

ENVIRONMENT COMMITTEE – DECEMBER 8, 2008

THE COSMETIC PESTICIDES BAN ACT DRAFT REGULATIONS

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends:

1. That this Report be received for information.

Economic Impact

There is no economic impact of this Report.

Communications Plan

N/A.

Purpose

This Report provides an overview of the Draft Regulations which are intended to be passed under the *Cosmetic Pesticides Ban Act* (Bill 64), and the impact that these Draft Regulations will have on the City's Pesticide By-law should it become law.

Background - Analysis and Options

The *Cosmetic Pesticides Ban Act* (Bill 64) received first reading in June of this year. This Act prohibited the use of cosmetic pesticides in the Province of Ontario, but did not specify those pesticides that would be considered as "cosmetic". This Act also created a number of exceptions for this prohibition, including uses related to golf courses, uses related to agriculture, uses related to forestry, and uses related to the promotion of public health or safety. However, these uses were not defined. This Act also rendered inoperative any municipal by-law that addresses the use or sale of a pesticide that may be used for a cosmetic purpose. It would appear that the intention of this provision was to create a uniform code throughout the province for cosmetic pesticides.

The Province of Ontario has now released Draft Regulations that are intended to be passed under the Act. The Draft Regulations classify pesticides into 11 different classes. The Draft Regulations specify that cosmetic pesticides are those pesticides that are found in Class 9. There are 85 pesticides listed in Class 9. City Pesticide By-law 88-2008 prohibits the use of pesticides in the City, and defines pesticides as including "any product, organism or substance that is a registered control product as defined under the federal *Pest Control Products Act*". A cursory review of the federal *Pest Control Products Act* and the associated regulations reveals that there are more pesticides registered as pest control products than there are pesticides listed in Class 9 of the Draft Regulations. Accordingly, it would appear that the Draft Regulations are narrower in scope than the City's Pesticide By-law.

The Draft Regulations also defined the aforementioned uses. Many of the exceptions found in the City's Pesticide By-law would fit under the ambit of these defined exceptions. However, exceptions such as uses related to lawn bowling greens, cemeteries or Canada's Wonderland would likely not fit under the defined uses in the Draft Regulations. Therefore, the exceptions found in the Draft Regulations are narrower in scope than those found in the Pesticide By-law.

It should be noted that Council adopted a Resolution on June 23, 2008 asking the Province to amend the *Cosmetic Pesticides Act* (Bill 64) to allow municipal by-laws that are more restrictive to Bill 64 to prevail. This Resolution was circulated to the Premier, the leader of the Opposition Parties, the Minister of the Environment, Opposition Party critics, and Vaughan-area M.P.P.s.

The Draft Regulations are in the public consultation phase of the legislative process. Interested individuals may submit comments to the Ministry regarding the Draft Regulations by December 22, 2008.

Relationship to Vaughan Vision 2020

The recommendation in this Report is consistent with the principles previously set by Council.

Regional Implications

None

Attachments

N/A.

Conclusion

The *Cosmetic Pesticides Ban Act* (Bill 64) received first reading in June of this year. This Act institutes a province wide ban on cosmetic pesticides. This Act will also render inoperative any municipal by-law that addresses the use or sale of a cosmetic pesticide. The Province has published Draft Regulations which are intended to be passed under the Act. These Draft Regulations define cosmetic pesticides and the exceptions to the ban. It would appear that these Draft Regulations are narrower in scope than the City's Pesticide By-law, as they do not prohibit as many products as the City's Pesticide By-Law, and do not provide as many exemptions to property uses such as lawn bowling, cemeteries or Canada's Wonderland. Interested individuals may submit comments to the Ministry regarding the Draft Regulations by December 22, 2008.

Report prepared by:

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Respectfully submitted,

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