

COMMITTEE OF THE WHOLE  
MINUTES  
APRIL 4, 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 L. Downey  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen Adams  
David Merrigan  
Robert Harvey  
Peter Kelly  
Reg Rankin  
Jack Mitchell
- ABSENT: Councillor Gordon R. Snow (declared a conflict of interest)
- STAFF: Mr. K. R. Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

- 1. PESTICIDE ISSUE
  - (i) Continuation of Public Presentations ..... 03
- 2. ADJOURNMENT ..... 16

Mayor Fitzgerald called the meeting to order at 1:00 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. PESTICIDE ISSUE**

##### **(i) Continuation of Public Presentations**

The following documentation was presented regarding pesticides:

- 250 signed letters supporting the recommendations contained in the Majority Report on a by-law controlling and eventually discontinuing the cosmetic use of pesticides
- Presentation - Alan Ross
- Presentation - Barbara Blouin
- Account from neighbour of Marianne Morton - Joyce Laine (Bedford)
- Documentation from Dr. Angelopoulos:
  - “Can Lawns be Justified”
  - “Pesticides: Are They Silent Killers”
  - “DDT from Abroad”
  - “Alternative Pest Control Strategies”
  - “Repair Mechanisms”
- Diagram showing comparison of bullworm/tobacco budworm - Enger, Environmental Science
- “Journal of Environmental Law Practice”
- Presentation - Earle R. Nestmann, Ph.D. - Cantox Health Sciences International
- Presentation - Peggy Hope-Simpson (East Kings Community Health Assoc.)
- Documentation submitted by Kevin Blair
- Presentation - Wendy C. Rose, Urban Pest Management Council of Canada
- Presentation - Helen Jones, Member of the Pesticide By-Law Advisory Committee
- Documentation from Nancy Armstrong
- Common Misconceptions about Science
- Simple Food Rules for Great Health and Long Life

#### **Jane Kennedy**

Ms. Kennedy noted Nova Scotia is a tourist attraction and the spraying of pesticides will perpetuate the pollution of Halifax. She suggested composting, digging weeds by hand or adding topsoil as alternatives to the use of pesticides.

**Ann Campbell**

Ms. Campbell advised she was speaking against the use of pesticides making the following points:

- she does not feel the use of pesticides is a safe practice especially in areas where children play
- pesticides cause breathing difficulties, rashes and numerous other problems
- she suggested lawn care companies investigate alternative ways of caring for lawns

**Dr. Roy Fox**

A video presentation by Dr. Fox was shown for Council wherein he made the following points in support of a By-Law:

- pesticides are not safe
- they impact on child health
- pesticides contain active but also inert ingredients, many of which are not listed
- most facts are based on laboratory studies which are short term with virtually no data on complex mixtures and their long term effects
- pesticides are tracked into the house where they lodge in carpets
- the average child consumes 25 milligrams of soil per day and much of that soil, if there is pesticide being used, would be contaminated
- so called safe levels are not safe

**Dr. Doug Cane**

Dr. Cane, Psychologist, QEII Health Sciences Centre, noted he has worked extensively with individuals who are attempting to manage ongoing physical illnesses including environmental illness and multiple chemical sensitivities. Dr. Cane made the following points in support of a By-Law that would ban pesticide use:

- a consequence of adopting a By-Law that provides only for notification of spraying is the excessive stress this type of system would place on the very people it is intended to assist and protect
- notification only does not impose limits on the number of times that pesticides may be applied in an area nor a schedule for spraying
- a warning that spraying is about to occur could be received any number of times and at any time during the period when spraying is likely to occur
- once notification is received, the sensitive person will have to stop what they are doing, quickly make preparations to leave their home, take actions to secure their home while they are away, gather together whatever supplies they will require

during their absence, which may range from a number of hours to a number of days, make arrangements to get to where they are going, assuming they have somewhere to go to, and notify others that are involved in their lives about what they are doing.

