



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

11.1

Halifax Regional Council

May 27, 2003

June 10, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: May 22, 2003

SUBJECT: **Amendment to Administrative Order #23, Respecting Pesticides, Herbicides and Insecticides - Reintroduction of Notice of Motion to Add Acetic Acid to the Permitted List**

ORIGIN

At the May 13, 2003, meeting of Regional Council, Councillor Blumenthal made a Notice of Motion to add Acetic Acid to the Permitted Pesticides List in Administrative Order #23. The Motion was defeated at the First Reading on May 20.

RECOMMENDATION

It is recommended that :

Regional Council approve the process to formally reintroduce the Notice of Motion to add the substance Acetic Acid to the Permitted Pesticides List in Administrative Order #23.

EXPLANATORY BACKGROUND

On May 20, 2003, Regional Council defeated a Notice of Motion at First Reading to add the substance Acetic Acid to the Permitted Pesticides List in Administrative Order #23.

Staff erred by thinking that May 20 was only the notification and not the official First Reading. Subsequently, staff did not have the background information before Council and/or personal presence to provide details or respond to questions. It is staff's belief that this lack of information was unfair to Regional Council and influenced Council's decision. Staff sincerely apologizes for the error and inconvenience to Council.

Staff understands that a two-thirds majority at Council is required to have the Notice reintroduced; otherwise, there is a two month waiting period which would put acceptance of the substance past this year's growing season. Staff remains committed to providing residents with the widest possible selection of permitted pesticides for weed management this growing season.

BACKGROUND

Administrative Order #23, Respecting Pesticides, Herbicides, and Insecticides Excluded From The Pesticide By-law, is a companion document to the Pesticide By-law P-800 and provides a list of Permitted Pesticides that are excluded from the provisions of the Pesticide By-law. It was approved by Regional Council on August 22, 2000. The list includes such products as Insecticidal Soaps, BT (*Bacillus Thuringiensis*), Dormant Oils, Lime Sulphur, etc.

Staff believes there should be a formal science based protocol to amend the Permitted Pesticides List. Staff also suggests that it be a clear and transparent process with established time lines to allow for appropriate changes (if required) to collateral materials, web sites, brochures, etc. that reference the Permitted Pesticides List, thus giving the public and landscape industry ample notification of changes.

A proposed Protocol (copy attached) to add/delete substances on the Permitted Pesticides List (Administrative Order #23) was presented for Regional Council's consideration in June of 2001. At that time, Regional Council requested that staff re-review the proposed recommendation in conjunction with the ongoing efforts at the time of the federal Pest Management Regulatory Agency (PMRA). This included proposed major changes to pesticide registration, testing and use in Canada.

Over the past one and one-half years, staff has been awaiting important information from the PMRA on the results of some of the key initiatives it had been mandated by the Federal Government to carry out. This included a re-evaluation of the seven most commonly used lawn pesticides; a federal reclassification system for residential use pesticides; an enhanced pesticide safety review process; to name a few, that were to have been completed by the end of the 2001-02 fiscal year.

In a letter from the Honourable Anne McLellan, Minister of Health, dated October 23, 2002, staff was advised that the re-evaluation of major lawn care pesticides against the stringent new standards that have been adopted both in Canada and the United States was nearing completion and should be completed sometime in 2003. "Products that do not meet today's standards will not be available in the future."

As well "A Proposal For A Harmonized Pesticide Classification System For Canada" is also underway through the Pest Management Regulatory Agency (PMRA) and results are scheduled to be available later this year.

Although, the PMRA appears to be somewhat behind schedule with these pesticide related reviews, staff believe it is important, and as requested by Council, to know the key results of these federal initiatives prior to returning to Regional Council with a finalized protocol to amend Administrative Order #23.

In the interim, and as communicated in the 2002 Pesticide By-law Overview Report, staff would use the originally proposed draft protocol as a guide should it be needed.

DISCUSSION

Staff has received a request from the landscape industry to add Acetic Acid to the Permitted Pesticide List in Administrative Order #23. Acetic Acid, classified as a weak acid, is a clear colourless liquid with a sharp odour of vinegar. Vinegar is typically 4 - 8% acetic acid. Acetic Acid is used as the main ingredient in several registered pesticides (i.e. EcoClear Weed and Grass Killer) as a non-selective herbicide.

The request to add Acetic Acid meets the criteria in the proposed protocol (Attachment "A") in that full disclosure of all ingredients has been provided and the substance is not prohibited from use in Canada or prohibited by OMRI (Organic Materials Review Institute) in the Generic Names list. Staff would have preferred to have consideration to add substances completed by February 15, 2003, in accordance with the attached protocol; however, the request has only recently been received.

Staff is committed to facilitating the widest possible list of permitted substances for use by residents this growing season. Therefore, staff recommends that Regional Council approve the addition of the substance Acetic Acid to the Permitted Pesticides List in Administrative Order #23, subject to any general precautions for its use.

BUDGET IMPLICATIONS

There are no budget implications at this time as any changes to existing literature, brochures, etc. would be carried out concurrent with any reprinting of same.

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

There are no recommended alternatives.

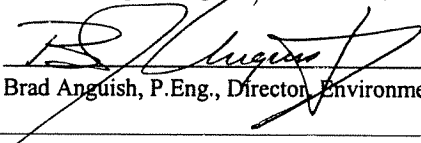
ATTACHMENTS

Attachment "A" - Proposed Procedure (Protocol) to Amend the Permitted Pesticides List in Administrative Order #23

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-Senior Advisor, Strategic & Sustainable Resource Management, 490-6188

Report Approved by:


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

Attach 'A'

**Halifax Regional Municipality
Procedures to Amend the Permitted
Pesticides List in Administrative Order #23**

Preamble:

Administrative Order #23 is cited as the Pesticide By-law Exclusion List Administrative Order.

The Intent of these procedures is to provide direction on ensuring a clear and transparent science based review process to assess substances for inclusion on the Permitted Pesticides List, keeping in mind the intent of the Pesticide By-law, P-800, and Administrative Order #23.

Procedures:

Substances approved for use under the Pesticide By-law (P-800) need to satisfy the following requirements:

1. Full disclosure of all ingredients of any material/ substance being considered.
2. The material/ substance must not be prohibited by OMRI (Organic Materials Review Institute) in their generic names list.
3. The material/ substance must not be prohibited from use in Canada.
4. Proposed substances/ materials not presently listed (approved) on OMRI's generic names list shall be referred to OMRI for review and recommendation at the cost of the applicant, unless otherwise indicated and approved by Halifax Regional Municipality. Any special cautions shall also be noted.
5. Whereas advance notice to the public on Administrative Order #23 is required through brochures, newsletters, etc., it is recommended that unless there are exceptional circumstances, an annual process be completed by February 15 of each year to amend the list of Permitted Pesticides.
6. These procedures shall be reviewed periodically by the appropriate staff to help ensure they remain up to date and effective.

Draft - June 2001