

HALIFAX REGIONAL MUNICIPALITY

**COMMITTEE OF THE WHOLE
MINUTES
MARCH 28, 2000**

- PRESENT:** Mayor Walter R. Fitzgerald
Deputy Mayor John Cunningham
Councillors: Steve Streach
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
David Merrigan
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell
- ABSENT:** Councillor Gordon R. Snow (declared a conflict of interest)
- STAFF:** Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

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CALL TO ORDER

Mayor Fitzgerald called the meeting to order at 1:30 p.m.

CONFLICT OF INTEREST

Councillor Snow, as an owner of a landscaping business, declared a Conflict of Interest and, therefore, was not present at the meeting.

1.0 PESTICIDE ISSUE

i) STAFF PRESENTATION

- Copies of the staff report dated March 7, 2000 re Pesticide Bylaw were recirculated to Council.

In his presentation Tony Blouin, Manager of Environmental Policy, acknowledged this to be a contentious issue. He endeavoured to focus Council's deliberations on two key questions which need to be answered before any details of the implementation issues are addressed, i.e who do we want to protect and how much protection do you wish to afford them.

His slide presentation dealt with the following:

- Fundamental Questions to be answered
- Authority Under MGA
- Health Effects of Pesticides
- Focus on Acute Symptoms
- Who to Protect?
- What Level of Protection? Options
- What is Effective?
- Advisory Committee Recommendations
- Staff Recommendations
- Other Considerations
- Public Opinion
- Conclusion

Reference was made to the Pesticide Bylaw Advisory Committee's Report, dated December 7, 1999 and staff's recommendation that a Pesticide By-law be drafted, which provides protection for people diagnosed as having potentially life-threatening reactions to pesticide exposure by providing a ban on pesticide use within 100 metres of residences of such registered people.

Reference was made to a public information survey of 508 residents conducted in May 1999 on the subject. The results indicated 45% strongly support a ban; 38% generally support a ban; 8% were opposed and 5% were strongly opposed.

Following the presentation, Councillor Stone posed a question to Mr. Blouin as to whether any research has been done of other municipalities involved in such by-laws and their effectiveness. Mr. Blouin noted that such municipalities fall into two categories, those who regulate use on municipal properties and those who place restrictions on the public use of pesticides. Generally the communities identified are smaller than the HRM and there have been some court challenges in Quebec, but the issues raised in Quebec would not apply in Nova Scotia.

ii) Public Presentations

The public presentations were limited to five minutes.

Correspondence was received from the following:

- Randy Rosen, Vice-President, Plant Care
- Charlotte Wilson Hammond
- Darcy Olds, National Technical Representative, Turf Management Systems Inc.
- Wendy C. Rose, Vice-President and Executive Director, Urban Pest Management
- Catherine Frampton
- Howard Epstein, MLA
- Sarah and Anthony Jackson
- Peter O'Brien, Vice-President Atlantic, Canadian Federation of Independent Business

Mayor Fitzgerald called for members of the public wishing to speak from a list compiled.

Maureen Reynolds

Ms. Reynolds noted that she had been a member of the Pesticide By-law Advisory Committee and related her personal experience with sensitivities after becoming ill four years ago. She made the following points:

- 5 to 16% of population sensitized
- 7 members of the Committee, the majority, recommended the phasing out of pesticides

She provided for the record the pros and cons of Notification Only, Buffer Zones Around the Pesticide Sensitive Only and Total Phase out of Landscape Pesticides.

Dr. Robert Strang

Dr. Stang identified himself as the Medical Officer of Health, Central Regional Health Board. He had made a written submission on the HRM Pesticide Bylaw dated March 15, 2000. He felt:

- Caution was warranted when pesticides are used and their use minimized.
- Risks far outweigh benefits.
- Registration process will not decrease the amount of pesticides used.
- Complete ban is only reasonable option.
- Homeowners and industry could adopt other methods.
- Don't set up a complex system.

