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11.1

Halifax Regional Council
June 21, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Dan English", written over a horizontal line.

Dan English, Acting Chief Administrative Officer

DATE: June 9, 2005

SUBJECT: **Amendment to Administrative Order #23, Respecting Pesticides, Herbicides and Insecticides - Notice of Motion to Add Corn Gluten Meal (for lawn use) to the Permitted Pesticides List**

ORIGIN

At the June 21, 2005, meeting of Regional Council, Councillor Murphy plans to make a Notice of Motion to add the substance Corn Gluten Meal (for lawn use) to the Permitted Pesticides List in Administrative Order #23.

RECOMMENDATION

It is recommended that :

1. After the Notice of Motion has been made and the completion of the first and second readings, Regional Council approve the addition of Corn Gluten Meal(CGM) for lawn use, to the Permitted Pesticides List in Administrative Order #23.

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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.

In order to facilitate the addition/ deletion of substances from Administrative Order #23, staff developed in 2001, a simple yet effective science based protocol to amend the Permitted Pesticides List. A copy (Attachment "C") is attached.

Regional Council's formal approval of the Protocol was put on hold in 2001, while we awaited results at the time from the federal Pest Management Regulatory Agency (PMRA). This included proposed major changes to pesticide product classifications, use, re-review registration, etc. A number of these efforts are still on-going and not complete.

Therefore, since 2001, staff has used this Protocol as a guide, including the addition of Diatomaceous Earth and Acetic Acid over the past few years.

DISCUSSION

Staff has received a request (Attachment "A") from the Halifax Seed Company to add Corn Gluten Meal (CGM) to the Permitted Pesticide List in Administrative Order #23.

Corn Gluten Meal (CGM), a by-product of the wet milling process of corn for starch, has potential as a natural pre-emergence herbicide. Corn Gluten meal (see Attachment "B") is used as an active ingredient in certain end-use registered products such as Turf Maize, a Domestic Class product for use on established residential lawns where the predominant grass is Kentucky Bluegrass.

Corn Gluten Meal has been sold in Canada as a natural fertilizer for the past 5 years. The United States Environmental Protection Agency (USEPA) listed Corn Gluten Meal on its list of least toxic pesticides and waived all environmental fate and toxicology data requirements for the registration of Corn Gluten Meal.

The request to add Corn Gluten Meal meets the criteria of the Protocol to Amend Administrative Order #23 Permitted Pesticides List (Attachment "C") 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.

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Staff is committed to facilitating the widest possible list of acceptable permitted substances for use by HRM residents and Corn Gluten Meal has certain herbicidal qualities for use on lawn areas.

BUDGET IMPLICATIONS

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

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

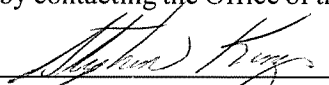
There are no recommended alternatives.

ATTACHMENTS

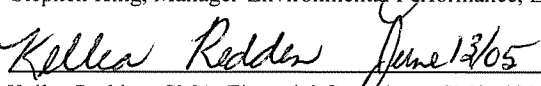
- Attachment "A" - Letter from Halifax Seed Company
- Attachment "B" - Regulatory Note - Corn Gluten Meal
- Attachment "C" - Procedure to Amend the Permitted Pesticides List in Administrative Order #23
- Attachment "D" - Material Safety Data Sheet for Turf Maize Corn Gluten Meal

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

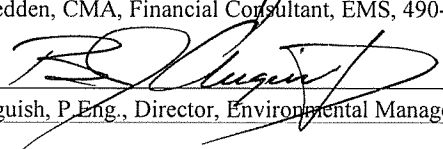
Report Prepared by:


Stephen King, Manager-Environmental Performance, EMS, 490-6188

Financial Review:


Kellea Redden, CMA, Financial Consultant, EMS, 490-6267

Report Approved by:


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

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Sent From
◆ Halifax
◆ Saint John
◆ Debert

Reply To
◆ Halifax
◆ Saint John
◆ Debert

Mr. Stephen King
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June 6, 2005

Dear Stephen

Further to our various emails and telephone conversations I am requesting that Corn Gluten Meal for Turf and Lawn Use be added to the List of Permitted Pesticides under Administrative Order No. 23 of the Pesticide By-Law.

