the season and ask for spot application to get rid of weeds. He said he doubted whether the company would retain these people as customers.

Gideon Forman, Canadian Association of Physicians for the Environment asked that the Committee pass the strongest possible by-law, given that this has the support of serious health care organizations representing doctors, nurses and 30,000 health associations and professionals. He added that the aforementioned have no pecuniary interest in the issue, their position is based on looking at the science. Mr. Forman asked that the by-law also apply to rural residents, so as not to create a second class of citizens with less protection. He also put forward the view that by-laws really work and have proven successful in reducing pesticide use. A study done in Halifax in 2002 showed that 93% of residents maintained their lawns without pesticides. Mr. Forman also felt that voluntary programs are not effective enough, and he averred that everything comes down to "who do you trust", an industry supported by chemical companies or professionals whose concerns are for people's health.

Shirley Mosely spoke in opposition of the By-law. She could not understand how the City expects to pass a By-law condemning the use of a substance that will remain legally and readily available to all homeowners. She noted the claims that the By-law is being proposed in protection of the health of children and she stated that many suffers of asthma and other respiratory illnesses will suffer more if the By-law takes away their ability to control those weeds and plants that aggravate their conditions. She thought this would lead to an epidemic of health problems next year. She also questioned the cost to the taxpayers, as she felt the grass on parks and sportsfields will likely require more frequent maintenance and/or total replacement. She felt that this issue would cause great conflict between the rural and urban areas of the city as exemptions are made. She referred to recent newspaper articles that quote various doctors and other professionals as saying that there is no hard-core evidence of any dangers of using pesticide, and to others who acknowledge they are expressing opinions, not facts. She urged Committee to take more time to consider this issue before voting.

Councillor Holmes asked Mr. Jacobs to clarify what is contained in the report with respect to urban versus rural inclusion, and she asked Dr. Salisbury to clarify what concrete evidence there is at this point. Mr. Jacobs responded that the proposed By-law is not intended to apply to the rural area, and the rural area is as defined in the Official Plan. The reasons provided in the report for that are to acknowledge the ongoing discussions with the rural community and direction to further consult through the Rural Summit, and following that with the rural community before major policy initiatives are put in place in the rural area. Dr. Salisbury stated that the issue of the certainty of the medical evidence is never going to be totally resolved. He stated that no responsible scientist would ever say that there is absolute scientific certainty. However, he pointed out that the bulk of the evidence is now pointing towards the fact that these chemicals are injurious to human health and that they do lead to the conditions outlined in his presentation to Committee earlier in the day, and that is the consensus of the medical opinion at the moment.

Councillor Cullen noted that Minto Developments spray their areas in the community of Bayshore and that the community association of Belltown, a little further down Carling Avenue, has repeatedly written Minto over the years to ask them to stop spraying because they are worried about the migration of pesticides into Belltown. He questioned Ms. Mosely's thoughts on whether or not the wishes of the Belltown community should be respected. Ms. Mosely suggested that is an issue between the residents of Belltown and the owner of the Minto Developments.

Councillor Bédard questioned Dr. Salisbury's opinion on the delegation's comments that asthma sufferers and others would be affected by an abundance of weeds if the By-law were implemented. Dr. Salisbury stated this is a very controversial subject with varying opinions, but the general consensus at this time is that pesticides actually are more harmful to people with allergies and with asthma than they are helpful. However, that is not to say that a specific weed type cannot precipitate an asthma attack in an individual, and for that reason it might be regarded as a health hazard in and of its own. He felt it is of note that, in our increasingly chemically challenged society, asthma is on the rise, and that is with an increase in the use of pesticides over the last 40 years, but he conceded that's a correlation and not necessarily causation. He noted that the Lung Association and the respirologists are of the opinion that the weeds are not a major contribution to asthma or allergies, whereas they feel that pesticides are a more likely contributing cause. He did acknowledge again though that all such statements are made without 100% certainty. The councillor noted that one of the report recommendations is that staff be asked to work with the industry to determine policies and processes to be used for infestations, and he wondered whether an abundance of certain weeds would be classed as an infestation, or if that will be limited to insects. Mr. Jacobs responded that would be at the discretion of the committee to decide before such discussions with the industry occur.

Debbie Jodoin, a registered candidate in the By-election for Ward 1, Orleans, spoke in opposition to the By-law, noting that this is one of the defining issues that led her to run. She pointed out that many of the food products we grow and consume here are grown with the use of pesticides and there is no proposal to ban their usage for that purpose, so she does not understand why the City seems to be concerned about their supposed toxic nature when it comes to private lawns and gardens. She stated that these are ideological beliefs, not scientific facts, and therefore not an acceptable basis for implementing a By-law. She felt that the money and resources that would have to be allotted for this purpose would be better spent on the City's core services. Finally, she asked that the City Councillors poll their respective wards and get a clearer picture of their constituents' views before proceeding with the implementation of what she feels would be a very divisive By-law. On a personal note, she informed the Committee of various illnesses that she and others in her family suffer from, none of which she feels are the result of exposure to pesticide.

Councillor Deans questioned Ms. Jodoin's thoughts on the concern raised by some residents that their rights are being infringed upon because pesticides don't stay where they are applied, but run off into ground water and become airborne. Ms. Jodoin replied that she has her own rights as well, and they include the right to treat her lawn, which she will continue to do unless the products are taken off the shelves by the federal government. She also noted that fertilizer pellets can be used instead of spray and are less likely to migrate from the application site.

John Bloskie stated that he has worked in the lawn care industry for 17 years. He referred to various products listed on the City's website as alternatives to pesticides, and spoke to the potential dangers that also exist for each of those substances, suggesting that alternatives are not necessarily safer than traditional pesticides. He felt that the City has failed to provide adequate education on safe alternatives to pesticides, as it had committed to in 2003. While he sympathizes with people that have children with illnesses, he feels they are misguided in believing that those illnesses are caused by pesticide exposure because the studies are often quoted out of context or in a misleading way.

John Bladen, Nu-Grow explained that he has spent more than 20 years working as a turf grass manager and often lectures to university and college students on plant health and soil chemistry on behalf of Nu-Grow, as its IPM Coordinator. He explains to students that just as the human body sometimes requires the aid of a properly prescribed pharmaceutical in addition to proper hydration and nutrition to thrive, so too do turf grass and plants occasionally require pesticide to prevent or fight disease, if those plants are to be of benefit in our communities. In explaining the benefits of turf grass to our communities, he referred to a study published in 1978 that states that one acre of vigorous turf grass can contribute ten times what a tree can in terms of atmospheric cooling, and filtration of ground water reserves. He felt that the industry has adopted and complied well with the requested changes over the last 20 years, including the phase out of several products and the voluntary improvement of practices with enhanced

cultural regimes. He stated that 99% of the lawn care operators, golf courses and municipalities that he has dealt with are consistently delivering the message that they are concerned about the health of their communities, and in keeping with the guidelines of the PMRA, the CFIA, and Health Canada, they are phasing out products of concern for more friendly alternatives as these alternatives become available. He also pointed out that the same regulatory bodies that govern pesticides are largely responsible for the safety of our food chain, which should say something with respect to the issue of trust. Finally, he said that the clearest path to eliminating the abuse is to leave the application of pesticides and the decision to see them put into use in the hands of licensed field professionals.

Councillor Deans questioned whether Mr. Bladen would support a ban of cosmetic pesticides if they were restricted to professional use and then only to treat infestations. Mr. Bladen said that he could not understand how that would work when the products will still be legally available.

Councillor Chiarelli wondered whether the delegation had any experience or knowledge with how homeowners abuse pesticides. Mr. Bladen responded that people sometimes abuse the product under the notion that applying more will improve the product efficiency. The councillor wanted to know if there were any specific types of weed or insect problems that could not be remedied by non-chemical means, and Mr. Bladen replied in the negative. When asked by the councillor if he would object to regulations that would require lawn care companies to market non-chemical pesticides first to each of their clients, Mr. Bladen advised that while he supported the marketing of organic alternatives, he felt that pesticides should still be at the disposal of the client if that is the option they wish to take.

In response to questions posed by Councillor Stavinga, the City's horticultural advisor, Ms. Jackson Hughes, advised that there is no equivalent to the weed component of 'Weed and Feed' for killing the broad leaf weeds in a lawn. She indicated that the soil has to be improved and perennial weeds eliminated by hand. Also, it was her understanding of the by-law that a weed-infested lawn that could not be remedied by organic means would be permitted to receive an application of pesticides. Mr. Jacobs confirmed this, noting it would still require notification of the City and posting a notification on the property, and would have to be brought through an approved application process.

At this point in the proceedings, Councillor Bédard noted the committee was running behind schedule, and, given the number of delegations still to be heard, suggested the following:

- Moved by G. Bédard

That the Committee reserve its decision on 'A By-Law to Protect Public Health and the Environment by Phasing-Out the Cosmetic Use of Pesticides' until after all delegations are completed and that the Committee reconvene on Monday, 24 October 2005 in the afternoon.

CARRIED*

YEAS (7): G. Bédard, G. Brooks, R. Chiarelli, C. Doucet, D. Deans, P. Feltmate, J. Stavinga
NAYS (2): A. Cullen, D. Holmes

* Later in the evening, the Committee learned that staff would be unavailable Monday and subsequently agreed to the following:

That the Committee reconvene immediately following the Special Council meeting (scheduled for Friday, 21 October at 2:00 p.m.).