Mayor Fitzgerald posed questions to Dr. Strang regarding his contention that you can't equate registration to safety.

David Wimberly

Mr. Wimberly outlined how sensitivities have affected the health of this family. He emphasized the benefits of protecting all people from potential adverse affects.

Mr. Wimberly did not feel staff's recommendations were sufficient. He felt Council should follow the recommendations of the majority of the Pesticide Committee. Points he raised are summarized as follows:

- HRM has become a leader in the world with respect to the environment through its composting program.
- The public is strongly in favour of a phased in complete ban of pesticides. The public process has been adequate.
- The issue of pesticides has to be dealt with. It will not go away.
- Alternative methods of pesticide control would be economically beneficial, ie. more jobs and money remains local.

David Patriquin

Mr. Patriquin identified himself as a Dalhousie University Researcher in Organic Agriculture and horticulture member of the Pesticide Management Advisory Council, which reports to the federal Minister of Health. He provided a table to illustrate his concerns pertaining to testing of pesticides and their use.

Points he raised related to:

- The testing of pesticides
- Special reasons to be concerned about pesticide use in urban areas and particularly on turfs.
- In urban settings, pesticides are brought into the house.
- Children, particularly babies come in contact with them on the floors and carpets.
- Legal issues.
- Use of pesticides on turf is for cosmetic reasons.
- Good results can be achieved by other means, ie. the use of compost.
- Opportunity for HRM to again be a leader in environmental protection.

A copy of his presentation was left on record, together with:

- A report entitled "The Oaks Experiments on Organic Management of Turf", a project sponsored by Edmonds Environmental Services & Canada-Nova Scotia Sustainable Economic Development Agreement.
- Final Industry Report, dated October 30, 1996.
- Greenfacts, Special Research Edition, January 1988
- Lawn Addiction
- Values and Science in Impact Assessment

Dr. Roy A. Fox

Dr. Fox, who had been a member of the Pesticide By-law Advisory Committee, had sent in a video presentation in his stead. Unfortunately it was determined that the tape was not compatible with the equipment in the Council Chambers. Maureen Reynolds indicated they will endeavour to have the tape copied into a compatible format and wished to have it viewed at the next meeting.

Dr. Jeff Norrie

Dr. Norrie identified himself as an agricultural research scientist. He contended that:

- When used properly pesticides pose a negligible risk.
- That there is a lack of scientific understanding.
- A ban should be supported by research data.
- Most pesticides have been tested over a number of years and a great number are very beneficial.
- Occasionally pests are introduced through importation which need to be controlled.
- Banning should be done on a product to product basis, not across the board.
- Reality should be held in higher esteem than perception.

A copy of Mr. Norrie's presentation was left for the file.

Jeff Morton

Jeff Morton, who is employed by the Provincial Department of Agriculture, Truro as a Landscape Extension Agent argued against a total ban. He noted:

- A great number of pesticides are highly beneficial.
- By encouraging healthy growth, a number of benefits are afforded to the environment.
- Pesticide drifts should not pose a problem.
- Alternatives to pesticides would result in higher costs associated with being more labour intensive, the need for more equipment and the use of more product.
- Even with a ban on pesticides for lawn care, exposure will still result from household products, pets, etc.

Theresa Thomas

Ms. Thomas identified herself as a resident of District 17. She had previously been a resident of Halifax's Ward 3, but had relocated to distance herself from the traffic. However, whereas there had not been a problem associated with pesticide spraying in her older neighbourhood, it is used in the new neighbourhood. She displayed a map identifying 18 properties in the neighbourhood whose owners wish notification of impending spraying. These 18 properties represent 10% of the homes. An additional 20 to 30% of residents expressed concern, but did not want to be identified on the map.

She explained the effect of pesticides on the body and listed symptoms associated with pesticides, particularly applications of Weed & Feed and Killex.

A copy of her presentation was left for the record.

