

# BACKGROUND

## Cosmetic Pesticides Bans: Highlights, Best Practices & Lessons Learned

This backgrounder provides highlights from the 56-page CAPE report, *Cosmetic Pesticides – Provincial Policies & Municipal Bylaws: Lessons Learned & Best Practices* ([cape.ca/pesticide-policy-report](https://cape.ca/pesticide-policy-report)). It does not include the health concerns associated with pesticides. Those can be found in companion backgrounders available on the CAPE website at: <https://cape.ca/what-we-do/lawn-pesticides/>.

*Cosmetic Use of Pesticides: Use of a pest control product for non-essential or aesthetic purposes.*

### Regulation of Pesticides in Canada

Pesticides are regulated by the three different levels of government in Canada: Federal, Provincial and Municipal. This backgrounder will focus primarily on the provincial and municipal levels of government.

#### Federal Government

The Pest Management Regulatory Agency (PMRA) registers pesticides for use and sale throughout Canada. Only pesticides that are registered by the PMRA under *Pest Control Products Act* are permitted to be used in Canada.

#### Provincial Governments

Provinces have the power to regulate *both the use and sale* of pesticides. Provinces also have powers to regulate the content of the bylaws that municipalities can pass. This provincial power is important because it has a direct impact on the strength of a municipal cosmetic pesticide ban bylaw.

#### Municipal Governments

Unlike provinces, municipalities can *only regulate the use* of cosmetic pesticides within municipal boundaries. Provincial rules respecting the sale of pesticides can have a significant impact on bans. Despite the inability to control pesticides sales, municipalities in Canada have implemented highly effective cosmetic pesticide bans that are well received by the public.



## The State of Cosmetic Pesticide Laws in Canada

The term “cosmetic pesticides” is used to describe the non-essential of pesticides to improve the appearance of landscaping elements such as lawns, trees, gardens, shrubs and other ornamental plants. At present, seven of the provinces in Canada have laws that prohibit the use of some pesticides for cosmetic purposes. Three provinces – British Columbia, Alberta and Saskatchewan – and the Territories do not.

There are 180 municipal cosmetic pesticide bylaws in effect in 2016. This figure does not include the 35 bylaws that Ontario municipalities passed which were rendered inoperative when the province passed its own cosmetic pesticide ban law in 2008.

***Precautionary Principle:  
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.***

### Pesticides Banned for Cosmetic Uses

There are hundreds of pest control products on the market, so to make things manageable, provinces ban cosmetic pesticides based on active ingredients. Most provinces have created ‘black lists’ that identify the active ingredients that are prohibited from being used or sold for cosmetic purposes.

Prince Edward Island and New Brunswick prohibit the use of one active ingredient only for cosmetic purposes. Newfoundland and Labrador have listed five active ingredients while Quebec has identified 20. Provinces such as Ontario, Nova Scotia and Manitoba have created ‘white lists’ that identify the pesticides that are allowed to be used for cosmetic purposes.

### White Lists Embody the Precautionary Principle

The precautionary principle is embodied in cosmetic pesticide bans that use a white list. In these cases, a new pesticide ingredient cannot be used for cosmetic purposes unless the manufacturer proves that it meets the criteria identified in the law.

With black lists, new pesticide ingredients approved by the PMRA can be used until they are proven unacceptable for cosmetic purposes, which can be a difficult and lengthy process.

### Scope of Cosmetic Pesticide Bans

Provinces must decide specifically where a cosmetic pesticide ban applies. Manitoba, New Brunswick, Prince Edward Island, Quebec, and Newfoundland and Labrador only prohibit the use of cosmetic pesticides on lawns, whereas Ontario and Nova Scotia prohibit the use of cosmetic pesticides on lawns, trees, shrubs, flowers and ornamental plants.

#### ***Criteria for Lower-Risk Cosmetic Pesticides on Ontario’s White List:***

- ***they have a non-toxic mode of action;***
- ***they are of low toxicity to organisms the product is not targeting;***
- ***they do not persist in the environment; the product is used in ways that do not cause significant exposure; and***
- ***they have been widely available to the public for other uses for some time.***

Additionally, provinces can extend the scope to include all pesticides used in sensitive areas (i.e. places where people are more sensitive to pesticides are likely to be). For example, Manitoba prohibits the use of cosmetic pesticides on the exterior properties of schools, hospitals, or child care centres. Quebec is the only province to extend its law to indoor environments frequented by children, such as child care centres.

