



# City of Richmond

## Report to Committee

**To:** Public Works and Transportation Committee  
**From:** Cathryn Volkering Carlile  
 General Manager, Community Services  
**Re:** Pesticide Use Control Amendment Bylaw

**Date:** May 13, 2010  
**File:** 10-6125-04-01/2009-  
 Vol 01

### Staff Recommendation

- (1) That Pesticide Use Control Bylaw No. 8514, Amendment Bylaw 8602 be introduced and given first, second and third readings.
- (2) That a letter from Mayor and Council be sent to the Province and local Members of the Legislative Assembly that reaffirms the City's position to urge the introduction of Provincial legislation to prohibit the use and sale of pesticides for cosmetic use.

Cathryn Volkering Carlile  
 General Manager - Community Services

Att. (1)

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
Budgets	Y	<input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>[Signature]</i>
Law	Y	<input checked="" type="checkbox"/> N <input type="checkbox"/>	
Parks Maintenance & Operations	Y	<input checked="" type="checkbox"/> N <input type="checkbox"/>	
Community Bylaws	Y	<input checked="" type="checkbox"/> N <input type="checkbox"/>	
<b>REVIEWED BY TAG</b>	YES	NO	<b>REVIEWED BY CAO</b>
	<input checked="" type="checkbox"/> <i>[Signature]</i>	<input type="checkbox"/>	<i>[Signature]</i> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

On September 28, 2009 Council gave first, second and third readings to Pesticide Use Control Bylaw No. 8514, which imposed restrictions on the use of pesticides on residential land and City land for cosmetic purposes. Council also directed staff to explore and report back on alternatives to proposed exceptions for infestations, alien invasive species and threats to sensitive ecosystems. The Bylaw was subsequently adopted in October, 2009 without these exception provisions pending a report back from staff.

This report responds to Council's direction to explore alternatives to exceptions to pesticide use under the Bylaw, and recommends an amendment bylaw that provides for pesticide use associated with infestations, alien invasive species and threats to sensitive ecosystems.

### Background

The Pesticide Use Control Bylaw is part of the City's Enhanced Management Program (adopted on April 27, 2009) to reduce the risks associated with pesticide use. This program incorporated commitments to:

- develop an expanded education program that would include initiatives to inform on the Bylaw and encourage Metro Vancouver to take a strong regional role in community education;
- continue to work with the industry on improving accreditation for landscape professionals;
- explore measures for reducing the incidence of horticultural pests (e.g. landscaping guidelines);
- continue to actively lobby the provincial government to restrict the use and sale of pesticides for cosmetic purposes; and
- continue to actively lobby the federal government to better regulate product approval.
- report back to Council in one years time on the results of the Enhanced Pesticide Management Program which included funding for a one year, temporary, full-time Environmental Coordinator and a one year temporary, half-time Bylaw Officer.

When Bylaw No. 8514 was initially presented, exemptions were proposed to allow for pesticide use by an accredited organization to control or eradicate infestations, pests which threaten sensitive ecosystems, and alien invasive species. These proposed exemptions were removed due to concerns over a lack of robustness in the industry accreditation process. As such, Council requested that staff further review and report back on alternatives to the exemptions.

In response to a Council resolution on September 28<sup>th</sup> 2009, a letter was written by Mayor and Council to the Provincial government strongly urging that they introduce legislation to prohibit the use and sale of pesticides for cosmetic purposes. Since that time the Province produced a *Public Consultation Paper on the Cosmetic Use of Pesticides*, to which the City provided

comments. On April 28<sup>th</sup> 2010, the Province posted a summary report of comments received on their website (<http://www.env.gov.bc.ca/epd/ipmp/regs/cosmetic-pesticides/consultation.htm>). Ministry of Environment staff have indicated that no specific “next steps” have been identified at this time. To reaffirm the City’s position, staff recommend that a letter from Mayor and Council be sent to the Province and local Members of the Legislative Assembly to urge the introduction of Provincial legislation to prohibit the use and sale of pesticides for cosmetic use.

## Analysis

Staff have undertaken an analysis of exemption provisions contained in existing cosmetic pesticide bylaws in other municipalities throughout the Province. The following list identifies the general trends that staff identified in the 31 municipal bylaws:

- Adoption dates for the 31 bylaws range from 2003 to 2010 with the majority of the bylaws having been adopted between 2008 and 2010 (i.e. 24 bylaws). Of these 31 bylaws, 12 are from the Lower Mainland (i.e. Metro Vancouver Region).
- There is a notable range of exemptions comprised within the 31 municipal bylaws in British Columbia, ranging from biological control, allergenic plants, alien invasive species, invasive insects, infestation, infestation that threatens an environmentally sensitive area, municipally owned golf courses, municipal lands, noxious weeds and hard landscapes.
- Six bylaws have exemptions for alien invasive species,
- Thirteen bylaws have exemptions for infestations,
- Six bylaws have exemptions for sensitive ecosystems,
- Sixteen of the 31 bylaws include a permit process, with six of the permits specific to infestations and four of the 16 permits for further exemption at the municipality’s discretion.
- Of the 16 bylaws with a permit process, eight include a permit application fee ranging from \$20 to \$60.

