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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

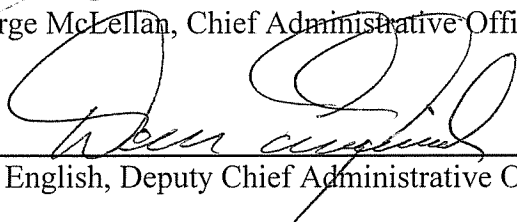
**Halifax Regional Council
Committee of the Whole
April 6, 2004**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: March 1, 2004

SUBJECT: Pesticide By-Law/Insecticide Permit Process

ORIGIN

December 16, 2003, Halifax Regional Council Information Report - Pesticide By-Law/ Insecticide Permit Process

RECOMMENDATION

It is recommended that:

1. Regional Council continue to support an enhanced, qualified third party pesticide permitting approach as described in this report.
2. A letter from the Mayor and Regional Council be forwarded to the Federal Minister of Health, specifically requesting that federal recommendations to improve human health and environmental protection through proposed and approved changes in the Federal Pest Control Products Act and the Pest Management Regulatory Agency (PMRA) be expedited. Further, that the PMRA expedite the process to bring safer pest control products onto the market, as requested by the House of Commons Standing Committee on the Environment and Sustainable Development.

3. A letter from the Mayor and Regional Council be forwarded to the Provincial Minister of Environment and Labour, specifically requesting that where possible, pesticide use information collected through the provincial pesticide applicators certification programs be made available to HRM to help better determine trends and overall pesticide use. Further, the Nova Scotia Department of the Environment and Labour look at enhancing its public education and awareness efforts towards more sustainable landscape maintenance practices including working more closely with the landscape industry, community and HRM.

BACKGROUND

Halifax Regional Council approved By-Law P-800, Respecting the Regulation of Pesticides, Herbicides and Insecticides on August 15, 2000. The By-Law along with a companion public education program on sustainable gardening and landscape maintenance has been phased in and as of April 1, 2003 extends to all residential use properties and property owned by the Municipality. The Pesticide By-Law, a proactive “at source” pollution prevention strategy, is an integral component of HRM’s “healthy, sustainable, vibrant community” direction.

The fundamental intent of the By-Law, public health and environmental protection, appears to be being met. However, some fine tuning should help enhance human health and environmental protection as well as streamline service delivery.

As a point of interest, HRM’s Pesticide By-Law and related programs, a first of its kind for a major Canadian municipality, has been used by a number of towns and cities across Canada as a reference model and is a national best practices case study on the Federation of Canadian Municipalities (FCM) website for the Canadian Centre for Pollution Prevention (C₂P₂).

At the December 16, 2003 meeting of Halifax Regional Council, staff presented an Information Report entitled “Pesticide By-Law/Insecticide Permit Process”. Attached to this report was the 2003 Overview of the Pesticide By-Law which provided a snapshot of the various activities. This included comments on related legislative activities at the provincial and federal levels.

Each section in the 2003 Overview also identified potential opportunities to enhance service delivery.

The December 16 Information Report advised that staff would be returning to Regional Council with some specific updates focussed on enhancing the following areas:

- Industry Stewardship (Sustainable Practices/ IPM)
- Sustainable Gardening and Landscape Maintenance Practices
- Communications between HRM offices, site inspectors, residents and lawn care companies
- Pesticide application signage and notification process to alert neighbours of when and where pesticide applications will occur

DISCUSSION

Internal Opportunities (HRM Administration)

Several opportunities exist internally to enhance and streamline service. Very briefly these include:

- **By-Law Enforcement** - The By-Law Enforcement section is reviewing data and trends over the past three seasons to determine service enhancement opportunities. This includes the evidence investigation process.
- **Communication, Education and Awareness** - EMS will continue to build on the strong network of established partnerships with both internal and external groups, particularly in the areas of public education and awareness on sustainable alternatives and practices.
- **Data Management** - Staff has initiated actions to enhance information handling including on-line permit applications and electronic data base information sharing with external partners. This also includes an enhanced website and links.
- **Research** - EMS will continue to work with our various partners seeking best practices on sustainable maintenance, innovation and public education. This includes efforts with Landscape Nova Scotia and others in topsoil and compost use guidelines. More than 90% of permit requests for chinch bug control came from areas of poor and/or insufficient topsoil. Healthy soil leads to healthy plants, one of the best defences against pests.

