THE PESTICIDE SUB-COMMITTEE PRESENTS REPORT 08-001 AND RESPECTFULLY RECOMMENDS:

1. **Pesticide By-law Education – (BOH07-005 (b)) (City Wide)**

   (a) That the Public Health Services be authorized to cancel the Pesticide By-Law Communication Plan pending forthcoming information about Provincial Legislation,

   (b) That payment in the amount of $20,000 be provided to Green Venture to continue funding the ‘Naturally Hamilton’ education campaign emphasizing alternatives to pesticide use for 2008, to be funded from existing budget in Health Protection Division, 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)**

The Minutes of the December 13, 2007 meeting of the Pesticides Sub-Committee were adopted and received as presented.

(c) **Presentations**

(i) **Update on Provincial Legislation respecting Ban on Pesticides**

Rob Hall provided all current available information with respect to the April 22, 2008 announcement by the Province with respect to banning the sale and cosmetic use of pesticides. He also advised that Ron Sabo, Solicitor, provided legal implications by e-mail was he was unable to attend this meeting.

Steve Walsh reviewed EBR posting on Ministry of the Environment site which states:

- legislation to be introduced in the Spring of 2008;
- to ban the cosmetic use of pesticides;
- focus on towns and cities, not rural residents;
- agriculture will be exempt;
- golf courses would be exempt, but may be required to develop plan to limit environmental impacts
- exemption for health and safety issues
- focus on outreach and education on alternatives. Enforcement will be last resort

References

Discussion on this issue included, but were not limited to:

- Have been statements that this will replace municipal by-laws; however, there are also indications that this will be done in same fashion as smoke free Ontario by-law; provincial by-law may or may not supersede municipal by-laws
• EBR 0103348 – additional posting by the Ministry, which will be reviewed by staff for further comment and provide to the Province

• How/when will municipal role unfold; Councillor McHattie requested that this be discussed together with the recommendation contained in Report BOH07005(b). Staff responded that Provincial plan and City plan be reviewed.

• Provincial announcement prompts staff to reflect on how education component will be rolled out. As of September 1, 2008, staff will have better idea of impact of provincial announcement in relation to the City’s by-law. Many questions need to be answered.

• Staff must assess what is coming out. Provincial intent is to give people education on how to use alternatives to pesticides. Still need to continue to provide information to public about alternatives. Will need additional meetings as information becomes available.

• In terms of the City’s position, one of roles should be close scrutiny and review of legislation and regulations and for all intents and purposes, the City should be a commenting agency on the legislation

• would expect that there will be some significant advertising from the province on this issue and will be pre-approval of the legislation; will start educating public that this is coming, be prepared;

• some concern in terms of what will be advertised when there may be a lot of public discourse on this issue in the next year;

• What happens to City by-law; want responses from legal; is this a matter where reconsideration is required and put in abeyance until Provincial law is passed; need to know how we are going to proceed with City by-law from Legal;

• need to deal with education component; and need to be prepared to comment as advocates for City of Hamilton in terms of what new legislation says and what regulation says

• retailers around the City are not stocking Pesticides this spring because they do not want to be “stuck” with them; looking for alternatives; information will be provided by suppliers; hope that retailers would have pesticides brought back from residents who have them in their homes; farm pesticides are stored separately in stores and purchasers must have a licence to purchase farm pesticides
The staff presentation on the update on Provincial Legislation respecting Ban on Pesticide Use, was received.

(ii) **Pesticide Education Campaign (BOH07005(a))**

Staff commented that there is still the immediate need to continue educating the public about alternatives to pesticides until the Province gets to the point of distributing its own promotional campaign. One of the things to continue with is to have information available to the public through 2008; opportunity for a number of organizations to start lobbying the Ministry relative to what they can do to assist government in terms of education; however, still need somewhere that public can get information.

In terms of how the $20,000 being recommended to Green Venture will be used, staff responded that it will be used in conjunction with the “Naturally Hamilton” program through Green Venture; will also be used for outreach, horticultural organizations, maintaining information on “Naturally Hamilton” website, providing service to the public to gather information at a single source.

The motion in Report BOH07005(a) **CARRIED** on the following vote:

- **Yeas:** Councillors McHattie, Bratina, Pasuta
  - Total Yeas: 3
- **Nays:** Clark
  - Total Nays: 1

(iii) **Mike Gemmell, Green Venture, providing an Update on City Funding for Green Venture**

Mike Gemmell, Ecohouse Co-ordinator, attended in the absence of Peter Wobschall and presented a revised proposal which was put together with collaboration from staff as a result from input received at the Committee’s meeting in December. The revised proposal included community presentations, plantings, arranging additional demonstrations, research and communications (including website, fact sheets, banners) to augment community presentations and a component for point-of-purchase and retailers. Also proposing to put out series of virtual tours on the website.

In response to funding information, Mike Gemmell responded with the following figures:

- Funding received from the City in 2005-06: $197,000
- Funding received from the City in 2006-07: $237,000
- Funding received from the City in 2007-08: $274,300

Projection of $320,000 in 2008 based on past 3 years of funding.
The Committee was given a break down of the various funding streams through the City i.e., Planning and Development, Water and Wastewater, Public Health, Clean Air Hamilton, Waste Management, Red Hill Valley projects. The Committee requested that specific information be e-mailed, reporting on each individual program separately.

Councillor Clark advised that he will make a request at the Audit and Administration Committee that there be a formalized process for Green Venture in terms of the various streams of funding to achieve accountability of Green Venture to the City.

Councillor McHattie noted that it was important to continue the education program and that homeowners need to know what options are available. Important for government sources to continue to be consistent with education program and make sure it does not disappear. Therefore, spend $20,000 to focus on alternatives.

Councillor Bratina commented that Green Venture is a highly-motivated group who have done effective work, and should not be discouraged from continuing to do so. The message needs to be delivered.

Councillor Clark asked if Green Venture has enlisted any sponsorships in the Naturally Hamilton program. Mike Gemmell advised that he would provide a response directly. Councillor Clark also commented that as the Province will be forced to do what Green Venture is proposing in terms of the education component, the money can be better spent for other purposes i.e., leftover pesticides.

Councillor Pasuta expressed concern with respect to what will residents do with leftover pesticides e.g., dumping, and will the City have a program in place, and suggested an incentive program where those residents who return unused containers of pesticides.

Following the discussion, the Committee directed the following:

(a) Staff to investigate whether the Pesticide By-law needs to be formally reconsidered at Council and placed in abeyance pending additional information on the Provincial announcement

(b) Report back on what to do with pesticides that people already have

(c) Green Venture to share information with respect to all City funding.
Rob Hall advised that the City’s comments with respect to the EBR posting must be submitted within 30 days of the posting and therefore, creates a tight deadline. Therefore, Rob advised that staff will prepare the comments, in consultation with legal staff, and distribute the same to the Committee for review/comments prior to submitting them to the EBR. Once forwarded to the EBR, the City’s response will become part of the public record. Staff advised that correspondence can still be forwarded to the Ministry outlining the City’s concern, subject to direction from the Board of Health.

(d) Other Business

Staff advised that the next meeting of the Pesticide Sub-Committee should be scheduled for mid June. The Committee Clerk will schedule accordingly.

(e) Adjournment

There being no further business, the Committee adjourned at 10:55 a.m.

Respectfully submitted

Councillor B. McHattie
Chair

Carolyn Biggs
Legislative Assistant
April 25, 2008
RECOMMENDATION:

(a) That the Pesticide Sub-Committee authorizes Public Health Services to cancel the Pesticide By-Law Communication Plan pending forthcoming information about Provincial Legislation, and

(b) That payment in the amount of $20,000 be provided to Green Venture to continue funding the ‘Naturally Hamilton’ education campaign emphasizing alternatives to pesticide use for 2008, to be funded from existing budget in Health Protection Division, Public Health Services.

EXECUTIVE SUMMARY:

On April 22, 2008, the Provincial Government announced that their proposal to reduce pesticide use would include banning the sale and cosmetic use of pesticides. The Provincial announcement does not provide specific detail, but generally, it does appear that the Province is seeking a path similar to the Hamilton Pesticide By-law, emphasizing education, and specifying exemptions for health, farmland, golf courses and other specific uses. With the impending Provincial legislation and the details of that legislation unknown, Public Health Services staff believe that the by-law communication plan may create public confusion. It is significant that the Province has announced that they will address the sale of pesticides, and this may render the Point-of-Purchase aspect of any education initiative redundant. Public Health Services still believes that it is important to
provide public information on alternatives to pesticide use until such time as Provincial legislation is enacted.

**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 December 2007, the Pesticide Sub-Committee directed Public Health staff to develop and implement a Pesticide By-law Communication Plan throughout 2008, which focused promoting public knowledge surrounding By-law No. 07-282. The Pesticide By-law Communication Plan would be executed in addition to the ‘Naturally Hamilton’ education campaign on alternatives to pesticides.

**ANALYSIS/RATIONALE:**

In developing the 2008 Pesticide By-law Communication Plan, it was necessary to focus on educating Hamilton residents on how the Hamilton Pesticide By-law would limit their use of pesticides. However, given the fact that the Provincial legislation may duplicate virtually every aspect of the local by-law, local enforcement of the Hamilton Pesticide By-law may not be required after the Provincial legislation comes into effect.

The ‘Naturally Hamilton’ campaign had received funding from the City of Hamilton prior to the implementation of the Hamilton By-law, and this education effort has never been centred upon the Hamilton Pesticide By-law. Therefore, continued funding with emphasis on alternatives to pesticides would be consistent with the intent of our local By-law and Provincial legislation.

The Hamilton Pesticide By-law comes into force September 1, 2008 with the penalty phase coming into force September 1, 2009. Given the commitment by the Province to enact its legislation in the Spring of 2009, it is likely we would create public confusion should we continue education around the By-law.
ALTERNATIVES FOR CONSIDERATION:

The Pesticide Sub-Committee may choose to maintain the status quo, educating on the detail of the Hamilton Pesticide By-law. However, with the Provincial legislation planned for the spring of 2009, the Provincial legislation may be implemented prior to the second phase of Hamilton’s Pesticide By-law (September 1, 2009) when charges will be pursued.

Pesticide Sub-Committee may choose not to fund any pesticide education programs pending further information on the Provincial legislation. However, information to the public on alternatives to pesticide use needs to be continued to meet the intent of Municipal By-law and the proposed Provincial legislation to reduce the use of pesticides.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Public Health Services has available funds in 2008 approved budget to support the “Naturally Hamilton” alternatives to pesticides campaign.

POLICIES AFFECTING PROPOSAL:

Provincial initiative to enact legislation in 2008 to ban the sale and use of cosmetic pesticides

RELEVANT CONSULTATION:

Green Venture

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
The Provincial initiative will effectively complement the efforts of the Pesticide Sub-Committee, and increase public knowledge about the reasons why initiatives to reduce pesticide use should be supported.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The Provincial ban on the sale of pesticides will directly limit access to pesticides.

Economic Well-Being is enhanced. ☑ Yes ☐ No
By allowing the Province to take the lead, the pesticide reduction objectives of Hamilton City Council may be achieved in the future without direct costs to the City of Hamilton.
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