

**Getting the Protection Right**

**Presentation to the Standing Committee on Social Affairs on Bill 64:  
Banning the Sale and Use of Cosmetic Pesticides**

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**President**

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Good afternoon, my name is Wendy Fucile and I am the President of the Registered Nurses' Association of Ontario (RNAO) -- the professional association for registered nurses in Ontario. RNAO members practise in all roles and sectors across the province. Our mandate is to advocate for healthy public policy and for the role of registered nurses in enhancing the health of Ontarians. We welcome this opportunity to present our views to the Standing Committee on Social Affairs on Ontario's Bill 64: *An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes.*

Bill 64 has the potential to be an important step in the right direction -- but we're not popping the champagne corks yet. RNAO and its members have been working hard to achieve protection against nonessential use of pesticides across the province for many years, and we were delighted to attend Premier McGuinty's press conference to introduce this important legislation. We were especially pleased that during the announcement, the Premier stated unequivocally that Ontario's legislation will serve as a floor and not as a ceiling. We were most distressed when this statement was later contradicted by Minister's Gerretsen's office.

The Bill has some excellent features that could put Ontario at the forefront of protection of the public against pesticides. We are pleased that the bill will:

- Ban the use and sales of pesticides for cosmetic purposes, and
- Cover residential, industrial, commercial, institutional, municipal and provincial properties, including rural residential properties.

We are also very pleased that the Minister of the Environment announced that the implementation period would be swift, with the ban to be in effect for the 2009 growing season.

However, we have serious concerns about certain features of the Bill in its proposed form, and we will do whatever further work is necessary to fix these problems.

Specifically:

- As presently written, the Bill would empower the government to introduce other exemptions by regulation. This is, in our view, a dangerous and unnecessary provision that could put current or future Cabinets under pressure from industry, and undermine the intent of the legislation. Indeed, the lawn care industry organization Landscape Ontario makes clear in its briefing note on Bill 64 that it would seek exemptions for so-called weed and insect “infestations”.<sup>i</sup> These exemptions make implementing pesticide legislation more costly and difficult, and represent loopholes to continue business as usual.
- The Bill as presently written would take away from municipalities the right to exceed the provincial standard in pesticide protection. This preemption strategy has been used with great success by the pesticide industry in the US, and we don’t want to see it used here. RNAO is most concerned with this because municipalities have always had a leadership role in pesticides and toxics, and because municipalities are in a good position to respond to local health issues. Some existing municipal protections (e.g., banned uses or pesticides) could be rolled back with the legislation as written.
- The Bill would exempt golf courses, which is inconsistent with RNAO’s belief that exemptions should be limited to public health purposes.
- The government has released a list of pesticides that could be banned from use or sale for cosmetic purposes. The list does not include all pesticides of concern (e.g., Roundup). An inclusion list of allowed, minimally toxic substances would be a preferable approach. A precautionary approach is essential when determining which substances would be allowed.<sup>ii</sup>
- RNAO is also seeking assurance that government will provide the needed resources to implement the new legislation, including funding for education and enforcement.

### **Summary of our Recommendations**

1. RNAO strongly supports the ban on the use and sale of pesticides for cosmetic purposes.

2. RNAO recommends use of the precautionary principle in developing a list of banned or allowed substances. RNAO further recommends employing an “inclusion list” of allowed substances, which would be more protective than a list of banned substances. An efficient and precautionary process for adding or removing substances from lists must be specified.
3. RNAO strongly supports province-wide coverage, with protection for all Ontarians, whether they live in built-up areas or in rural or remote areas.
4. RNAO supports exemptions for public health (as determined by the Medical Officer of Health), but is opposed to other exemptions such as that for golf courses.
5. RNAO is particularly concerned about the exemption for “other prescribed uses”, with those uses to be prescribed by regulation. RNAO strongly recommends that the clause exempting other prescribed uses be removed.
6. RNAO strongly urges complete removal of the clause rendering municipal pesticide bylaws inoperative. Ontario must preserve municipalities’ rights to take protective legislative measures against pesticides that go beyond those delivered by the province. Municipalities have been key partners in protecting citizens from pesticides, and they must remain partners.
7. RNAO supports the timely implementation of this legislation for the 2009 growing season, and it urges that sufficient resources are allocated for education and enforcement.

This legislation has the potential to be the strongest of its kind in North America, and RNAO and its members have a big stake in making it succeed. Nurses in Ontario have fought the cosmetic pesticide battle on many fronts, and we will see this through to the end.

Our work began as a collaboration with a wide range of health and environment groups on municipal pesticide campaigns. As a result of our work and the work of others, at least 32 Ontario municipalities covering 45 per cent of the population now enjoy the protection of pesticide bylaws.

Legislation banning pesticides is extremely popular with the public, and Ontarians are looking to the leadership of Premier McGuinty to extend this protection across the province.

RNAO has joined a broad coalition of other health and environmental organizations to lobby for strong legislation to protect against the non-essential use of pesticides, and this coalition remains united and determined to work together and work with its broad constituencies to bring the protection that Ontarians want.

RNAO's members are enthusiastic about our position, and give us the strength and determination to continue to work for pesticide legislation that will work and be cutting edge in North America. **Ontario's children deserve no less!**

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<sup>i</sup> [http://www.landscapeontario.com/attach/1211671861.Briefing\\_Note - Bill\\_64\\_Final.pdf](http://www.landscapeontario.com/attach/1211671861.Briefing_Note_-_Bill_64_Final.pdf).

<sup>ii</sup> There are different formulations of the precautionary principle. For example, "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action." - [Wingspread Statement](#) on the Precautionary Principle, Jan. 1998, retrieved April 2, 2008 from <http://www.sehn.org/wing.html>.