External Opportunities (Federal/Provincial Levels)

Federal Level - As outlined in the 2003 Overview staff believe that more prompt action at the federal level would put in place much sooner a number of the recommendations regarding the federal Pest Control Products Act and the Pest Management Regulatory Agency (PMRA) aimed at improving human health and environmental protection.

Therefore, one of the key action items is that a letter be forwarded to the federal Minister of Health requesting that these processes be expedited. Further, it will be requested that the PMRA expedite the process to bring safer pest control products onto the market, particularly in light of the removal of many of the existing pesticides for health and environmental reasons.

Provincial Level - Staff see opportunities for the provincial Department of the Environment and Labour to share overall pesticide use information collected through the province wide pesticide applicators certification requirements. This would help HRM staff and others to be able to better assess overall trends and pesticide use, as well as serve as a cross reference for other related programs.

Further, staff believe that opportunities exist for the Province to enhance its own approach to public education and awareness on sustainable alternatives to pesticides including working more closely with the landscape industry, community, HRM and others. For example in the City of Ottawa, their \$400,000 public awareness campaign on alternatives to pesticides receives approximately \$150,000 annually from the Province of Ontario.

Therefore, a second key action item is that a letter be forwarded to the provincial Minister of the Environment and Labour addressing these opportunities.

Local Opportunities - Pesticide Application Permit Process

The greatest opportunity to improve service delivery and enhance public health and environmental protection may exist through enhancement of the pesticide application permit process.

In 2003, the program area hardest hit was the pesticide application permit and approval process. Total costs for this particular function were approximately \$90,000, or about \$50,000 more than each of the transition years. Since the costs occurred well into the program year, it left minimal opportunity to adjust spending in other related areas. The net impact was approximately \$20,000 over budget.

The main cause was an unexpected twenty fold increase in permit requests in 2003, largely attributable to one of the worst chinch bug infestations in recent years. Chinch bug permit requests accounted for 99% of the total permit applications. More than 90% of the chinch bug permit applications were approved in accordance with Article 6(2) of the Pesticide By-Law.

Staff believe opportunities exist to streamline and enhance service with the pesticide application permit process, as well as enhance public health and environmental protection.

Pesticide Application Permit

Enhanced - Qualified Third Party System

In 2003 the 20 fold increase in pesticide permit application requests was unexpected. With so many potential variables, it was difficult to predict numbers, therefore staff used prorated numbers (4-5 fold increase) based on the number of permits issued to the total number of affected properties during the two transition years.

One of the worst chinch bug infestations in recent years was the main contributing factor to the large increase.

This huge influx of permit requests, sometimes numbering several hundred per week created some bottlenecks in the permit assessment process. Further, when the assigned resources concentrated on handling the volumes of requests, the companion public education and awareness program on sustainable alternatives was compromised.

2003 was a learning year with the By-Law now extending to all residential use properties and also coinciding with a severe chinch bug infestation. Much better numbers are now known and capacities can be better planned and put in place to ramp up immediately during the peak periods, both for pesticide application permit reviews as well as the companion public education program on sustainable alternatives to pesticides.

Electronic information handling and data base sharing will also greatly enhance the flow of information and save time.

Permit application reviews upon receipt by the third party would be carried out generally within a 48 hour average turnaround. In the shoulder seasons it would probably be within a 24 hour turn around.

This approach is estimated at approximately \$90-\$110,000. To put it in perspective this works out to about 30 cents per resident. In a recent communique (A Best Practice Review) on the federal Pest Info Web Site it showed HRM as having the lowest per capita related costs in the country and the highest level of effectiveness in moving away from pesticides to more sustainable alternatives.

This approach provides for a fully independent, qualified third party permit review process along with a companion public education program on sustainable alternatives to pesticides and timely responses.

Staff believe it provides a cost effective and responsive service that maintains the integrity of the By-Law, human health and environmental protection.

An integrated approach, outlined below, that incorporates all of these benefits and at approximately the same cost (\$90-\$110,000) and also integrates the efforts of the landscape industry, local community health advocacy representatives, independent third party assessments, HRM and others may provide even greater benefits.

