

CEAC Report 2007-01

To: Mayor and members of Council

From: Neil Morris, Chair, Caledon Environmental Advisory Committee (CEAC)

By: HHL By-law Sub-group: John Abbott, Neil Morris, Bryon Wilson

Date: April 25, 2007

Re: Continuing Towards a More Effective Healthy Horticultural Landscapes By-law – A Progress Report

RECOMMENDATIONS

The Caledon Environmental Advisory Committee (CEAC) recommends to the Corporation of the Town of Caledon:

1. That Council receive CEAC Report 2007-01 as a follow-up to CEAC Report 2006-06, dated September 30, 2006.
2. That Council commend staff for the progress made to date in carrying out a number of the recommendations contained in CEAC Report 2006-06, and in particular that dealing with a more robust public education program.
3. That Council direct staff to continue to energetically pursue the submission of Caledon-specific 2007 pesticide usage data by Landscape Ontario, supplemented by other relevant data such as a survey of retailers and landowners, in order to establish baseline pesticide usage data.
4. That Council direct staff to continue to pursue an expanded public education program including all relevant significant retail outlets within the Town, and that funds be budgeted to support such activity.
5. That Council, in concert with like-minded municipalities and the AMO, explore with the Province the possibility of pesticide product control at the retail level and of restricting the sale of specific chemicals and chemical mixes as has been done in Quebec.

INTRODUCTION

The Healthy Horticultural Landscapes By-law No. 2003-81 (HHL By-law) came into effect for all public and privately held properties, except agricultural landholdings and golf courses, on May 1, 2004. The by-law came into effect for golf courses one year later on May 1, 2005. The purpose of the by-law is to regulate, and ultimately reduce, the use

of pesticides for cosmetic purposes in order “to mitigate the injurious impacts of pesticides on health and the environment”¹.

Integrated Pest Management (IPM) accreditation was adopted by the Town of Caledon as the cornerstone for the regulation and ultimate reduction of the use of pesticides for cosmetic purposes within the context of the by-law. Golf courses have the option of being IPM accredited through the IPM-PHC Council program or through IPM certification under the Audubon Program. To date, all but two golf courses operating within the Town are IPM-certified.

To date, a full three years since the first full year of implementation of the by-law for privately held properties, the Town of Caledon still has no means of directly and effectively assessing whether or not the by-law is achieving its objective, i.e., to reduce pesticide usage for cosmetic purposes.

BACKGROUND

Integrated Pest Management (IPM) is identified as one of the key tools that will ultimately assist in meeting the objective of the Caledon by-law (i.e., the reduction of pesticide use). However, the Caledon by-law has been identified by numerous NGOs and public stakeholders as a relatively poor example in comparison to pesticide by-laws enacted in other municipalities in Canada. This perception is in large part because of the relatively high reliance of the Caledon by-law on IPM and the potential limitations that have been identified for IPM.

Notwithstanding the noted IPM concerns, the Town of Caledon’s Environmental Advisory Committee (CEAC) recognizes the *potential* value of IPM within the context of the By-law, and has worked closely with staff over the last two years to monitor the implementation of the By-law and to assist, where possible, with its effective enforcement. In this regard, CEAC has completed several actions. In June of 2006, in accordance with CEAC’s 2006 Workplan², CEAC undertook a research program in an attempt to resolve the uncertainty regarding IPM practice. The research program included interviews with lawn-care providers operating within the Town of Caledon. In 2007 to date, CEAC members have met and discussed how to improve the efficacy of the By-law with the Town’s By-law Enforcement staff and, at a later date, with Landscape Ontario and By-law Enforcement staff together.

DISCUSSION

Some Significant Progress Has Been Achieved, Particularly in the Area of Public Education

In 2007, the focus of Town By-law Enforcement staff with respect to the HHL By-law will be on public education. Town staff have initiated plans for specific programs to be

¹ The Corporation of the Town of Caledon, By-law No. 2003-81

² CEAC 2005 Annual Status Report and 2006 Workplan, submitted to Caledon Council December 2005

delivered to what are considered the key retailers within Caledon (e.g. Canadian Tire, Home Depot). Of particular emphasis is ensuring that seasonal staff, who are the point of contact with the public, understand the requirements of the By-law, and that they also become conversant with the various alternatives to chemical products that are available to the public. The goal is to inculcate retailers with the idea of “seed and feed”, not “weed and feed”.

Landscape Ontario, facilitators in the IPM program for lawncare professionals, is active on the education front, and have offered to be become involved in such education efforts. It has been noted that retailers would likely be receptive to Landscape Ontario as being aware of issues and also as understanding of commercial sensitivities (e.g. losing revenue due to the potential for declining sales). In this respect, Landscape Ontario, on behalf of the Town of Caledon, delivered a retailer education seminar on April 12, 2007. Key retailers were targeted for this program, but all minor retailers (nurseries, hardware stores, etc.) were also invited to attend. This program for retailers focused on “green solutions”, rather than simply a “no-pesticide” approach. This was intended to be a positive approach to retailers, helping them understand that there will be commercial opportunities by taking a non-chemical approach. The program also re-enforced the specifics of the HHL By-law. A similar program will be developed for home-owners and will be presented on May 10, 2007.

Town staff will be continuing efforts to educate the general public regarding the use of off-the-shelf home-use products, and also regarding procurement of professional lawncare services. For this purpose, the Town has ordered and received pamphlets from Health Canada and will distribute these to the public, along with the pamphlet developed by the Town. In addition, the Town has also established links with well-developed information sources from the Region of Peel.

Budget limitations precluded any major effort at this level within the schools in Caledon, although such an initiative is considered to be worthwhile.

However, Pesticide Usage Data From Lawncare Providers Continues to be Elusive

Following the education efforts with retailers, Town Staff will also be seeking to obtain sales data from retailers. Such data will serve part of the need to provide some measure as to whether or not the HHL By-law is working as planned (i.e., reducing the overall use of pesticides in Caledon).

With respect to similar pesticide usage data from the lawncare industry, Landscape Ontario had not yet submitted any data for 2006. Town staff’s preference is to rely on the IPM accreditation and auditing process to ensure such data is collected, putting the onus on the industry and its representative. In this regard, Landscape Ontario has confirmed that pesticide usage data in the required format from lawncare providers will not likely be made available for 2006. However, Landscape Ontario has committed that such data for 2007 will be collected up front, i.e. at source. The data will identify, within Caledon, the total area of land treated and the total amount of major pesticide groupings applied.

Town Staff have indicated that information regarding the number of pesticide application permits processed will also be made available and could provide some indication of pesticide usage rates.

Landscape Ontario has informed CEAC that the Province will be taking some action at the retail level, restricting the sale of certain products as behind-the-counter and, hopefully, the use of such products.

And Much Remains to be Done

While progress has undoubtedly been achieved in realizing the objectives of the HHL By-law, much remains to be done to achieve lasting results from a changed mindset on the part of the general public, as well as the lawncare industry. Some suggested actions to move the process forward are noted below:

- Expand the public education program to include more retailers, schools, and private landowners. Use the media to assist in spreading the message. Consider using CEAC and the EPO as educational resources in schools.
- Confirm the format of the data to be collected by Landscape Ontario and ensure that it will, in fact, be provided for 2007. (In this regard, CEAC has agreed to work collaboratively with Landscape Ontario).
- Carry out a sample survey of landowners within the Town regarding pesticide usage; consider using Weedgee Kidz as a resource.
- Improve the rigour of the By-law enforcement process, e.g. more patrol in early summer, follow-up of suspected infractions, monitoring of suspected lawncare providers, laying of charges where defensible.
- Approach the Region's MOH to discuss the potential impact of the cosmetic use of pesticides on health and the development of a brochure in that regard.
- Explore with Health Canada the usefulness of pesticide retail data currently being collected by the ministry.
- Initiate an approach to the Province, in concert with other municipalities and the AMO, to discuss the outright ban, or at least the restriction of sales, of certain chemicals for cosmetic purposes.

Most of the suggested actions noted above could be undertaken by existing Town staff, while some may require additional resources to lead and follow through, supported by the volunteer sector.

CONCLUSION

While progress in the implementation and enforcement of the By-law has been made, the rate of progress over the three year life of the By-law has been slow. Furthermore, while constructive cooperation with the Town by Landscape Ontario has increased since the inception of the By-law, the decision to adopt IPM as the delivery vehicle for the HHL By-law remains to be proven correct.

There is no question that the successful implementation and enforcement of the By-law will require continuing attention by Council and By-law Enforcement staff. Public education programs are not a one-shot solution and must be provided year over year for the foreseeable future. Furthermore, pesticide usage monitoring will be critical to determine the on-going effectiveness of the By-law and will inform staff regarding the focus of future educational programs. All of this requires financial support from the Town in order to obtain a return on the significant effort and resources committed to date, and to be responsible in protecting the health of its citizens.