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BRIEFING FORM

SUBMITTED TO: Environment and Sustainability Committee

DIRECTOR'S APPROVAL:

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DATE OF MEETING: March 3, 2011

SUBJECT: Administrative Order 23 and HRM Pesticide By-Law

ORIGIN

Staff

RECOMMENDATION/ DECISION REQUIRED

Concurrence with tentative staff timeline and method for deliberating on the Pesticide By-Law and Administrative Order 23 issues, the following is the timeline for submission to the Environment and Sustainability Committee:

April 7, 2011:

Administrative Order 23 and FeHEDTA recommendation:

Review of written submissions and Staff Recommendation. Timing is contingent on staff receiving submissions in a timely manner from Industry, Academia, and Environmental Groups.

Fall 2011:

Pesticide By-Law:

Following completion of lawn care pesticide season for 2011, and in advance of the 2012 full phase in date of the Provincial Regulations, staff will provide a recommendation report for direction and deliberation.

BACKGROUND

Due to the release of the Provincial Non-Essential Pesticide Regulations, Regional Council will have the opportunity to make some decisions on the following. This work will fall under the mandate of the Environment and Sustainability Committee to provide recommendation on.

- Firstly, at full phase-in of the Regulations in 2012, there may be reasons to contemplate changes to the By-Law. Any changes will require a Public Hearing process, should there be any desired or recommended changes. At this point, staff would like to see how the Provincial Regulations work this summer. Currently, staff's position would be to maintain the overall authority of the By-Law. There are a couple of key questions that remain unclear to staff related to the implementation of the Provincial Regulations, and staff do not see the need to guess how that will happen, but enjoy the benefit of monitoring for the first season of the phased-in Regulations.

It should be noted that under Staff's confirmed understanding of the Regulations, there is no need to provide permitting services in 2011 – as there is no exception under the Provincial Regulations to allow the spraying of chinch bugs.

- Secondly, and more timely, is the review of the Permitted Pesticides on Administrative Order 23. The Provincial list and the Halifax Regional Municipality's (HRM) list have a discrepancy related mostly to chelated iron (FeHEDTA). Industry would like HRM to review the decision of Regional Council in 2010 and further consider this inclusion (new information coming). At this point, staff has advised interested parties that there needs to be compelling, new or additional information in order for staff to recommend the product for inclusion, as it was rejected just last year. Upon receipt of this new information, staff will review and provide a recommendation to the Environment and Sustainability Committee.

While the two decisions have overlap, logically it makes sense to separate them.

ALTERNATIVES AND ASSOCIATED RISKS

The Committee may consider expediting a decision point on the By-Law. Staff is not recommending this for two reasons:

1. The full regulations are not phased in until 2012;
2. Staff is not able, at this time, to provide an informed recommendation. Deliberation around the By-Law may be contentious - without informed background and understanding of the implications, decisions may get made erroneously.

IMPACT/BENEFITS

Methodical process to enable informed deliberation on issues related to the HRM Pesticide Administrative Order 23 and the Pesticide By-Law.

COMMUNICATION ISSUES/OPPORTUNITIES

There are a large number of interest groups on these issues. Separating the issues makes it easier to understand the decisions to be made.

ATTACHMENTS

None

KEY STAFF CONTACT: Richard MacLellan, Manager,
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