

COSMETIC USE OF PESTICIDES

CONSULTATION

SUMMARY OF PUBLIC COMMENTS

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Cosmetic Use of Pesticides Consultation

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Table of Contents

Introduction	1
Background to the consultation process.....	1
Purpose and format of the Summary of Public Comments document.....	1
Description of responses received.....	2
Consultation Issues and Summary of Public Comments	4
1. Current ministry objectives in regulating the use of pesticides.....	4
2. Potential regulatory restrictions on cosmetic use of pesticides	8
3. Creating classes of pesticides that may or may not be used for cosmetic purposes	12
4. Limiting use to qualified applicators and encouraging IPM.....	16
5. Notification and signage requirements.....	19
6. Conditions under which pesticides may be sold or purchased.....	22
7. Public awareness, education, compliance and enforcement	26
8. Additional comments	29
Appendix A: Acronyms and Abbreviations	30

Cosmetic Use of Pesticides Consultation

1. Introduction

In the August 25th 2009 Speech from the Throne, the Government of British Columbia committed to consult British Columbians on “new statutory protections to further safeguard the environment from cosmetic chemical pesticides.”¹

A consultation paper and website were developed by the Ministry of Environment to stimulate conversation and gather input on this topic. Consultation issues for discussion set out in the consultation paper and response form included the following headings:

- Ministry objectives in regulating the cosmetic use of pesticides
- Potential regulatory restrictions on cosmetic use of pesticides
- Creating classes of pesticides that may or may not be used for cosmetic purposes
- Limiting use to qualified applicators and encouraging Integrated Pest Management
- Notification and signage requirements
- Conditions under which pesticides may be sold or purchased
- Public awareness, education, compliance and enforcement
- Additional comments

1.1 Background to the consultation process

The consultation paper was posted for public review and comment on the ministry’s website (www.env.gov.bc.ca/epd/ipmp/regs/cosmetic-pesticides/consultation.htm) December 2009 through February 2010. The consultation paper provided background information and identified consultation issues for discussion to build understanding about the subject and provide a structure for comments and feedback.

1.2 Purpose and format of the *Summary of Public Comments* document

This document has been prepared for the Ministry of Environment by C. Rankin & Associates, contracted by the ministry to independently receive, compile and review comments. The summary does not reflect the ministry’s position on any issue. It provides a synopsis of the responses that are being considered by the ministry – without specific attribution, except to the extent required to provide context for the comments. This summary of public comment does not include all detailed comments, rather it attempts to capture the tenor and content of comments through summarization and specific excerpts from representative submissions.

The complete set of responses received through the consultation process has been compiled and passed to the ministry for detailed review and consideration. All comments and references submitted through this process, through independent submissions and through direct consulta-

¹ See: www.leg.bc.ca/39th1st/4-8-39-1.htm

tions with stakeholders, will be reviewed and carefully considered by the ministry in developing the regulations.

The summary of responses is arranged by topic as presented in the consultation paper. Direct excerpts from submissions are included in quotation marks (“ ”). Square brackets ([]) indicate inferred or contextual terms.

1.3 Description of responses received

More than 8,000 comments, signatures on petitions or submissions were received between December 2009 and the end of February 2010 in response to the ministry’s request for comments on the cosmetic use of pesticides in British Columbia. These responses included: petitions with individual signatures (more than 4,000 signatures); copies of letters or e-mails sent to Members of the Legislature (MLAs) or the Minister of Environment (about 3,000 individual items of correspondence); individually signed form (or template) letters (more than 500); and responses or submissions specifically addressing the consultation issues and topic areas identified in the consultation paper prepared by the ministry (more than 800 by e-mail, fax or attached file). A number of respondents also submitted or included reference to supplemental materials for the ministry to consider, including: newspaper articles and letters to the editor; scientific papers including toxicology and health studies or reviews; “model” legislation or municipal bylaws addressing the cosmetic use of pesticides; and detailed legal briefs or organizational programs related to integrated pest management programs or the cosmetic use of pesticides. All comments and materials have been compiled and are being reviewed by ministry staff.

Introductory or fronting text of petitions or template letters included the following statements:

- “Cancer has and will continue to have a tremendous impact on British Columbian communities. The provincial government plays an important role in supporting British Columbians to take control of their health and reduce their risk of cancer. By committing to consult with the public on new statutory protections to further safeguard the environment from cosmetic chemical pesticides, the government has taken a good first step in the right direction. Action by the B.C. government is necessary as it has the power to restrict the sale of cosmetic pesticides across the province. The cosmetic use of pesticides is harmful to public health and the environment. Pesticides has been linked to non-Hodgkin lymphoma, adult and childhood leukemia, brain, kidney, pancreatic, prostate, and some lung cancers, and studies show the children are more vulnerable. The use of pesticides for cosmetic purposes is unnecessary, as safe and effective alternatives exist. For several years, the Canadian Cancer Society and its partners have been advocating for strong, province-wide cosmetic pesticide legislation. British Columbians are strongly in favour of a ban, British Columbia municipalities are also calling on the B.C. government to pass provincial cosmetic pesticide legislation, and several provinces have bans in place or in progress. Now is the time for the B.C. government to take its next step with the creation of a quick timetable for action. This is to request that the government **put a stop to the sale and use of cosmetic pesticides by January 2011**. Please implement a strong and effective ban on the sale and use of cosmetic pesticides province-wide.”
- “We the undersigned would like the government to put a stop to the sale and use of cosmetic pesticides by January 2011. Please implement a strong and effective ban on the sale and use of cosmetic pesticides province-wide.”

- “I DO NOT support a ban on lawn and garden products. These products are thoroughly assessed by Health Canada and are important tools for ensuring British Columbia’s green spaces remain vibrant and healthy. I trust Health Canada to ensure that the pesticides it approves are safe and effective, and I want to be sure that I have access to these products to protect my property from insects, weeds and diseases. Please don’t let misinformation influence you to ban products that I consider important and that Health Canada has approved as safe.”
- “I am writing as a member/client of the XXXX Golf and Country Club in response to the current consultation process being conducted by the Government of British Columbia to assess the views of the public with respect to the cosmetic use of pest control products. Turf on golf courses is NOT cosmetic or non-essential. The greens, tees and fairways are playing surfaces that are necessary to the game and to the business of golf. Since the business of golf depends on the quality of the playing surface, the negative economic impact of unsuitable or unplayable turf conditions would be economically devastating to golf facilities. As such, turf is essential to the business of golf and pesticides are vital to the proper health and care of turf. Although golf courses make every effort to have the strongest stand of turf possible by practicing good IPM (integrated pest management) there are times when it is necessary for superintendents to use pesticides. Even with the best water management, topdressing, aerifying, fertility and mowing practices in order to maintain good playing conditions, pesticides are needed. There are fungal organisms that can destroy large areas of turf overnight that must be treated when the climatic conditions for disease development are observed. Thank you for your consideration of my submission.”
- “I support a ban on the use and sale of non-essential pesticides in British Columbia.”
- “The sale and use of cosmetic pesticides (including Killlex, Roundup, WeedNFeed, 2,4-D and fertilizer/pesticide combination products) must be banned in B.C. There is no safe way to use pesticides on our lawns, gardens, school yards, parks, sports fields and golf courses. This includes Integrated Pest Management (IPM) use. Pesticides do not stay where they are used by a resident or a licensed IPM applicator and continue to harm long after the initial ‘kill’. There is no justification for the continued sale and use of cosmetic pesticides. Numerous safer, non-toxic and effective products are widely available. Ontario and Quebec have bans – B.C. needs a ban too. The Government of British Columbia needs to protect all British Columbians and the environment from unnecessary and harmful exposure to cosmetic pesticides (including IPM use). I fully support the 18 member health and environmental coalition’s January 14, 2010 request that our Government pass legislation in 2010 to ban sale and use of cosmetic pesticides. Thank you for including my ‘no IPM’ pesticide ban request in the B.C. Government’s consultation process.”

Consultation Issues and Summary of Public Comments

The following sections of this summary of public comment follow the consultation issues and questions outlined in the ministry's public consultation paper.

The summary includes comments from respondents who identified themselves in the optional contact information as: interested as a member of the public; working in the private sector; working for a government regulatory agency; working for a public sector organization; First Nation; involved or working for an environmental or community interest group; or other interest – as well as respondents who chose not to provide contact information. All responses have been reviewed for inclusion in this summary document.

A number of the submissions received were stand alone comments or documents (i.e., they did not follow the headings and questions set out in the consultation paper and response form). These submissions and materials have been compiled, with all other responses received through the consultation process, and transferred to the ministry for review and consideration.

1. Current ministry objectives in regulating the use of pesticides

In regulating pesticides and the cosmetic use of pesticides, the ministry currently considers:

- Protection of human health and the environment
- Having a science-based approach
- Supporting the practice of Integrated Pest Management (IPM)
- Being appropriate and effective
- Providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests
- Cost-effective compliance and enforcement

Response Form Question 1.1: What are your thoughts about these objectives?

In addressing this question many respondents first expressed their support for, or opposition to, a “ban on the sale and use of cosmetic pesticides” before providing further comments about the objectives described in the consultation paper. Respondents also commonly commented that the objectives are “sound” or “reasonable” before making detailed remarks about how the objectives are or should be interpreted. Another common comment was that the objectives were “vague,” lacking explanation about how they are applied or without measures for the ministry and others to gauge effectiveness or progress.

Many respondents, including both those who supported and those who opposed a “ban on the cosmetic use of pesticides,” noted the importance or primacy of “protecting human health and the environment” and using a “science-based approach” when regulating the use of pesticides and/or “cosmetic pesticides.” A number of respondents commented that “decisions [concerning the regulation of pesticides] need to be based on sound science and not on emotion.” Other respondents noted, for example, that “our understanding of what constitutes

protection of human health has changed substantially over the past decades ... we need to acknowledge the imperfections of our science and be considerably more cautious than we have been in the past." A sample of the range of related comments included: "peer-reviewed, reputable science must be the basis ... of sound policy and legislation;" "as a scientist for almost four decades, my immediate question is 'whose science?' - science is far from impartial;" and "the Ministry of Environment should be sure to follow [these objectives] particularly the science-based approach - the fact that they are considering a ban on cosmetic pesticides indicates that they are not following their own objectives, as there is no scientific basis for such a ban."

Numerous respondents commented that the ministry's objectives set out in the consultation paper "complement" the objectives and work of "Health Canada and its regulatory the Pesticide Management Regulatory Agency (PMRA) [who through their] registration process and legislation have the same objectives ... [and] a complete working force of highly educated people." Many respondents, in contrast, expressed doubt about the federal pesticide registration process commenting, for example, that "there is no reliable data on the effects of pesticides on developing immune and hormonal systems" or that "PMRA officials handle numerous files, are under work-related stress, and are hired only if they satisfy minimum levels of formal training, and they may not all have the same ethics or informal training with respect to integrity, scientific method and freedom from bias."

Many respondents recommended that a "precautionary approach" or "the precautionary principle" should be added to the objectives guiding ministry actions or applied to a "science-based approach." Several respondents included a definition of the principle: "when an activity raises threats of harm to human health and the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically." For example, in advocating the approach one respondent commented that "the precautionary approach relates to how to manage situations in which there is uncertainty in the science, and is very compatible with an approach based on science - the limits of science in dealing with uncertainty are well understood." Other respondents, in contrast, commented that the existing regulatory system incorporates caution and science, stating, for example, that "the approval system for pesticides uses a precautionary approach that provides a stringent standard of protection to human health and the environment - before a pesticide is allowed to be used or sold in Canada, it must undergo a rigorous scientific assessment process which provides reasonable certainty that no harm will occur when pesticides are used according to label directions."

The objective of "supporting the practice of Integrated Pest Management (IPM)" generated substantial comment. Many respondents commented that IPM is important and effective approach and objective and if "good IPM practices" were used there would be no need to legislate "cosmetic use" of pesticides. Other respondents however, expressed doubt about IPM, commenting, for example, that "I'm a bit leery of IPM for it seems to often be an excuse to use pesticides even when not necessary." One respondent commented, for example, that "IPM is a flawed approach ... [and] must not be included in any cosmetic pesticide legislation" and that "this opinion is shared by many others." Many respondents who identified themselves as "working in private sector" in contrast, provided examples of how IPM is or could be effective in addressing cosmetic or non-essential use of pesticides. One respondent, for example, wrote that

“as an IPM Coordinator, I believe in the objectives – as I preach to agencies promoting this ban, it is not normally the trained and licenced applicators that are the problem – it is the average homeowner who treats every pest and weed chemically that needs to be re-educated and accepting of 'less than perfect' – as an IPM practitioner, I use pesticides only when necessary, always for reasons other than cosmetic – education and alternatives that work need to be promoted and available at a cost similar to pesticides.” Another respondent provided an assessment of the IPM approach in relation to the use of pesticides for cosmetic purposes, concluding that “in short, cosmetic pesticide use is at best a bad fit with, and arguably inconsistent with, the Ministry’s goal of IPM – while IPM can be used to achieve cosmetic results, we do not believe that using pesticides to achieve purely cosmetic results can be justified under a true IPM approach.”

Most comments relating to the ministry objective of “providing a foundation for understanding and adoption by the public, IPM practitioners and affected interests” made reference to other objective statements such as IPM, protecting human health and the environment or having a science-based approach to regulation. Many respondents commented, for example, that improved understanding and application of IPM practices could address public concerns about the cosmetic or unnecessary use of pesticides and reduce or eliminate the use of pesticides in such situations. Some respondents felt that greater understanding of the science basis underlying the existing pesticide regulation process would address public concern regarding pesticide use. Other respondents felt that greater public understanding of the risks posed by pesticide use or misuse is needed. A number of respondents also suggested that more information and regulation supporting alternatives to pesticides for domestic use would support adoption of these alternatives.

A number of respondents made suggestions for additional objectives to guide the ministry’s approach. These suggestions included:

- “I think an additional objective should be adopted along the lines of the Hippocratic Oath of ‘first do no harm’ ”;
- “Governments and the ministry should always strive for consistency in reducing comparative risk to the public, so that the more stringent criteria for human exposure from contaminated sites and waste disposal should be brought into the regulation of pesticides where human exposure has long been deemed acceptable at higher levels”;
- “The ministry’s objectives should include... ‘protection of agriculture and environmental horticulture industries, given their essential role in sustaining British Columbians’ food sources and the environment’ ”;
- “The ministry should add one objective to the list: to encourage a reduction in the use of pesticides”;
- “We submit that the principles of equity be added as a regulatory objective...we note that many of the ‘cosmetic’ pesticide legislations from other provinces exempt commercial golf courses in some way – such exemptions can give the impression that public policy treats the aesthetic values of those who can afford to patronize golf courses differently from (sic) the aesthetic values of the less advantaged population”;
- “Have as an objective something along the lines of ‘provide a foundation for understanding the definition of non-essential and cosmetic use when referring to pesticides in B.C.’ ”;

- “Add simple and transparent to ‘appropriate and effective’ ”; and
- “The only objective that matters to me is protecting human and pet health – why should my neighbor be able to dose my family and me in toxic pesticides?”

Response Form Question 1.2: How should these objectives be applied in developing policy and/or legislation to further safeguard the environment from cosmetic use of pesticides?

Many respondents who commented on this question reiterated or emphasized elements of their response to question 1.1, noting for example, that “the priorities seem appropriate and listed in order of priority,” that “protection of human health and the environment and using a science-based approach should be used as the guiding principles” or that “we cannot over emphasize the significance of having a science based approach as a foundation to enable good public policy.” A number of respondents commented that “[in keeping with these objectives] additional legislation or regulation [concerning cosmetic use of pesticides] is not necessary at this time.”

Many respondents commented on the importance of education – and in particular “public education” – in supporting the ministry’s goals and objectives. Some respondents emphasized education regarding the hazards associated with use or misuse of pesticides, others the importance of proper use (i.e., following vendor and label directions) and others the availability of alternatives to synthetic pesticides.

A number of respondents recommended “keeping pesticides away from the public,” commenting, for example, that “pesticides are too dangerous to be handled in concentrated habitation areas (cities) – they should be removed from store shelves.” Many of these respondents continued with the suggestion that “licensed applicators” are better able meet the objectives set out by the ministry.