CARRIED

Darcy Olds, Bayer Crop Science informed that he is a graduate of the Ontario Agriculture College, has a certified Crop Protection Consultant certificate, and has worked in the industry for the past 12 years, currently employed with Bayer. He noted that one of the products manufactured by Bayer Crop Science is called Merit, which is used extensively in Ottawa to protect lawns from damage caused by grubs. He explained that the product represents a relatively new class of insecticides, is applied at low use rates, has relatively low toxicity, and represents a very wide margin of safety. He noted that after receiving a presentation about Merit in 2004, the City approved its use on City sports fields where necessary. He noted that the Province of Quebec has allowed Merit to be included on its list of exempt pesticides due to the level of safety that it represents. He explained that Merit was put through the same rigorous process as all other pesticides must be subjected to before being registered, and that the process is a secure and valid one. He was upset that people believe the regulatory system is flawed and he was worried the By-law would ban the use of Merit along with all other pesticides, based on this notion. He suggested that Council should take the time to meet with PMRA and discuss their concerns about the registration process.

Councillor Cullen noted that PMRA did present to Council 3 years ago and have chosen not to appear this time. He pointed out for the delegation that one of the City's concerns is that when a pesticide is applied, the sign goes up for only a few days but the chemical does not become inert when the sign is taken down, and actually enters into the water system and food chain. He inquired about the half-life of Merit. Mr. Olds informed that its half-life in a turf grass environment, which will be much different than applying it to a pure soil, is somewhere around 33 days. Councillor Cullen noted that the same answer was given to Committee last time, but according to the study that was submitted to the US EPA, it's 107 days, and according to what was submitted to PMRA, it's 370 days. Mr. Olds replied that the main factor one should look at in terms of half-life is foliage residue. Merit is applied as a drench and most of it gets taken up into the roots, and the actual foliage residue has a half-life of less than 2 days. Councillor Cullen pointed out that even if we accept that there's a 33-day half-life on the substance as a whole, it is still active when the signs come down and can still be tracked unknowingly into people's homes. He asked what Merit breaks down into, to which Mr. Bladen responded that the main component is carbon dioxide, but he acknowledged that there are others. He reiterated that it is a very low risk product, and there are no concerns that it is a carcinogen or a mutagen.

Chris Lemke has been involved in the industry for more than 12 years. He explained that the pesticide By-law implemented in Toronto has not been received well by some customers, and that some of the By-law enforcement officers in that City are not well informed of MOE and industry regulations, which has caused conflict. The industry has also been experiencing some problems with activists that report applicators for using pesticides on certain lawns when in fact the signage has shown that an organic product was used.

Dr. Kapil Khatter, President, Canadian Association of Physicians for the Environment (CAPE), advised that CAPE is the national voice for physicians on environmental issues that impact human health and noted they have been engaged in the pesticide issue for some time. He said that after much study of the science they have come to the conclusion that a by-law restricting lawn and garden pesticide use would be an important way of protecting peoples' health. Dr. Khatter noted the fact that pesticides are a poison is undisputed; the debate is over how small a dose it takes to cause harm. He stated there is enough science to suggest that pesticides at relatively low doses can cause health problems and they may be part of the cause of the poorly explained health problems physicians are seeing. He also

pointed out there is science to suggest that the amounts being used may be harmful not only to those that are having their lawn sprayed and their children, but also to their neighbours and neighbour's children. This makes pesticide spraying a public health issue and therefore a concern of the City of Ottawa. Dr. Khatter advised that CAPE calls for a strong by-law restricting pesticides spraying to protect children and adults in Ottawa – those living in both urban and rural settings.

Patrice Laflamme, Branch Manager, Greenspace Services, Montreal explained that his company has been affected by the ban put in place in Montreal by a reduction of two branches and 40,000 clients. He suggested that one of the problems with imposing this by-law is that keeping a healthy lawn with a natural upkeep depends on many treatments and cultural practices which becomes very costly. Many residents are not yet ready to pay those high prices. A second problem is the expectation from residents because achieving a 'golf green' look is not possible with natural methods. He indicated that his company pulls weeds but most are not easily pulled manually and implies much labor and prohibitive costs. This is the reality the industry faces. He indicated that despite the ban, in some parts of Montreal, 50% of residents are treating their lawns themselves. Based on Ottawa's own statistics that 54% of residents are using pesticides themselves, then imposing a by-law would mean, in all likelihood, that that same percentage would continue to use pesticides. Therefore, based on these experiences in a city that has implemented a ban on pesticides for cosmetic purposes, he suggested as a first step, banning pesticides from private sale to individuals. If not, pesticides would not be any safer than they are now.

Darren Kalinowski, appeared on behalf of and presented a video of Mr. Upple who was unable to attend in person. Mr. Upple indicated he was a quadriplegic and a senior citizen. He spoke of having a professional lawn care company rehabilitate his lawn at a reasonable cost, after it suffered an infestation of grubs. He said that alternative methods such as digging out weeds and other expensive natural alternatives, were beyond both his financial and physical resources. Mr. Upple acknowledged the difficult and contentious decision City Council will have to make on this issue but asked that his situation be taken into account.

Gavin Dawson, Technical Manager for Greenspace Services, a lawn care company servicing Ottawa, Montreal, Quebec City and other municipalities across southern Ontario. Mr. Dawson advised Committee that he was a member of the advisory committee formed to provide advice to Toronto Council on the implementation of the Toronto pesticide by-law (a by-law to phase out cosmetic pesticide use and allow for certain applications to control infestations). He spoke of the confusion this by-law has caused for homeowners in Toronto and opined that it has alienated them and the lawn care professionals.

Mr. Dawson noted the advisory committee was tasked with (among other things) “to further define pest infestation and develop action thresholds for the most common weed and insect pests including dandelions for which non-exempt pesticides may be used.” They were provided with the Ontario Ministry of Agriculture and Food (OMAF) manual – “Turf IPM Manual”, which addresses exactly what the advisory committee was tasked with. However, the advisory committee arbitrarily determined that weeds are not weeds and no weed control action thresholds were set. This effectively banned weed control in Toronto and he felt this decision was based on a political agenda and not on the will of the public. He said homeowners want to be able to fix problems with their lawns and this unreasonable by-law took pesticide use out of the hands of the trained professional and into the untrained homeowners hands.

Tom McWilliams, National Capital Business Alliance (NCBA) advised that the NCBA is made up of all Chambers of Commerce in the City and represents more than 2000 businesses. Mr. McWilliams acknowledged this was a very contentious issue and the business community does share a common concern and that was with the process of policy development and bringing forward policies to Council. To that end, the NCBA believes the staff report was biased in favour of a ban and that staff had failed to ensure that councillors were provided with a report that was balanced in presenting both sides of the issue as well as an analysis of the effects of different courses of action, so that Council could make an informed decision. He urged the Committee to withdraw the by-law and to allow time for the industry to meet further with City staff. He felt this would allow for a by-law that controls and phases out the use of these products, but that takes all factors into account.

Dr. Scott Findlay, Director of the Institute of the Environment, University of Ottawa focussed on a couple of the arguments, which he characterized as problematic, that had been put forward against a ban. With respect to the argument that pesticide issues are taken care by another body and in particular by the Pesticide Management Regulatory Agency (PMRA), Dr. Findlay pointed out that in fact, the Pest Control Products Act provides the PMRA with statutory authority to prohibit the sale, import and use of non-registered pesticides. It does not provide the authority to manage pesticide use. He spoke of a recent conference on informed pesticide decision making and noted PMRA’s legal counsel who attended made explicitly the point that any instruments that municipal governments would use to manage pesticides would in fact be complementary rather than redundant to the existing Pest Control Products Act.

Referencing the argument that the PMRA would not register a product that is not safe, Dr. Findlay noted it is not the job of PMRA to pass judgement on whether a product is safe; it passes judgement on whether a product is acceptable or unacceptable and in particular poses an unacceptable risk. Further, determining what is acceptable and what is unacceptable, is not a scientific issue, rather it is a normative issue. As well, he pointed out there are many examples, of regulatory agencies registering

products and then finding out because of information data that is collected subsequent to the registration, that there are problems and they have to de-register them. Dr. Findlay then spoke to the argument that there is no scientific proof. He advised there is no such thing as scientific proof; there is only scientific evidence. He said proof beyond a reasonable doubt, would never be attained because the experiment required (i.e. using test groups of children) would never be done. The last argument with respect to the ban not being effective because it is not enforceable, Dr. Findlay suggested the only way to test this is to implement a ban.

In concluding his remarks, Dr. Findlay recommended that Council implement a ban immediately for both urban and rural areas and that the public education program be continued with a focus on changing aesthetic sensibilities (i.e. people are concerned about the aesthetic impacts of pesticide bans on lawns and gardens). Further, he encouraged the implementation of a ban that will be treated as a scientific experiment, properly designed so that required evidence can be collected to test the various hypotheses. A copy of his submission is held on file.

Dr. Lauren Knopper, an Environmental Toxicologist advised that the focus of his research has been on the effects of pesticides on small animals and various other wildlife species. He noted that as was pointed out by some opponents, the associations between health effects and pesticide exposure are sometimes quite weak. He noted that weak associations are very different than no associations at all and they should not simply be disregarded or misinterpreted as meaning that no effects are actually observed. If anything, weak associations should be used to highlight concern over the effects of exposure. Dr. Knopper stated that Council needs to decide if the benefit of using pesticides for cosmetic uses outweighs the risks (known and unknown) of pesticide exposure to citizens and their pets in Ottawa. He said if the answer is no, then a pesticide by-law restricting cosmetic use should be implemented. Dr. Knopper said that in his professional opinion, human and animal health should not take a back seat to the present day want of yard aesthetics. A copy of his submission is held on file.

Tamar Bobek, Emanuel Yumvihose and Luysa Auramescu spoke as students of Dr. Laine, an ecotoxicologist at the University of Ottawa. As concerned citizens, they wanted to convey their support for the by-law.

