REPORT 07-004

PESTICIDE SUB-COMMITTEE
Thursday, December 13, 2007
9:30 a.m.
Room 207, 2nd Floor
Hamilton Convention Centre
One Summer’s Lane

Present: Councillor B. McHattie (Chair)
Councillor R. Pasuta, (Vice Chair)
Councillor B. Clark

Absent with Regrets: Councillor B. Bratina

Also Present: R. Hall, S. Walsh – Public Health Services Department
R. Wagner – Public Works
M. Hazell – Parking and By-law Services
R. Sabo – Legal Services
C. Biggs – Legislative Assistant

THE PESTICIDE SUB-COMMITTEE PRESENTS REPORT 07-004 AND RESPECTFULLY RECOMMENDS:

1. **Costs for Pesticide By-law Enforcement**

   (a) That an enhancement of $90,000 (plus one-time capital vehicle costs of $35,000) be referred to the 2008 budget process, for one Pesticide By-law Inspector to enforce on a complaint basis;

   (b) That staff assess the workload and effectiveness of this position and report back to the pesticide Sub-Committee in one year;

   (c) That staff continue to work with Public Health Services on the educational component of the Pesticide By-law.

Board of Health – February 11, 2008
2. Pesticide Education By-law (BOH07068) (City Wide)

   (a) That the Pesticide Sub-Committee authorize staff to develop and implement a Pesticide By-law Communication Plan throughout 2008 which focuses on by-law awareness, implementation and compliance;

   (b) That Green Venture, in consultation with staff from Public Health Services Department, prepare a Business Plan for the Sub-Committee’s consideration which demonstrates a potential additional role in the education of the public to alternatives to pesticide use and a pesticide vendor Point of Purchase education campaign, and what resources Green Venture is able to offer which would complement the efforts of Public Health Services.

FOR THE INFORMATION OF THE BOARD:

(a) Call to Order/Declarations of Interest (Item 1)

   Councillor McHattie called the meeting to order and requested if there were any declarations of interest, of which there were none.

   Councillor McHattie asked the Clerk if there were any changes to the agenda, of which there were none.

(b) Approval of Minutes (Item 2)

   On a motion, the Minutes of the September 20, 2007 meeting of the Pesticides Sub-Committee were adopted and received as presented.

(c) Presentations

   (i) John Bowen, Hydro One, respecting Request for Modification to the Pesticide By-law (Item 3.1)

   John Bowen, MOE Licensed Industrial Vegetation Exterminator, Programs Engineer/Office, Hydro One Networks, appeared before the Committee to explain the various methods used by Hydro One to control the growth of bush/vegetation/weeds that surround Hydro One transmission stations. Mr. Bowen’s comments included, but were not limited to:

     Ø Hydro One uses herbicides in two ways – right-of-way program and stations program;
Station ground grid; stations surrounded by security fence and applicators are fully licensed; all materials used are federally approved; application done once a year, sometimes twice; 14 hectares of station area in Hamilton – spot spray

Right-of-way maintenance program – City has 17 distribution feeders and transmission is over 1100 hectares

Reason for using herbicide is because of resprouting of certain vegetation which can get into overhead lines; apply on a six-year cycle; spraying done by low volume application- spray lower 30cm of vegetation; want to maintain surrounding vegetation; only done with permission of land owners; there is a high percentage of customers that allow use of herbicides; applied in accordance with all rules and regulations; crews inspected; keep buffers to water

One of the advantages of herbicide is in terms of biodiversity; want compatible species on right-of-way as they have natural control; create good habitat

City of Hamilton has many rights-of-way that are lawn covered

Downfall of capsule injection system is that it is very expensive, labour intensive and cannot treat small brush

The purpose of Mr. Bowen’s presentation is to request a utility exemption for continued application of herbicides to ensure the safety of employees and the security of the power supply to Hamilton and the surrounding municipalities.

Following a Q&A opportunity between the Committee members and Mr. Bowen, the following direction was given:

(a) That the presentation from Hydro One be received;

(b) That Hydro One provide staff of the Public Health Services Department with the following information:

(i) mapping which indicates Hydro One properties, and which of those properties on which herbicides are used;

(ii) documentation to support the safety concerns regarding stations;

(c) That City staff explore with Hydro One a formal Integrated Plant Management (IPM) program rather than a blanket exemption across the board;

(d) That Hydro One specify to the City of Hamilton which herbicides are being used for staff verification with respect to a ban on residential use, and specify buffer zones for wetlands and environmental areas.
A copy of the power point presentation was given to the Clerk and has been retained for the public record.