Based on this review, the following options are available:

Option 1: Amend the Bylaw No. 8514 to add a new exclusion for infestation control (Attachment 1).

Under Option 1 the City would add a specific exclusion for a person *to use a pesticide to control or eradicate an infestation, provided non-pesticide alternatives for controlling or eradicating the infestation are not available or are not effective*. The definition of infestation in the amendment bylaw would include provisions for pests which threaten sensitive ecosystems, and alien invasive species as set out in the initially presented Bylaw. Under this scenario, the City would respond to complaints received with existing staffing which includes one temporary, full-time Environmental Coordinator and one temporary half time Bylaw Officer. Residents and the City would be enabled to respond to *infestation* events; and the results of those infestation scenarios will be reviewed and reported back to Mayor and Council, as requested, within one years time of the program initiation. This Option continues to place emphasis on an educational approach to the Pesticide Use Control Bylaw however ticketing provisions imbedded within the Bylaw exist for non-compliant scenarios.

There are no additional costs associated with Option 1 as administration will be undertaken by existing staff. This Option is similar to many other cosmetic bylaws in the Province, and provides a cost-effective and balanced approach that will be reviewed and reported back to Mayor and Council for effectiveness in one year.

### *Alternative Options*

Option 2: Amend Bylaw No. 8514 to add a new exclusion for infestation control under a permit process.

Under this Option, an applicant, including the City, can apply under very specific conditions set out in an amendment bylaw *to use a pesticide to control or eradicate an infestation in accordance with a valid permit*. The definition of infestation in the amendment bylaw would include provisions for pests which threaten sensitive ecosystems, and alien invasive species as set out in the initially presented Bylaw. Option 2 would include a new infestation exception, a permit application process, a pesticide use permit and a permit application fee for cost recovery. This option could include conditions relating to:

- qualifications of the applicant;
- demonstrating that non-traditional pesticide alternatives are not available or not sufficiently effective;
- the types of terms and conditions that can be imposed when issuing a permit;
- public notice requirements before, during and after the application of pesticide.

The current status of temporary one year staff positions to resource the Enhanced Pesticide Management Program and the permanency of resources, including administration, required for the Option 2 amendment bylaw are insufficient. Due to the lack of long term resources in place to support Option 2, it is not recommended.

### **Financial Impact**

None at this time.

### **Conclusion**

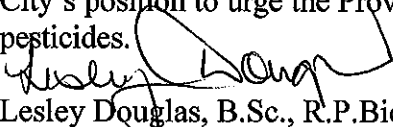
Option 1 proposes an amendment bylaw that provides a cost effective and balanced approach to the use of cosmetic pesticides. This Option maintains a focus on education yet has sufficient rigour for complaint driven responses at the current staffing level. Staff will include an overview of the effectiveness of the Bylaw amendment as part of a planned one year progress report on the Enhanced Pesticide Management Program

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In addition to the amendment for the infestation exclusion and permit process the amendment bylaw would include a housekeeping amendment to delete the Minoru Lawn Bowling Greens from the definition of City Land in Bylaw No. 8514 as they have been converted to artificial turf.

Staff have also recommended that a letter be written to the provincial government reaffirming the City's position to urge the Province to introduce legislation prohibiting the use and sale of cosmetic pesticides.

  
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**PESTICIDE USE CONTROL BYLAW NO. 8514,  
AMENDMENT BYLAW 8602**

The Council of the City of Richmond enacts as follows:

1. The Pesticide Use Control Bylaw No. 8514 is amended at Part One by adding the following definitions, in alphabetical order:

**ALIEN INVASIVE  
SPECIES**

has the same meaning as in the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, BC Reg. 144/2004, as amended or replaced from time to time

**INFESTATION**

means the presence of **pests**, including **alien invasive species**, in numbers or under conditions that:

- (a) involve an immediate risk of significant loss or damage to outdoor trees, shrubs, flowers, other ornamental plants or turf; or
- (b) have the potential to cause significant loss or damage to a **sensitive ecosystem**.

**SENSITIVE ECOSYSTEM**

means

- a) land with an area or a landscape feature identified in a **City** plan, map or zoning bylaw as environmentally sensitive, environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for a similar purpose that is compatible with the conservation of ecological features and functions of the land; or
- b) a **City** park or other protected area designated or managed for the conservation of ecological features and functions

- 2. The Pesticide Use Control Bylaw No. 8514 is amended at Part One by deleting the definition of CITY LAND and substituting the following:

**CITY LAND** means land owned by the **City**, with the exception of the West Richmond Pitch and Putt Golf Course located in Hugh Boyd Park

- 3. The Pesticide Use Control Bylaw No. 8514 is amended at Part Three by adding the following after subsection 3.1(h):

(i) the **use** of a **pesticide** to control or eradicate an **infestation**, provided non-**pesticide** alternatives for controlling or eradicating the **infestation** are not available or are not effective.

- 4. This Bylaw is cited as "**Pesticide Use Control Bylaw No. 8514, Amendment Bylaw 8602**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
REVIEWED for content by originating department 
APPROVED for legality by Solicitor 

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER