

## Response Form

### *Cosmetic Use of Pesticides in British Columbia*

In the August 25 2009 *Speech from the Throne*, the Government of British Columbia committed to consult British Columbians on “new statutory protections to further safeguard the environment from cosmetic chemical pesticides.”

The Ministry of Environment has prepared a public consultation paper with background information and identified consultation issues for discussion to build understanding about the subject and provide a structure for comments and feedback. Information about the public consultation, including the consultation paper, the response form for providing comments to the ministry, and links to related legislation, are posted on the [Cosmetic Use of Pesticides Consultation Forum](#) website.

Those interested are invited to submit comments on the consultation issues identified by the ministry using the instructions and questions provided on this response form. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form.

Comments received will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note that comments you provide, and information identifying you as the source of those comments may be made publicly available if a freedom of information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding the consultation process, review the information posted on the ministry’s website or contact Cindy Bertram of C. Rankin & Associates, who is contracted to manage consultation comments, at:

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**Comments to the ministry should be made on or before February 15, 2010.**

Discussion comments and responses received by February 15, 2010 will be reviewed by the ministry and a summary posted on the consultation forum website. Following review of comments received through the consultation process, the ministry will inform respondents and post information regarding next steps and any intentions for review or revision of statutory provisions governing the cosmetic use of pesticides.

*Thank you for your time and comments!*

## **Consultation Issues and Questions**

The following consultation issues for discussion and questions outline some of the key issues in considering regulation of cosmetic use of pesticides in British Columbia – based on the public consultation paper available from the [Ministry of Environment website](#). Please let us know what you think.

### **Consultation issues for discussion**

1. Ministry objectives in regulating the cosmetic use of pesticides
2. Potential regulatory restrictions on cosmetic use of pesticides
3. Creating classes of pesticides that may or may not be used for cosmetic purposes
4. Limiting use to qualified applicators and encouraging IPM
5. Notification and signage requirements
6. Conditions under which pesticides may be sold or purchased
7. Public awareness, education, compliance and enforcement
8. Additional comments

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### **1. Current ministry objectives in regulating the use of pesticides**

In regulating pesticides and the cosmetic use of pesticides, the ministry currently considers:

- Protection of human health and the environment
- Having a science-based approach
- Supporting the practice of Integrated Pest Management (IPM)
- Being appropriate and effective
- Providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests
- Cost-effective compliance and enforcement

## Consultation Questions:

### 1.1 What are your thoughts about these objectives?

Canadian Cancer Society Response: in the case of cosmetic pesticide use, **the protection of human health and the environment** should take precedence over the other objectives. Given that the cosmetic use of pesticides is unnecessary and can cause harm to human health and the environment, the BC government should adopt the precautionary principle and enact legislation to ban the cosmetic use of pesticides. The precautionary principle states, "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically." The use of integrated pest management (IPM) for **cosmetic purposes** is inappropriate because it permits pesticides to be used 'as a last resort'.

In 2010, the BC government should seize the opportunity to demonstrate national leadership by adopting the strongest cosmetic pesticide ban in Canada.

### 1.2 How should these objectives be applied in developing policy and/or legislation to further safeguard the environment from cosmetic use of pesticides?

#### **Protection of Human Health and the Environment:**

Canadian Cancer Society Response: the protection of human health and the environment should take precedence over the other stated objectives. Studies show that there may be a connection between pesticides and cancer in adults and children. Most research on pesticides has focused on occupational (workplace) exposure and has linked it to non-Hodgkin lymphoma, leukemia and cancers of the prostate, kidney, brain and lung. Children are at a higher risk due to their rapidly developing bodies. By eliminating these harmful agents from our lawns, gardens, sports fields, playgrounds and recreation areas, the BC government can help to prevent cancer in children and adults and promote a sustainable environment at the same time.

Due to the fact that the cosmetic use of pesticides may cause harm to human health and the environment, and the growing body of evidence suggesting a connection between pesticides and cancer, and because there are no benefits to the use of cosmetic pesticides, other than for aesthetic purposes, their sale and use should be banned completely.