Additional specific comments included:

- “Improvements should be made to the Spheres of Concurrent Jurisdictions [legislation] to clarify municipal authority”;
- “I suggest that pesticides be used ONLY by the certified applicators themselves, not by those under their supervision”;
- “If it is the Ministry’s obligation to proceed with this consultation, then these six objectives will be adequate to identify whether there is a need to regulate the use of pesticides;”
- “We believe much of the negative public perception regarding lawn and garden pesticides is primarily a result of inaccurate information and allegations that lack support...this perception and the degree of concern would be significantly reduced if consumers were more aware of the stringent federal regulatory process and oversight along with B.C.’s forward-thinking legislation and ministry objectives – balanced information should be the collective goal”;
- “The philosophy around most of the objectives would be met by B.C. certified applicators with further credentials through the Pesticide Accreditation program (PlantHealthBC)”;
- “Pesticides used in an outdoor environment should be taken out of the hands of the untrained home-gardeners and at the retail level”; and

- “Each of these objectives should first be prioritized...individually defined and a recognized scientific governing body enlisted/ assigned to provide recommendations for standards that statutory requirements are based on.”

2. Potential regulatory restrictions on cosmetic use of pesticides

In considering potential restrictions on the cosmetic use of pesticides, the ministry is taking the following questions into view:

- What is and what is not a cosmetic use of a pesticide? Can certain pests be considered cosmetic? Is there a point at which the management of a pest becomes not cosmetic? Is there a difference in using a pesticide to manage pests on a tree used for fruit production in a residential area and a fruit tree that is strictly ornamental?
- Should the term “cosmetic use of pesticides” apply strictly to outdoor situations (e.g., lawns and/or gardens)? Are there situations where the use of pesticides indoor would be considered to be cosmetic? How would this (indoor) use of pesticide for cosmetic purposes be defined?
- Should the regulation of cosmetic pesticides include uses on residential land, public municipal lands, and/or other private lands?

Response Form Question 2.1: Do you have any comments regarding new restrictions addressing the cosmetic use of pesticides?

Responses were sharply divided on this question. On the one hand, many individuals and groups expressed support for “banning the use and sale of cosmetic chemical pesticides.” Other respondents commented that “there is no need to develop additional regulations for cosmetic pesticide use in B.C.”

Examples of comments made in support of new restrictions on the cosmetic use of pesticides included:

- “We absolutely need stricter regulations on the use of pesticides especially in environments where children live, learn and play”;
- “All use of pesticides is cosmetic, even on fruit trees...new restrictions addressing the cosmetic use of pesticides is a must”;
- “A province-wide regulation restricting the use of non-essential, cosmetic pesticides, as well as their sale, will help to achieve the short term reduction and long term elimination of non essential pesticide use”;
- “Any pesticide that is harmful to humans should be banned, not just restricted – organic practices address issues of diseases and pests in a positive way – eliminating one pest, chemically, impacts the whole ecosystem and ends up causing more problems – it’s time to move past these outdated forms of control”;
- “Anything that bioaccumulates, persists in the environment, or affects hormonal systems at any concentration should be banned”; and

- “I would like to see a restriction of all non-natural pesticides for cosmetic use and to ban the sale of these products.”

Examples of comments made by respondents voicing opposition to any new restrictions addressing the cosmetic use of pesticides included:

- “The current regulatory regime in B.C. has been effective in ensuring that the application of pesticides is safe for humans and the environment and effective for the control of potentially damaging pests and vegetation”;
- “No other common household product goes through the level of scrutiny and regulatory oversight that pesticides do...there is no reason why pesticides, in particular lawn and garden products, should be singled out and targeted for additional regulations’; and
- “There are no effective alternatives on the market today to the traditional Health Canada registered products – NONE.”

Examples of other comments made by respondents included:

- “Why is this being considered?...[while] some cosmetic use of pesticides is needless...how much of it should be eliminated I do not know...given my own experience I do not see the need for much pesticide use by anyone – if truly required, leave it to those qualified to practice IPM, do appropriate assessments and apply products responsibly”;
- “...‘cosmetic pesticide’ terminology is highly subjective”;
- “Control [of] invasive species...is a necessity”;
- “Make it clear that a certified, registered applicator can apply pesticides on food crops at [a] residence”;
- “Regulation should apply to the user, not to the classification of the land – the user should be someone who is trained and certified to use pesticides under certain restrictions, i.e., on-farm, municipal, or provincial lands & forests”;
- “Cosmetic use could be separated along the lines of percent infestation with thresholds established as minimum before applying a pesticide...another way...would be to separate residential use from commercial use by allowing business the option (based on levels of threat to the ‘crop’, impact on revenue and a working IPM program) to control...to ensure continued viability of the operation”;
- “The ability of municipalities to enact and enforce bylaws regulating the use of pesticides must be retained, the authority to enact such bylaws to protect either human health and ecosystems or both should be made available [and] bylaws and regulations must be extended to commercial and public lands for outdoor non-essential use.”

Response Form Question 2.2: How would you define “cosmetic use of pesticides”?

Two sharply differing types of responses were received to this question. One group of responses supported use of the term and suggested definitions, frequently including phrases such as “unnecessary use” or “use for ornamental or aesthetic purposes.” A second group of

respondents felt that the term should not be used or defined, commenting, for example, that “it is inappropriate and not needed in addition to current legislation.”

Suggestions for *defining* cosmetic use included:

- “Non-essential, or an item used for the intention of improving or maintaining an esthetic quality”;
- “The use of any product to control a perceived pest without any consideration for the conditions that resulted in the pest (i.e., no IPM program) [or] consideration for an allowable infestation level...(IPM and established threshold levels)”;
- “Domestic use on ornamental plants and lawns”;
- “Use of pesticides for aesthetic reasons – to deal with organisms that are considered an eyesore or cause unsightly conditions but which do not directly negatively impact human health, the environment or property”; and
- “Any use outside of agriculture related to food production.”

A number of respondents also suggested defining non-cosmetic use to clarify what would and would not be considered a cosmetic use. For example, “non-cosmetic pesticide use prevents economic damage or health impacts, such as pest damage to crops or buildings, control of invasive plants, or reducing the spread of disease.”

Examples of comments made by respondents who recommended *against defining* or introducing restrictions on cosmetic use of pesticides included:

- “There is no such thing as the ‘cosmetic use of pesticides’ – this term was first coined to diminish the value in using pest control products and stigmatizes pesticides in general – lawns, gardens, backyard fruit trees, ornamental trees and shrubs are worthy of protection from insects, weeds and/or disease by federally regulated, safe and effective products”;
- “Pesticides should be a personal choice depending on...personal space, we as gardeners are responsible people and this should be my choice”;
- “Common sense should prevail, not just fear or pressure from people who do not know the value of pesticides, if used correctly”;
- “Don’t do it...the province should support the [existing federal] process...and not invest limited resources into any legislation regarding cosmetic use pesticides”; and
- “It is a value judgment...one person’s cosmetic use is another person’s important use...to for example, maintain property values, apportion personal time and money and maintain good neighbour relations...”

Some respondents recommended against defining the term because (in the respondents’ views) broader or more inclusive restrictions (than cosmetic uses) of pesticides are needed (i.e., a ban on sale and/or use should extend beyond narrowly defined cosmetic pesticides).

Response Form Question 2.3: Are there any business sectors or particular uses that you feel should not be subject to restriction on the cosmetic use of pesticides? If yes, what is your rationale for recommending exclusion of these sectors or uses?

Similar to responses to previous questions, many respondents were absolute in their comments – i.e., either “the standard must be applied to all sectors without exceptions to achieve the goal of protecting humanity and the environment” or “no sector or home user should be subject to a ban on pest control products that have been approved for use by Health Canada as being safe and effective tools for protecting people and property against infestations.”

A number of respondents recommended allowing the sale of pesticides only to “licensed applicators” with the provision that “if a residential homeowner wishes to maintain his back lawn himself, rather than hiring a professional, licensed lawn care company, he should have the right to do so, provided he has passed the exam.” Several respondents making such suggestions commented that (untrained) private individuals are most likely to misuse or overuse pesticides. Respondents also commented that current requirements of vendors to inform purchasers about IPM principles are not effective in ensuring appropriate use of pesticides by domestic users.

Many respondents commented that any regulation should explicitly exclude agricultural and forestry situations, as well as use of appropriate pesticides for control of invasive species or protection of human health. For example, “agricultural and forestry applications are generally beyond the scope of regulatory restrictions on the cosmetic use of pesticides – in these instances, we do encourage the use of IPM.” Other respondents voiced their concern about pesticide use across all sectors, commenting, for example, that “parks, golf courses, school fields, forestry property, rail and road shoulders, shopping areas, private residences and vacation properties, and crown land, all leach their residues into our water systems and attach onto our persons.”