Dr. Robin Walker, CHEO, Neonatal Intensive Care Unit explained that his research is primarily used to support evidence-based decision-making in health practice. He likened the decision the committee has to make today to the decisions he has to make in his daily medical practice. Ultimately, the choice in this issue is not about science, or its own biased interpretation; it is about values with respect to health risk in the community. He suggested that the committee is choosing whether to limit the non-essential use of products (for which there is substantial proof of health risk in human studies) and notwithstanding how strong or weak the members may think that evidence of health risk is, they must surely agree that cosmetic use of pesticides confers no possible benefit to the health of Ottawa's adults and children. A copy of his submission is held on file.

In response to a question posed by Councillor Deans about measuring the success of the proposed by-law's effect, Dr. Walker indicated that 73 municipalities have passed by-laws and studies from Halifax, for example, show that without a by-law, the reductions are not substantial. By contrast, by-laws, combined with education do substantially decrease usage. A copy of his presentation is held on file.

Eric Thomas stated that in 2002, the pesticide spray-industry tried to sell Ottawa Council by claiming their poisons would only be used as a last resort, and that no blanket spraying would occur. However, based on his personal observations over the past few years, this typically has not happened. He explained that when he is exposed to pesticides, he literally feels sick and his allergies get worse and his asthma is aggravated. He urged committee to approve a strong by-law that protects people for the entire growing season, not just the summer months. A copy of his submission is held on file.

Gail Moorehead, Kanata Environmental Network (KEN) explained that they are a group of concerned citizens, working together to raise awareness of environmental issues in Kanata, and to promote sound

environmental practices in their community. One of their principal concerns is the cosmetic use of pesticides on lawns, trees, and urban gardens. They were pleased to see the City invest in public education over the past few years, however, even with all their efforts, there are still people in the community who continue to use pesticides to kill weeds. KEN recognizes that education is valuable, but suggested it is not enough to change everyone's behaviour. They suggested that the only way to control this is to implement a full ban. A copy of her presentation, including a very informative brochure, is held on file.

Ken Morin spoke of his partner suffering from chronic fatigue syndrome (also known as multiple-chemical sensitivity) as a result of the lawn around their condominium being sprayed for pesticides. He believed it is not difficult to dig up dandelions, and suggested this kind of manual lawn care could be used to help employ people. Mr. Morin strongly urged committee to support the by-law to eliminate cosmetic pesticide use. A copy of his submission is held on file.

Louise Hannant, Allergy and Environmental Health Association explained that she had always lived a healthy life until she moved into a new home and she became ill, suffering from fatigue syndrome. As it turns out, she explained that weed and feed had been used in her garden by the previous homeowner and now she has to live with these illnesses. Ms. Hannant also read comments from Margo Cameron of Go Manor Park, who was unable to attend the meeting. Ms. Cameron had been working for the past 10 years to promote education on this matter and she wanted to make it clear that there has never been talk about a ban – only a by-law. She believed the City has the responsibility to make the best decision for its community. A copy of her written material is held on file.

Sher Ansley spoke on behalf of Dr. Libuse Gilka, Physicians and Scientists for a Healthy World (PSHW) and made reference to the Supreme Court decision in favour of the City of Hudson banning the use of chemical pesticides for cosmetic purposes. That court case determined that children in Hudson, Quebec contracted leukemia as a result of breathing toxic fumes from distant golf courses. She asked that the Committee in making their decision bear in mind that the fumes from pesticides used on one property have been proven to affect people on other properties and other areas.

Ms. Ansley indicated that Dr. Gilka was most concerned about the fact that many physicians were not trained to diagnose chemical pesticides in a patient. She felt there should be some kind of regulation to help the medical profession in this regard. Another major concern of the PSHW is that pesticides are not used one at a time rather they are mixed together into a 'chemical soup'. She said consideration should be given to whether or not studies should be undertaken to analyse a chemical soup approach. However, she noted Dr. Gilka's position that this is not necessary, as it is already known that just one causes dastardly results. In her concluding remarks, and with particular reference to an earlier presentation, she suggested Council consider implementing a regulation that would require a person selling their home to provide a soil analysis.

Connor Dobson advised he was a resident of Ottawa, a parent and a pet owner and indicated he used pesticides on occasion with confidence to protect and enhance his property. He stated he held a Bachelors Degree in Plant Science and a Masters Degree in Weed Science. He said he had a number of years of experience working with the safety assessment and regulation of pesticides in both Canada and Europe. Mr. Dobson said he recognized the concerns of some people in the community and shared the desire of all citizens to make Ottawa a healthy and safe place for our families our pets and the environment. He said he did not believe that this desire was compromised by the judicious use of pest control products. A copy of his submission is held on file.

Mr. Dobson acknowledged the difficult decision that Committee and Council would have to make in this regard and opined that the staff report did not contain the relevant information to assist them in making this decision (e.g. pest control products are stringently regulated and must undergo a rigorous safety evaluation before they are allowed on the market; some 300 experts with the PMRA and Health Canada review and monitor pesticide use in Canada; pest control products cannot be legally sold in Canada unless they are approved and registered by the PMRA; the PMRA will not be register a product

unless it determines that the product presents no unacceptable risk to human health and the environment, etc.)

Mr. Dobson went on to say that these same products also have to undergo a similar independent process in other countries before registration is granted. As well, all pest control products that are registered in Ontario undergo an additional review by the Ontario Department of the Environment before being allowed for sale. He felt that citizens of Ottawa should not have to be taxed again by the City to regulate these pest control products. Referencing the staff report, he noted it spoke to the recent Ontario College of Family Physicians report as compelling evidence for a ban. He pointed out however, that the United Kingdom Advisory Committee on Pesticides concluded that this report was seriously flawed and disagreed with the report's conclusion of positive associations between solid tumours and pesticide exposure. A copy of his submission is held on file.

Angela Rickman, Chair, Coalition for a Healthy Ottawa responded to some points made previously with regards to the rigorous review of pesticides. The PMRA is under funded and understaffed and does not have an adequate budget to do as much review and what they do is a review of the science that is provided by the industry, so the committee should take that into consideration. Furthermore, the comment that 2-4D is safe, she indicated that the actual review of that chemical for lawn and gardens is not yet complete and the PMRA has agreed to hold off on their position on that until the regulations attached to the new Pest Control Products Act introduced in 2002 are determined. In addition, there have been questions about why there are not many studies that show pesticides are harmful; in Canada there is still no reporting database for adverse effects so if pesticides poison someone, there is no mechanism for a doctor to report it or for that information to get back to the PMRA. The Coalition supports the first option for a by-law and strongly encourages Council to adopt a by-law immediately, noting that public education as important and should support the by-law. Also, she posited there should not be any second-class citizens and children in rural areas are just as important and just as vulnerable as children in urban areas so those areas should not be exempted. She recognized there are numerous alternatives available and she urged Council to support those. She reminded committee that property rights are not protected under the Constitution, but human rights are and while she acknowledged it was important for people to make a living (lawn care companies), if the City levels out the playing field and ban pesticides everywhere, many of these companies would adopt alternatives.

Jillian Victor and her daughter Victoria spoke about the concerns they had about pesticides. Victoria indicated that sometimes she cannot walk to school because people have sprayed pesticides. Mrs. Victor indicated that three years ago Council made a promise to protect the children from the cosmetic use of pesticides on lawns and gardens. Education has not reduced the targeted amount of pesticide use and the promise was made that if the targets were not met, then the by-law would come into force. A strong by-law ensures that the health and safety of all children is something to be taken seriously.

Pat Roberts supported a pesticide by-law, which protects her health and the quality of the air and water. She echoed many of the comments made by previous delegations about the right reasons to pass this by-law, while additionally requesting Council aim an educational campaign at retail stores that sell these products to encourage them to switch to safer and possibly, more profitable products. She also suggested these retailers hand out warning notices to consumers of Weed and Feed and Roundup. She further suggested that individuals should be required to post warning signs on their property when they have treated their lawns. A copy of her submission, providing further details, is held on file.

Joel Theriault explained how the use of pesticides in Ottawa affects other communities, even though the connection may not be entirely visible. As hunters and fishermen in northern Ontario, his family has, for three generations, been entirely financially dependent on the land for their livelihoods and as such, he is concerned about the affect pesticide use in this part of the province would have on communities to the north, e.g., migratory birds, which he hunts, come in contact with pesticides and the cumulative effects of these poisons affect him. He also noted that pesticide use affects aboriginal and non-aboriginal people living in the north that choose to harvest these animals, a traditional food source upon which many are still dependent. He believed that Council has the potential to greatly reduce the

amount of unneeded toxins entering the waterways, wildlife, and ultimately it's citizens. He left the committee with the following question: If scientists have conflicting views regarding the health and environmental effects of pesticides and the fact the government must pay the health care costs of its citizens in the event they become very sick from exposure to such chemicals, why would Council continue to allow the cosmetic use of pesticides, when they are not absolutely required? Additional details of his presentation are included in his submission, which is held on file.

Alexei Pidchenko related his family's experience with pesticides in 2002. Both of his daughters became quite ill after one of the scheduled pesticide applications at their condominium took place, even though they were never in direct contact with the chemicals. Their family doctor suggested pesticides may have caused their illnesses and the Poison Information Centre at CHEO also confirmed the signs of chemical poisoning. Despite this experience, the condo corporation continued with their lawn maintenance program, based on the fact such spraying was a permitted use and that it was absolutely safe to do so. When his family later moved to Dunrobin, they were disappointed to learn that pesticides were used in the rural areas too. He was particularly concerned about the impact this may have on their well water and wondered whose responsibility it was to prevent that from happening. He did not believe rural areas should be exempt from the by-law. In conclusion, without a by-law, his kids and the environment in general, are not going to be protected. A copy of his submission is held on file.