#### **Integrated Pest Management (IPM):**

Canadian Cancer Society Response: the practice of IPM should only be supported for non-cosmetic purposes. While in theory IPM principles prioritize the use of low-risk alternatives before the use of chemical or synthetic pesticides, IPM still permits pesticides to be used as a last resort. This, in and of itself, is a vague concept and leaves the door open to individual interpretation and application of unnecessary pesticides. The practice of IPM is not appropriate for the cosmetic use of pesticides given the potential health and

environmental risks associated with their use. IPM principles should be applied for non-cosmetic purposes.

**A science based approach:**

Canadian Cancer Society Response: the Ministry's science-based approach to the regulation of cosmetic pesticides should be based on the precautionary principle. Since there are known risks associated with using pesticides, and very limited benefits associated with cosmetic pesticide use, a precautionary science-based approach that bans the use and sale of cosmetic pesticides would be the most appropriate and effective means to eliminate their use.

The Supreme Court of Canada endorsed the precautionary principle in its decision to uphold Hudson Quebec's right to ban the cosmetic use of pesticides (*Spraytech v. Hudson*, 2001). Since then over 150 municipalities (28 in BC) have endorsed the precautionary principle and banned the use of cosmetic pesticides.

**Understanding and Adoption:**

Canadian Cancer Society Response: alternatives to using synthetic or chemical pesticides have been well established and are now readily available to the average homeowner, retailer, and landscaping company. Furthermore, many municipalities are currently engaged in comprehensive education campaigns and there is a growing segment of the lawn and garden business sector who are already embracing organic products and practices. The BC government can help to facilitate knowledge transfer throughout the province to maximize the efficiency and effectiveness of an education/awareness campaign.

**Cost-effective compliance and enforcement:**

Canadian Cancer Society Response: by banning the sale of cosmetic pesticides there will be little or no opportunity for the average homeowner or landscaping company to apply pesticides, which should eliminate many issues associated with enforcement. Education on the scope of the legislation, the potential impacts of pesticides, and alternatives to pesticides will create awareness and help homeowners and businesses transition to safer products and practices, while safely disposing of any leftover pesticides.

It is also important to note that according to a public opinion poll commissioned by the Canadian Cancer Society, BC and Yukon, in 2008, 76% of British Columbians support a ban on the use and sale of cosmetic pesticides. The same poll also showed that about three quarters of British Columbians are also concerned about the health and environmental impacts of pesticides. And, 28 municipalities in British Columbia have already adopted pesticide bylaws, and many more are considering adopting such bylaws. As well, in September 2009, the Union of British Columbia Municipalities – at its Annual Convention - also called on the BC government to implement province-wide cosmetic pesticide legislation. Large national retailers have voluntarily stopped selling pesticides and others have said they would support a provincial ban.

The Canadian Cancer Society, BC and Yukon, is joined by 18 other provincial health and environmental organizations (and many other local coalitions), in calling for comprehensive cosmetic pesticide legislation (please see Joint Statement at Appendix 'A'). The Society is also – at time of writing - joined by 2,980 Pesticide Free BC facebook fans, as well as 2,414 British Columbians who have sent an email to their MLA, with a copy to Environment Minister Penner and the pesticide consultation. In addition, we have hand-delivered 3,500 petition signatures and 248 letters to the Ministry of Environment, calling on the BC government to introduce province-wide cosmetic pesticide legislation (please see letter to the Honourable Minister Penner, and fan photos from Pesticide Free BC, at Appendix 'B' and 'C', respectively).

This broad-based support and widespread awareness of the health and environmental impacts of cosmetic pesticide use will continue to contribute to more buy-in from the general public and compliance with the ban overall.

## **2. Potential regulatory restrictions on cosmetic use of pesticides**

In considering potential restrictions on the cosmetic use of pesticides, the ministry is taking the following questions into view:

- What is and what is not a cosmetic use of a pesticide? Can certain pests be considered cosmetic? Is there a point at which the management of a pest becomes not cosmetic? Is there a difference in using a pesticide to manage pests on a tree used for fruit production in a residential area and a fruit tree that is strictly ornamental?

Canadian Cancer Society Response: cosmetic pesticides are those pesticides used to improve the appearance of lawns, gardens, and non-agricultural landscaping, such as controlling weeds between sidewalk cracks. Their use does not control pests that constitute a danger to human beings. There should be no exemption for so-called infestations. Similarly, an exception for fruit-producing trees in residential areas would make it difficult, if not impossible, to enforce restrictions on the use of pesticides on ornamental trees. Cosmetic pesticide use is non-essential and entirely unnecessary.

