



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

March 5, 2010

Proposed Non-essential Pesticides Ban Comments
Nova Scotia Environment
5151 Terminal Road
P.O. Box 442, Halifax
NS B3J 2P8

Via email: policy@gov.ns.ca

Re: Consultation on Proposed Non-essential Pesticides Ban in Nova Scotia

We write in response to the public consultation currently occurring in your province and respectfully ask that our comments be taken into consideration despite our office not being physically located in the province of Nova Scotia.

Background About CELA's Involvement in Pesticide Issues

The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization founded in 1970. CELA is an environmental law clinic – within Legal Aid Ontario - dedicated to providing legal services to low income people and disadvantaged communities, and advancing the cause of strong environmental protection through advocacy, education and law reform.

Members of our staff have worked on pesticides issues for over 25 years. We have been at the forefront of Canadian activity summarizing the research about human health impacts, particularly to children, and were extensively involved in efforts to reform the *Pest Control Products Act*, several progressive revisions to which were proclaimed in June of 2006. We have acted in the courts on behalf of clients adversely affected by pesticides as well as on behalf of multiple groups and individuals who successfully opposed repeated legal challenges to pesticide bylaws in Hudson, Quebec and Toronto, Ontario. Public inquiries about pesticides to our office are numerous, mainly from residents of Ontario but we have been contacted by residents of Nova Scotia about pesticide bylaws and provincial legislation on numerous occasions. For over twenty years we have assisted hundreds of groups and individuals across the country in efforts to achieve the dozens of bylaws now in place and last year celebrated the passing of Bill 64 in the Ontario legislature to ban the use and sales of cosmetic pesticides across the province, the most progressive law of its kind in North America and one that we hope Nova Scotia will emulate.

Focus on Protecting Children's Health

While the federal and provincial governments in Canada have made important advances in recent years to recognize, reduce, and in some cases prevent, exposure to pollution and hazardous substances, serious problems remain. More children have asthma than ever before. Cancer in

children, though rare, is the leading cause of illness-related death in children aged one year or older. Several cancers are on the rise among young adults in Canada raising concern about exposure to carcinogens during vulnerable periods of development including in the womb. Very large numbers of children experience a wide range of learning, behavioural and developmental disabilities. Emerging but rapidly expanding scientific evidence points to the ability of many different chemical exposures to disrupt the human endocrine system contributing to impacts on reproduction, development and the later development of cancer. Many complex, and not entirely understood, factors contribute to these various health outcomes. However, scientific evidence is increasingly revealing that exposure to environmental contaminants, including pesticides, is one of these many interacting factors.

We also know that we are faced with the double challenge of reducing ongoing emissions of toxic substances as well as facing ongoing exposure from historical sources that remain persistent in the environment. Scientific evidence confirms that we should focus on minimizing or eliminating exposures during sensitive life stages, to avoid harm to development in the womb and in early childhood. We also should be ensuring safe food and water supplies and ensuring good air quality, indoors and out, and minimizing exposure to toxic substances in consumer products. Given these multiple challenges, we should take every opportunity to minimize or eliminate exposures to toxic substances that are unnecessary and easily eliminated. The cosmetic use of pesticides falls squarely into this category.

We therefore strongly support the Nova Scotia government's proposal to ban the *sale and use* of cosmetic pesticides. The proposal has the hallmarks of being as progressive as the actions taken in Ontario where we are proud to say the government has enacted the most progressive legislation in North America on this issue.

The Ontario approach is simple and straightforward. It bans the use and sale of pesticides province-wide in the context of a series of exemptions for specific uses. These exemptions can include existing agricultural and forestry operations alongside those uses related to the protection of public health. The end-result is a ban on the use and sale of pesticides for unnecessary or "cosmetic" uses. This approach is in line with the Hudson, Quebec pesticide by-law (and many others that followed its approach) and that withstood multiple legal challenges. In the context of the Supreme Court decision upholding the jurisdiction of Hudson and other municipalities to pass by-laws to control the use of cosmetic pesticides on private property, the case also held that governments, including municipal governments, have an obligation to respect the precautionary principle. In a world of multiple chemical exposures, banning the use and sale of needless pesticides is an exemplary way to apply a precautionary approach.

We are concerned that the Nova Scotia proposal would exempt vegetable gardens and recommend that not be included. Just as there are diverse means on ensuring beautiful lawn and turf using non-chemical alternatives, the same is increasingly true for vegetable gardens.

Finally, we strongly urge you to resist any recommendations to weaken a ban on cosmetic pesticide use by allowing the use of "integrated pest management" or IPM. It has been our long-standing experience that, while approaches to IPM can be laudable, particularly indoors where

great care must be taken to control the possibility of excessive exposure, the use of IPM in the context of lawn and garden care, particularly by large lawn care companies, is more of a public relations exercise than any serious change in practices. We therefore strongly urge you to resist any suggestions that a cosmetic pesticide ban would be effective if it were implemented in the context of allowing continued pesticide use only by licensed companies trained in IPM practices.

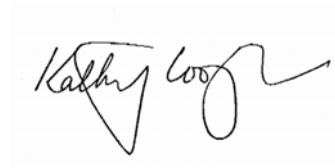
In closing, we urge the Province of Nova Scotia to follow the leadership of the City of Halifax, the first large municipality in Canada that banned the cosmetic use of pesticides, and take this progressive environmental policy province-wide. We urge you to do as Ontario has done, and enact comprehensive legislation without the loopholes or half-measures that exist in laws enacted or proposed in New Brunswick, Newfoundland and Prince Edward Island.

In a world of multiple chemical exposures, we can and must eliminate those that are unnecessary.

All of which is respectfully submitted.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'Kathleen Cooper', with a stylized flourish extending to the right.

Kathleen Cooper
Senior Researcher

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