The subject of pesticide use on golf courses raised considerable comment. Many responses were received from golf course or club superintendents, staff and members outlining the importance of good turf management to the viability of courses, responsible IPM and pesticide use practices used by golf course managers and that “turf on the golf course is **NOT** cosmetic or non-essential – the greens, tees and fairways are playing surfaces that are necessary to the game and to the business of golf.” Some respondents recommended a “phase in period” for regulations governing golf courses, for example, “we...recommend that the golf industry be given a three year phase out time for adaptation to new regulations – this will allow the golf industry to open their market to alternative products which have been successful in other countries and in Canada.”

Additional specific comments included:

- “The biggest polluter of pesticides is the one that is mixed with fertilizer...that product should be banned due to homeowners over applying...then over watering the lawn causing the majority of the herbicide to run into drains”;
- “Business sectors such as orchardists [and] vintners perhaps could have some restrictions but ... be rewarded for minimizing their use of pesticides”;
- “Pesticide application on residential fruit trees should not be considered cosmetic as infestations or outbreaks on residential fruit trees can potentially affect food crop production on agricultural fruit trees – exemptions should include land used for agricultural land, forestry,

farms, transportation, public utilities and pipelines – additional exemptions should include the control and eradication of alien invasive species and the control of wildlife as per the Community Charter Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation – the above are not cosmetic in nature, and therefore could be considered exempt from regulation for cosmetic pesticides”;

- “I think the IPM is working – I am most opposed to Professionals, Nurseries, golf Courses and Farmers having further restrictions – I say this coming from the point of view that pesticides should be used as a last resort and use very little myself”;
- “Any restriction in sales should apply only to outdoor use – products designed for use indoors should be excluded from any ban or sales restrictions”;
- “Structural pests that cause damage to homes and other buildings need viable options as most insurance companies do not provide coverage – pesticides sometimes need to be available”;
- “Landscape companies that use pesticides on lawns should not be exempted – again, too much watering down of regulations make[s] them ineffective”;
- “It is the view of [our organization] that golf course superintendents should also be PlantHealthBC accredited if they intend to use “cosmetic” pesticides – this proves that a level of knowledge, skill, and environmental care are possessed by the superintendent, and pesticides are only applied under the most dire circumstances, when all other IPM tactics have been exhausted”;
- “The real target and root cause of this topic is the private consumer (homeowner) – education and communication is key in mitigating any problems related to pesticide use/abuse.”

3. Creating classes of pesticides that may or may not be used for cosmetic purposes

Some Canadian provinces have introduced statutory provisions that create additional classes of pesticides, with accompanying rules governing their sale and use. Approaches could include creating a class of:

- Active ingredients to which restrictions do apply
- Active ingredients to which restrictions do not apply
- Product types to which restrictions do apply; and/or
- Product types to which restrictions do not apply

Response Form Question 3.1: Do you feel that creating additional classes of pesticides would be an effective way to regulate pesticides used for cosmetic purposes? Why or why not?

Many respondents expressed concern that creating additional classes of pesticides would not be appropriate, commenting, for example that “pest control products are already classified on multiple levels by Health Canada ... another layer of classification [would] further confuse the public.” A number of respondents commented that “[the present classification system] is a good

way of regulating these pesticides, restricting the most toxic of pesticides to only professionally trained personnel and [matching] restrictions on the sale of these products to their toxicity.”

Many other respondents commented that “all pesticides should be banned” obviating any need for additional classes of pesticides.

Some respondents noted that although they “[did] not recommend any new classifications ... if a new classification is the only political option available the government should implement the Harmonized Classification System for Domestic Class Pesticides to provide the basis for a self-select and controlled-sale system – as the summary on the ministry website indicates, this system will provide a rational and consistent basis for classifying domestic class products in B.C.”

Examples of specific remarks included the following comments:

- “It is VERY difficult to find current pesticide classification information ... create a ... classification system that actually tells consumers what they need to know”;
- “Review what has been done for effective programs in other regions/countries ... [for example], City of Seattle’s pesticide tier classification”;
- “I think pesticide re-classification is essential – it appears that current classifications do not distinguish with sufficient accuracy the potential toxicity and environmental effects of existing pesticide ingredients”;
- “I favour listing active ingredients over product types – in this regard, the provinces differ, it may be better to avoid creating lists”;
- “Why not create controls based on active ingredients and registered uses?”;
- “No – any new classification system will [only] be as robust as the definition of cosmetic use on which it would be based – since the definition of cosmetic will be value based and somewhat arbitrary, the classification system will be the same”;
- “No, the general public uses pesticides irrationally – it is the dose that makes the poison and the dose that makes the cure – the key is in proper use”;
- “Cosmetic versus non-cosmetic is not the issue; it is the nature of the pesticides themselves that is at issue – there should be only two classes: permitted and banned”;
- “Pesticides should be treated like pornography, hidden behind the counter and a pain in the butt to get, therefore not always worth the hassle”; and
- “Do not create restrictions based on active ingredient – products available for domestic use have been thoroughly evaluated by qualified, objective scientists in the PMRA – the result is domestic products formulated to reduce risks to the applicator and environment – creating a category based on toxicity of the active [ingredient] is OK if users were using concentrated products or pure actives – however the removal of concentrate formulations greatly reduces the potential hazards associated with the actives – therefore any categories should be based on product types.”

Response Form Question 3.2: If you do recommend the establishment of new classes of pesticides for regulation what criteria would you suggest for establishing categories and assigning pesticides to particular categories?

Many respondents reiterated their comment that “no additional classes of pesticides are needed” and that the existing classification system provides a consistent and scientifically sound basis for regulating the use of pesticides. A number of respondents noted that “there is no ‘cosmetic’ class registered by Health Canada and no need for one.”

A number of respondents recommended establishing or formalizing a list of “allowed” or “safe” pesticides commenting, for example, that “we are not opposed to the development of a very limited list – focused ... on non-synthetic alternatives that are the safest of the pest control options available for cosmetic uses.” Some respondents referred to this classification as a “white list” of “low-risk” or “safe” pesticides or “bio-pesticides.” For example, one respondent recommended that “the use of products identified in the Integrated Pest Management Regulation, B.C. Reg. No. 204/2004 Schedule 2 - Excluded Pesticides should be allowed, and identified as a ‘white list’ of products ... [our] group [also] recommends that this list be revised to focus more explicitly on allowed natural or biological controls for outdoor residential application.”

Additional specific comments included:

- “[We recommend that] 1) Separate lists that apply to indoor use and to outdoor use should be established, 2) Pesticides in aerosol containers easily applied in large amounts by multiple purchases should not be allowed, 3) The proposed federal approach of making small quantities of chemical pesticides available at retail should be rejected – only classification by active ingredient should be considered, 4) Specific prohibitions for outdoor, cosmetic non-essential use should be identified [and] 5) B.C. should immediately move to banning the sale of 2,4-D fertilizer products, ban the use of any herbicide for area application, and consider designating all herbicide use as non essential”;
- “The approach other provinces have taken seems workable ... ban the use of formulations such as herbicide-fertilizer mixes; any pesticide concentrates, for untrained people especially, that require mixing; and anything containing 2, 4-D or related chemicals”;
- “Following the Ontario Categories, a category for very high risk, dangerous chemical that are not to be sold or used, a category for safe ingredients that are available to everyone for anything, and a range of categories depending on risk levels of the ingredients and their uses”;
- “The main point I wish to make is to plead for an exemption for low-toxicity man-made pesticides – my former experience as a research scientist doing pesticide research for government leads me to support strict regulation of pesticides, but to regard blanket bans as unwarranted and unreasonable infringement of minority rights”;
- “The City recommends that a new category of excluded pesticides that would be made available only to licensed applicators – this category should include commercial grade acetic acid”; and
- “If regulatory restrictions allow for the use of otherwise banned pesticides when necessary to protect public health and safety, it may be useful to set out a limited class of pesticides that can be used and sold under this exemption and establish conditions for their retail display and sale.”

Response Form Question 3.3: What rules would you recommend for the sale and use of pesticides in any new categories?

Many respondents suggested that “only pesticides containing exclusively low-risk ingredients should be available for sale and allowed for cosmetic purposes.” Respondents making this suggestion also often recommended that “pesticides used for non-cosmetic purposes ... should only be [allowed to be] applied by licensed applicators.” Many other respondents also recommended that training, and a “license” or “ticket,” should be required of anyone wishing to purchase a pesticide that is not either “banned” or on an exempted “white list” of low risk or low toxicity products.