- Should the term “cosmetic use of pesticides” apply strictly to outdoor situations (e.g., lawns and/or gardens)? Are there situations where the use of pesticides indoors would be considered to be cosmetic? How would this (indoor) use of pesticide for cosmetic purposes be defined?

Canadian Cancer Society Response: legislation banning the cosmetic use of pesticides should extend to pesticides used on indoor house plants. If a pesticide is needed indoors for health and safety reasons, this would not be considered a 'cosmetic' use and would fall under the health and safety exemption. The sale of cosmetic pesticides for outdoor and indoor-houseplant use should be banned.

- Should the regulation of cosmetic pesticides include uses on residential land, public municipal lands, and/or other private lands?

Canadian Cancer Society Response: the regulation should be comprehensive and prohibit the cosmetic use of pesticides on private and public lands, including municipal, residential, and commercial areas – in short, all non-agricultural landscaping. The regulation should also ban the sale of the products in question.

### **Consultation Questions:**

- 2.1 Do you have any comments regarding new restrictions addressing the cosmetic use of pesticides?

Canadian Cancer Society Response: the Canadian Cancer Society, BC and Yukon, supports banning the use and sale of cosmetic chemical pesticides. Provincial legislation should be comprehensive and include private and public lands, including municipal, residential and commercial areas. Provincial legislation should be accompanied by a strong education program informing the public about the potential risks associated with chemical pesticide use, alternatives, and on how to safely dispose of unused pesticides. The legislation should be fully implemented in 2011. The Society, in partnership with Toxic Free Canada, has presented draft legislation to Environment Minister Penner, which we hope will be given strong consideration by the BC government (please see model legislation at Appendix 'D').

Currently, municipalities have the jurisdiction to regulate the cosmetic use of pesticides and, while good, a patchwork of municipal bylaws has developed across BC, meaning not all British Columbians are protected from exposure to cosmetic pesticides. While new provincial legislation may regulate the sale and use of cosmetic chemical pesticides, it should continue to affirm a municipality's ability to adopt bylaws dealing with "cosmetic pesticides", and state that in a situation of conflict, the most restrictive law should prevail.

- 2.2 How would you define "cosmetic use of pesticides"?

Canadian Cancer Society Response: the "cosmetic use of pesticides" are those pesticides used to improve the appearance of lawns, gardens, ornamental trees and shrubs, parks, sports fields, and other elements of landscaping such as controlling weeds between sidewalk cracks. Their use does not control pests that constitute a danger to human beings. Cosmetic pesticide use is non-essential and unnecessary.

- 2.3 Are there any business sectors or particular uses that you feel should not be subject to restrictions on the cosmetic use of pesticides? If yes, what is your rationale for recommending exclusion of these sectors or uses?

Canadian Cancer Society Response: agricultural and forestry applications are beyond the scope of regulatory restrictions on the cosmetic use of pesticides. In these instances, we do encourage the use of IPM.

We do recommend that the golf industry be given a three year phase out time for adaptation to new regulations. This will allow the golf industry to open their market to alternative products which have been successful in other countries

and in Canada. There are a number of golf courses including the Blackburn Meadows Golf Club on Saltspring Island, and the Granby River Golf Course located in Grand Forks BC that maintain completely pesticide free golf courses. We see no particular reason that golf courses should be exempt from a phase out of cosmetic pesticide use. We note that the technology exists to manage landscapes, even on this scale, without having to resort to the use of chemical pesticides.

### **3. Creating classes of pesticides that may or may not be used for cosmetic purposes**

Some Canadian provinces have introduced statutory provisions that create additional classes of pesticides, with accompanying rules governing their sale and use. Approaches could include creating a class of:

- Active ingredients to which restrictions do apply;
- Active ingredients to which restrictions do not apply;
- Product types to which restrictions do apply; and/or
- Product types to which restrictions do not apply

#### **Consultation Questions:**

- 3.1 Do you feel that creating additional classes of pesticides would be an effective way to regulate pesticides used for cosmetic purposes? Why or why not?