Dr. Cane stated that being required to vacate your home on very short notice is a very stressful, unpleasant and adverse event and is made particularly stressful as the person never knows when it will occur and has no control over when it will occur.

### **Susan Jones**

Ms. Jones advised Council of her personal experiences with chemical sensitivities and expressed concern as pesticides are known to cause damage to the central nervous system. She stated studies have shown that chemicals in the environment can cause damage to children under the age of 18 which does not show up until later in life, noting pesticides are stored in the fat cells of the body and any fluctuation in weight will cause these chemicals to become active.

### **Sandy Robertson**

Mr. Robertson, Earthcraft Landscape Ltd, stated science, Health Canada, the Department of Environment and Pest Management Regulatory Agency, are telling us that the products used by the horticulture landscape industry have been approved and are safe for use. He stated the ornamentals absorb man made pollutants, change carbon dioxide into clean breathable air and reduce airborne dust and other particles that trigger asthma. If we don't use some of the remedies we will lose these plants which help clean the air.

### **Paul Falvo**

Mr. Falvo spoke in favour of the By-Law stating that it does not go far enough but is a beginning. He suggested Council should not be looking at the emotion of this debate, rather looking at those persons having a pecuniary interest in the outcome. He noted science had told us that such things as DDT and different drugs were fine but have since been identified as having harmful effects. Council should be asking these questions: if the industry is right, what are the consequences?, and, if the citizens are right, what are the consequences?

### **Michael Simon**

Mr. Simon stated it is really encouraging to see that awareness and knowledge on this subject has grown. He noted pesticides were post war, and pre war archival photographs do not show devastation of lawns and trees which the industry suggests will happen if pesticides are not used.

(Deputy Mayor Cunningham assumed the Chair at 1:50 p.m.)

**Lisa Tevisan**

Ms. Tevisan stated integrated pest management is not about health or sustainability but rather it is about trying to find ways to convince the general public that spraying pesticides is okay if you only spray a little bit. She stated scientific fact does not bear this opinion out, encouraging Council to support a By-Law that provides a complete ban of pesticides for cosmetic reasons, not just notification, not just banning near people who are going to die if they are sprayed.

**Barbara Blouin**

Ms. Blouin addressed Council in support of the By-Law advising the large lawn care companies are able to fight the institution of a By-Law as they are large and have monies to fight and market their claims.

**Eleanor Egar Reynolds**

Ms. Reynolds stated pesticide spraying must be banned citing health problems which have resulted from moving to an area where spraying does occur. She said many people are dying of cancers and children are using puffers in school, something which was never heard of twenty years ago. She noted that pesticides cannot be blamed for all these illnesses but the Municipality can start with a total ban on pesticides and from there perhaps address other environmental issues.

**Melanie MacLean**

Ms. MacLean spoke in support of a By-Law citing the following:

- it is her belief that chemical pesticides are having a serious negative effect on the health of the citizens of HRM
- chemical pesticide use in HRM be phased out by April, 2002
- exposure to chemical pesticides can make people ill
- pesticides spray does not recognize property boundaries and can be carried long distances by air currents
- it is not known what levels of pesticides are entering drinking water
- pesticide use has been linked to cancers, birth defects and reproductive effects, seizures, kidney and liver damage and hormone system disruptions.
- 50% of pesticides deposited on a lawn are there one month later and some can be there up to a year
- pesticides tracked into a house can remain in carpets for up to one year because

once inside a building pesticides do not break down as quickly

**Dr. Cathy MacLean**

Dr. MacLean stated citizens trust the government will put in place regulations to keep its residents safe and decisions will be based on the common good, citing the following:

- decisions should be made in the best interest of the health of children as the outdoors should be the stuff of children and childhood
- the environmental concerns should not be ignored
- children are more often exposed to pesticides compared to any other age group
- pesticides are tracked into the home and just because much of this cannot be seen does not mean it is not there and it is not harmful
- It has been demonstrated that pesticides affect reproduction and there appears to be a high risk for some childhood cancers such as leukemia and brain cancer with prenatal and early exposure to certain pesticides
- the Nova Scotia College of Family Physicians supports the work that has been done by the Ontario College of Family Physicians Environmental Health Committee
- encouraged the use of alternatives to pesticides and requested Council not expose patients to pesticides recognizing the health and environmental concerns.