A number of respondents suggested “following the lead of other provinces” that have already limited the cosmetic use of pesticides, noting that “they have already done significant work and research and the system works.”

A number of respondents again commented that no new categories of pesticides are warranted or appropriate for regulating the cosmetic use of pesticides.

Additional specific comments included:

- “Refer to the Harmonized Classification System for Domestic Class Pesticides and allow that process to find the most appropriate classification if needed”;
- “Any low-toxicity products, to which restrictions do not apply, should be sold to consumers by only those individuals who possess a valid IPM dispenser’s license...in order to ensure that even the most innocuous products are applied with an IPM regime”;
- “Use science to filter out chemicals with poor qualities, such as too long a residual or too much adhesion to people walking on lawns ... for example, weed and feed, a product that is not good with weed killer in granular form”;
- “Only pesticides containing exclusively low-risk ingredients should be available for sale and allowed for cosmetic purposes – the PMRA list of bio-pesticides is a useful reference”;
- “Implement a vendor certification course/training for vendors regarding new regulations”;
- “DO NOT SELL THEM”; and
- “Not available via retail to the general public as this group [is] neither trained, supervised, accountable or monitored in any way.”

Response Form Question 3.4: What suggestions or recommendations do you have to address products or product types involving a pesticide that may have both cosmetic and non-cosmetic uses?

Many respondents pointed to the question as an example of why creating classes of pesticides related to cosmetic use is problematic. For example, one respondent commented that “again, [our organization] would not make this distinction – the real question is whether lawns, gardens, non-commercial fruit trees, parks and rights-of-ways are worthy of protection from pests – if the answer is yes, then access to safe, effective, Health Canada-approved pest control products must be maintained.”

Additional specific comments included:

- “A pesticide is a pesticide and the decision as to its appropriate use should be made by a Certified Professional as an integral part of an IPM program”;
- “There is no plausible rationale for identifying a pesticide as cosmetic...we do not support efforts to include [such] terms in a science and risk based classification system”;
- “The issue isn’t how ‘cosmetic’ they are – the use of the pesticides isn’t the important aspect, it’s the dangerous chemicals”;
- “If we do not make this split in the first place, we are not ‘stuck’ with this determination – the government can not (sic) possibly deal with ‘applications’ to determine the difference between cosmetic and non-cosmetic uses on a site by site basis ... what are we trying to fix? Is it misuse by domestic applicators? Is it water course contamination (which is an outcome of incorrect use)? Is it human health?”;
- “I don't believe any type of pesticides should be banned unless they are scientifically proven to cause health or environmental damage – I also believe that more strict enforcement is needed for new pesticide products and pesticide products currently in the market”;
- “If pesticides contain hazardous ingredients, they should be banned whether their use is cosmetic or non-cosmetic”;
- “This will likely be the case for virtually all pesticides – the cosmetic vs. non-cosmetic distinction will always be subjective – the issue should be the effect of the pesticide rather than a nuanced distinction of use”;
- “The issue may not be the pesticide itself but its inappropriate use – restrictions at points of sale should apply” and
- “No restrictions should be placed on products registered for control of plants or plant pests and diseases that attack food crops or adversely impact their productivity.”

4. Limiting use to qualified applicators and encouraging IPM

Response Form Question 4.1: If pesticides are to be used, do you feel that people who apply pesticides to their own property for cosmetic purposes require any special training? If so, what training do you think is needed?

Three distinct types of response were received in reply to this question. First, many respondents noted that they believed application of pesticides for cosmetic purposes should be banned, hence the question was moot – a private landowner should not be applying pesticides to their property for cosmetic purposes. A second grouping of respondents felt that anyone who might be applying pesticides should have an equivalent level of training – hence, a private landowner wishing to apply pesticides should have a license and appropriate training just as would be required of a commercial applicator. A third grouping of respondents commented that the existing system of labeling and product information for Domestic class pesticides, in combination with requirements for vendors to inform purchasers of pesticides of alternatives and proper use, is sufficient training and information – training requirements for private users would be bureaucratic, impractical and ineffective.

A range of specific suggestions and comments were received in response to this question, including the following examples:

- “It may be beneficial to offer a one day course for individuals who wish to apply pesticides to their own properties – there should also be more information on IPM available for the individual”;
- “Any training requirement should include full understanding of the implications and effects of the pesticides being used”;
- “Who is going to pay for the training? How are you going to ensure that the training is complied with?”;
- “Since my preferred outcome is an outright ban, I believe they should be trained in how to write large checks to the government to pay for their sizable fine”;
- “How about an online questionnaire – something along the line of this one?”;
- “Training and education already exists and the system is working for confirmation holders and licensees who use pesticides within an IPM program – the current system is working well to ensure that pesticides are applied in a responsible, compliant manner using best management practices across the province”;
- “Homeowners should NOT be permitted to apply pesticides, except Excluded pesticides, to their own property – only licensed applicators who have achieved PlantHealthBC accreditation, or similar, should be permitted to use pesticide products – ensure that licensed applicators follow best management practices for IPM”;
- “This is of significant concern to industrial users of pesticides – if the government asserts that these products need to be restricted for cosmetic use there is an assumption that they are unsafe – this provides a very damaging message for the essential use of these same products in other sectors ... the designation of a category of pesticide termed ‘cosmetic’ is not feasible in real-world situations, where registered pesticides have already been subject to extensive evaluation and regulatory review”; and
- “People should not use pesticides on their own, nor with a company – pesticides should not be used. Period!”

Response Form Question 4.2: Do you feel that pesticides should only be used if an Integrated Pest Management (IPM) program has been undertaken? Do you have any comments or suggestions for the ministry to improve the effectiveness of IPM training or requirements in relation to the cosmetic use of pesticides?

Distinct differences were apparent in the comments received regarding this question, depending on the indicated “interest” that respondents noted on their response forms. Respondents who had self-identified as an “interested member of the public” or who had not indicated a specific interest were divided in their comments – many commented that “no use means no use” and that the principles of IPM are not compatible with “non-essential” or “cosmetic” use of pesticides, while others expressed support for IPM training (although often with caveats, such as “I have heard negative things about some IPM practitioners, that [they] just pay lip service to seeking alternatives to pesticides”). Similarly, most respondents self-identifying as working or involved in an environmental or community interest group expressed doubt in IPM as a suit-

able approach in this situation, commenting, for example, that “we do not feel that cosmetic pesticide use can be justified under a rigorous approach to IPM, and do not feel that an IPM program can be meaningful in the context of a cosmetic pest.”

Respondents who self-identified as working in the private sector or working for a government regulatory agency were generally supportive of IPM in their comments, often suggesting “increased public access to IPM training” or that “voluntary courses provided to the public by the Ministry of Environment could be useful, both for the identification of pests and for the best way to apply the required products.”

Respondents had differing interpretations of IPM. For example, one respondent commented that “conventional IPM with access to pesticides should be phased out for non-essential application – with advanced horticultural methods that are rapidly emerging, IPM will have access to enough tools to no longer need pesticides – currently it is too often still used in arriving at a rationale for pesticide use in non-essential circumstances – the test must be that the application is essential to protect human health and safety, not that an IPM has been carried out.” Other respondents, in contrast commented that “an IPM program reduces the amount of product used, but it is a mistaken belief that a pesticide should only be used as a ‘last resort’ – in IPM, pesticides become one of the tools available – they need not be the first to be used, but they are also not necessarily the last, either: it depends on the requirements of the particular situation.”