Canadian Cancer Society Response: yes, this insures transparency and encourages the trend towards - and market for - lower risk alternatives, even for non-cosmetic uses.

- 3.2 If you do recommend the establishment of new classes of pesticides for regulation, what criteria would you suggest for establishing categories and assigning pesticides to particular categories”?

Canadian Cancer Society Response: regulatory restrictions should be based on a “white list” of low-risk products, to which restrictions do not apply, for example low-risk bio-pesticides such as horticultural vinegar. Cosmetic pesticides not in this class would be banned.

If regulatory restrictions allow for the use of otherwise banned pesticides when necessary to protect public health and safety, it may be useful to set out a limited class of pesticides that can be used and sold under this exemption and establish conditions for their retail display and sale.

- 3.3 What rules would you recommend for the sale and use of pesticides in any new categories?

Canadian Cancer Society Response: only pesticides containing exclusively low-risk ingredients should be available for sale and allowed for cosmetic purposes. The PMRA list of biopesticides is a useful reference. Other pesticides should not

be sold or used if the only labelled use is cosmetic. If the labelled use includes both cosmetic and other applications, the pesticide should not be used for cosmetic purposes and sales should be restricted. For example they could be sold only behind the counter and accompanied with information about the pesticides legal use. Pesticides used for non-cosmetic purposes, particularly around residential neighborhoods and schools, should only be applied by licensed applicators.

- 3.4 What suggestions or recommendations do you have to address products or product types involving a pesticide that may have both cosmetic and non-cosmetic uses?

Canadian Cancer Society Response: the sale of these products should be limited and restricted. Retailers should have an obligation to inform customers of legal restrictions on the use of these products.

#### **4. Limiting use to qualified applicators and encouraging IPM**

##### **Consultation Questions:**

- 4.1 If pesticides are to be used, do you feel that people who apply pesticides to their own property for cosmetic purposes require any special training? If so, what training do you think is needed?

Canadian Cancer Society Response: we believe that the cosmetic use of pesticides should be banned, and therefore a requirement for training that would allow for continued cosmetic use of pesticides would be contradictory.

- 4.2 Do you feel that pesticides should only be used if an Integrated Pest Management (IPM) program has been undertaken? Do you have any comments or suggestions for the ministry to improve the effectiveness of IPM training or requirements in relation to the cosmetic use of pesticides?

Canadian Cancer Society Response: the use of IPM should be used in the case of exempted circumstances or for non-cosmetic purposes only (i.e. in the case of a health hazard, or for agriculture or forestry). As IPM principles support the use of a chemical pesticide as a last resort, they should not be applied to the use of chemical pesticides for cosmetic purposes.

#### **5. Notification and signage requirements**

##### **Consultation Questions:**

- 5.1 Do you have any comments or suggestions regarding appropriate notification and/or signage when a pesticide has been used (for cosmetic purposes)?

Canadian Cancer Society Response: chemical pesticides should not be used for cosmetic purposes. In cases where a pesticide is required as a last resort for non-cosmetic use, such as to protect public health, notification and signage requirements are important to promote public awareness and provide at risk

individuals with opportunities to safeguard themselves from exposure where possible.

- 5.2 Would you want to be informed if a neighbour is intending to use a pesticide (for cosmetic purposes)? If yes, how and when should notification be required?

Canadian Cancer Society Response: the use of a chemical pesticide for cosmetic purposes should be banned. In cases where pesticides are deemed necessary for non-cosmetic use, neighbours should be given advanced warning through notification of the name of the pesticide to be used, its active ingredient, and the date and time of the application.

## **6. Conditions under which pesticides may be sold or purchased**

### **Consultation Questions:**

- 6.1 Do you have any comments or recommendations regarding existing or new requirements governing the sale of pesticides that could be used for cosmetic purposes?

Canadian Cancer Society Response: we support a comprehensive ban on the use and sale of cosmetic chemical pesticides, where only a 'white list' of low-risk products are available for sale and cosmetic use, as per the model legislation at Appendix B.

- 6.2 Do you feel that public access to all or specified classes of pesticides should be restricted or controlled? If yes, in what ways should access be restricted?