(ii) Peter Wobschall, Green Venture, to give an overview of potential educational activities for 2008 and 2009 (Item 3.2)

Peter Wobschall, Executive Director of Green Venture, appeared before the Committee to present potential program activities for 2008-2009. He advised the Committee that a report from Green Venture will be forthcoming in January with the final report for the 2007 Naturally Hamilton program and a proposal for education.

The purpose of Green Venture’s presentation was to present proposed activities for the 2008-2009 business year, receive feedback on the proposed activities and to solicit additional program ideas to develop and include in the 2008 proposal.

The presentation included the following:

- By-law effects on public outreach
- Other considerations in program design
- Collaboration in education
- Potential program activities
- Point of purchase program (POP), including rationale, sample size, training, communications materials, certification
- Focus groups; virtual tours; EcoHouse demonstrations; community presentations/events
- Website and Hotline

The Committee members expressed the following concerns:

- Who would pay for POP training for staff and retail outlets; response – would be component of the program
- Need to work on schools and educate students
- Need for both forms of education – community based and point of purchase; costs would have to be incorporated in budget
- In response to funding sources, Green Venture advised that they receive funding from Trillium Grants, the Hamilton Community Foundation and various levels of government

Following the Q&A, the following direction was given:

(a) That the presentation by Green Venture be received;

(b) That staff meet with Green Venture to determine if there is any compatibility with respect to education programs and bring a report back to the Sub-Committee, including any financial requirements.
A copy of the power point presentation was given to the Clerk and has been retained for the public record.

(d) Discussion Items

(i) Costs for Pesticide By-law Enforcement (Item 4.1)

Marty Hazell, Director of Parking and By-law Services provided the Committee with the status of the operational review being conducted by the consultant and information with respect to enforcement costs related to the Pesticide By-law. The Committee was advised that there may be an opportunity to utilize gap funding to enhance the educational component.

In addition to the recommendations presented for the Committee’s consideration, the following was added as sub-section (c):

“(c) That staff continue to work with Public Health Services on the educational component of the Pesticide By-law.”

(ii) Methodology to Incorporate Amendments to the Pesticide By-law

Rob Hall advised that a process needs to be developed to bring forward amendments to the Pesticide By-law.

Chair McHattie advised the Committee that he will work with staff in terms of determine the continuation of the Pesticides Sub-Committee, and which Standing Committee of Council will be responsible for the Pesticides By-law and any matters related thereto.

(e) Private and Confidential

On a motion, the Sub-Committee moved In Camera to receive legal advice that is subject to solicitor-client privilege.

On a motion, the Sub-Committee reconvened in Open Session.

Minutes of Closed Session Meeting held on September 20, 2007

On a motion, the Minutes of the Closed Session Meeting held on September 20, 2007 were approved as presented and will remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.
(f) Adjournment

There being no further business, the Committee adjourned at 11:40 a.m.

Respectfully submitted

Councillor B. McHattie
Chair

Carolyn Biggs
Legislative Assistant
December 13, 2007
CITY OF HAMILTON

Public Health Services
Health Protection Division

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<td>Elizabeth Richardson, MD, MHSc, FRCPC</td>
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<td>Pesticides Sub-</td>
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SUBJECT: Pesticide By-law Education – BOH07068 (City Wide)

**RECOMMENDATION:**

That the Pesticide Sub-Committee authorize staff to develop and implement a Pesticide By-Law Communication Plan throughout 2008, which focuses on by-law awareness, implementation and compliance.

Elizabeth Richardson, MD, MHSc, FRCPC
Medical Officer of Health
Public Health Services

**EXECUTIVE SUMMARY:**

In September of 2007, City Council enacted a Pesticide Use By-law No.07-282 that limits the outdoor use of pesticides on public and private property. To help residents and businesses adapt to the by-law, some aspects of the by-law are being phased in, allowing an opportunity for education about the by-law to precede implementation. To achieve this, the goals of the pesticide education campaign should focus on raising general awareness about the by-law, as well as how it limits the use of pesticides, and what alternatives are available that meet or exceed the requirements of the by-law.
BACKGROUND:

Following a public consultation process in 2005, the Pesticide Sub-Committee committed to an education campaign as a significant part of the pesticide reduction strategy. From 2006 through to 2007, the City of Hamilton contracted Green Venture to develop and deliver the Naturally Hamilton campaign, educating on alternatives that can lead to the reduction or elimination of pesticides.

In staff report BOH07005 (City Wide), it was identified that should Council pass a municipal by-law regulating the use of pesticides, the goals of the education campaign would need to be re-evaluated. Specifically, the focus of education following a by-law should be about raising awareness of the by-law, as well as knowledge about implementation and compliance.

In September of 2007, City Council enacted a Pesticide Use By-law No. 07-282 that limits the outdoor use of pesticides on public and private property. A revised education campaign for 2008 represents the best opportunity for the City of Hamilton to meet the Pesticide Sub-Committee objective, by integrating the education and by-law components of the overall city-wide pesticide reduction strategy.

ANALYSIS/RATIONALE:

In developing the 2008 Pesticide by-law Communication Plan, it is necessary to identify the approach, the activities, the partnerships, and the assessment that would be employed. The goal of the program is to help residents and businesses understand, and comply with the Pesticide Use By-Law.

Approach & Goal

It is recommended that a diversified media information campaign be launched in spring 2008 to reach the widest possible audience. The goal is to:

- To inform Hamilton area public that a pesticide by law will be implemented September 1, 2008 that affects homeowners and commercial pesticide contractors.
- Educate homeowners and contractors about the contents of the pesticide by-law that affect them and provide alternatives for pesticide use on lawns, gardens and driveways.

The target audience will be:

- Homeowners
- Commercial pesticide contractors
- Community events: gardening shows, outdoor festivals, home shows
- Affiliated organizations such as The Hamilton Coalition on Pesticide Use

Activities

City of Hamilton website – The website will be developed by Public Health Services, Health Protection and Planning and Continuous Improvement staff, under existing web
sites such as hot topics – Pesticide by law. The hot topics will then take the public to the questions and answers format.

Website

It is recommended that information about the Hamilton pesticide by-law be presented in a “Q&A” format. Such a format will provide the reader with answers to potential commonly asked questions about the pesticide by-law. It is anticipated to have this information posted by April 2008.

The following questions and answers approach the issue of Hamilton’s pesticide by-law in a manner to create a good level of awareness of the by-law among Hamilton’s homeowners, as well as providing alternatives to using pesticides.

Q: Why has Hamilton implemented a pesticide by-law?
A: Hamilton home owners strongly supported the implementation of a by-law restricting the use of pesticides. A second reason for pesticide by-laws is that research shows possible harm to health from pesticides. The Ontario College of Family Physicians (OCFP) recommends whenever possible the reduction of pesticide use. (Link to OCFP web site)

Q: Who is affected by the pesticide by-law?
A: Home owners who have gardens, lawns, driveways who require weed or pest control. Commercial contractors who provide pest control services.

Q: When does the pesticide by-law come into effect?
A: The by-law comes into effect on September 1, 2008 in Hamilton region.

Q: What are some alternatives to using pesticides for achieving and maintaining a healthy lawn and/or garden?
A: Alternatives for your lawn include raking, aerating, topdressing, mowing to 6-8 cm height, deep watering, digging out weeds, over seeding, slow-release fertilizers. (have links to more detailed description such as Durham turf management and also link to by law sections that provide alternatives as well as section that allow use i.e., 30% of lawn infestation can thereby use pesticides)

Q: How can I find out more about Hamilton’s pesticide by-law?
A: Provide phone# and instruct interested individuals to call to speak to someone regarding the by-law (start with CCC representatives and have them forward specific calls if needed to PHS personnel capable of answering questions).

Other Media

• Public Health Services will produce Media Releases at three different phases: Spring, Summer and Fall.
Flyers
   i) 70-80,000 colour flyers for distribution along with water/hydro bills in spring 2008
   ii) for hand outs at community events, pesticide contractors meetings
Presentation booths: these events will coincide with other Health Protection Division presentations that deal with public health education strategies.
Customer contact centre will answer general inquiries about by-law using scripted format. Compliance complaints from the public will also be taken by call centre. Difficult questions will be forwarded to PHS staff for follow-up and public directed to website.
A letter will be mailed in mid December 2007 to Hamilton area businesses which deal with pesticides. Businesses include pesticide retailers, lawn care companies and pesticide control companies. The letter will inform the businesses of the new by-law and alternative uses to pesticides. They are encouraged to order and stock alternatives to pesticides for the 2008 season and to sponsor Integrated Pesticide Management processes.