Integrated Approach - Community and Industry Stewardship

The local landscape industry through their professional association, Landscape Nova Scotia and Horticultural Trades Association, has indicated their willingness to promote pesticide use reduction and sustainable landscape maintenance practices through their Integrated Pest Management (IPM) Accreditation Program. This includes working within the parameters of the Pesticide By-Law.

In an August 2003 letter to HRM, the President of Landscape Nova Scotia, Horticultural Trades Association (LNSHTA) offered a potential solution to enhancing pesticide permit turnaround times through an Accredited Integrated Pest Management (IPM) Certification Program. In essence, they offered assistance in identifying, assessing and issuing permits within the parameters and spirit of the Pesticide By-Law, through the use of IPM accredited members.

IPM Principles (LNSHTA - Working Together to Reduce Pesticides - Attachment "A")

Many of the principles of IPM parallel HRM's Pesticide By-Law including pesticide free alternatives to customers who choose not to use pesticides. IPM is also premised on a preventative approach including healthy soils and plants, which is consistent with HRM's Sustainable Landscape Maintenance approach.

One significant difference is that pesticides, including herbicides, can still be used as a "last" option under IPM. Herbicides are generally not permitted under the By-Law.

Therefore any consideration of components of IPM must clearly fall within the parameters and spirit of the Pesticide By-Law including public health and environmental protection.

Staff see an excellent opportunity to incorporate certain principles of IPM Accreditation into the criteria of the independent third party pesticide permit review and approval process. For example, some of the steps that must be reasonably shown before a permit maybe considered are proper maintenance and healthy soils.

Opportunities would exist as well for the landscape industry to transition these same principles into areas where the By-Law does not extend, i.e., commercial and institutional properties.

Signage - Notices - Community Health and Environmental Protection

Staff has received some excellent feedback from community health and environmental officials and advocates over the past few weeks, particularly in the areas of enhancing pesticide notification and within the parameters of the By-Law.

Staff believe that there is an excellent opportunity to incorporate some specific suggestions into a more integrated pesticide application permit process. This includes an additional separate sheet of the By-Law rules in large plain print to complement the existing Permit instructions and be given out with each Permit. This would also include posting this information on the web site.

Therefore, staff believe that an approach that incorporates all of the benefits of an independent third party system, and also further integrates efforts of the community, local health and environment advocates, Landscape Nova Scotia, HRM and others may provide the greatest benefits overall.

This type of approach would enhance the following:

- public health and environmental protection
- overall service delivery of the permitting process
- public education and awareness on sustainable maintenance practices
- new market opportunities for the local landscape industry
- transition this philosophy and practice into areas such as commercial and institutional properties where the Pesticide By-Law presently does not apply
- record and data management streamlining
- preparation of the entire community and industry (including areas not presently covered by the By-Law) as the last of the registered synthetic pesticide products are removed from the market - prevent a "cold turkey" situation
- more quickly sunset some of the present Pesticide By-Law related costs, i.e., permitting process, enforcement costs, etc.

Self-Permitting

Self-permitting through an accredited and certified program has its merits and at first blush looks like it could save dollars.

However a duplicate permit assessment process would need to be in place to respond to citizen requests and non certified companies. Cost predictability is also a concern, as HRM has no way of predicting which companies may participate and for how long.

Self-permitting would probably not reduce the permit review turn around time as a 48 hour abeyance period would be required to enable random third party audits for health protection reasons.

We must also remain cognizant of what is happening legislatively at the federal level regarding approved, but not yet implemented changes to the federal Pest Control Products Act and the Pest Management Regulatory Agency (PMRA). This includes the removal of several federally registered lawn pesticides from the market over the past 3-4 years for health and environmental reasons. It is staff's understanding that only one registered product, carbaryl (sevin) may be available after this year for chinch bug control on lawns. This particular product could be removed from the market for lawn care purposes as well within the next few years, or sooner.

Subsequently staff is reluctant to set up an elaborate permitting process that could be moot in the near future.

Staff realize that any type of self permitting/regulation may be perceived as potentially self serving for the pesticide application industry, regardless of how carefully it is carried out and what audit systems are put in place.

Staff has also been approached recently by other sectors of the landscape/lawn care industry regarding their certification programs, i.e. lawn and landscape product vendors, garden centres, and certified organic landscapers. It has been suggested that self permitting by just one sector of the industry would disadvantage them.