Barbara Leimsner spoke in favour of the by-law. She stated that the use of pesticides is a health issue and are the leading cause of acute poisonings in the country and there is a convincing weight of evidence that exposure can cause chronic health effects. There has been little done in Canada to update the regulation of products despite that these regulations are out of date. She posited that it was time to put the health of the community and children as the top priority as has already been done in numerous other major cities in Canada ahead of economic concerns. She has lived with environmental illness for more than 10 years. She noted that many of her neighbours use pesticides and she has seen no reduction in her area. As long as there is no by-law, people will continue to use these potentially toxic products on their lawns and gardens. She indicated that pesticides affect people who are hypersensitive to these chemicals severely so she asked about her freedom not to be exposed to these pesticides. She wanted her right not to be made sick. She recognized that even if professionals apply pesticides, the product persists for a long time in the environment and accumulate in body tissue. She believed enough was known about the health affects of pesticide exposures and human health today, to stop the use of these chemicals for cosmetic reasons. She urged Council to put health first, not economic, vested interests or yard aesthetics. She supported a full ban now and a firm by-law that does not expose people any further to these toxic materials.

Sophie Sommerer supported a by-law, noting that the results of public education are in and the evidence of harm is mounting. She asked that all constituents be treated equally – both in the urban and rural areas, but she recognized that an exemption for agriculture and forestry would protect the “special” uses of rural lands. She encouraged committee to bring in the by-law as soon as possible, citing the fact there are alternatives to pesticides to control infestations. She asked committee to remember that similar by-laws have proven successful in other municipalities in reducing (and eliminating) pesticide use. She reminded committee that Council's role is to weigh the importance of aesthetics against the importance of public health. A copy of her submission is held on file.

Mary Debassecourt, Executive Director, Allergy and Environmental Health Association spoke on behalf of members of the Association who suffer from allergies and environmental sensitivities. She remarked that the numbers of people developing these sensitivities is growing rapidly and the spraying of pesticides is one of the major causes of this chronic illness; 80% of 6800 persons surveyed knew when, where and with what they were made ill. She stated that alternate, ecologically sound methods of lawn care work, are good for the environment and create more jobs. The provincial and federal governments recognize MCS (multiple chemical sensitivities) as a disability. She asked committee members to protect the health and safety of all residents and support the by-law. A copy of her submission is held on file.

Don McQueen spoke as the owner of a lawn care company in Burlington. He felt there was misinformation being distributed to the public. He advocated for integrated pest management (IPM) as an approach to the pesticide situation. Banning pesticides will not work; it is negative reinforcement. He suggested that if the turf were healthy, then people would not have needs to spray chemicals. Lawn care companies are educating the public in Burlington on how to get healthy lawns and he suggested a more positive message, such as IPM should be employed.

Jenny Buzek, Saunders-Matthey Cancer Prevention Coalition strongly supports a bylaw to phase-out the non-essential use of lawn and garden pesticides. They are very concerned about the risks, which these toxic chemicals pose to the health and safety of residents and the local environment. Children, pregnant women, persons with low or impaired immune systems, persons with environmental sensitivities, and outdoor workers are especially vulnerable to the toxic effects of these chemicals. She indicated that a best practices review of current by-laws and public education programs on reducing the cosmetic/non-essential, residential use of pesticides found that only those communities that passed a by-law and supported it with education were successful in reducing their use by a high degree. The Coalition promotes the implementation of the Precautionary Principle, which states that when an activity raises threats to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. She noted that the Pesticide Management Regulatory Agency (PMRA) of Health Canada is responsible for approval and regulation of pesticides sold in Canada. In an Ottawa Partnership for a Pesticide Bylaw document entitled "Just How Safe Are Pesticides Used in Canada?" it cited facts from a recent investigative news program that found the PMRA received 25% of its funding from the pesticide manufacturers. It is difficult to believe they would be unbiased in their recommendations and that the health of Canadians would come first. A copy of her submission is held on file.

Carroll Chubb spoke in favour of the by-law, noting she has a PHD in physiology and biophysics and a post-graduate diploma in toxicology. She is trained in the assessment of the risks from toxic substances. She has surveyed the scientific literature concerning the relation of pesticide exposure to health and it was her opinion that the literature review of the Ontario College of Family Physicians was well done and the evidence that pesticides is harming human health is strong and a by-law eliminating the cosmetic use of pesticides is needed. She believed that pesticide use on golf courses is cosmetic and people living near these places should be protected.

Manuel Costa believed that the cosmetic use of pesticides means taking a health risk and he agreed with the previous speaker about the use of the Precautionary Principle. He posited that the question of whether this risk is acceptable is a personal question rather than a scientific question and the consensus amongst Ottawa's citizens (and some 70 other municipalities across Canada) is that the risk is not acceptable. He recalled the recent support of his own community association in Hunt Club, where a motion to ban the cosmetic use of pesticides was unanimously approved. The Association further believed the by-law should apply to all areas of the city, including golf courses. He recognized that lawn care companies would have to adapt to the new reality, just as any other business or industry. He remarked that change is constant and those that are successful are the ones that know how to adapt. A copy of his submission is held on file.

* *The committee was also circulated an e-mail from Fred McLennan President, Hunt Club Community Organization via Councillor McRae, in which he disputes Mr. Costa's comment about the Association discussing urban vs. rural and golf courses. Complete details of Mr. McLennan's comments were circulated to all members of Council and a copy is held on file.*

Colin Nicholson spoke as a gardener and a reformed user of pesticides. He owns a half-acre property and for many years had used pesticides for cosmetic purposes, but he discovered other ways to do it such as over seeding, aerating, et cetera. There is a lot more interesting things to have in a garden instead and so he replaced his grass with sand and now grows garden cactuses.

Dr. Napke explained that he given the task of developing the federal poison control program and the

federal drug adverse reaction program in Canada in 1965 and the problem of pesticides and its toxicities has come from that period and on. He was in support of the by-law. He recalled a “cause and effect” story from 1966 where a Montreal beer company added cobalt (used to treat certain forms of anaemia) to beer and the often-fatal danger this posed to healthy males who consumed large quantities of the beer. He explained that the same standards used back then to approve the addition of cobalt, are still used today and so he cautioned committee that saying that toxicity studies are “okay” has nothing to do with reality because the human body has difficulty handling one or more different chemicals it may be exposed to. The reality is that people are assaulted daily by hundreds of different chemicals and many people are compromised daily either nutritionally or by illness. The City must have a post-marketing surveillance, which will show people are being harmed by pesticide products.

Tony Digiovani, Executive Director, Landscape Ontario Horticultural Trades Association explained that their job is to create awareness for the value of green space and to maintain it, and sectors of the Association use pesticides as a tool. The individuals in this industry are *the* most exposed to these chemicals so they are very concerned about the safety of these products. It has always been their position that anything they can do, within reason, to reduce pesticides is the right thing to do. However, there is a need to define the issue and he remarked that this issue is not about pesticides but about three main products that are used 90% by the industry (2-4-D, imidacloprid and glyphosat). He discussed in detail what their IPM accreditation is all about and which was developed to ensure the industry is responsible for how they use pesticides. He acknowledged that reducing pesticide risk is a good thing and there is a direct correlation between cultural practices and the need to intervene with pesticides. He believed more could be gained if everyone worked together to reduce pesticide risk.

Paul Poisson, Fédération des sociétés d'horticulture et d'écologie du Québec and Vice-President of Groupe Vertdure indicated that he was not for or against the proposed by-law. However, he did note that it is possible for a lawn care company not to use 2-4D; his company has not used 2-4D for the last 5 years. The company has worked with Laval University to fund research to test new products, approaches, and alternatives. Such alternatives include the use of corn gluten, beet juice, and the products developed by McGill University and results show that such alternatives are 25-80% as effective as 2-4D. Mr. Poisson went on to state that the alternatives involve more work and additional costs, but he maintained that such options could be profitable for a company. He explained that such change requires support from clients and education is essential. The results of the Laval University study would be published in 2006.

Mr. Poisson responded to questions from Councillors Doucet and Bédard with respect to adapting to the pesticide regulations in Québec and remaining a profitable company. He noted that his company replaced its entire fleet of vehicles and re-trained its 400 workers.

Rob Bourne presented a video submission from Dan Ackeson who could not attend the meeting in person. Mr. Akeson was particularly concerned that the by-law would specifically affect lawn care companies, even though these businesses only use a fraction of the over 400 registered pesticides which have been cleared for use by the PMRA. He felt it somewhat counter productive to prohibit the use of pesticides by trained and licensed professionals, while leaving them accessible in rural areas and to individuals for continued use. He suggested that until such time as a definitive study has been made of these chemicals and their use, it makes more sense to continue to let the professionals apply them. He urged committee members to be cautious in their approach.

Chris Villeneuve introduced a video of Margaret Tremblay who was unable to attend the meeting in person. Mrs. Tremblay did not support the recommendation to introduce a by-law because she felt that the lawn care companies have made a great effort to reduce the number of pesticides in the materials they use to spray lawns. She thought that if lawn care companies were forced to abandon spraying lawns, individuals would buy their own material at the hardware stores and spray it themselves. This caused her some concern because such individuals do not have the expertise as apply these chemicals. Also, prohibiting the use of pesticides altogether would result in a large number of people who suffer from allergies being forced to stay indoors all summer.

Rob Baxby, Owner of Nutrilawn in Kingston, Napanee and Belleville stated that he was here today because what committee and Council does with this report is surely to be followed by Kingston and beyond. He remarked that most of the lawn care companies that have spoken today have talked about the scientific safety of lawn care products when used correctly and particularly when applied by licensed professionals. He cautioned committee about approving the by-law, suggesting that the industry may go “underground” in order to survive. He reminded committee that the products would still be readily available for sale at stores and homeowners wanting to maintain their property at its maximum value and their neighbourhoods in a desirable fashion would be free to buy and use them. He made note of the fact that homeowners in Halifax, with no knowledge on how to apply the product correctly, carry out their applications after dusk, therefore increasing risk as well as more product than the professionals. They also do not have to put signs on their property.