I have attached a copy of the material safety Data Sheet and a Sample Label of an approved product that is now available to consumers (residential and commercial applicators). In the past many have been using a feed grade corn gluten. My concern with feed grade is that when it is used as a weed control it is contrary to the PCP Act. While, I understand that HRM cannot list specific brands of products I feel strongly that the distinction must be made between "off label" feed grade CGM and product approved by the PMRA for use in Canada and registered as such under the PCP Act.

Corn Gluten Meal works best when used early in the season prior to the germination of weed seeds. Early fall treatments seem to provide some control of the "fall crop" of weeds such as dandelion. Most research has shown that for CGM to be most effective ongoing applications should be made in early spring and early fall.

I would ask that this be added as soon as possible. Please keep me informed as to the progress.

If there are any questions or if further information is required please feel free to contact me.

Yours truly,
HALIFAX SEED COMPANY INC.

Tim Tregunno
President and General Manager

Cc: Pat Murphy

Your Source For Seed.

Attachment "B"



Pest Management Regulatory Agency
Agence de réglementation de la lutte antiparasitaire

Regulatory Note

REG2003-09

Corn Gluten Meal

The active ingredient Prairie Gold 60% Corn Gluten Meal (CGM) and associated end-use product TurfMaize, a Domestic Class product for use on established residential lawns where the predominant grass is Kentucky bluegrass, have been granted temporary registration under Section 17 of the Pest Control Products (PCP) Regulations.

This Regulatory Note provides a summary of data reviewed and the rationale for the regulatory decision for these products.

(publié aussi en français)

September 5, 2003

This document is published by the Alternative Strategies and Regulatory Affairs Division,
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Foreword

Health Canada's Pest Management Regulatory Agency (PMRA) has issued temporary registrations for the biopesticide active ingredient Prairie Gold 60% Corn Gluten Meal (CGM) and associated end-use product TurfMaize, manufactured by The Environmental Factor Inc., for use as a Domestic Class product on established residential lawns where the predominant grass is Kentucky bluegrass.

These submissions have been reviewed by the PMRA under the PMRA Initiative for Reduced Risk Pesticides. TurfMaize is a pre-emergence weed seed germination inhibitor which may inhibit dandelion (*Taraxacum officinale*) and smooth crabgrass (*Digitaria ischaemum*) seed germination when used in conjunction with a sound lawn maintenance program.

The Environmental Factor Inc. will be carrying out additional efficacy studies as a condition of this temporary registration. Following the review of this information, the PMRA will publish a proposed regulatory decision document (PRDD) and request comments from interested parties before proceeding with a final regulatory decision.

Regulatory Note - REG2003-09

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1.0 Introduction

Prairie Gold 60% Corn Gluten Meal (CGM) is a technical grade active ingredient (TGA) that contains 100% CGM. TurfMaize is an end-use product that contains 98% CGM. Soybean oil was previously reviewed by the PMRA (PRDD99-02) and is considered to be safe for human health and the environment. CGM is a by-product of the wet milling process of corn for starch. It is also produced as a by-product during conversion of starch from dry-milled corn to corn syrup.

Corn gluten meal has been sold in Canada as a natural fertilizer for the past 5 years. The United States Environmental Protection Agency (USEPA) listed CGM on the USEPA's 25(b) list of least toxic pesticides and waived all environmental fate and toxicology data requirements for the registration of CGM. The registration of CGM as a pre-emergent herbicide in the U.S. has been exempt by the USEPA since 1994 (Reg #56872-1 and USEPA EST 56872-IN-1) and California EPA (Reg No. 1051098-3001-AA).

1.1 The active substance, its properties and uses Identity (OECD 2.1.1)

TGA Identification

Active substance	Corn Gluten Meal
Function	Plant growth regulator
Chemical Abstracts Service (CAS) number	66071-96-3
Nominal purity of active	100%
Identity of relevant impurities of toxicological, environmental or other significance	The technical grade active ingredient corn gluten meal does not contain any impurities or micro contaminants known to be Toxic Substances Management Policy (TSMP) Track-1 substances as identified in Appendix II of Regulatory Directive DIR99-03.