**Bill Ernst**

Mr. Ernst stated, while employed for the past twenty years by Environment Canada, he has work primarily with investigation of the environmental effects of pesticides. He stated he has conducted environmental research as well as been involved in some of the regulatory aspects of pesticides most notably providing advice on the way that pesticide impacts can be reduced. Mr. Ernst made the following points:

- pesticide use is not devoid of risk even when pesticides are used according to the label directions and under the best conditions possible, there is still some element of risk with that pesticide use
- the registration system attempts to quantify that risk prior to the use of these products
- quantification is done on normal or average individuals and there is a certain level of scientific uncertainty associated with that estimation
- the basic premise of the registration system is that the benefits of pesticide use should outweigh their risks
- the use of pesticides for cosmetic use is not as easily quantified as the use for forestry purposes
- in his opinion the benefits of urban domestic cosmetic use haven't been shown to demonstrate the risks are outweighed and urged Council to take every measure to

reduce those risks up to and including the ban of pesticides in HRM

**Dr. Angelopoulos**

Dr. Angelopoulos stated the suffix “cide” means death and therefore how can something that's called death be safe. She stated that our entire life depends on plants which gather energy from the sun, convert it and make it useable for other organisms. She outlined the process of the food chain, noting without insects there would be no pollination and thus no fruit, vegetables or flowers. If the insects are killed, the plants will die out. She stated that in biology everything is interconnected and spraying would do more harm than good. She noted the amount of pesticide used is relative to the size of the organism which is why a small insect dies while a human being does not, but advocated caution as pesticides have a cumulative effect.

**Mary Jane O'Halloran**

Ms. O'Halloran stated she was in support of a By-Law restricting the use of pesticides by homeowners and would like to see a ban on the use of all of these products to be phased in gradually in the next few years, noting:

- only a small percentage of the products on the market have been properly tested
- Canadian agencies follow the EPA decisions when pesticides are imported into Canada
- there is not a strong monitoring program in Canada
- there is a lack of testing of inert ingredients which does not mean they are inactive and some of them are highly toxic
- testing of inerts has been minimal and little is known about the health effects of chemicals registered as inerts

**Dr. Earl Nestmann**

Dr. Nestmann stated the pesticides are safe, citing the following arguments in support of his statement:

- the biological activity of a compound is determined by its chemical properties
- pesticides are sometime mistakenly considered to be in a big group of similar chemicals but in fact they are quite diverse with differences in selectivity to control weeds or insects, in their ability to dissolve in water or to persist in the body or soil, etc
- it is essential for Council to recognize that as many as 100 or more health or safety studies are done to test pesticide products before they are approved for their intended uses which includes testing of the active ingredients and all other



- ingredients
- if tests show a compound is not safe for its intended use it will not be developed further
- if there are questions about possible safety, additional tests are done to prove that a pesticide is safe for its registered uses before going to market
- several of the tests include a study of whether this chemical has the potential to cause cancer
- pesticides that have been used do not cause cancer in people
- new products are tested and analyzed continuously and products that have not shown to be safe for their intended uses are not allowed

### **Mr. Kevin Blair**

Mr. Blair stated there are two sides to this issue. People want their homes and gardens to look attractive and they want to be free from illness and free from the feeling that by going outside they will come into contact with something that is harmful or that will make them ill. People want to have a successful business or a successful job. He stated each of these interests is of equal importance and validity and is important to note that these interests are not in conflict. They can all be satisfied. He made the following points:

- the key to resolving this issue is to work with these interests in mind
- a pesticide ban brought in over a number of years will allow lawn care companies to gradually develop a plan for eliminating them and replacing them with less controversial methods
- phasing in the pesticide ban would avoid pulling the rug out from under anyone currently involved in chemical spraying but will act as a catalyst to move businesses towards pesticide free practices, a more sustainable practice
- once the phase out is complete people will still have beautiful homes and will feel free to wander outside at their leisure and businesses will thrive
- these interests must be considered together to achieve a solution that satisfies the needs of the entire community