Dwayne MacCleod presented a video of Christine Easton who was unable to attend in person. Ms. Easton objected to the proposed imposition of the by-law because she owns her own property and feels she should be able to keep it the way she wants. She also believed that not being able to apply pesticides to unsightly lawns overgrown with weeds would only serve to lower property values.

Jordan Lavin, Operations Manager, Nutrilawn informed of his involvement in several municipal debates on the pesticides issue, and discussed some of his observations as a result of the decisions taken across the country. He pointed out that the cities of Calgary, Alberta, Burlington, and London avoided a pesticide ban and opted for increased homeowner education after careful review of the issue. In the City of Toronto, where they have put a pesticide by-law in place, great difficulties have been observed because it allows the untrained homeowner to continue to apply pesticides for two years, but prevents the professional applicator from using the products. Confused homeowners are often misdiagnosing their problems, making the wrong product selection, and/or applying the products improperly. Similarly, the by-law implemented in Halifax has led to upset and confused homeowners and lawn care customers and does not seem to have eliminated or significantly reduced pesticide use there. He felt that if the ultimate goal is to reduce pesticides, a by-law banning their use is a poor choice that will simply re-direct its use to the untrained homeowners. He would support a by-law to control its use and to ensure that only professionals are applying the products.

Peter Bugden, principal owner and President, Nutri-Lawn, Halifax gave a PowerPoint presentation and spoke about the Halifax pesticide by-law, which was fully implemented in 2003 after two years of property registration and education. He indicated that his customers have not been very receptive to the alternative programs that he has offered, and his revenues and customer base are down by more than 30% and 40% respectively. He also stated that the by-law has damaged the business pace of professional lawn care operators, as there are no restrictions on the sale of pesticides at the retail level, which has increased dramatically. He is concerned about this increase because retail staff are not trained to give advice on the usage of such products and most homeowners are not informed enough to comprehend their proper application methods. In addition, most homeowners do not erect signage to alert that they have applied a product, so passers-by are unknowingly coming into contact with it. He further explained that while the by-law gives provision to the industry to control in the event of infestations, one of the problems they have struggled with is coming up with acceptable threshold levels to indicate when a product may be applied.

Councillor Cullen remarked that according to Statistics Canada, there has been an increase (in Montreal) in the number of lawn care companies and their employees, even after the implementation of the by-law.

Ken Holmes stated that Ottawa’s voluntary experiment appears to have been destined to fail from the start. He wondered why the City is rushing into a decision today based on only one year of real data and also, if, as staff have stated, 60-70 % of residents support a by-law, why they have not significantly embraced the voluntary reduction program. He concluded, therefore, that either the poll results are invalid or the public information program has failed. He was convinced that voluntary reduction

programs could work, as long as they include an effective information program. Mr. Holmes maintained that the federal government has the expertise and mandate to ensure that Canadian citizens are not exposed to unnecessary risk through pesticides, but he suggested that if the City is not satisfied with the performance of the PMRA and feels there is mounting evidence of potential risks from pesticides, then the municipality should direct its attention to getting the appropriate action from Health Canada.

Mr. Holmes believed that the proposed by-law would be too difficult to enforce when the products will remain available at retail outlets, and he suggested that the City would be wiser to use some of the identified money to support an effective voluntary program, coupled with a good education program. Finally, if the City has any conclusive evidence to support a ban, it should be presented to the taxpayers in a more effective public information campaign so that they can better understand any potential risks and take their own responsible action.

Following on his comments about the City setting unrealistic targets of 70% public acceptance, Mr. Jacobs explained that the information presented was based on the Decima survey where it was identified that no change was reported as far as usage of pesticides from what was surveyed in 2003.

When asked to explain why there has been very little change after three years of education and yet there appears to be great support for the by-law, Mr. Jacobs indicated that people are becoming more aware of the issue, but that there is still a lot of information they are not aware of, i.e. they may not be aware they are using a pesticide. And, as indicated in the staff presentation, education alone is not enough to change people's behaviour, whereas most people would obey a by-law if they understand it. The delegation added however, that there is no demonstrated requirement to always have a by-law and he cited examples of the reduction of second-hand smoke in homes and the reduction in pesticide use by the agricultural community, both without by-laws. He believed these programs were successful because they were intense, aggressive, coordinated, innovative community programs.

Chris Urquhart, owner of Green Unlimited recognized the fact that people want to have nice lawns and they want professional to help them achieve them with that job. The products will still be on the store shelves even if the by-law is adopted. People will do their own applications to get the job done. Recommend that you consider using professional lawn care operators who are trained and licensed and who want to be a part of a solution. We have been with the City to educate citizens on pesticide reduction and the alternatives that are available. We represent homeowners in Ottawa who used to have pesticides on their properties. We contribute to education ourselves, our staff and our customers on how to use pesticides and he acknowledged that pesticides are a very important tool when other things do not work on infestations.

Curtis McCausland presented a video of Professor Joseph Haltz who was unable to attend in person. Professor Haltz objected to the mis-use of pesticides and he was well aware of the danger of using or mis-using the product; however, he believed the current objection to using pesticides on lawns arises from the bad experience people have had in developing countries. What people use on the lawns is very small compared to what will be used in the agricultural areas. Pesticides that are used are monitored and are approved by the government of Canada. Pesticides have been grossly mis-used in other countries. The City contributes to the weeds on lawns when it plows the roads because the dumped snow is contaminated with road salt, thereby killing grass on boulevards, thereby allowing weeds to take hold in the spring.

Patrick O'Toole, Sandler's Sales Institute, Kitchener has been involved in the lawn care company business for over 20 years. He mentioned that he had customers in Ottawa whose businesses would be severely affected by what Council does with this by-law. With regards to the precautionary principle mentioned previously, he explained it was a simple concept brought up in 1992 and referred to the ozone layer and it basically said that in lack of scientific evidence that caution be used. However, with pesticides used in the urban environment, the PMRA has already used this principle in allowing their use in Canada and there is a lot of scientific evidence on the pesticide use. Another interesting point he

brought forward was the blue box program has a participation rate of 97%; this was done through the use of public education. The seat belt law is enforced but only has a 91% participation rate. Therefore, he believed public education works and the City must be realistic in its goals.

- Bob Cumming, owner and operator of a lawn care business in Ottawa likened the care his business has for people's lawns like a farmer would his own fields. He indicated that integrated pest management (IPM) is practiced by most lawn care companies and is supported by most municipalities. Reduced pesticide use by promoting IPM, which includes education, to both the public and the property maintenance industry, sets thresholds and limits which states that the property should be treated when and as needed with the least risk products available to prevent further damage. The process of providing pesticides was changed a few years ago and the bar was raised considerably with respect to what they have to meet in order to apply them on residential properties. He felt the new rules put in place more than protect the homeowners and general public.

- Paul Mellor, NutriLawn, Kingston indicated he has been applying pesticides, herbicides and fungicides for over 30 years and he takes all the necessary precautions when it comes to his health. He believed that this issue is not about person health, safety or environmental issues: it is about a minority of people who wish to instil their beliefs in the majority of the people. He believed there is a need to educate into the safe use of the products. We apply these products in a safe and orderly manner in utmost consideration for their customers, their pets, children, their neighbours and the environment. They info their customers what measures need to be taking before any application is made to their lawns. He has seen many changes in this industry over the past 30 years, including the posting of signs when pesticides are sprayed. He remarked that the industry is ready and willing to make changes through IPM practices, working with municipalities, and consumers with education and sound product applications.

- Christopher Shane presented a video of Marcel Proulx who was unable to attend the meeting in person. Mr. Proulx was opposed to banning legal pesticides and herbicides on lawns. He has tried organic material, but his lawn is now devastated with grubs and weeds to the point where he has to rip it out and start all over again next year. He indicated he would continue to hire commercial licensed lawn care companies to take care of his lawn, even if the by-law is passed.

- Roger Mongeon, President, Weed Man indicated that Ottawa is the only Canadian city that can claim that all of their major lawn care companies are IPM accredited. He noted that while the Decima survey found that 54% of residents claim they have not decreased their pesticide use that does not mean overall pesticide use has not decreased. He indicated that in 2002, they had 9,000 customers and now they are close to 18,000 and they use a lot less pesticide than originally used. He provided the following comments on behalf of Paul Poisson who was unable to complete his presentation within his allotted time:

- Groupe Vertdure is convinced that Merit is needed to control grubs;
- in Quebec, Dicamba is a product that has not been put on the ban list and he uses a product named Vanquish for the control of weeds;
- he controls weeds by the over-application of nitrogen to weeds;
- he supported a by-law in the City, once products are banned in the stores, so everyone can operate in a very ecologically-friendly way.

When asked to comment on the fact the industry won't be able to use these products but that they would still be available from retail stores, Mr. Jacobs clarified that the proposed by-law does not ban pesticides, but allows for a phase-in and still allows for pesticide use in an infestation. Further, the by-law will create a level playing field in that the same regulations that would apply to the industry would also apply to the homeowner.

- Lynne McCausland introduced a videotaped statement by Sheila Ellis who was unable to attend in person. Ms. Ellis spoke in opposition to the by-law, because it would prevent her from spraying for bugs that decimate her garden.

- Brian Shane spoke as a general manager of a local lawn care company and he shared comments from his client base of private homeowners on the proposed by-law. He has received over 600 letters in the last week opposing any type of ban or restriction on the use of pesticides on private property. He provided a general overview of some of the comments received including: freedom of choice; why the rural areas are being exempted; the appearance of City parks; allergies worsen with all the weeds, et cetera.

- William Martin spoke as a licensed landscape exterminator. He indicated that a ban on pesticides would only stop professionals from providing a service and he was concerned that new underground operations may start up. He advocated that only licensed, IPM-accredited applicators be allowed to apply anything on lawns, and homeowners should have to take a test to ensure they can apply the product safely. He explained that professionals apply pesticides judiciously and have reduced use by 90%.

