

IMPLEMENTATION AND ENFORCEMENT OF THE *COSMETIC PESTICIDES BAN ACT*

Recommendation

The Commissioner of Legal and Administrative Services & City Solicitor recommends that this Report be received for information

Economic Impact

There is no economic impact to this Report

Communications Plan

N/A

Purpose

This Report provides information with respect to the implementation and enforcement of the *Cosmetic Pesticides Ban Act*.

Background - Analysis and Options

The *Cosmetic Pesticides Ban Act* (the "Act") received Royal Assent on April 22, 2009. This Act prohibits the sale and use of cosmetic pesticides in the Province of Ontario. Regulations passed under the Act itemize those pesticides that are deemed to be cosmetic for the purposes of the Act. The Act also renders any municipal by-law inoperative that addresses the "use, sale, offer for sale or transfer a pesticide that may be used for cosmetic purposes". This provision effectively renders City Pesticide By-law 88-2008 inoperative. By virtue of this provision, the Province is now responsible for the enforcement of pesticides in the City.

For the purposes of enforcement, the Province is divided into 5 Regions, and each Region is divided into districts. The City of Vaughan falls into the York-Durham District, which also includes Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Uxbridge, Whitby, Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, and Whitchurch Stouffville. There are 8 enforcement officers assigned to the York-Durham District. In addition to the Act, the enforcement officers are responsible for all other environmental statutes, including the *Environmental Protection Act*, the *Ontario Water Resources Act*, and the *Environmental Assessment Act*.

The Province will undertake enforcement through education, inspections, response to incidents, voluntary abatement, orders, tickets, and prosecutions. Prosecutions under the Act would be conducted in Provincial Offences Court, and the maximum penalty is \$20,000 on first conviction, and \$50,000 on subsequent conviction. The Province will focus initial enforcement efforts on education when responding to reports of suspected non-compliance. Vaughan citizens who wish to report non-compliance may contact the Province's Pollution Hotline at 1-866-MOE-TIPS. Any complaints received by the City will be directed to the Province for enforcement.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

N/A

Conclusion

The *Cosmetic Pesticides Ban Act* bans the use and sale of cosmetic pesticides in the Province, while rendering inoperative any municipal by-law that deals with cosmetic pesticides. The Province will utilize education for initial enforcement efforts, and progressive enforcement strategies thereafter. The City will direct any complaints regarding pesticides to the Province.

Attachments

N/A

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Respectfully submitted,

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