### **Wendy Rose**

Ms. Rose stated that a decision made by the Council should be fair and reasonable and represent the interests of all the citizens of HRM, noting:

- eleven of the states have put in place a notification registry process and she believes that a notification registry adequately meets the needs of the small percentage of the population who are sensitive to products without disadvantaging the rights of the great majority who want access to the products
- there are eleven registries in the United States and these registries show a very

- small number of registrants, below one tenth of one percent
- there is no data to substantiate the staff recommendation nor did the committee consult with the highest regulatory body in Canada to review and assess their recommendation
- one must ask what data and expertise does the staff have that regulators, the medical community at large, expert scientists world wide, including the World Health Organization, Health Canada and the Environmental Protection Agency in the United States do not have to make such an extreme recommendation to stop the use of pesticides
- she questioned whether the municipality was equipped to regulate the use of pesticides and should the taxpayers be paying for three levels of pesticide regulation

**Andrew Wheelock**

Mr. Wheelock, General Manager, Weed Man, and had been a member of the Pesticide By-Law Committee, expressed his concern with the staff report and noted the following:

- he has been working in the lawn care industry and takes exception to the phrase cosmetic lawn care advising that well maintained lawns do enhance the natural beauty of a landscape, increase property values and improve moods and outlooks on life
- lawns are oxygen producers, have a cooling effect on the landscape, control soil erosion, help purify groundwater and filter contaminants, reduce noise and act as a buffer to prevent the spread of fire
- there is a large show of support for the responsible use of pesticides
- a ban can only be properly justified if it is established that these products were injurious to either health or the environment
- agencies responsible for healthy environment have fully evaluated these products and have them approved as safe for use as directed; therefore, public health and the environment are interests that need no further evaluation at this level
- the only two legitimate community interests left to be addressed and balanced, in a reasonable municipal regulatory scheme, are individuals sensitivities towards pest control products and the interests of homeowners in the responsible care of their property
- a ban is not a balanced or proportionate approach to the use
- the buffer zone scheme proposed could prohibit the use of pest control products
- from experience they know that life threatening reactions to these products do not exist
- the proposed system has the potential to be divisive of neighbourhoods, arbitrary and could create iniquity among homeowners leading to a patchwork system of prohibitions

- a system of advanced notification as proposed and agreed to by consensus at the committee level is a balanced approach by responding to those with sensitivities by allowing them to avoid applications while in progress
- while advance notification places some restrictions on homeowners, it does allow them to care for their properties and it represents a balanced approach
- advanced notification has been taking place for some time on a voluntary basis and has a proven track record, bans do not
- a ban is a blunt instrument that goes beyond what is required

### **Debra Burleson**

Ms. Burleson, Director, Museum of Natural History, Summer Street, advised they are now in the third year of a second three year contract with the private sector for pesticide free landscaping. They have not used pesticides, herbicides or fungicides on their property for the last six years and, when the dandelions come up in June, they are mowed down. They have found that their lawn is more drought resistant than it has ever been and it did not have to be watered at all last year.

### **Sue Brown**

Ms. Caroline Cameron, represented Ms. Brown who has been running a pesticide free gardening business for ten years in HRM. Ms. Cameron advised that Ms. Brown uses timing in her care of lawns so that when weeds became a problem they are manually pulled. The benefits of this type of approach is safety, neither the gardener nor the homeowner are exposed to pesticides and their potentially harmful effects. The savings in not buying the chemicals will benefit the business and can be passed on to the homeowner. Efficiency, rebuilding soil and avoiding chemical use produces a healthier lawn and garden which will be more resistant to disease and pests and will require less treatment.