- Amanda Blythe presented a video of Elizabeth Stump who was unable to present in person. Mrs. Stump noted that opponents of pesticide use base their opposition on studies on which they say they can back up their views but no one has produced a credible study yet which produces the name of the author, the date of the study and how the study was conducted, et cetera. A credible study has to be a longitudinal study, which takes at least 10 years to process it, and to her knowledge there were no such studies available. She went on to state that it should also be a quantitative study with a description of the sampling and the error factor. Therefore, until such a study is done, there is no justification to ban the use of pesticides.

Councillor Brooks asked the Acting Medical Officer of Health to provide him with a copy of those longitudinal studies.

- Dr. Pauline Kerr spoke as an allergist, with a Masters Degree in immunology. She explained that pesticides are not recommended for the management of allergies and asthma and the Academy of Allergy, Asthma, and Immunology specifically states that changing your landscaping will not improve your allergies because pollens travel for many kilometers. Dr. Kerr went on to state that pesticides are also connected in many studies with increased cancer risks, and trigger asthma attacks. A study published in 2004 in the International Journal of Cancer shows those that suffer from asthma have a higher risk of cancer from pesticide exposure, and the risk of lymphoma among asthmatics with pesticide exposure was significantly higher than those without asthma. Still, other studies show harmful effects caused by exposure to pesticides by breast-feeding women on their babies, by influencing their immune system early on.

- Andre Lebrun, owner of Service Master Lawn Care explained that the education campaign failed because people did not respond. They offered to the City to distribute the campaign's brochures, but were refused for three years. He indicated that the City has also not had a proper benchmark to use in determining whether or not pesticide use has gone down, whereas the lawn care professionals had a benchmark, e.g., the product label allows 100 units per 1000 sq. ft. and he only applies 6 units/1000 sq. ft. This reduction is real, tangible and measurable and yet, it is not reflected in the report. He recommended continued education, reduction, and co-operation between the professionals and the City.

In response to his remark about the absence of his reduction achievement, Mr. Jacobs advised that this had been noted in the May report. The issue staff had with the way that percentage was represented was that it was a decrease from what was on the label so it was not a decrease in the usage of pesticides, but rather, a decrease in a particular ingredient. And, the intent of the City's education program was to reduce the use of pesticides.

- Cindy Saucié, Russell Horticultural Society spoke about the by-law passed in their township in 2000 to promote healthy communities. They were recognized by Health Communities Canada. She indicated that many rural residents want the by-law, in terms of unnecessary use of cosmetic pesticides. She

remarked that the federal government recently announced that they have established a task force to look at why cancer is the number one killer in Canada. She commented that only 5% of breast cancer is hereditary, so there is a need to look at not only lifestyle factors, but also environmental risk. She believed pesticides are chemicals people can live without.

François Savard, a qualified math and science teacher and former head of the environmental protection office at the Ottawa International Airport from 1990 to 2001, spoke in support of the proposed by-law. He discussed chlorinated synthetic pesticides and their effect on the human brain, hormones and gonads. He also noted that synthetic pesticides disrupt hormonal and nervous system balance in animals and insects.

Michael Robinson, Green Unlimited outlined his duties and daily routine as a lawn care technician in an attempt to re-assure the community. He explained each task noting that everything is monitored and recorded. Mr. Robinson noted that a typical visit to the average home starts with a visual inspection of the property in order to identify any infestations, weeds or poor cultural practices that might need to be addressed. Wind speed is also noted and products are not applied if it is too windy, or if there are children playing on the property, or a dog in the backyard. The delegation stated that a warning flag is placed on the lawn at a spot that is highly visible when chemical controls will be used. Mr. Robinson explained that his main goal as a lawn technician is to make customers happy by supplying a safe and healthy lawn, which can only be done with certain tools to be effective. Mr. Robinson concluded by stating that if a proposed by-law comes into effect, he would lose a crucial tool to keep customers happy and protect their investment.

Steven Brooks, Green Unlimited spoke against the proposed by-law stating his wife's allergies to many plants and pollens. He outlined the symptoms including sneezing, scratchy eyes, sleeplessness, headaches and other ailments. Mr. Brooks suggested that every year there are more and more unkempt lawns covered with noxious weeds, adding noxious pollens to the air.

Dr. Laurence Sobczak, a retired geophysicist, spoke against the by-law using as examples a nervous breakdown he suffered at the age of 40 and his battle with lymphoma cancer, which developed at age 65. Dr. Sobczak suggested that pesticides did not cause his illnesses rather that other toxic chemicals, which are found in City water or naturally within the human body, caused them. The delegation concluded by stating that pesticides are insignificant as a pollutant to the immune system, explaining that the biggest factors are the chlorine found in City drinking water and the toxic agents in the human body, such as the candida fungus.

Martha Weber, a botanist by trade provided an overview of her written submission, which is held on file with the City Clerk. She explained that early settlers as favourite foods and for medicinal purposes introduced most weeds. She spoke in favour of the proposed by-law, noting that tinkering with soil ecology by adding assorted toxins is compared to repairing an expensive watch with a hairpin. Ms. Weber added that grassy lawns are about the only place in built up areas where water can percolate into the ground water system.

Doug King, Make It Green Garden Centre explained that his garden centre does not sell synthetic fertilizers and pesticides. He discussed organic alternatives and herbicide damage. Make It Green Garden Centre estimates the direct cost of consulting with customers about herbicide and pesticide damaged plants at \$5,000 per year. He added that synthetic pesticides should only be used when the benefits should outweigh the risks – such as saving a valuable tree through injection or painting. Organic solutions are available for any application, which requires spraying and in many cases will outperform the synthetic alternative. Mr. King recommended that the City produce a set of guidelines in conjunction with qualified professionals that will aid in the determination of when a treatment is necessary, what can be used and the allowable application methods. He concluded by stating his support for a total ban on the cosmetic use of synthetic pesticides. A copy of his submission is held on file.

Dr. Meg Sears indicated she has a doctorate in biochemical engineering and presently writes articles for Ottawa researchers, for peer-reviewed medical journals. She provided an overview of the Coalition for a Healthy Ottawa's written submission. Dr. Sears touched on the medical literature review on this subject and stated that the Ontario College of Family Physicians report was done according to a thorough procedure used internationally, called "systematic review". She also touched on the amount and type of active ingredient or undiluted pesticides used on Ottawa lawns each year by lawn care companies. She noted that the staff report of May 2005 reported that five tonnes of pesticides were applied annually in 2003/04, including three tonnes of phenoxy herbicides. Dr. Sears also discussed the exemption of the rural area from the proposed by-law. She stated that a very strong, clear and simple by-law is needed. A copy of the documentation submitted is held on file.

Mike Christie spoke in support of the by-law, discussing his involvement on this issue since 2002. He suggested that many delegations that have appeared on this issue today (as in 2002) are not residents of Ottawa. He spoke against the Alternative by-law set out in Document 5 of the report and indicated that organic alternatives have been used for 15 years by the Ontario Landscape Alliance. Mr. Christie discussed how other Canadian cities have implemented successful pesticide by-laws in part because of the change of attitude. With a strong by-law, he believed attitudes would change in Ottawa and he was not receptive to the suggestion of phasing-in the by-law. He closed by stating that staff have not been given enough credit today and that the work they have done has been so phenomenal over the last three years, that people are convinced there is already a by-law.

This ended the public delegation portion of the meeting. In addition to submissions mentioned above, members of the Committee and Council received numerous correspondences by the public and others. A complete list of those submissions is held on file.

The meeting adjourned at 11:50 p.m.

On Friday, 21 October, the meeting resumed at 3:50 p.m.

On a Point of Order, Councillor Cullen distributed a copy of an e-mail that had been circulating, which indicated he objected to the by-law. While it appears the e-mail was genuine, he assured committee he did not send it. The fraudulent message is generated when a person visits a particular website and this essentially amounts to identity theft. The offending website has been identified and he was working with Legal and IT security staff to resolve the matter. He would also raise it as a point of privilege at the Council meeting next week. Other committee members expressed similar incidents where this has happened to their residents and cautioned councillors to be very sceptical of the legitimacy of similar e-mails. In response to a suggestion by Councillor Doucet, IT staff agreed to follow-up with an advisory or press release to clarify the situation.

In considering the report, Councillor Cullen proposed the following:

That Council:

1. *Enact the bylaw attached in Document 2 in order to protect human health and the environment by restricting the application of pesticides in the urban area to essential uses, including the following provisions:*
 - a. *a general prohibition on cosmetic use of pesticides, including use on lawns;*
 - b. *exception for agriculture, golf courses and other essential non-cosmetic uses;*
 - c. *allow the treatment of infestations on lawns;*
 - d. *education and warnings in 2006, and charges as appropriate starting in 2007.*
2. *Refer the development of guidelines for the conditions under which an infestation could be*

treated with pesticides and the process of considering requests that would allow such treatment to an advisory panel, to report to HRSS Committee.

3. *Consult with local golf courses on developing an annual reporting system of pesticide use on their properties and on strategies to reduce pesticide use, to report to HRSS Committee by June 2006.*

Councillor Stavinga stated that many of the public are only just seeing this report and there are conflicting opinions of whether or not to support the by-law. She recognized that people are saying there is no solid scientific evidence to support the need and that there are sufficient safeguards already in place at the federal and provincial levels. Dr. Salisbury advised that the PMRA expects all other levels of government to be involved in the overall regulations of any pesticide by-law. Approval would be advocating to the PMRA that municipalities play a role in this particular control of pesticides.