Although there appear to be some significant opportunities with incorporating some of the principles of IPM into a more integrated permit approach, at this point in time staff does not see sufficient merit to support a self permitting component.

BUDGET IMPLICATIONS

The budget implications have been noted in the report and are within the existing and proposed 04/05 operating budgets for the Pesticide By-Law.

Cost Recovery

In a December 12, 2000 Recommendation Report to Regional Council staff had proposed a non refundable pesticide permit application fee of \$25.00 per each request. This was not approved. It was staff's understanding that Regional Council felt that this fee would be a deterrent for people to follow the rules.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The alternatives have been discussed earlier in this Report and include:

1. Self-Permitting by the Landscape Industry - Not recommended for reasons stated in this report.
2. No Permit System - Although not discussed specifically in this report, it would essentially undermine the By-Law and is not recommended.
3. Integrated Third Party Approach with Community and Industry Stewardship - This is the recommended direction.

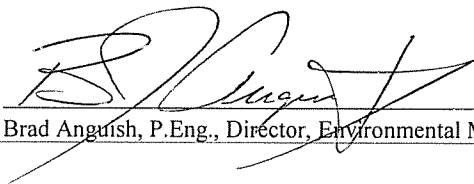
ATTACHMENTS

"A" - LNSHTA - Working Together to Reduce Pesticides

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephen King, Manager-Sr. Advisor, SSRM, Environmental Management Services, 490-6188

Report Approved by:



Brad Anguish, P.Eng., Director, Environmental Management Services, 490-4825

March 31, 2004



Working together to reduce pesticide usage

Many communities have been looking to the future and asking questions about green space management and how we can reduce or eliminate pesticide usage. I am proud to announce that provincial landscape and horticultural associations are working together to address this concern. Collectively, we have been actively lobbying governments to work with the pesticide applicators and others in the landscape industry to meet risk reduction goals. Enclosed in this package you will find the outline of an exciting new program, the **IPM Accreditation Program**, developed to promote the responsible use of pesticides.

IPM Accreditation monitors pesticide procedures and usage

The Healthy Lawns initiative is a responsible use program for pesticides that has been developed nationally in response to concerns over with the use of pesticides in communities. Through a series of steps in the accreditation process a definitive measure of the actual use of pesticides will be monitored. This will allow the first ever measurement of amounts used and areas treated with pesticides and help communities regulate and rank the management of pests. We believe that this will enable a true accounting of managing the risks associated with registered pesticides.

To date, we have had success in forging agreements that would help put in place systems to reduce the needs for pesticide use and to manage our landscape through IPM principals. We have taken leadership on this issue and at the provincial and national level and have developed a comprehensive third-party audited and accredited program on IPM certification.

IPM Accreditation can create public confidence

This program offers credentials to qualified applicators and employees to effectively manage our landscapes and green space areas with the least amounts of inputs while effectively still dealing with pest problems. IPM Accreditation puts in place safeguards and training programs to ensure that the highest level of risk reduction is achieved. This program places the responsibility on a company to manage green space with limit use of pesticides. It promotes the idea that the least amount of product needs to be the norm and not the exception. IPM Accreditation adds a level of trust to the public because of the accountability placed on the individuals and companies licensed to apply pesticides.

Let's work together to provide legitimate solutions

I invite you to join us in providing safe and effective systems to manage community green space. Some of the key messages promoted in this program are the benefits of organic management and a 50% reduction in the amounts of pesticides used when assessment and evaluation conclude its need.

The three Atlantic Regions have already embraced this initiative and have held two industry-training sessions to educate companies on the principals and procedures, which guide the IPM Accreditation Program. I am providing information on the IPM program for your information and hope that you will see its value in helping to improve the health of our communities through pesticide reduction initiative. As a stakeholder, I believe that we can provide leadership and assurance to the public that professionals in the landscape and horticultural industry are complying with systems that exceed all current levels of government legislation.

Respectfully,

Jeff Morton

President, Landscape Nova Scotia Horticultural Trades Association

Landscape Nova
Scotia
Horticultural
Trades Association
65 Celtic Drive
Dartmouth NS B2Y
3G5
Phone: (902) 463-
0519
Toll Free: 1-877-
567-4769
Fax: (902) 463-
6308
Email:
LNS@accesscable.net
www.landscapenovascotia.ca

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