### **Helen Jones**

Ms. Jones made the following recommendations:

- Council to go forward with the recommended plan in the majority report to completely phase out landscape pesticides in graded stages over a few years and couple it with public education initiatives that are both positive and imaginative
- the phase out plan proposed by the committee is a moderate and practical way to proceed, one designed to protect children and the entire community rather than interceding only after people become sick
- the draft By-Law referred to in the minority report never received committee approval

- urged Council to avoid any requirement for a medical letter
- allow people to self select buffer zones on the basis of strong need would work better since people are not anxious to confront their neighbors except when there is a true necessity
- an early step would be to place pesticide free zones around all schools and daycare facilities

### **Mark Butler**

Ms. Caroline Cameron, representing Mark Butler and the Ecology Action Centre, spoke in support of the need to immediately provide protection for those citizens whose immune systems have been compromised by illness. The hope is to see regulations in place that reflect the need for strict controls on the use of pesticides for use on purely cosmetic basis.

### **Ruth Smith**

Ms. Smith highlighted the following information:

- the amount and variety of pesticides now used are far greater than in any other time in history
- toxicity of pesticides is different for children than for adults
- infants and children may develop toxic outcomes from smaller quantities of pesticides due to different metabolic rates and diets
- they may also have outcomes not seen in the adults due to their exposure both in the uterus and during certain growth phases
- infants and children experience toxicity from smaller quantities of pesticides than adults and develop different serious illnesses

### **Peggy Hope-Simpson**

Ms. Hope-Simpson, speaking on behalf of the East Kings Community Health Association, stated there is good science behind the health risks which can be used to make an informed decision. She stated she is speaking in favour of a ban on chemical pesticides which would set a precedent and enact good public health policy.

(Councillors Merrigan and McInroy took their seats at 3:10 p.m.)

### **Bernie MacEachern**

Mr. MacEachern stated his wife has environmental sensitivities and as a result is greatly affected by these sprays. He advised there are occasions when they are unable to stay in their home during some sprayings, noting when they do, the house has to be completely

sealed even in the hot summer months. He stated notice is not enough control.

**Ahillya Sankar**

Ms. Sankar advised studies do not clearly show the effects of these chemicals on the human body. Lab studies have shown that in corn growing areas where there is spraying there is a high instance of mammary tumors and reproductive track disorders. She stated there are cumulative effects over time and expressed concern with the long term effects of these poisons on the human body.

(Mayor Fitzgerald resumed the chair at 3:20 p.m.)

**Nancy Armstrong**

Ms. Armstrong read excerpts from a 1998 newsletter entitled "Go for Green" from the City of Westmount, Quebec. She suggested Municipalities implementing a By-Law should work with the public and contractors. She stated a notification system and 100 metre ban does not go far enough as many people have no where to go if they are forced to evacuate.

**Dr. Jacob Asuncion**

Dr. Asuncion, Professor of Anatomy and Neurobiology, Dalhousie University, stated he had been ill for two decades and recently has been diagnosed with having multiple chemical sensitivity and respiratory reactive disease. He advised treatments were nullified after every pesticide season and recommended implementing regulations regarding the use of pesticides because the greater the exposure the greater the risks.

**Cassin Elliott**

Mr. Elliott advised he is the co-ordinator for a group called Youth For Environmental Action and stated a number of his family members have chemical sensitivities and in his youth they would be sealed inside their home during the summer months. He stated the children learn the basic concepts of ecosystems and what happens in the food chain and the resulting effects. Mr. Cassin requested a ban be put in place as soon as possible.

**Art Canning**

Mr. Canning spoke in support of the implementation of a By-Law stating there is a need to explore new products that could be used in place of the current pesticides. He stated health problems will increase with every chemical introduced into our ecosystem.

**Adam Copas**

A video presentation by Mr. Copas was shown to Council advising of his medical problems associated with his contact and reaction to pesticides.

**Dr. Mary Murphy**

Dr. Murphy expressed her concern with the use of toxic chemicals that are known to be harmful to human health in particular the health of children. She stated many pesticides are not soluble in water and in order to use them they have to be suspended with the aid of a surfactant such as a detergent wetting agent. She advised the surfactant itself has relatively few adverse effects but these chemicals accumulate in the body over time. She advised it has been found that as children are more dependent on energy production because they are in a rapid period of growth, they are particularly susceptible.