Comments and suggestions for the ministry to improve the effectiveness of IPM training included:

- “It would be helpful to have some toll free numbers/websites/businesses/offices/services where knowledgeable people can answer questions about acceptable alternate practices and cases where chemical intervention is possibly appropriate”;
- “There are so many improvement that could be implemented – new simplified systems where the public would be happy to gain access for information, help and guidance – the provision of educational programs, for schools, universities, colleges and so on, so that pre-determined methods of training and awareness can be implemented to the upcoming population of new workers, voters and property owners”;
- “I think we have the best pesticide/IPM examination in Canada – I have served on regional and national boards regarding golf courses and the books and materials that you get are the best in Canada – I would suggest that you offer IPM webinars on a regular basis – 60-90 minute on line seminars covering the various areas of pests, pesticides, and IPM strategies – possibly starting a website where those in the same field can share IPM strategies they use to manage a pest”;
- “The principles of IPM (which may include the judicious use of pesticides) should be promoted to the public through an outreach and education program – many educational tools exist both on line and in print with respect to healthy lawn care and tree and shrub maintenance – the government could coordinate these materials or easily develop their own for distribution to the public at minimal expense”;
- “Requiring homeowners to conduct an IPM review is not practical – however, all commercial applicators of pesticides for any use (ornamental or agricultural) should be required to have some type of IPM training – any commercial applicator could be required to document that IPM options were considered before applying pesticides”;

- “YES, free training in every area of B.C. – all training to be ongoing and updated as needed the training should be able to reach everyone who has a green space – IPM plans should be site specific for every site not a blanket plan”; and
- “A comprehensive data base, made available by the ministry, outlining all pests known to British Columbia and the effective means of naturally preventing and removing them would be beneficial.”

5. Notification and signage requirements

Response Form Question 5.1: Do you have any comments or suggestions regarding appropriate notification and/or signage when a pesticide has been used (for cosmetic purposes)?

Four general categories of comments were received in response to this question. First, many respondents reiterated that if the use of pesticides for cosmetic purposes is “banned” then there is no need for any signage or notification requirements. A second group of respondents commented that existing notification and signage requirements for use of pesticides are appropriate and effective. A third grouping of comments involved respondents who felt that any use of pesticide should be clearly posted with distinct signage so that neighbours, passers-by and pet-owners are able to avoid exposure or contact with the application. Many respondents in this grouping noted that children were at particular risk of exposure due to play habits and behaviours. Finally, some respondents felt that application of “low risk” domestic pesticides by private property owners does not warrant signage, commenting, for example, that signage might “create conflict between neighbours” or “cause undue concern.”

Additional specific comments included:

- “Recently treated areas should be completely fenced off rather than just a sign put up”;
- “I think that when someone has made a part of the/my environment toxic for the sake of pretty grass or mite-free flowers, I should be able to see a sign that they’ve done so”;
- “If there are no known hazards to a product, then I don't see the need for signage – it is key to get some kind of consensus on the hazard”;
- “Make them large and legible including a contact number or address to complain to”;
- “A small red or yellow cord should encircle the area with hanging signs indicating the pesticide used most importantly naming the potentially harmful chemical – there should also be a phone number to check on certain addresses, and their compliance with the signage”;
- “If a commercial class pesticide is applied by a service company to a homeowners lawn then signage is justified – other than that I don’t see the point”;
- “We recommend that signage similar to Ontario's regulatory system be adopted – this signage clearly indicates where safe pesticides have been used on a property (green signage) and alternatively, where pesticides normally banned for use have been applied to meet an alternate health goal (red signage)”;
- “Notification on Public lands is already well regulated regardless of what label you attach to a pesticide – it is redundant to put this effort into regulating what is already in place”;

- “Residents who MIGHT be allowed to purchase and use a pesticide or herbicide must also receive a sign to be posted at the front of their lot indicating that they have used a specific product (product should be written onto the sign with a Sharpie) – there should be a city hotline for use by others who can report gardeners who are spraying or applying product without posted signage”;
- “Big signs with the WHMIS sheets and risks fully explained – free, prior, and informed consent for everyone”;
- “Require those little flags that landscapers already use”;
- “There should be 24 hour notification including CONTACT information and reason WHY pesticide being used, allow for multi-unit input prior to application – but application for cosmetic purposes, such as lawn weeds should simply NOT be allowed”;
- “Signage posted after use does not allow fair time for others to protest or avoid the area if they have a sensitivity”;
- “If we have to warn people that we’ve used pesticides, isn’t that a sign that we shouldn’t use them?!”;
- “Signage should be posted if you have to treat a large area, but not necessary if you are spot spraying”;
- “Signage should be dependent on public use/access to treated area”;
- “Our community has strongly indicated support for improved signage for all pesticide usage”;
- “Until pesticides are banned, follow Ontario’s pesticide regulations: ‘homeowners can apply biopesticides or lower risk pesticides to control weeds and other pests on lawns, gardens, driveways and other areas around the home without signage requirements’ ”;
- “Pre-notification should be given on any public land or multi-family dwelling – post-application notices should be posted after the treatment has been applied ... this is a current requirement for commercial operators, but not the do-it-yourselfer”; and
- “Making signage mandatory despite the fact the products are not deemed to pose a risk [by Health Canada’s risk assessment process] only leads to unfounded fears that there is a danger when one does not exist – it also creates the need for enforcement of non-compliance, which adds another layer of bureaucracy, and thus another layer of unnecessary expense at some government level or another.”

Response Form Question 5.2: Would you want to be informed if a neighbour is intending to use a pesticide (for cosmetic purposes)? If yes, how and when should notification be required?

This question generated a sharp division in comments from respondents. Many respondents commented that “yes, I would want to be informed” – with varying suggestions on how and when notification should be required. Many other respondents stated that “no, notification is not needed” – commenting, for example, that “the PMRA’s risk assessment ensures that pesticide use is safe for the public – therefore there should be no concern over an application on any property.” Some respondents commented, for example, that “it is none of my personal business

if a neighbor wants to spray to kill the weeds in his lawn with a product that is proven to be safe" or that "warning signs that are not justified based on health or the environment simply raise unwarranted fears about a risk that is not real." Other respondents felt, for example, that "notice allows neighbours who are chemically sensitive or otherwise concerned about pesticide use to (a) try to dissuade their neighbours from the planned use; and (b) take measures to protect themselves from exposure."

A number of respondents commented that use of, or banning the use of, pesticides is a source of conflict between some neighbours and that notification requirements could exacerbate conflicts and require monitoring and enforcement measures on the part of regulatory bodies.

A number of respondents, particularly those who self-identified their responses as an "interested member of the public," felt that if this use was banned then informing neighbours wouldn't be an issue commenting, for example, that "I see no reason to discuss a potential set of regulations that do not result in a total ban of an unneeded and potentially dangerous substance."

Suggestions for methods of notification included: verbal confirmation (of immediate neighbours); written notification delivered to mailboxes; in-person communication at "neighbourhood meetings"; "websites, advertisement in papers, notifications at local area gathering places (e.g., community centres)"; and "timely notices in the media, community flyers, etc." Some respondents noted, for example, that "the type of notification required [should] depend on the location, size, and nature of the application." Respondents commenting on the time in advance of use when notification could or should be required recommended periods from 24 hours to one to two weeks.

Many respondents who self-identified as "working in the private sector" (as IPM practitioners, licensed applicators or other business activity) commented that existing notification requirements for commercial operators have proven effective in adequately informing neighbours and the public when pesticide applications are planned and undertaken. One respondent further commented, for example, that "We believe it is common courtesy for a neighbour to inform his neighbours prior to applying pesticides on his yard – we do however, recognize that safety factors have been built into testing procedures conducted by PMRA to account for this – we also recognize that it may not be realistic or practicable to inform neighbours every time a pesticide is contemplated for use."

A number of respondents raised concern that invasive species can pose a significant economic, environmental and health threat and commented, for example, that "in many cases an IPM program which includes the use of herbicides is the only way to effectively control and limit the spread of these damaging plants – it would be unfortunate if neighbours are able to stop weed control programs on adjacent industrial and domestic property or crown lands."

Some respondents commented on differences between urban and rural settings. One respondent, for example, noted that "in an urban setting where open space is confined, neighbors live close together creating opportunities for drift and unintentional exposure and much of the land is covered in hardscape thereby diverting runoff into stormwater systems ... I live in a rural area next to an orchardist who sprays thousands of litres of agricultural pesticide seasonally – I do not receive any notification."

6. Conditions under which pesticides may be sold or purchased

Response Form Question 6.1: Do you have any comments or recommendations regarding existing or new requirements governing the sale of pesticides that could be used for cosmetic purposes?

Many respondents reiterated their “support [for] a comprehensive ban on the use and sale of cosmetic pesticides” suggesting instead that “only safe alternatives” be sold. Respondents commonly noted that Ontario, Québec and “many B.C. municipalities” have banned the sale of cosmetic pesticides, that British Columbia should follow suit and that “the ban should be at least as strong as the 2009 Ontario provincial ban.” A number of respondents also commented that they were “against the use of pesticides of any kind” and that any sales to licensed applicators should be under strict controls.