Ken Paveley

Ken Paveley, Technical Director of Nutri-Lawn felt that Council is trying to protect a small number of residents. He noted:

- Beside pesticides, we are exposed to a lot of chemicals routinely in swimming pools, through solvents, flea control, etc.
- Is the Municipality going to regulate the use of other chemicals?
- Has anyone monitored homes for pesticide residues?
- Have any of the claimants been tested in a double blind test?
- Does proof exist of these sensitivities, etc.?

- He listed a number of agencies who should be contacted during the quest to seek information.
- Only when Council has all the facts on pesticides can a decision on their ban be made.

Lance MakMillen

Lance MakMillen, a resident of Halifax, described to Council the effect of the application of pesticides near his home, on the way to his children's school or in the vicinity of the school. He reported:

- Raising the issue of pesticide application to his neighbours has only generated cynicism.
- Must stay indoors, with windows closed, during the spray season.
- Spray trucks in the area of the school have been observed as illegally parked.
- While he can control the use of pesticides in his home and property, he can't control drift.
- While it has been contended by the industry that pesticides don't drift, animals in the Arctic are found to have pesticides in their tissues.

He supported a ban of pesticide use. An outline of his presentation was left for the record.

Connie Eaton

Ms. Eaton speaking on behalf of the N.S. Allergy and Environmental Health Assoc. contended:

- That no quantity of pesticide is safe despite the claim of "safe if used as directed".
- Ingredients are categorized as either inert or not inert. Inert ingredients don't have to be listed. A greater and greater percentage are being unlisted. She listed examples of inert ingredients.
- Chemicals combined have a synergic effect.
- She reflected on the death of a dog. Treatments by the vet for a regular range of problems, when combined with pesticide exposure resulted in death.
- The negative effect of exposure to thyroid levels.

A copy of her presentation was left for the record.

John Leahy

John Leahy identified himself as a entrepreneur, who became involved with the Friends of Cranberry Lake Society, when the condition of Cranberry Lake was observed as

deteriorating last year. The Society is working with HRM in educating residents of the watershed of Cranberry Lake about the impact of pesticides, fertilizers and not cleaning up after their pets has on the Lake. He expressed concern:

- For the health of his children.
- That government approvals did not equate to safety, ie. DDT was approved!
- The abnormality in frogs, particularly in Quebec's agricultural areas. He left a copy of a book review of a "A Plaque of Frogs" from a recent Globe and Mail.
- There are other ways to make lawns better without pesticides.
- Everyone must be protected, ie. it would be absurd for the Fire Services to be only called upon to protect some residents.
- Scientific evidence aside, the community wants a ban.

He'd like to see a complete ban of pesticide spray for cosmetic purposes.

(Deputy Mayor Cunningham assumed the Chair.)

Gerald Rodgers

Mr. Rodgers outlined to Council instances when he and/or his family was inadvertently sprayed with pesticides. Should these events happen today, a lawsuit would be filed. He contended his exposure to pesticides both in these instances and through food ingested has contributed to his allergies. He noted:

- Any given day during the spray season, 1000 lawns in HRM might be sprayed. This exposure isn't warranted.
- Measures have been taken to reduce the exposure of non-smokers to second hand smoke. Pesticide spray may be as dangerous.
- Urban areas are becoming a monoculture.
- He displayed one of the plants that are so offensive in lawns, dandelions!

Dawna Ring

Ms. Ring identified herself as a lawyer who had been a member of the Pesticide By-law Advisory Committee. She indicated that:

- The proposed by-law is not anti-business, it represents change.
- She reflected on her experience with the Blood Enquiry and cautioned that more scientific proof is not needed before a decision is made.
- It was noted that the blood industry was also regulated by Federal Regulations and Provincial policies. The same arguments were posed at the time of the AIDS scare.
- She questioned how much scientific proof does one have to have.