Canadian Cancer Society Response: yes. The sale of prohibited cosmetic chemical pesticides should be banned (non-white listed products). Public access to pesticides with non-cosmetic uses should be restricted (i.e. sold behind the counter, or locked and accompanied with educational material on the appropriate and legal use). The Ministry of Environment should consider reporting requirements to track the retail sale of restricted pesticides, in order to evaluate the effectiveness of new restrictions.

- 6.3 Should vendors be required to provide information to prospective purchasers of a pesticide prior to sale? If yes, what information should be provided and how?

Canadian Cancer Society Response: yes. Vendors who sell restricted pesticides should be required to provide information to the customer about the legal restriction on the use of the product and applicable fines and penalties.

- 6.4 Do you feel that sales of pesticides intended to be used for cosmetic purposes should be restricted to buyers who hold special authorization or training? If yes, what authorization (e.g., licensing) and/or training would you recommend?

Canadian Cancer Society Response: we support a comprehensive ban on the use and sale of cosmetic chemical pesticides and therefore a requirement for

training that allows for the continued cosmetic use of pesticides would be inconsistent.

## **7. Public awareness, education, compliance and enforcement**

The ministry is seeking advice and examples of awareness, education and enforcement programs addressing the cosmetic use of pesticides that are cost-effective.

### **Consultation Questions:**

- 7.1 Do you have any comments or suggestions regarding public awareness and/or education programs addressing the cosmetic use of pesticides (e.g., examples, target audiences, media campaigns)?

Canadian Cancer Society Response: provincial prohibitions on the sale and use of cosmetic chemical pesticides will increase public awareness as retailers and lawn care providers shift to promoting alternative products. A provincial education program should address alternatives to pesticide use on lawns and gardens. A provincial education campaign should also educate on the potential health and environmental impacts of pesticides, as well as safe disposal of leftover pesticides. There are many education campaigns taking place across BC municipalities for the provincial government to draw from. As well, the Canadian Cancer Society would be pleased to partner with the BC government in a public awareness/education campaign addressing the cosmetic use of pesticides.

- 7.2 Do you have any comments or suggestions for supporting compliance and cost-effective enforcement of any new restrictions on the cosmetic use of pesticides?

Canadian Cancer Society Response: new provincial prohibitions on the sale of cosmetic pesticides will facilitate enforcement. Education will also encourage people to safely dispose of unused pesticides and switch to alternative practices.

## **8. Additional comments**

### **Consultation Questions:**

- 8.1 Do you have any additional comments or suggestions for the ministry regarding statutory protections to safeguard the environment from the cosmetic use of chemical pesticides?

Canadian Cancer Society Response: new provincial restrictions on cosmetic pesticides should retain a municipality's authority to adopt and enforce additional restrictions or requirements.

We encourage the BC government to move quickly with strong legislation – that meets or beats the strongest protections in place in other provinces - that is fully implemented in 2011.

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**Thank you for your time and comments!**

**Please remember to return this response form to the ministry by February 15, 2010.**

If you wish, you may also provide contact information. This information will be compiled separate from responses and used to inform respondents of posting of the summary of comments and subsequent ministry actions to develop and implement the regulatory changes.

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### **(Optional) Contact Information**

If you wish to have your name placed on the ministry listserv to receive further information concerning regulatory changes related to the cosmetic use of pesticides, please provide your contact information – **including an e-mail address** – below. Note that all submissions will be treated with confidentiality by ministry staff and contractors however information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

<b>Contact Name:</b>	Kathryn Seely
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<b>Background and Area of Interest</b>	Cancer NGO
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Please check "√" in the appropriate boxes if your primary interest in the ministry's intentions relates to your:

- Interest as a member of the public:**
- Work in the private sector:**  
Please describe (e.g., IPM services, turf manager, retail sales):
- Work for a government regulatory agency:**

Please describe (e.g., federal, provincial, municipal):

**Work for a public sector organization:**  
Please describe (e.g., health authority, education institution, Crown corporation):

**First Nation:**  
Please describe:

**Involvement or work for an environmental or community interest group:**  
Please describe:

**Other interest:**  
Please describe: [We are a health care non-government organization](#)

**Thank you once more for your time and interest in these regulatory changes.**

**If you have any further questions, please contact [cindybertram@shaw.ca](mailto:cindybertram@shaw.ca).**

**You may print this form and either:**

mail to:

or

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