THE BOARD OF HEALTH PRESENTS REPORT 08-002 AND RESPECTFULLY RECOMMENDS:

1. Provincial Amendments to the Pesticide Act (Item 3.1)

   (a) That upon proclamation of the Lieutenant Governor of Bill 64, an Act to Amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes, the City of Hamilton Pesticide Use By-law 07-282 be repealed.

   (b) That the by-law to repeal By-law 07-282 be passed and enacted at the appropriate time.
(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 April 25, 2008 meeting of the Pesticides Sub-Committee were adopted and received as presented.

(c) Presentations

(i) Provincial Amendments to the Pesticide Act (Item 3.1)

Ron Sabo reported the following:

- Upon proclamation of the legislation, the City of Hamilton By-law will not be in effect
- There was some controversy where the Premier stated that municipal by-laws would still be in effect once the provincial legislation was passed; however, Ministry staff have confirmed that this was incorrect information; the Province’s intent is to eliminate the different municipal approaches to pesticides
- Weed Control Act will still apply; the municipality will continue to deal with the Weed Control Act

The Committee was distributed with a copy of Bill 64, an Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes, and a provincial News Release dated June 18, 2008 entitled, “New Law Bans Cosmetic Pesticides”.

Ron Hall and Steve Walsh reported the following:

- No details as yet on who will be enforcing the Act
- Question asked as to whether there is any liability to the City with respect to the City’s By-law coming into effect on September 1, 2008
- Staff are requesting direction from the Committee to move enactment of By-law to September 1, 2009
- Until proclaimed by the Province, the City has the right to implement the City By-law
- In terms of educating the public, the provincial News Release has stressed education as the primary approach as opposed to enforcement

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• Provincial legislation places a ban on the sale of pesticides, which the City’s by-law does not have the ability to do; staff need a better understanding from the Province on how to deal with this issue on a Province-wide basis; there are a number of questions around these types of issues

• Quick summary of comments to the Province on the EBR posting, including: looked at every aspect of the provincial regulation and made suggestions to harmonize with most by-laws; agricultural and golf courses exempted

• Staff need to look at how to respond to complaints after September 1, 2008; provide educational tools to the public.

As a result of these discussions, the Committee approved the recommendation as shown in Item 1.

(d) Other Business (Item 4)

On a motion, the following items were received:

(i) Communication from the Toronto Board of Health respecting “Implications of the Proposed Provincial Cosmetic Ban Act for the Toronto Pesticide By-law”

(ii) News Release from Industry Task Force II on 2,4-D Research Data entitled, “Health Canada Finds 2,4-D Can Be Used Safely”

(e) Adjournment

There being no further business, the Committee adjourned at 10:15 a.m.

Respectfully submitted

Councillor B. McHattie
Chair

Carolyn Biggs
Legislative Assistant
June 26, 2008