- It took 50 years to deal with the negative affects of smoking, awaiting for scientific proof!
- As for double blind testing, she illustrated how irrational that can be.
- She quoted from Justice Krever in several instances and the American Journal of Public Health.
- She referred Council to the wording of the Invocation and encouraged them to protect their citizens.

Herman Pye

Mr. Pye indicated to the members that he was opposed to any ban on spraying as he is allergic to insect stings. He wished to alert Council to the problems that can be created for individuals such as himself, who have allergic reactions to insect stings. A copy of his presentation was left for the file.

Natasha Flynn

Ms. Flynn described to Council the circumstances surrounding her becoming chemically sensitive at the age of eight while living in Lower Sackville. Spraying was conducted in this neighbourhood and her family eventually moved to Seabright, St. Margarets Bay to avoid it. She questioned whether having a perfect lawn was worth ruining the health and the threatening the life of those like herself.

Ms. Flynn referred to herself as a 'canary', indicating she felt she might be better off than people who are not aware of their chemical sensitivities, thus they don't avoid certain situations.

Linda Davis

Ms. Davis emphasized the need to identify the location of all wells. She recommended a moratorium on spraying should be enacted until these locations are known. Minimum distances from wells for spraying need identification. A 100 meter radius requirements is completely arbitrary she contended, as no hydrological assessment of groundwater mobility has been done.

She noted 100% of Annapolis Valley wells are contaminated by pesticides. Ms. Davis encouraged Council to take the moral high ground by phasing in a complete ban for the health of the community.

Shelly Shea

Ms. Shea advised she was in attendance not only to express the views of herself on the pesticide issue, but the views of Susan LeBlanc and Jane Trimbold. She read Ms. LeBlanc's letter which drew parallels with DDT being assumed safe. Ms. Trimbold's letter advised of her environmental illness and extreme sensitivities to chemicals which results in her having to be away from her home for a minimum of one month a year to avoid spraying during the months of May to October.

Maria Currie

Ms. Currie quoted from a newsletter from the Ontario College of Family Physicians regarding issues related to children's health associated with pesticides. It was noted that the harmful effects have been documented. In particular, the development of cancer associated with chemical exposure was highlighted.

Ashley Miller

Ms. Miller indicated that she was speaking on behalf of children. She quoted statistics that children in areas where pesticides are used are 6.5 times more likely to develop leukemia than those in neighbourhoods with no spray. She felt the 100 meter ban was a start, but stressed that chemicals can travel in the air. Ms. Miller asked Council to ban pesticides, noting that everyone will eventually develop chemical sensitivities, some slower than others.

Ken Boyce

Mr. Boyce identified himself as the manager of a Nutri-lawn franchise. He noted:

- The regulation of pesticides is within the jurisdiction of both the Federal and Provincial Governments. He questioned HRM entering into this area of jurisdiction.
- He felt Council is dealing with an issue where opinions are based on emotions versus scientific fact.
- He cited a petition in support of banning the use of pesticides having 500 names and approximately 75 letters supporting this ban, while 30,000 homeowners engage professional landscaping services. He questioned whether the majority of citizens will be dictated to by the minority.
- He encouraged Council to base their decision on scientific facts.

(Deputy Mayor Cunningham replaced by Councillor Rankin in the Chair.)

Peter Bugden

Mr. Bugden reiterated the comments made by Mr. Boyce. He noted he has worked in the industry for 10 years and his 9,700 customers have not written expressing their opinions on this subject. By choosing to use lawn care services, they have stated their position. He noted that their programs are based on Integrated Pest Management. A variety of practices are used, of which pesticide application is only one.

(Deputy Mayor Cunningham resumed the Chair.)

He noted:

- Benefits outweigh risks.
- Their systems reduce drift.
- Little harm is done to the environment when pesticides are used properly.
- There are benefits to the environment from having a healthy lawn.
- He felt the proposed ban is based on a reaction to a small but vocal interest group.