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1.2 Physical and chemical properties (OECD 2.1.2)

Technical product: Corn Gluten Meal Technical

Property	Result	Comment
Colour and physical state	Yellow coarse solid	
Odour	Faint cereal type odour	
Bulk density	0.5-0.6 g/cm ³	

End-use product: TurfMaize

Property	Result
Colour	Yellow
Odour	Faint cereal type odour
Physical state	Solid
Formulation type	Granular
Guarantee	98% (nominal) (limits: 96.25-99.75%)
Formulants	The product does not contain any USEPA List 1 formulants or formulants known to be TSMP Track-1 substances.
Container material and description	6-mil polyethylene plastic bags; each bag has two lines of perforation to allow product to breathe
Bulk density	0.5-0.6 g/cm ³
Storage stability	Stable provided it is not exposed to open flames, electrical and static sparks, sparks from welding equipment and strong oxidizers.

1.3 Proposed uses

TurfMaize is proposed for Domestic Class registration as a non-selective organic pre-emergent herbicide and slow-release organic fertilizer for use on residential landscapes to control dandelion (*Taraxacum officinale*) and smooth crabgrass (*Digitaria ischaemum*).

The label recommends two applications of TurfMaize per year. An early spring application before weed seed germination at a rate of 9.7 kg/100 m² (9.506 kg a.i./100 m²). For lawns with no weeds in the spring, application of

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TurfMaize is recommended at half the rate (4.753 kg a.i./100 m²). A fall application, in late August until October 31, is recommended at a rate of 9.7 kg/100 m² (9.506 kg a.i./100 m²). For lawns with no weeds in the fall, application of TurfMaize is recommended at half the rate (4.753 kg a.i./100 m²).

The label warns that TurfMaize must not be applied to newly seeded grass until after the first mowing when the root systems are established, since the product inhibits seeds from germinating.

2.0 Analytical methods for analysis of the active substance as manufactured (OECD 2.2.1)

The nitrogen and moisture contents in the technical product and in TurfMaize are determined using published methods. References of these methods were provided.

Corn gluten meal technical is a feed grade product and meets the requirements outlined in Canadian Feed Regulations, Schedule IV, Part 1, Section 5.3.8. Data from two batches each from three separate sites show that the product meets the protein and moisture contents as outlined in the Canada Feed Regulations. The analytical method used for protein determination in the technical and in TurfMaize end-use product is a published AOAC method.

3.0 Impact on human and animal health

No toxicological studies were submitted for Prairie Gold 60% Corn Gluten Meal and TurfMaize. Instead, published literature was provided to support requests to waive all data requirements. The most common adverse effect reported in humans for corn and corn by-products in the published literature is allergy. Symptoms include dermal reactions, respiratory ailments, gastrointestinal difficulties and severe anaphylaxis. Adverse effects were also reported for corn dusts. However, these effects are limited mainly to grain and feed workers who are exposed to these dusts in enclosed spaces on a daily basis and, also, the cause of these reactions is still debated as corn and other grain dusts may contain numerous bacterial and fungal contaminants which can induce allergic and/or toxic reactions. Many of the fungi that grow on raw corn produce mycotoxins that may not be removed during wet-milling. Therefore, feed-grade corn gluten meal may also contain contaminating species of fungi particularly from the genus *Fusarium* and/or their associated mycotoxins, including fumonisins (B₁, B₂, B₃), trichothecenes (types A and B), zearalenone, aflatoxin and ochratoxin A. The amount of these mycotoxins present in feed-grade corn gluten meal is regulated by the CFIA. Currently, aflatoxins are the only mycotoxins regulated in the *Feeds Act* and Regulations, however recommended tolerance levels have been established for many of the remaining groups of mycotoxins.

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Based on the available information for corn gluten meal, Prairie Gold 60% Corn Gluten Meal and TurfMaize are expected to be minimally toxic via the oral, dermal and pulmonary routes, minimally irritating to the skin, and mildly irritating to the eyes if both products conform to the mycotoxin guidelines established by the Canadian Food Inspection Agency (CFIA). Therefore, it is required that the mycotoxin levels present in Prairie Gold 60% Corn Gluten Meal and TurfMaize do not exceed the tolerance levels established by the CFIA for feed. In addition, Prairie Gold 60% Corn Gluten Meal and TurfMaize are also expected to be potential sensitizers.