A number of respondents recommended that “over-the-counter” sale of pesticides should be “more strictly regulated” or limited to licensed persons only. For example, “[we recommend] no sale of pesticides for cosmetic use – unless to persons certified under the Plant Health BC model.”

Several respondents also commented with a statement that “existing requirements in the IPMA and IPMR [B.C. Integrated Pest Management Act and Regulation] are adequate.” Other similar comments included “existing requirements are fine if they are maintained and enforced.”

Several respondents commented that “the province should implement the Harmonized Classification System for Domestic Class Pesticides – as the summary on the ministry website indicates, this system will provide a rational and consistent basis for classifying domestic class products in B.C.”

Examples of specific comments addressing this question included:

- “Anecdotal evidence suggests that many homeowners tend to over apply pesticides – from the perspective of good IPM practice, the currently available retail product sizes are too large and encourage overuse – the province may wish to consider limiting the amount of pesticide an individual can purchase at onetime”;
- “We support a comprehensive ban on the use and sale of cosmetic chemical pesticides, where only a ‘white list’ of low-risk products are available for sale and cosmetic use, as per model legislation [provided in submission]”;
- “We support the ban of combination weed and feed products as in our opinion these are currently contributing to overuse – these would contravene the premise of an IPM program”;
- “Only trained people should be able to dispense pesticides at the wholesale or retail level – it should be mandatory that pesticide sales be rung-in in the dep’t they were found (i.e., garden dep’t, etc.), by a person knowledgeable in IPM and pest management – it should also be required that this person give out a government generated fact sheet on pesticide use with every pest products purchased and specific fact sheets per product”;

- “The current regulations are more than enough now – why are we demonizing ‘cosmetic use’ pesticides but leaving agricultural pesticides that are on our food alone?”;
- “Existing regulation is cumbersome and needs to be simplified – if additional controls are brought in regarding the sale of pesticides for cosmetic use, additional administration should not be applied to the sales of these products – further, public information must be made available for the public to understand alternative uses and this must be communicated”;
- “Requiring the homeowner to sign some type of register indicating hearing and understanding instructions from the vendor”;
- “The materials should not be anywhere near where products for consumption [i.e., food] are stored or sold”; and
- “Worker training should also include pest diagnostics, basic gardening and alternatives (e.g., organic master gardener course).”

Response Form Question 6.2: Do you feel that public access to all or specified classes of pesticides should be restricted or controlled? If yes, in what ways should access be restricted?

Many respondents commented with that the sale of “cosmetic pesticides” banned, public access should be available only to “safe” or “white-listed” products, with public access to any other classes of pesticide severely restricted or prohibited. Respondents making such recommendations also often stated that “the ministry should consider reporting requirements to track the retail sale of restricted pesticides, in order to evaluate the effectiveness of new restrictions.”

In contrast, other respondents expressed confidence in the existing regulation of sales and classes of pesticides, commenting, for example, that “without a health or environmental rationale, there is no reason to impose additional, unnecessary arbitrary restrictions” or that “additional restrictions or controls beyond what Health Canada has already implemented [are] unnecessary.”

Additional specific comments included:

- “This additional level of pesticide regulation would only allow the opportunity for non-scientific data from unqualified experts to creep into the province's pesticide classification process with minimal benefits to public safety – the only change I would recommend would be for the some additional public education – vendors to provide [the] ministry [with] information on IPM program or approach”;
- “Access should be controlled at the retail level – each class of pesticide should have an accompanying required training course before the person can purchase the product – individuals that have taken a course would be issued a card and could purchase the product – only card holders would be allowed to apply the product”;
- “Public access is currently restricted but I would change a couple – no concentrated herbicides, 2-4 D or glyphosate as examples”;

- “If the Provincial Government so chooses to restrict of control specified classes, I would like to know how they intend to enforce it – not withstanding a ban at the wholesale level, it is pretty hard to enforce”; and
- “If the cost of implementing a permit type system for the general public is too high, then limiting the sale of pest control products to premixed formulations only and in limited quantities could be one way to control the use [of] cosmetic pesticide.”

Response Form Question 6.3: Should vendors be required to provide information to prospective purchasers of a pesticide prior to sale? If yes, what information should be provided and how?

Many respondents pointed to comments made to previous questions (e.g., that cosmetic use of pesticides should be banned, that the existing regulatory requirements are appropriate and effective, or that sales should be limited to only certified, registered pesticide applicators).

A number of respondents made the following comment: “the implementation of a training and authorization or certification program would require significant public funding and is not required – it is incumbent upon the individual to follow label information and instructions for pest control products as it is for any product such as medications and cleaning agents – consumers are provided with this information for their protection and the extensive registration process ensures that it is effective – in addition products for home use are packaged and formulated specifically to enhance consumer safety.”

A number of respondents recommended that vendors should be required to provide prospective purchasers with information prepared under direction of the Ministry of Environment (on alternatives to pesticide use, as well as safe handling, use and disposal of pesticides) – and that at the time of purchase, purchasers should be required to sign an acknowledgment that they have received and understood this information.

Additional specific comments included:

- “Ideally, cosmetic pesticides will be safe to use without protection – directions for use should be available on the products label”;
- “Info should include potential effects, long term effects, warnings about how this pesticide interacts with other common products – handling instructions [and] warning label should be prominently displayed – also information about non-toxic alternatives should be available and shop keepers should be knowledgeable about their use and efficacy”;
- “The information already is provided on the product label, albeit in very small print”;
- “Education!!! – retailers could offer required seminars before pesticides can be sold (e.g., in spring before diluted lawn care products are needed) – alternatives can be promoted at this time, still offering sales for the retailers – all lawn care pesticides should have signs for posting attached to the products – all uses should have signage requirements – residential homeowner use to be included”;
- “Customers should sign for all pesticides showing they have been informed on all alternatives and the proper use of the product – for more hazardous products, end users should

have to take an online test to prove they know how to use and handle the product properly before purchasing it”; and

- “The requirements are already in place for Vendors under dispensing certification and related requirements – in addition the label directions can be explained and discussed with the prospective purchaser.”

Response Form Question 6.4: Do you feel that sales of pesticides intended to be used for cosmetic purposes should be restricted to buyers who hold special authorization or training? If yes, what authorization (e.g., licensing) and /or training would you recommend?

Many respondents commented that they support a “comprehensive ban on the cosmetic use of pesticides” and hence “do not recommend training, as this is contradictory to the elimination of the sale and use of cosmetic pesticides.” Other respondents commented that pesticides should be available only to “licensed professionals” or “trained and certified” individuals. A number of respondents recommended that “pesticide sales (public and private) [should] be restricted qualified B.C. Pesticide Applicators with PHBC [PlantHealthBC] Accreditation.” Other respondents reiterated their comment and concern that the existing regulations governing the sale of pesticides provide an effective and “rational” framework for the safe use of pesticides – and that additional requirements would not be based on science, would lead to increased bureaucracy and would not be enforceable.

Additional specific comments included:

- “This depends on the end use and the toxicity of the product – it should be noted that most of the toxic pesticides have already been taken off the market – Canadian pesticide use is already dropped and is a fraction of that in the US – public perception has already made most of the above problems much less of a factor than even five years ago”
- “The ministry’s pesticide applicator certificate should be the ‘gold’ standard for training”;
- “Licensing and training from [the] Ministry of Environment is already in place for Lawn Care Companies”;
- “I would not even support yard care companies being allowed to spread any type of harmful pesticide – for the health of their own employees as well as the environment and their customers, they should all use less harmful alternative practices – many will not choose to do this unless forced to by law”;
- “No – the suggestion to force licensing and training on the public is silly – a black market will evolve to circumvent the process – you can't eliminate stupidity with legislation”;
- “Yes – licensing should be based on: proper training (risks of the product, its safe use and application, first aid in case of problem); proper storage, disposal and application regulations; and regular training about new products that come out BEFORE they are sold or used – I would like to see companies AND employees trained and certified”;
- “B.C. should put an environmental levy on all Domestic use pesticides to fund educational initiatives (rather than focus on bans and prohibitions).”

7. Public awareness, education, compliance and enforcement

The ministry is seeking advice and examples of awareness, education and enforcement programs addressing the cosmetic use of pesticides that are cost-effective.

Response Form Question 7.1: Do you have any comments or suggestions regarding public awareness and/or education programs addressing the cosmetic use of pesticides (e.g., examples, target audiences, media campaigns)?