The following events will have three phases: spring, summer and fall campaigns highlighting information that is pertinent to these seasons as it relates to pesticide use
• Notices in local newspapers, tabloids
• Posters for bus shelters, community events
• Radio education items and interviews
• Television:  i) announcements to run on Cable 14
   ii) interviews with CHTV
• Development of CD that builds upon themes already developed in other PHUs such as London. Themes included on CD:
   i) alternatives to pesticides for lawn and garden
   ii) indications to use pesticides
   iii) proper use and disposal of pesticides
   iv) other useful resources and reference materials

Partnerships

Public Health Services will work with the Customer Contact Centre, By- Law Enforcement staff and utilize internal PHS services for marketing and communication. Externally, Hamilton PHS will collaborate with other Ontario Municipalities that have passed Pesticide By-Laws.

Customer Contact Centre (CCC)

The CCC will assist by answering many general inquiries about the by-law using a scripted Q & A information sheet provided by PHS. CCC representatives who receive atypical/difficult questions from the public can forward these questions to appropriate PHS staff for follow-up.
**Marketing and Communications**

- In house overall marketing plan will be prepared by Planning and Continuous Improvement staff
- PHS Planning and Continuous Improvement staff will advise on marketing strategy for specific items such as radio, television time slot purchases

**Other Ontario Municipalities**

Given the fact that other municipal education programs can cost from $150,000 to in excess of $300,000 (HSC04067a, Table 1), staff are preparing to collaborate with other municipalities, in order to share the cost of developing some education material. The other municipalities expressing interest in this opportunity are the cities of Oakville, Toronto, Guelph, Burlington, London, Windsor, the Region of Waterloo, and the Town of Markham. This collaboration will effectively leverage the limited financial resources available for the 2008 Pesticide By-Law Education campaign for Hamilton.

**Assessment**

To evaluate the 2008 Pesticide By-Law Education campaign, a survey tool will be developed to evaluate general by-law awareness, as well as knowledge about pesticide restrictions. Similar to Toronto, Hamilton Public Health will pursue the use of the Rapid Risk Factor Surveillance System (RRFSS) survey modules for this aspect of the annual evaluation.

- Proposed assessment modules for Hamilton. Questions include:
  - Are you aware that Hamilton has passed a pesticide by law that comes into effect Sept. 1 2008?
  - Have you used pesticides on your lawn, garden or driveway in the past year?
  - What was your primary reason to use pesticides?
  - Did you apply the pesticides yourself or did you use an outside contractor?
  - What alternatives to pesticide use are you aware of?
  - How would you like to receive this information?

At the end of the 2008 Pesticide By-Law Education campaign, Public Health Services will prepare a summary report which includes an assessment on the current education needs, as well as an examination of future needs, particularly related to the enforcement phase in September 2009.
ALTERNATIVES FOR CONSIDERATION:

City staff has recommended the focus of the 2008 education campaign be on by-law awareness, implementation and compliance. The Pesticide Sub-Committee may choose to maintain the status quo, educating only about alternatives to pesticides. However, the absence of an integrated approach for two components (education and by-law) of the city-wide pesticide reduction strategy will not allow for the same level of efficiency. Furthermore, there may be a perception that a distinctly different approach for the education component is inconsistent with the by-law, and disingenuous.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Public Health Services has $60,000 already included in the 2007-08 budget. The internal human resources required to support this program includes the services of Planning and Continuous Improvement staff, Health Protection Division staff and By-Law Enforcement staff.

Furthermore, working in conjunction with other municipalities in Southern Ontario, there are opportunities for cost sharing of some education materials, as well as the in-kind contributions from outside staff involved in the collaboration.

POLICIES AFFECTING PROPOSAL:

All purchases shall be done according to City Purchasing Procedures

RELEVANT CONSULTATION:

Public Health Services and Planning and Continuous Improvement staff. Consortium of Southern Ontario Health Units (Hamilton, Oakville, Toronto, Guelph, Burlington, London, Windsor, the Region of Waterloo, and Markham).

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Increased public knowledge about the Pesticide Use By-Law will motivate residents and businesses to re-examine their use of pesticides, and to consider pesticide reductions as a desirable and achievable behaviour.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
By adopting a campaign that meets the objectives of Pesticide Sub-Committee.
Economic Well-Being is enhanced.  ☑ Yes  □ No
By framing the education campaign around compliance with the by-law, there is added value with high voluntary compliance.  Likewise, the by-law enforcement efforts can be utilized to target offenders for education, while simultaneously reiterating the consequences of non-compliance.

Does the option you are recommending create value across all three bottom lines?
  ☑ Yes  □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
  □ Yes  ☑ No