Potential exposure will be via dermal deposition and inhalation during application and re-entry onto treated lawns. The above-noted toxicological data indicate a lack of significant adverse toxicology health effects for corn gluten meal. As such, no quantitative exposure and risk assessment was conducted. However, hypersensitivity from contact with corn by dermal and inhalation routes may be of concern. Therefore, a precautionary statement regarding corn as a potential allergen will be added to the label together with personal protective equipment (PPE) recommendation for applicators.

4.0 Residues

Not applicable

5.0 Fate and behaviour in the environment

No data were submitted on environmental chemistry and fate of CGM and TurfMaize. CGM is insoluble in water. CGM is a protein and is expected to biotransform rapidly when applied to soil. It is therefore not expected to be persistent in the environment.

6.0 Effects on non-target species

No data were submitted on the toxicity of CGM to terrestrial and aquatic organisms. CGM is a feed grade material and is used historically in the manufacturing of food material for animals, birds and fish. It is also used in the commercial fishing industry as a commercial fish food. According to the applicant, it is considered non-toxic to wild birds, mammals, fish, terrestrial and aquatic invertebrates. Studies conducted with sows (Honeyman and Zimmerman, 1990) showed that the performance (body weight and litter size) of sows fed with corn gluten feed did not differ from that of the sows fed with the control diet. CGM is listed as a feed ingredient and included in Schedule IV of the Canadian Feed Ingredient classification (Section 5.3.8, protein foods). CGM is, therefore, expected to have negligible adverse effects on non-target terrestrial and aquatic organisms.

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Corn gluten meal is biodegradable and, therefore, not persistent in the environment. It is non-toxic to wild birds, mammals, fish, and terrestrial and aquatic invertebrates. CGM is, therefore, expected to have negligible adverse effects on non-target terrestrial and aquatic organisms. CGM and TurfMaize will not pose a risk to the environment with the labelled use pattern.

7.0 Efficacy

Based on the data submitted, there is evidence to support a claim that TurfMaize may inhibit the seed germination of dandelions and smooth crabgrass. As a condition of registration, additional efficacy data are required to demonstrate the herbicidal effect of TurfMaize.

Sufficient crop tolerance data were submitted to demonstrate that established Kentucky bluegrass turf is expected to be tolerant to TurfMaize when applied according to the label directions. No data were submitted to demonstrate the tolerance of other grass species, such as fine fescues, bent grasses and rye grasses which may be found in established residential lawns in Canada. In lieu of crop tolerance data for other perennial grasses typically found in established lawns, the label must state that TurfMaize is for use on lawns where the predominant grass is established Kentucky bluegrass.

No data were submitted in order to establish an appropriate over-seeding or re-sodding interval of sites treated with TurfMaize. In lieu of data, the label states that if over-seeding or re-sodding in the spring, do not apply TurfMaize in the spring. If over-seeding or re-sodding in the fall, do not apply TurfMaize in the fall.

8.0 Toxic Substances Management Policy (TSMP) considerations

During the review of CGM, PMRA has taken into account the federal Toxic Substances Management Policy (TSMP) and has followed its Regulatory Directive DIR99-03. It has been determined that this product does not meet TSMP Track-1 criteria and does not form any major transformation products that meet the TSMP Track-1 criteria. It does not contain any by-products or micro contaminants that meet the TSMP Track-1 criteria. The end-use product, TurfMaize, does not contain any formulators that are known to contain TSMP Track-1 substances or USEPA list 1 or 2 formulators.

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9.0 Regulatory decision

Prairie Gold 60% Corn Gluten Meal (TGA1) and associated end-use product, TurfMaize, have been granted temporary registrations for use as pre-emergence weed seed germination inhibitors for dandelions (*Taraxacum officinale*) and smooth crabgrass (*Digitaria ischaemum*) on established residential lawns where the predominant grass is Kentucky bluegrass, pursuant to Section 17 of the Pest Control Products (PCP) Regulations, subject to the generation of the following studies:

- confirmatory efficacy data

Attachment "C"

**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 15th 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
SAK

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Attach "D"