Many respondents provided detailed suggestions and examples of awareness and education programs. A number of respondents pointed to “successful” locally-based initiatives in various B.C. municipalities (e.g., Kimberley, Richmond, Port Moody, Sunshine Coast, North Vancouver, Capital Regional District, Tofino) and suggested that any provincial public education effort should build on or be coordinated with municipal efforts. Common suggestions included aiming campaigns at target groups (such as homeowners, the lawn care and garden services sectors, current retailers of pesticide products, youth) rather than undertaking unfocused “public media campaigns.” A number of respondents commented that education efforts should focus on “safe alternatives” to pesticides as “there is already widespread public concern” regarding pesticide use.

A number of respondents commented, for example, that “provincial prohibitions on the sale and use of higher-risk synthetic chemical pesticides will increase public awareness as retailers and lawn care providers shift to promoting alternative products.”

A number of responses addressed public education campaigns focusing on building an understanding of Integrated Pest Management, for example, “the public should be made aware of the benefits of a real ‘Integrated Pest Management Program’ and the techniques involved in the implementation of such a program.” Several respondents commented that “the government should inform the public about the role of the PMRA in determining which products are safe and about the label recommendations and requirements which are part of the safety profile... the government should conduct effective public awareness and education about the existing IPMA and IPMR which ensure that IPM is practiced in B.C. and explain what IPM is.”

Some examples of specific comments include:

- “In my opinion, the Municipal sector and the golf course industry already practice IPM procedures – I would suggest targeting the fruit and vegetable farming/production industries, requiring and enforcing IPM and certification”;
- “It will be important to educate provincial and municipal employees who work in the area of maintenance of public places: parks, playing fields, lawn areas around public buildings, on the organic management of turf, flower gardens, and lawns”;
- “Public education should emphasize that other countries have already made these policy/legislative changes and changed their practices”;
- “I would like to see more educational programs including information available on line as well as campaigns in schools and the community”;

- “I would like to see the published scientific papers from reputable sources that support such a ban – the public has the right to see both sides of the issue...not only the ‘scare’ tactics with no scientific basis”;
- “Having pesticides drop off sites for citizens with unused cosmetic pesticides would also be effective and helpful”;
- “There seems to be a lot of misinformation when it comes to the current regulations surrounding pesticide use – I have made presentations to clients offering landscape maintenance service that involves both the use and non use of pesticides (we offer both) – many are surprised about the current regulations surrounding pesticides”;
- “Langley's Water Wise program of door-to-door visits asking neighbours to pledge to reduce water use during summer months has been very successful – something like this done in many neighbourhoods across the province with cosmetic pesticide education”;
- “Increase public awareness about the importance of real Integrated Pest Management techniques – where a pesticide is one of many tools that can be used to maintain healthy green spaces – increase public awareness of the importance of following label directions so that people who are tempted to use twice as much as they need to begin to understand that not only could that be harmful, it's a waste of their money”;
- “A 1-800 # to call to report usage suspected as being illegal should be widely advertised”;
- “The City of Calgary has done a great job on an educational system for the home owners IPM program – the ‘Healthy Yard Program’ is one to have a look at”;
- “Publish pesticide use stats”;
- “Support wider education on natural gardening principles for public and industry”;
- “Start by changing the term from cosmetic to something else – or define the term cosmetic as a low threshold level, moderate as economic, high as safety – all levels of pest control, define the pest as the problem (or not) not the pesticide”;
- “Use the community gardens as training network, as well as master gardeners – provide grants to large box stores to host training for homeowners”;
- “IPM is about changing the cultural norm – it will require a cross-ministry coordinated approach...[a] comprehensive and coordinated public education strategy on pesticide use reduction, similar to successful programs for recycling...encourage the design and construction of sustainable landscapes that use native plants and other pest-resistant plants through provincial building codes or other suitable regulatory approaches...include IPM in the province's environmental sustainability strategies.”

Response Form Question 7.2: Do you have any comments or suggestions for supporting compliance and cost-effective enforcement of any new restrictions in the cosmetic use of pesticides?

Some respondents commented that “new provincial prohibitions on the sale of cosmetic pesticides will facilitate enforcement.” Other respondents, in contrast, expressed concern that “the increased cost to government to enforce new regulations which are completely unnecessary is a waste of already stretched public funds.”

Many respondents emphasized the importance of education, commenting, for example, that “any money spent on this discussion should be spent to educate the public – only through public education and increased awareness will there be real net benefits” or that “education will also encourage people to safely dispose of unused pesticides and switch to alternative practices.”

Specific comments in response to this question included:

- “There is currently little effort to audit IPM compliance of licensed pesticide applicators. The usual maintenance packages offered to homeowners for example, are heavily weighted on chemical treatments – be they fertilizers or pesticides. In municipalities with cosmetic pesticide by-laws, the yard maintenance packages are now focused on by-law compliance rather than true IPM – a lack of public knowledge on IPM makes it difficult for the average homeowner to hold service providers accountable for best IPM practices”;
- “Include municipal employees in enforcement”;
- “The licensing fees paid by the vendors and buyers of pesticides for non-cosmetic purposes as well as stiff fines for non-compliance could help to pay for enforcement”;
- “New restrictions should be simple to enforce and easy to monitor – enforcement is simplified by not allowing the sale of products – monitoring is made more formal by including the need for reporting by professionals”;
- “Restrictions on cosmetic pesticides would be an unnecessary waste of money – Ministry of Environment staff in this area would better spend their time on more important problems – it would also likely result in law suits against the province by affected parties – such law suits are already underway in Canada – policy without a sound scientific basis would be hard to defend”;
- “This is an area where you cannot enforce a law – the area is too big”;
- “A simple ban on cosmetic pesticide use is, in fact, far easier and cost-effective to enforce than a more complicated set of regulations – the requirements are less likely to be misunderstood by the public, leading to greater compliance, and restrictions on the sales of cosmetic pesticides would help ensure compliance – moreover, non-compliance is more easily detected, documented and proven”;
- “The ministry should do inspections, respond to incidents, give orders, issue tickets and prosecutions where necessary – in the case of the pesticides ban...focus initial efforts on education when responding to reports of suspected non-compliance”;
- “With local bylaws, access to alternatives and strict regulation of sale the enforcement issue largely is eliminated as those mechanisms take hold”;
- “Keeping the restricted categories and uses as simple and unambiguous as possible plus requiring any and all applications of pesticides to be by certified applicators only, will go the furthest to supporting compliance and keeping the cost down – the more complex the system and the more possible exemptions, the more people will try to wiggle through, the higher the cost to try to enforce, and the lower the effectiveness”;
- “New provincial prohibitions on the sale of cosmetic pesticides will facilitate enforcement – spot checks and a mechanism for soliciting and investigating public reports of infractions will be important.”

8. Additional comments

Response Form Question 8.1: Do you have any additional comments or suggestions for the ministry regarding statutory protections to safeguard the environment from the cosmetic use of chemical pesticides?

Over 800 detailed responses to the consultation questions were received over the consultation period (December 2009 to February 2010), many with comments or supplementary references or materials in addition to comments on the consultation issues identified by the ministry. These additional comments included:

- Separate submissions (by mail, e-mail and fax) – including cover letters with introductory or background information from the submitting organization and supplementary information from the respondent (such as IPM program guidelines, interest in the consultation issues);
- Letters or motions of support (i.e., for restrictions or bans on the cosmetic use of pesticides) from organizations or municipal government bodies;
- Technical studies, such as herbicide review reports, medical reviews and submissions to other government bodies;
- Legal briefs and examples of existing or model bylaws and regulations addressing the cosmetic use of pesticides;
- Web links to additional information or resources (such as education campaigns or related research) for consideration by the ministry;
- Text from, or references to, newspaper and journal articles and letters to the editor; and
- Correspondence and copies of presentations made to municipal Councils.

In total, several hundred pages of these additional comments were received, compiled and forwarded to the ministry for review and consideration.

Appendix A: Acronyms and Abbreviations

Acronym or Abbreviation	Definition
B.C.	British Columbia
IPM	Integrated Pest Management
IPMA	<i>Integrated Pest Management Act</i>
IPMR	Integrated Pest Management Regulation
MLA	Member of the Legislature
PMRA	Pest Management Regulatory Agency
PHBC	PlantHealthBC
US	United States (of America)
WHMIS	Workplace Hazardous Materials Information System