

# PEI Lawn-Care Pesticides Law A Case for Strengthening the Rules

By Marion Copleston & Tony Reddin

For many years, several organizations have encouraged the PEI government to ban the use of cosmetic pesticides. A ban is an easy way to promote healthy living, save health care costs, create green jobs, and protect the environment. There is overwhelming public support for this ban (75% according to a poll conducted in 2008), and strong public concern about incidents of poisoning by cosmetic pesticides. On December 9, 2009, legislation was passed to restrict the use of lawn pesticides in PEI.

We regard the new law as a beginning, and will continue to demand that the Environment Minister correct weaknesses in the current regulations.

While the new legislation does ban the use of 240 retail products, too many products are still available, both to the public and to lawn-care professionals. The current situation relies on lawn-care companies to voluntarily reduce the amount of pesticides used; this leaves a lot of room for pesticide use to continue as usual. Because some people still believe in the myth of the monoculture lawn, and feel they have the “right” to their “perfect” lawn, they insist on the quick fix provided by chemicals, even though it means contaminating the air, soil and water and affecting the health of adults, children, pets and wildlife.

There are advantages and disadvantages to the current law (see below).

## Advantages:

- Most use of 2,4-D is banned (though golf courses are exempt).
- All use of combination fertilizer/pesticide products (such as Weed and Feed) is banned.
- No use of pesticides is permitted on provincially owned property, including schools, hospitals, parks, sports fields and roadsides.
- 240 over-the-counter domestic class products are banned, many because they contain 2,4-D, others based on their method of application such as concentrates, granular spreadable and hose-end applications.
- Lawn-care companies must record their use of pesticides and submit a yearly report.

## Disadvantages:

- The use of 2,4-D is still permitted on golf courses, as are all other commercial grade pesticides. Aside from the fact that this ignores the health of golfers and residents living in close proximity to the golf course, it means that 2,4-D will still be used as a grass-way herbicide in the province. A planned phase-out should be outlined in the regulations; at the very least, there should be buffer zones for residences bordering on golf courses in the first year, then restrictions, then a full ban, as is already in place in Quebec. A wide range of ready-to-use pesticide products will still be available to homeowners for sale in retail stores. We don't see any need to keep those on the shelves and in people's homes. Homeowners have plenty of safe alternatives for lawn-care (see: <http://www.sierraclub.ca/atlantic/programs/healthycommunities/pesticides/factsheets.htm>).
- The list of 240 banned products includes less toxic products that are banned by virtue

of their method of application rather than their toxicity. What would make more sense would be to ban all cosmetic pesticides except the established lists of less-toxic ones that are acceptable in organic agriculture. Such lists, which are regularly updated, are already available through the Canadian Standards Review Board (CSRB) and the **Organic Materials Review Institute in Eugene, Oregon, (OMRI)** for use in organic agriculture.

- Lawn-care companies still have access to ALL pesticides registered for commercial use (except 2,4-D). The best regulations would ban commercial grade lawn-care pesticides as well as domestic ones.
- To use pesticides, commercial lawn-care companies will not require authorized permission. For a better procedure, if a lawn-care company wants to use stronger pesticides, it should first try less-toxic pest removal methods; then submit its case that this has failed, and that the pest is a serious problem; and then wait as long as it takes for a ruling on special permission from officials, which is considered a privilege, not a right.
- There is no reference to the overuse of synthetic fertilizers, which can weaken lawns, and cause problems that lead to pesticide use.
- Reference only to lawn-care, not all cosmetic applications, such as trees and flower gardens. No provisions for buffer zones for chemically sensitive individuals. There must be an immediate regulation to establish a no-spray buffer zone around all homes of people with medical environmental illnesses.
- Lawn-care companies are not required to distinguish between residential and golf course use in their reporting of pesticides use. Also, there does not appear to be a clear system of oversight and enforcement in place. While the Minister has stated that lawn-care companies must inform the government before applying a pesticide, and that lawn-care professionals must receive training in Integrated Pest Management, there is nothing to this effect in the regulations.

At a presentation on March 9, 2010, Minister of the Environment Richard Brown spoke of a “stepped” approach but did not give a clear vision of the next steps. He stated that he would base changes in the regulations on complaints and concerns from the public. This unfairly pits victims of pesticide abuse (and volunteers working for the public good) against well-organized, well-paid lobbyists for the chemical industry whose main interest is their profit margin from the sales of pesticides.

Real estate agents may be concerned that certain buyers from outside PEI would be 'turned off' if they don't see a monoculture lawn. But Islanders must put our health above such superficial concerns. A pesticide-free neighbourhood makes a better selling point.

The use of cosmetic pesticides (which are not needed to protect human health or grow food, and therefore are unnecessary) is a public health issue. Federal registration of a pesticide does not mean it is safe; indeed it is against the law to claim that a pesticide is 'safe'. When Health Canada's Pest Management Regulatory Agency registers pesticides for use in Canada, it states that it is good practice to reduce or eliminate any unnecessary exposure to pesticides.

## Pesticide regulations can be changed

Islanders concerned about weaknesses in the lawn-care pesticides law should contact Minister Richard Brown right away and keep objecting publicly (cc to: Premier Robert Ghiz, Hon. Carolyn Bertram, Minister of Health, and John MacQuarrie, Deputy Minister of Environment, Energy and Forestry). Demand a commitment to do a review of the regulations by at least Jan 2011. There should also be a plan and schedule for phasing in stronger regulations.

Every year health care costs are taking a bigger piece out of the PEI Budget. Strong pesticide regulatory policy will lower health care costs. For example, hospital asthma admissions cost thousands every year, but these can be reduced by removing environmental toxins that sensitize the immune system (as certain pesticides are known to do), and also thus avoid the possibility of lowering human resistance to H1N1 Flu or any other pandemic. Government should support Preventative Health Care by putting in place the strongest regulations possible.

The tide has turned against cosmetic pesticides; Islanders want their health put ahead of the profits of pesticide corporations.

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