The Environmental Factor Inc.
MATERIAL SAFETY DATA SHEET

SECTION I Product and Company Identification	
Product Name:	Turfmaize Pre-emergent Weed Seed Germination Inhibitor with Corn Gluten
Chemical Name:	98% Corn Gluten Meal
Formula:	Mixture of protein, lipid, carbohydrate, and ash
Manufacturer:	The Environmental Factor Inc 133 Taunton Rd West Unit 8, Oshawa ON L1G 3T3
24-Hour Emergency Assistance:	905-571-5047
For other information Call:	1-888-820-9992
Prepared on:	Jan 18, 2002
Prepared by:	Lorelei Hepburn

SECTION II Ingredients					
			OSHA PEL	ACGIH TLV	
Ingredient (s):	CAS NO. 66071-96-3				
Corn Gluten Meal	% by Wt.	TWA	STEL	TWA	STEL
Corn Gluten Meal			Nuisance particulate, --		Nuisance particulate, --
CAS NO. 8001-22-7			15 mg/m ³ of total dust		10 mg/m ³ of total dust
Soya bean oil					

SECTION III Hazard Identifications
The Environmental Factor is unaware of any hazards for this product. Avoid creating dust or exposing dust to ignition sources. This material conforms to the Food and Drug Regulations. Since all the materials in this product are classified as feed ingredients, it is exempt from WHMIS. This MSDS is provided as general information for health and safety guidance.

SECTION IV Physical/Chemical Characteristics Data	
Boiling Point (°F): Not applicable	Specific Gravity (H ₂ O=1): Not applicable
Vapor Pressure (mm Hg): Not applicable	Moisture (% by Wt.): 9-12
Vapor Density (Air=1): Not applicable	Evaporation Rate (n-butyl acetate=1): Not applicable
Solubility in Water: Not applicable	Appearance and Odor: Goldenrod, slight odor

SECTION V - Fire and Explosion Hazard Data
Flash Point (Method Used): Not applicable
Extinguishing Media: Water-Chemical-CO ₂
Special Fire Fighting Procedures: None
Unusual Fire and Explosion Hazards: All dusts from grain products are explosive at critical air dust concentrations.

SECTION VI - Health Hazard Data			
Carcinogenicity:	NTP: No	IARC: No	OSHA: No

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Route of Entry:	Ingestions:	Not a hazard
	Inhalation:	Not a Hazard
	Skin:	Not a Hazard
	Eyes:	Contact may cause temporary mild irritation.
Effects of Overexposure:		
Acute	Ingestion:	Not a hazard in normal industrial use.
	Inhalation:	Not a hazard
	Skin:	Not a hazard
	Eyes:	Contact may cause temporary mild irritation.
Chronic	Ingestion:	Not a hazard in normal industrial use.
	Inhalation:	Not a hazard
	Skin:	Not a hazard
	Eyes:	Contact may cause temporary mild irritations.
Emergency and First Aid Procedures:	Ingestions:	Get medical attention for individuals who ingest large amounts.
	Inhalation:	Remove to fresh air
	Skin:	Wash with water
	Eyes:	Wash with water

SECTION VII Reactivity Data

Stability:	STABLE
Incompatibility (Materials to Avoid):	Strong Oxidizing agents
Hazardous polymerization will not occur:	No Hazardous Decomposition Products

SECTION VII Precautions For Safe Handling and Use

Precautionary Statements:	Avoid creating dust clouds.
Neutralizing Chemicals:	None
If Material is released or spilled	Follow all legislative requirements for non-hazardous waste disposal.
Waste Disposal Method:	Dry sweep, dry disposal.
Storage Requirements:	Clean, dry warehouse, ambient conditions.

SECTION VIII Control Measure

Ventilation Requirements:	Local Exhaust
Personal protective Equipment:	Eye: None Gloves: None Clothing: None
Respiratory Protection:	Use NIOSH approved respirator to limit exposure to dust when dust from product is present.

NOTE: The information in this MSDS is compiled in good faith from source considered to be accurate to the best of our knowledge and applies to activities within the scope of the intended use of the product. No warranty or representation respecting the accuracy or completeness of the data expressed or implied with respect to completeness or continuing accuracy of the information given here. We assume no responsibility for any liability or damages relating thereto or for advising you regarding the protection of your employees, customers, or others. Users should make their own test to determine the applicability of such information.