The councillor suggested that if there is a body of evidence that there are cumulative impacts of pesticides on human health and the environment or that the City is supporting a ban, there is still the question of why some areas are excluded, i.e., golf courses and rural areas. When asked why these exemptions were in place, Mr. Jacobs advised that staff are looking at whether or not the risk outweighs the benefits, or visa versa. For the purposes of allowing pesticide use for agricultural purposes, the benefits do outweigh the risks, and there are limits enforced by the PMRA and the Canadian Food Inspection Agency on all pesticides used on foodstuffs. He reminded committee that it is the opinion of the medical community that benefit does not outweigh the risk. With respect to the provision for the golf courses, he advised that this was a direction from Council to look at alternatives. These businesses use licensed applicators when they do apply and they have agreed to work with staff towards the reduction of pesticides as this program goes forward. He confirmed that they have to present information on a regular basis to the City on how they are meeting targets on their own.

Councillor Stavinga noted that Stittsville is deemed to be part of the urban area and would therefore not be exempted from the by-law. However, nearby communities in the same area are part of the rural area and would therefore have an opportunity for further dialogue because they may be in favour of the by-law. Mr. Jacobs explained that the reason the rural area was exempted was to allow for the full discussion of this matter as part of the Rural Summit process. He confirmed that even with the by-law in place, there is still an opportunity to revisit it at any time if new information is presented. The Solicitor, Jerry Bellomo, added that there must be some rationale for defining the urban and rural areas, both of which are defined in the Official Plan.

The councillor noted that even with a by-law in place, the products are still legal and would still be available in stores. She thought there might be an increase in the sale of pesticides if a by-law comes into effect and she inquired what the experience has been in other municipalities as well as what the City would do to ensure the by-law would be implemented successfully. Mr. Jacobs believed that following a period of adjustment, people would follow the provisions of the by-law for the most part. He did not anticipate that people would rush out to buy the product because they would still be allowed to use the services of a lawn care company, or apply the product on their own. When asked what people would do to take care of their flowers, for example, the Director explained that the by-law allows for the use of pesticides where there is an infestation and there is a potential for the loss of the flower or plant. He added that the by-law suggests people use alternative means before using a product that is hazardous. With regards to agricultural and rural use, he explained that one is food related and it is necessary, whereas this by-law refers to private property.

The councillor further inquired whether it is staff's intention to establish a methodology framework to measure the success of the by-law, once implemented. Mr. Jacobs indicated that its success would be measured through opinion research and statistical surveys, carried out on a regular basis. The suggestion was made that if the City wanted to do this more accurately, it would engage the services of a university (as they did in Halifax) to carry out a third-party survey with a scientific basis. Councillor Stavinga asked if staff would be supportive to explore that kind of direction and that any associated

costs would be reported back to the committee and Council. The Director reiterated the fact that they are trying to initiate a by-law to change the use of products and the way that change is measured would be of value, but there would likely be budget implications to do so.

Councillor Cullen noted that the report recommends exempting golf courses from the by-law and the suggestion made by one of the delegations that there ought to be a system put in place to keep track of the amount of pesticides being applied on golf courses and the possibility of working with them to develop a pesticide reduction strategy. He asked whether the notion was to leave golf courses entirely alone or was the expectation that they had a role to play also. Mr. Jacobs advised that the exemption includes a report to Council on a regular basis with respect to what they are applying and why. Based on this information, the councillor suggested Recommendation 3 of his Motion was redundant and he deleted it from the Motion.

With the imposition of any legislation or by-law, Councillor Bédard asked what measures staff have taken to increase the number of inspectors that would have to deal with this. The Director of By-law Services advised that they have funds set aside to focus on this by-law alone and would not take away from the enforcement of other by-laws. Six summer students would be hired to back-fill some of the jobs left vacant by full-time staff carrying out the enforcement of this by-law. She confirmed that additional resources would not be required in the long run. In developing the guidelines referenced in Recommendation 2, the councillor believed staff should consider limiting the control of infestation to the professionals because concern has been expressed by many of the delegations about overuse of the product. He believed these could be limited by ensuring that only professionals do the infestation control. Mr. Bellomo suggested this could be reviewed by the advisory panel, but there may be a legal issue because these products are available in stores and there may be more difficulty of preventing their use of them to control an infestation.

The councillor reiterated however, that if the objective were to limit the amount of pesticides, allowing people to apply pesticides on their own would be totally unacceptable. Mr. Jacobs advised that the product is sold with proper application instructions and to require a licensed applicator would be similar to having to hire a professional to use a power tool if someone wanted to do some home renovations themselves. In this case, they ensure the products are only used in accordance with the by-law. Councillor Bédard believed this would defeat the whole purpose of this exercise because the City is trying to control the overuse of the product. Mr. Bellomo suggested that the advisory panel could review those guidelines and staff would discuss it with them and look at the legalities of the by-law.

Councillor Deans was concerned about having to suspend the rules if the report was to go forward next week and suggested it not rise to Council until 9 November. The Solicitor explained that if the committee report were distributed today, there would not be a requirement to suspend the rules since it would be delivered five calendar days in advance of the meeting next week. The councillor recommended the committee approve this direction, especially in view of repeated concerns that the community was not fully consulted. Mr. Jacobs reminded committee about the number of times staff have reported to the committee and Council in the past and reiterated that prior to discussions in 2002, there was consultation where the by-law was discussed as well as other initiatives. With respect to current consultation, he indicated that in 2002 and leading up to today, there have been seven public meetings and over the last three years there have been 250 working groups and seminars. This, in addition to the advertising campaign, brochures/ pamphlets and information on the City's website, constituted the consultation with the community. The councillor noted, however, that once staff prepared the by-law there was no public consultation held with the community. Mr. Jacobs advised that staff was acting on a decision made by Council in 2002 and as part of the ongoing dialogue, the by-law was discussed.

Mr. Kanellakos, Deputy City Manager, interjected that staff have viewed this as a three-year consultation process and he confirmed this has been a very public issue through the media, the education campaign and this has been validated by the number of people who spoke to the committee yesterday. He was not sure what value there would be in continuing the lobbying efforts since many

people in the community have formed their opinions, which have been validated in the polls.

Councillor Deans went on to state however, that there is no community consensus. She was concerned when, in 2002, Council set some very aggressive targets and now, three years later, she did not think the majority of the public have been brought along to fully support a by-law. She was concerned that even after spending \$1M over the last three years on an education campaign, the City has been unable to change public attitude. Mr. Kanellakos explained that what has changed since 2002 is that there are 61 more municipalities or towns that have implemented similar by-laws. Further, there is consensus in the medical community about the effects of pesticides on health and he believed people have caught up to the issue. He concurred that education did not get the results staff hoped, but he thought staff were also clear and it has been validated by other organizations that the by-law is needed in addition to education.

Councillor Deans questioned whether staff had reviewed the Halifax data collection methodology referred to by Dr. Robin Walker, or how they measured the success or failure of the bylaw. When advised they had not, the councillor asked that staff provide committee with the methodology before this report rises to Council and how effective it has been.

Councillor Deans referred to the comment made that someone would use more and asked how much research staff has done that would take Council to the conclusion that a by-law would achieve reductions. Mr. Jacobs responded by stating the by-laws implemented in other municipalities are relatively new and staff need to monitor the progress and, if necessary, revisit it, in order to achieve the efficiency of the by-law. He confirmed that the City of Halifax is achieving reductions. The councillor was interested to see what Halifax has in terms of how they measured the reduction because the committee heard a lot of evidence that was contradictory and she found it difficult to judge which side was painting an accurate picture. She asked that staff provide that information to all councillors. Also, she asked staff to provide clarification on the comment made by Mr. Chernushenko about a 'green' bid being a major factor in the success of cities vying to host the next Commonwealth Games. Mr. Jacobs indicated staff would follow-up with the delegation with respect to that policy.

Councillor Feltmate asked who would be on the advisory panel and staff indicated there would be representatives from Planning and Growth Management - Policy Division, Community and Protective Services – Health Division and By-law Services, as well as representatives of licensed applicators and horticulturists. He did not think would be further consultation, once this panel is constituted. He explained that they would be the experts in the field and their input is what is needed to fine-tune the guidelines so it is clear what the expectations would be.

Mr. Bellomo informed the committee that as a result of issues raised at the meeting yesterday, a revised by-law was prepared (and was distributed), which provides technical changes to clarify some of the terminology. The committee was satisfied with the revised by-law.

When asked to comment on Recommendation 1(d) of Councillor Cullen's Motion vs. staff Recommendation 4 (a-c), Ms. Jones advised that based on best practices staff have undertaken before, they know that some of their best successes in ensuring they have a successful by-law is to be able to do effective education once a by-law has been introduced. To illustrate, she explained that in 2006 staff would not utilize any additional enforcement resources, but would simply record the calls of concerns of pesticide application contrary to the requirements of the by-law and staff would send an information package in the mail to the homeowner and then wait until the following year before issuing warnings and charges as appropriate. That portion of Councillor Cullen's Motion moves that process up a year in advance. It was her preference that the committee support staff Recommendation 4 instead, because it would give the Department the time to do the effective education and to promote compliance. She also confirmed that Recommendation 4 would be preferable to Recommendation 5a. The councillor proposed an amendment to Councillor Cullen's Motion, therefore, to replace his Recommendation 1(d) with staff Recommendation 4.

In presenting his Motion (and in particular Recommendation 1(d), Councillor Cullen reiterated the fact that the idea of a by-law has been around for several years and there has been clear medical evidence presented that would encourage the City to pursue this avenue. He believed there was a need for this by-law in order to protect communities. He was prepared to accept that once the by-law is put in place, that people be allowed the time to learn what alternatives can be used; however, he did not believe it was logical, in the year of enforcement (as recommended by staff) to allow half the growing season to elapse before fining people.

Councillor Bédard recognized that the community is confused about this issue and that more education is necessary to ensure people understand what is being proposed in order to obtain compliance. As the Board of Health, Council must take a stand on specific issues that relate to the health of the community at large. He believed people oppose the whole concept of pesticide controls because it is a contrary message being sent when those same products are still available in stores. He hoped that with further education, people would eventually realize the harmful effects of pesticides and the fact that applying those products is inappropriate social behaviour. He believed there was a need to get people to reduce pesticide use on their own, but eventually, a by-law would have to come into play to ensure the eventual elimination of these products for cosmetic purposes. He believed that in order to ensure the City follows the logic behind this kind of limitation on pesticides, it should say that the only people who really should be using this kind of a product, since the City thinks they are dangerous, are people in the industry.

Councillor Doucet stated that the City has created an economic and social model that is so destructive that society cannot continue to live for profit. He acknowledged that the medical doctors are united in their thoughts that all pesticides are destructive and he agreed with the medical community that the consequences of using pesticides are diseases. He strongly supported implementation of the by-law.

Councillor Stavinga expressed frustration by the way the process has evolved and she agreed that the more people can be educated, the more they will buy into the by-law. However, the City's education program failed in its mandate to turn the public around and did a poor job in communicating effectively alternative turf management practices. She recognized that the City itself has stopped or reduced dramatically the maintenance on its own property and remarked that when residents see the state of some City parks and boulevards, they do not want that to happen to their property. However, she also recognized that over the last few years there has been more scientific evidence presented on the effects of pesticides on human health and the environment. And, while she understood that there could be no conclusive proof, the views and concerns expressed by numerous health organizations cannot be ignored. She acknowledged the vulnerable populations and was persuaded by the fact this is not an issue of individual property rights and is an issue of creating a healthy environment. Therefore, if Council has the opportunity to reduce exposure and to support policies that can avoid the distribution of hazardous materials into the community, it should move forward on that.

In addition to her previous amendment, she asked the committee to support an additional amendment to Councillor Cullen's Recommendation 1(c) to add "without a permit" (as appears in the staff recommendation) because she was not prepared to create an additional bureaucracy about this.

Councillor Feltmate was sympathetic to the people who want a beautiful lawn and garden and she appreciated the beauty of a well-maintained lawn. She agreed with the comment made previously that what the City has done to its suburban areas has not been well received, but acknowledged this was as a result of budget cuts made last year. Over the past three years, she has supported the education campaign, and consultations with her community reflect what is reported in the Decima survey, that more people are in favour of the by-law. She recognized that as part of anything new brought forward, there would be resistance from some, but she reiterated the fact that Council must recognize what is important and listen to the community because there is a wide variety of views. Just as what has been learned about smoking, she believed that chemicals being sprayed on lawns are not only harming the people whose lawn is being sprayed, but also the people around them. She recognized that this by-law would protect the children and the people who are vulnerable in the community.

With regards to the Motion to refer the matter to Council in November, Mr. Kanellakos explained that on that date the 2006 budget is to be tabled and it is staff's preference to deal with this report at the next meeting (26 October), which has a more reasonable agenda.

Councillor Deans shared the goal of other members to reduce the non-essential use of cosmetic pesticides. However, even after three years of public education, and based on the comments received yesterday, she still felt very uncomfortable about it because she did not believe the City achieved the public education it was directed to do three years ago. Therefore, she believed the City needed to do more assessment of what went wrong with the education campaign and why the City failed to deliver the message effectively in the community, or perhaps, whether it failed to hear what the public was saying. The councillor felt that public acceptance is necessary in order to have an effective by-law. She seriously questioned whether or not there was a better way to reduce cosmetic pesticide use and whether there is a more moderate approach to bring the community along so in the end success would be achieved.

The Committee voted separately on Councillor Cullen's Motion as follows:

Moved by A. Cullen

That Council:

- 1. Enact the bylaw attached in Document 2 in order to protect human health and the environment by restricting the application of pesticides in the urban area to essential uses, including the following provisions:**

- a. a general prohibition on cosmetic use of pesticides, including use on lawns;**

CARRIED, with Councillors Chiarelli and Deans dissenting

- b. exception for agriculture, golf courses and other essential non-cosmetic uses;**

CARRIED

In consideration of part (c) of the Motion and the amendment proposed by Councillor Stavinga, Councillor Cullen asked that the committee adopt his Recommendation 1(c) because it does not say there is going to be permits, but his Recommendation 2 refers to the advisory panel that would be looking at infestations and the process. By adopting his recommendation, the committee would not be taking a stand one way or the other on permits. He did not think that if the notion is that these infestations are going to be treated as the last resort and there is not going to be a means of lawn maintenance to apply pesticides, then Council has to allow the panel an opportunity to look at how someone gets an application in to deal with an infestation. He argued that if the committee adopts staff Recommendation 1(c), it implies that Council is never going to consider this and he preferred that the advisory panel be given the opportunity to review this and then the committee can see what they recommend.

When asked why staff was recommending "without a permit" in Recommendation 1(c), Ms. Jones explained that because it is a by-law, that is an introduction and they do not feel there is a need to add an additional onerous process on the application of infestation. Staff would work to educate the public on how it should be done. She indicated that Halifax had applied a permit system but it did not work and they discovered that the by-law is more successful without. She suggested that if a permit system does not work, staff would report back with the requirement to have one, but she hoped public acceptance could be obtained without having to have a permit.

Councillor Stavinga understood that even with staff Recommendation 1(c), in Recommendation 2 there

are four options, one of which has been captured in Councillor Cullen's Motion. She understood that in supporting staff Recommendation 1(c), there was still the referral of the guidelines to the advisory panel and staff have indicated that this is probably not the best way, but if, in the development of these guidelines and the implementation in 2006 Council finds it problematic it could still be looked at at any point in time. She asked the committee to support staff Recommendation 1(c) because it does not preclude further consideration at some point in time.

Moved by J. Stavinga

That the committee replace Recommendation 1(c) in the aforementioned Motion with staff Recommendation 1(c).

LOST

YEAS (4): D. Deans, P. Feltmate, J. Stavinga, D. Holmes

NAYS (4): A. Cullen, G. Bédard, R. Chiarelli, C. Doucet

The committee then considered the next portion of Councillor Cullen's Motion as follows:

c. allow the treatment of infestations on lawns;

CARRIED

The committee approved the report Recommendation 1(d) as follows, instead of Councillor Cullen's Recommendation 1(d):

d. an effective date of January 1, 2006;

In considering Recommendation 1(d) being proposed by Councillor Cullen, as opposed to Recommendation 4 (a-c) of the staff report, Ms. Jones indicated that the difference between the two is that if the committee were to approve Councillor Cullen's Motion, the Department would hire 6 additional enforcement officers for 2006, who would go out and respond to complaints and issue warnings. On the other hand, staff Recommendation 4 requires no additional enforcement officers being hired and simply involves the recording of complaints and the sending of information material in 2006.

Based on the latter information, Councillor Chiarelli asked how people, who do not realize they are using a chemical pesticide, would find out that what they're using is not permitted under the by-law. He did not think many people would actually request an information package and suggested this information be included in the information campaign once the by-law is approved. The Director indicated that By-law Services would work with Development Services staff to ensure that when the by-law comes into effect, more than just the requirements of the by-law would be transmitted to the public. The councillor believed that if Council wants the best chance of this working, there should at least be people who are knowledgeable about what it is they are supposed to do.

Councillor Bédard hoped staff would work directly with the industry as part of the information campaign because they would recognize that if this is the way the City is going, then they would want to continue to sell their products and they too can educate their customers.

The Chair suggested staff could use as an example, the brochures produced in Montreal when they were implementing their by law – such information included what the municipality was going to do in year one and subsequent years, et cetera, until only organic compounds are used. She asked whether there would be education that talks about the by-law and what pesticides are, in addition to what gets mailed out to the person using the pesticides. Ms. Jones confirmed this, noting that staff would have a comprehensive communications package on top of what By-law Services does to ensure the public is

aware of what the requirements are. She confirmed staff would be communicating as they have for the past three years about the issues around pesticide application, adding that it would be focused around what the by-law requires.

Moved by J. Stavinga

That the Committee approve the following Recommendation 4 of the report, instead of Councillor Cullen's Recommendation 1(d):

4. Approve an implementation strategy that includes the following:

- a) education of the public on the by-law in 2006;
- b) warnings during the first half of 2007; and
- c) charges as appropriate after July 1, 2007.

CARRIED

YEAS (7): G. Bédard, R. Chiarelli, C. Doucet, D. Deans, P. Feltmate, J. Stavinga, D. Holmes

NAYS (1) A. Cullen

The committee approved Recommendation 2 of Councillor Cullen's Motion as follows:

2. Refer the development of guidelines for the conditions under which an infestation could be treated with pesticides and the process of considering requests that would allow such treatment to an advisory panel, to report to HRSS Committee.

CARRIED

Moved by J. Stavinga

That staff be directed to initiate discussions with the Institute of Environment at the University of Ottawa as well as other relevant scientific and technical stakeholders to explore the viability of designing a more comprehensive methodology beyond opinion polls, that would enable the monitoring of the successfulness of the pesticide reduction program, and report back to Committee and Council by April 2006 on the scope and cost of such an undertaking.

CARRIED

Moved by D. Deans

That Council consideration of the proposed by-law pertaining to the cosmetic use of pesticides on private property be referred to the 9 November 2005 meeting of Ottawa City Council.

LOST

YEAS (4): R. Chiarelli, D. Deans, P. Feltmate, J. Stavinga

NAYS (4): A. Cullen, G. Bédard, C. Doucet, D. Holmes

When it was proposed that the report be referred to the Council meeting of October 26, the Solicitor advised that it was clearly the intent that if it did not get referred to the November meeting that it would be brought forward on 26 October. He advised against taking a separate vote on referral.

That the Committee recommend Council approve the report, as amended by the foregoing.

CARRIED, with Councillor Chiarelli and Deans dissenting

Note: As a result of the Committee's actions, Recommendations 3 and 5 of the staff report were determined to be redundant.