

Subject: Strengthening Amendments to Bill 64

ISSUE:

The David Suzuki Foundation recommends important amendments Bill 64, the Cosmetic Pesticides Ban Act, 2008, to:

- Retain municipal authorities to regulate pesticide use;
- Constrain the exceptions provided for in section 2 of the bill.

BACKGROUND:

The Standing Committee on Social Policy is scheduled to meet today to consider Bill 64, the Cosmetic Pesticides Ban Act, 2008. This bill would amend the Pesticides Act to ban the use and sale of cosmetic pesticides, as prescribed in regulation by the minister of the environment.

Lawn and garden pesticides represent an unnecessary risk of exposure to toxic chemicals. Effective measures to eliminate this risk will help to protect health and the environment. In this regard, provisions in the bill to prohibit the sale of pesticides marketed for cosmetic applications (as well as the use of these products) are important to promote compliance and facilitate enforcement. A provincial sales ban will add value to municipal bylaws currently in place, which restrict the use of pesticides on lawns and gardens.

However, the bill also contains a damaging provision that would render municipal pesticide bylaws inoperative. Interfering with municipal powers to regulate the use of pesticides to protect public health is unnecessary and unjustifiable. Bill 64 has been announced as a measure designed to protect public health and the environment. It must not have the effect of weakening current municipal pesticide policies, or pre-empting more protective municipal requirements in the future. The clause that would render municipal bylaws inoperative should be struck from the bill. This would allow complementary municipal restrictions on pesticide use to coexist with the provincial ban.

In addition, the bill as drafted authorizes exceptions for golf courses and "other prescribed uses" – troubling loopholes that could be exploited to undermine the intent of the legislation. These clauses should be removed or tightly constrained. Exemptions should be allowed only when necessary to protect public health and safety and this power is separately authorized in the bill.

RECOMMENDATION:

The David Suzuki Foundation urges the Committee amend Bill 64 by:

1. Striking the clause in section 2 of the bill that would render municipal pesticide bylaws inoperative (subsection 7.1(5) of the Pesticides Act);
2. Striking the exception for "uses related to golf courses" in section 2 of the bill (subsection 7.1.2, paragraph 1) – or introducing a sunset clause so that this exception is not permanent;
3. Striking the exception for "other prescribed uses" in section 2 of the bill (subsection 7.1.2, paragraph 5) – or tightly constraining the scope and duration of exceptions granted under this provision.

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