**Don McCarthy**

Mr. McCarthy, Baremar Pest Control, noted he has a business to run and he has to follow what the government says is safe to use. He stated if there is conflicting information, then notify Ottawa so that decisions can be made that will change the laws. He stated businesses follow the law and changes need to be made at the federal rather than the Municipal level.

**Helena Bilsbury**

Ms. Bilsbury stated she is concerned with and against the use of pesticides. She noted the use of signs is not effective as children cannot read them and stated there is no need to kill the plant life.

**Tanya Bilsbury**

Ms. Bilsbury stated she does not feel it is right to make people sick just to have a nice looking lawn. She noted there have been a number of chemicals thought to be safe but have since been discovered to pose health risks.

**John Bilsbury**

Mr. Bilsbury submitted a video regarding alternate means of controlling weeds as the weeds develop resistance to the chemicals over time.

**Victoria Challies**

Ms. Challies, representing Dalhousie University students, spoke in support of the recommendations made in the majority report for a four year phase out of the cosmetic use

of pesticides. She submitted 250 letters on behalf of the students.

**Donald Chard**

Mr. Chard stated research can be used as a guide as the use of pesticides and other chemicals are having disastrous effects and it is not known, in the long term, what they can do. He noted HRM does have the power to deal with the use of pesticides and urged Council to pass a By-Law that reflects the views of the majority report. He advised there are viable alternatives to pesticides and lawn care companies can use these to stay in business.

**Nancy Melnick**

Ms. Melnick stated that her family is notified if spraying is to take place but this does not really help as they do not own a car or an alternate dwelling therefore they have no place to go. She advised they have to barricade themselves in their home ensuring that every screen, vent and window is closed, sometimes for up to a two week period. She stated there is not one month from May to October in which they can breathe clean fresh air in their yard.

**Alan Ross**

Mr. Alan Ross, Ross Lawn Care, spoke in opposition to the proposed By-Law as he does not agree with a total ban. He stated that well kept lawns enhance properties, reduces erosion and silt build up on waterways and water pipes. Grass and green areas produce oxygen, reduce noise pollution, sun glare, pollutants in the air and temperatures around the home. He cautioned against a total ban which may result in an unlawful use of these products.

**Casey Reitsma**

Ms. Reitsma stated that existing conditions are made worse by the spraying of pesticide and questioned why people are continuing to allow themselves to be exposed to chemicals that are harmful and dangerous. She stated the spraying of pesticides causes pain and suffering just to have a lawn that is not safe to play on as well as causes unknown damage to birds and insects.

**Mark Roland -Mieszkowski, Ph.D.**

Mr. Roland stated that pesticides and herbicides are dangerous to all life forms and stated he was speaking in favour of the proposed By-Law.

After hearing all presentations, the following motion was placed before Council.

**MOVED by Councillors Read and Uteck that Council request staff prepare a phased-in By-Law to regulate landscape pesticide use on Municipal and residential property in Halifax Regional Municipality, within the limits provided for in the Municipal Government Act. The By-Law should follow the recommendations of the majority report of the Pesticide Advisory Committee and, in preparing the By-Law, staff should follow, as an example, the Pesticide By-Law of Chelsea, Quebec. Further the proposed By-Law come forward for the April 25, 2000 Council Session.**

Councillor Cooper requested a report come forward, at a later date, on methods to address a means of applying the By-Law to business properties.

Councillor Hetherington requested the report contain a list of banned substances.

Councillor Stone requested staff provide information on liability, enforcement and if there is a possibility of repercussions to HRM.

Councillor Hetherington clarified that the report and proposed By-Law would come to Council for debate prior to being given first reading.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **2. ADJOURNMENT**

**MOVED by Councillors Walker and Hetherington that the meeting be adjourned at 4:10 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk