



Business Council of  
British Columbia

February 12, 2010

**Via Email: cindybertram@shaw.ca**  
(Original to Follow by Mail)

C. Rankin & Associates  
PO Box 28159  
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Victoria BC V9B 6K8

Dear Ms. Bertram:

**Re: Consultations on the cosmetic use of pesticides in British Columbia**

The Business Council of British Columbia is pleased to provide comments on the cosmetic use of pesticides in British Columbia.

By way of background, the Business Council of British Columbia, established in 1966, is an association representing approximately 260 large and medium-sized enterprises engaged in business in British Columbia. Our members are drawn from all major sectors of the provincial economy. The Council maintains an active involvement with environmental policy and regulatory issues. Taken together, the corporate members and the associations affiliated with the Business Council are responsible for roughly one-quarter of all jobs in British Columbia.

In the August 25<sup>th</sup> 2009 Speech from the Throne, the provincial government committed to consult British Columbians on new statutory protections to further safeguard the environment from cosmetic chemical pesticides. The Business Council recognizes the importance of protecting the environment and human health. In this matter, however, it is important to recognize that pesticide in BC use is already highly regulated. All pesticides sold in Canada must be accepted for use by the Pest Management Regulatory Agency of Health Canada. Before a pesticide is registered for use, the manufacturer is required to provide scientific information on its effectiveness, toxicity, food and feed residues, its fate in the environment, and the chemistry of the pesticide.

Provincially, BC's *Integrated Pest Management Act and Regulation* require that pesticides used on public land and those employed by pest control services be applied under the



direct supervision of a person trained in pesticide use. It is illegal to treat pests with products not governed by this legislation (and/or the companion federal legislation), or to use a herbicide in a way that is not consistent with its product label. The IPMA also stipulates that pesticides used in an IPM program and under the IPM process can only be employed when no practical alternatives are available.

The Ministry's objectives in considering the further regulation of pesticides, as outlined in the December 2009 Consultation Paper, are in general reasonable. The objective of "supporting the practice of Integrated Pest Management" is especially important for industry. Similarly, the objective of ensuring "cost-effective compliance" and enforcement should be a paramount consideration. Undue regulation adds to operating costs and undermines BC's competitive position. While a few additional regulations may seem insignificant, policy-makers need to be sensitive to the cumulative impact of regulations and the associated need for compliance by businesses.

**The Ministry has presented no evidence suggesting that current levels of pesticide use are causing any significant threat to human health or the environment in British Columbia. Accordingly, we recommend that the province refrain from introducing legislative changes concerning "cosmetic" uses.** However, if the Ministry decides that cosmetic use of pesticides needs to be restricted, it would be appropriate to explicitly consider the cost of disallowing these applications and the implications of shifting to alternative methods. Only in this way can there be a proper weighing of costs and benefits.

The term "cosmetic" is potentially problematic because it is subject to a wide range of interpretations. Most people understand the term to mean serving an aesthetic rather than a useful purpose. According to the Ministry's Consultation Paper, the cosmetic use of pesticides "can be considered as the use of pesticides for non-essential or aesthetic purposes". A vague definition means that what is deemed necessary by some could be considered cosmetic by others.

As general comment, the term "cosmetic" fails to consider the usefulness of pesticides. It is important to understand that, if left uncontrolled, insect and disease infestations can quickly destroy a green space. Effective use of approved pesticides may be required to prevent significant loss or damage to a landscape. Although weed infestations are more gradual, they too can be costly to control and result in severe damage if left unchecked. These benefits are rarely recognized in discussions on pesticide use and are diminished with terms such as "non-essential" or "cosmetic".

In Canada the vast majority of herbicides are used in the agricultural industry for crop protection. Thus, the share of pesticide use that may be restricted by new measures aimed at "cosmetic" uses is actually quite small. It does not follow, however, that new measures in this area would be unimportant. In many instances, such as golf courses or turf farms,



the use of pesticides is an essential part of business operations. We note that other provinces have made exclusions for these types of applications, and if there is new legislation in BC we encourage the Ministry to make similar allowances for such uses that likely would be considered “cosmetic” applications.

<b>Share of total pesticides used in Canada by sector</b>	
<b>SECTOR</b>	<b>SHARE</b>
Crop protection	95%
Industrial IVM (railways, utility, rights-of-way, oil and gas pipelines, etc.)	1.2%
Forestry IVM	0.6%
Cosmetic (lawn care, golf courses, turf, etc.)	2.0%
Structural (protection of wood structures from fungi and insects)	1.2%

We support the Consultation Paper’s recognition that non-cosmetic uses of pesticides includes use to prevent economic damage or health impacts, and that exclusions have been made to allow the use of pesticides for such activities as public health and safety (including the protection of public works structures), agriculture, forestry, research and scientific purposes, and to protect natural resources. When necessary, herbicides are used in BC and in other provinces to manage vegetation on railways, at electrical facilities, along transmission right of ways, and around oil and gas pipelines. While most of these applications would reasonably be considered non-cosmetic uses, and thus would not be affected directly by legislation limiting cosmetic uses, the Business Council recommends that any such legislation explicitly exempt these non-cosmetic uses from any ban. If revisions to the statutory provisions governing pesticides are intended primarily to reduce their use on residential lawn applications, then specific language making this clear should be considered.

It is also important to note that private property adjacent to any of the types of industrial facilities or infrastructure sites mentioned above can serve as a source of infestation. Prohibiting all applications of pesticides on domestic property could undermine the effectiveness of IPM programs; allowance for such uses therefore needs to be included in any new legislation.

Another of the Ministry’s stated objectives is to follow “a science-based approach”. The Business Council endorses this objective. Any rules governing which pesticides are permitted or restricted should be based on rigorous scientific principles, including the principle of peer review.



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The Business Council is concerned about the prospect of patchwork regulation in this domain. We strongly support the implementation of a consistent set of rules across the province. A number of municipalities have already taken steps to restrict pesticide use. Having an array of different rules in different communities creates unnecessary confusion for industry as well as consumers and almost inevitably leads to higher compliance costs. The Ministry of Environment should ensure that any changes to the cosmetic use of pesticides supersede municipal regulations to establish a consistent province-wide set of rules.

The Business Council appreciates the opportunity to provide input on potential changes to the regulations governing the use of pesticides in the province.

Sincerely,

*Original signed by*  
*Jock Finlayson*

Jock A. Finlayson  
Executive Vice President – Policy

KP/vjc

c.c. Lynn Bailey, Assistant Deputy Minister, Ministry of Environment  
Business Council Environment Committee