### Exceptions to Cosmetic Pesticide Prohibitions

Most laws banning the cosmetic use of pesticides identify exceptions where the prohibited pesticides are allowed to be used. The exceptions that are commonly found in both municipal and provincial laws include the following:

- Protection of public health and safety
  - Animals that bite, sting, or carry disease
  - Plants that are poisonous to humans by touch
  - Plants, animals, or fungi that pose a risk to a building or structure
  - Water purification
  - Disinfection of swimming pools
- Golf courses and lawn bowling greens
- Indoor environments
- Agricultural land and agricultural farmhouse property
- Infestations
- Sports fields and specialty turfs
- Scientific purposes



**Public Health** – These exemptions are considered acceptable by many people.

**Golf Courses** – These exemptions are seen as problematic. In some jurisdictions, such as Ontario, golf courses are required to disclose pesticide uses to the public on an annual basis. However, there is no requirement to gradually reduce or eliminate cosmetic pesticide use.

**Indoor Spaces** – There are indoor applications of pesticides that could benefit from laws that direct people to adopt safer practices or use the least toxic products. These measures would better protect populations, such as children, who are at greater risk of pesticide exposures due to their behavior (e.g. frequently putting hands in mouth) and/or increased sensitivity to toxic agents. Presently, Quebec is the only jurisdiction that prohibits the use of pesticides in indoor spaces. However, this applies only to areas frequented by children (e.g. schools and daycares).

**Infestations** – The definition of Infestation generally means the “presence of pests in numbers or under conditions which involved immediate or potential risk to human health or conditions which involve an immediate or potential risk of substantial loss or damage to property”. These clauses in municipal bylaws can undermine bans if there are no or poor guidelines to follow when determining when a potential infestation exists.

## Integrated Pest Management (IPM)

IPM promotes the integrated use of alternative pest management practices. It is a good principle that can undermine a pesticide ban unless it is tightly defined or circumscribed to ensure that toxic pesticides are only used as a last resort.

## Provincial/Municipal Collaboration

Provinces should set a strong base-level of protection from cosmetic pesticides. However, many feel that it is important to allow municipalities to go beyond provincial laws to provide additional levels of protection to residents. For example, Halifax's bylaw includes notification and signage requirements that are not included in the provincial regulations.

## Education and Enforcement

Education is a very important step in the implementation of a cosmetic pesticides ban. These programs are most effective when they focus on both the safe alternatives to toxic pesticides and the health benefits associated with these practices.

Enforcement initiatives are important complements to education campaigns. Through an enforcement presence, individuals and companies know that the illegal use and sale of cosmetic pesticides will be penalized. It is not necessary for enforcement to be purely punitive measures. Through proper training, enforcement officers can also serve to provide educational information and instruction to community members.



## Effectiveness of Cosmetic Pesticide Bans

### Canadian Study – Prohibitions more Effective than Voluntary Programs

A study undertaken by Canadian Centre for Pollution Prevention and Cullbridge Marketing and Communications found that voluntary programs directed at reducing cosmetic pesticide use were the least effective. These programs only reduced pesticide use by 10-24%. The jurisdictions that had the most effective reductions were those that had **both** a mandatory prohibition and education programs.

### Ontario Study – Reduced Levels of Pesticides in the Environment

There have been few studies that examine the effectiveness of cosmetic pesticide bans in Canada. One study from **Ontario** examined the concentration of common active ingredients in water bodies before (2008) and after (2009) the implementation of Ontario's cosmetic pesticide ban. Post-ban measurements revealed significant decreases in 2,4-D (by 81%), dicamba (by 83%), and MCPP (by 81%). Glyphosate and carbaryl levels, which are used more in agricultural settings, showed no significant changes.

## **Toronto Study – Reduced Use of Pesticides by Residents**

A **Toronto** study examined the effectiveness of the implementation of its cosmetic pesticide ban using self-reported telephone surveys. From 2003-2007, the use of pesticides on lawns by residents decreased by approximately 57%. In 2003, almost 37% of residences indicated that they used pesticides on their lawns. In 2007, that number decreased to approximately 16%.

## **Nova Scotia Study – Need for Enforcement of Retailer Requirements**

A volunteer-led initiative in **Nova Scotia** audited retailers of pesticides using four different criteria: the storage of pesticides, whether written information was provided to consumers, whether a certified staff member was present, and the overall knowledge of staff. In the most recent report, 14 of the 21 retailers (both certified and non-certified) audited did not follow regulations for storing pesticides, 10 out of the 21 retailers provided the information required, and only one certified store did not have a certified staff member on site. The report's author concludes that there is a need for enforcement visits to retail outlets to ensure compliance with the law.

*When pesticides are sold in stores for excepted reasons, they are freely available to the public even though they are prohibited for cosmetic uses. At present, there is no mechanism for verifying the use of pesticides being purchased or tracking the purchases of pesticides prohibited for cosmetic uses.*

## **Conclusions**

### **Best Practices**

- Combine a legal mechanism with extensive public education, monitoring and enforcement
- Structure a ban around a white list that identifies acceptable and safe pesticides to use for cosmetic purposes
- Ensure that the ban is sufficiently broad and covers all landscape elements
- Tightly limit and define exceptions
- Ensure that provincial jurisdictions create strong cosmetic pesticide bans and allow municipalities to add additional layers of protection (through a bylaw) if the need exists within the local context
- Extend the concept to indoor environments

### **Improvements Needed**

- Remove exceptions for golf courses
- Conduct annual random audits on retailers who sell pesticides
- Establish a permitting system for prohibited pesticides to track sales and monitor trends for potential abuses

## Summary of Provincial Regulations Banning Cosmetic Pesticides

Jurisdiction	Date Passed	Pesticides Captured			Scope of Coverage			Exceptions
		White List	Pesticides Captured	Adding New	Coverage	Indoor Spaces	Sensitive Areas	
Newfoundland and Labrador	2011	No	carbaryl, 2,4-D, mecoprop, dicamba, MCPA.	No	Lawns	No	No	Golf courses, forestry activities, agriculture, sports turf, highly maintained turf.
Nova Scotia	2011	Yes	All pesticides not on the <i>List of Allowable Pesticides Regulations</i> .	Yes	Lawns, shrubs, trees, flowers, ornamental plants	No	No	Public health & safety, forestry activities, agriculture golf courses.
New Brunswick	2009	No	2,4-D	No	Lawns	No	No	Golf courses, agriculture
PEI	2010	No	2,4-D	No	Lawns	No	No	Golf courses, agriculture
Quebec	2003	Partial: for areas frequented by children	20 active ingredients in Schedule I of <i>Pesticide Management Code</i> .	No	Lawns	Yes (Limited to areas frequented by children)	Yes, child & daycare centres, home childcare pre-, primary & secondary schools	Golf courses, plant nurseries, seed orchards, agriculture lawns & land used for outdoor sporting activities only by persons older than 14 years, fenced in, or equipped with a watering system
Ontario	2008	Yes	All pesticides not included in class 11.	Yes	in, on or over land	No	No	Public health & safety, golf courses, specialty turfs, arboriculture, specified sports fields, scientific purposes, natural resources
Manitoba	2014	Yes	All herbicides that are not allowable herbicides.	Yes	Lawns	No	Yes, schools, hospitals, or child care centres	Public health & safety, golf courses, agriculture (including turf and sod farms), forestry, destroy noxious weeds, internationally used sports field, scientific purposes.
Saskatchewan	No provincial protection							
Alberta								
British Columbia								

**Prepared by Ian Arnold MPH JD and Kim Perrotta MHSc. Funding provided by the Canadian Health and Environment Education Foundation (CHEER) and the McLean Foundation. August 2016.**

**405 – 215 Spadina Ave, Toronto ON M5T 2C7 • (416) 306-2273 • info@cape.ca**