Dr. Rutledge

Dr. Rutledge, a Radiation Oncologist, reflected on his daily observation of the suffering and financial costs associated with cancer. His field of specialty was breast, prostate and children's brain cancer.

He highlighted the following:

- He endorsed the ban.
- He outlined the health effects of pesticides, particularly on children and related to asthma.
- Increased risk of developing cancer from exposure.
- While no genetic change, brain cancer amongst children is increasing at 10% a year.
- He felt this increase in cancer to be undoubtedly attributed to environmental factors, of which pesticides application was one.
- He noted a marked increase in breast and prostate cancers.
- As to why he felt pesticides increased risk, he noted the multiple toxins.
- He was particularly worried about the effect on growing children.

He concluded that even if one death could be prevented, a ban would be worth instituting.

Copies of Dr. Rutledge's presentation "Why Ban the Cosmetic Use of Pesticides - An Oncologist's Perspective", were left for the record.

Brian Bradley

Mr. Bradley stated he felt we are at war. He felt a ban to be long overdue on these chemicals. He made reference to the Town of Hudson's ban and the Halifax Regional School Board not using pesticides since 1996.

Mr. Bradley referred to a four page presentation he had previously submitted and offered to provide URLs to those who wish to obtain further information firsthand.

Jason Steeghs

Mr. Steeghs referred to a book published 38 years ago entitled "Silent Spring", which alerted people of the deadly effect on the environment of pesticides. He noted that he has worked four summers for the landscape industry with a no spray firm. He worked one day for a firm which sprayed. He is presently engaged in doing energy efficiency audits, a component of which is looking at landscaping. He has observed that homeowners are either against spraying or indicate they don't know anything about it. They simply want a green lawn and he questioned where this need comes from.

Mr. Steeghs felt:

- Why would the by-law not be passed. It is a straightforward issue.
- Deadly toxins are being applied around us.
- Banning would be beneficial to not only the sick but everyone.
- Health care costs would be reduced.
- If someone feels there is a need to apply pesticides, they should be required to justify application, rather than those who are sensitive having to ask for a warning, etc.

Tim Tregunno

Mr. Tregunno, President and General Manager, Halifax Seed was not in favour of the proposed ban. He provided copies of his presentation for distribution to Council. Mr. Tregunno:

- Supported a registration system and advance notification.
- He contended any decision has to be made on objective, factual, scientific information.
- He felt the reference in staff's report to 5% of the population being affected was not accurate. He referred to other areas in the USA determining .0049% of the

population is affected. In Halifax this would mean 15 people, versus the 300 suggested in the staff report.

- He outlined the difference between commercial and domestic registrations
- He referred to the range of products affected by a ban (both natural and synthetic).
- He felt the Municipality is interfering with the right of homeowners to care for their property if a ban is approved.
- He referred to the benefits of good quality turf, trees, scrubs and gardens.

(Mayor Fitzgerald assumed the Chair)

Janet Quigg

Ms. Quigg argued that organic lawn care is just as effective. She encouraged Council to think of the risks and were they worth taking for a green lawn.

Vernon Mingo

Mr. Mingo noted he is a graduate of the Nova Scotia Agriculture College and has worked with Edmunds Landscaping, in the field, for 24 years. He referred to his positive experience of working with organics the past 10 years. He assured Regional Council that a healthy lawn can be achieved through these means, but a redefinition of a healthy green lawn may be required.

He felt:

- The proposed by-law should include a list of substances to be banned, so it might be updated on a regular basis.
- Education has to be a priority.
- Homeowners can make good choices.

Eric O'Brien

Mr. O'Brien noted he also worked for Edmunds Landscaping. He has been in the industry for 21 years. He referred to the fact that there have been a lot of changes in the industry, ie.

- Initially no regulations.
- Initially a lot of unskilled workers.
- While there is now more training, it made one consider the danger to the health of humans.

- The City of Dartmouth made it a requirement to post a sign on lawns sprayed.
- Use of pesticide free landscaping effective. He cited the Oaks Study.
- He made reference to other substances once felt to be safe, ie. lead, DDT, etc.
- He concluded that pesticides kill.

Maureen Tate

Ms. Tate noted she is a healthy mother, grandmother and dog owner. She will not have an poisons in her home or use them around her house. She did not have a lot of faith in the scientific community, as most studies are funded by chemical and pharmaceutical companies. She felt it imperative to look after the health of all people, not just those affected. She supported taking control of ones own health and felt the government has an obligation to protect its citizens. If smoking can be regulated, regulation of pesticides should be achievable.

Nadia Stuewer

Ms. Stuewer spoke on behalf of the Maritime Centre of Excellence for Women's Health. She made reference to the following:

- Issue of equality - Women make up more than 50% of the population, they are not a special interest group. Women are particularly affected, particularly in relation to the development of breast cancer, endocrine disruptions and genetic defects.
- The Maritime Centre of Excellence for Women's Health supported a ban on the non-essential/cosmetic use of pesticides.
- She reiterated earlier comments about children being 6 times more likely to develop cancer when exposed to pesticide sprays.
- There are effective alternatives to the use of pesticides.

Elizabeth May

Ms. May indicated she was associated with the Facility of Health Professions and was speaking on behalf of the Sierra Club of Canada. She reiterated some of the earlier comments:

- giving examples of beautiful lawns without pesticide applications
- health effects in addition to cancer, ie. neurological, etc.
- scientific evidence that those in areas with pesticide spraying have a greater incidence of developing breast cancer, i.e. 65% versus 36%.

She noted that citizens have the right of security of person under the Constitution.

She quoted from a report which questioned the effectiveness of the review process in Canada for the registration of chemicals. Older pesticides were measured against less stringent standards than those in effect today.

Elizabeth Martin

Ms. Martin represented Citizens for a Safe Learning Environment. They were concerned with the effect that exposure to pesticides has on children. She noted that:

- pesticide levels can be higher indoors
- floors are particularly contaminated

She requested that HRM follow the Halifax Regional School Board's lead and follow the Pesticide By-law Advisory Committee's recommendations.

Council viewed a video tape of comments made by Dr. Bethune on the affect pesticides can have on children as they walk to and from school. He agreed that children walking past landscaping that has been sprayed can absorb the chemicals.

A copy of Ms. Martin's presentation was left for the record.

Although there was not an opportunity for **Andrea Burnett** to speak, a written submission was provided for the record.

No more speakers could be heard as the meeting concluded at 4:30 p.m. It was proposed to hold a second meeting to hear from the balance of the presenters next week.

Councillor Read felt that Council has received enough information to make a decision to ask staff to prepare a by-law. He noted that the remainder of the presenters would have an opportunity to speak at the public hearing on the by-law.

MOVED by Councillors Read and Walker that presentations end and staff be requested to prepare a by-law to regulate pesticides as permitted under the Municipal Government Act and proposed by the majority report of the Pesticide Advisory Committee, which calls for phasing in of a ban over a number of years and based on the Municipality of Chelsea's By-law.

Councillor Hetherington rose on a point of order noting that such a motion would not be appropriate at this time. The Committee of the Whole meeting was simply for the purpose of hearing presentations.

Councillor Read felt that the spraying season is coming up and the matter is being delayed. Mayor Fitzgerald did not feel entertaining such a motion at this time was appropriate, as only a third of the presenters had been heard. Councillor Blumenthal noted that rephrasing the motion to make a recommendation to Council would be appropriate.

MOTION PUT AND DEFEATED

NEXT MEETING

The next meeting to hear the balance of the presenters will be held Tuesday, April 4th at 1:00 p.m.

ADJOURNMENT

Meeting adjourned on motion of Councillor Sarto at 4:35 p.m.

Vi Carmichael
Municipal Clerk