



MINUTES
ADVISORY COMMITTEE ON THE ENVIRONMENT
MEETING HELD ON WEDNESDAY, 2010-MAR-10 AT 4:15 PM
CITY HALL BOARD ROOM, 455 WALLACE STREET

Present: Jim Kipp, Chair
Margaret Henigman
Susan Fisher (Alternate for Anne Kerr)
Meg Savory
Wally Wells
Charles Thirkill
Joan Wagner
Jeff Thomas

Staff: Rob Lawrance, Environmental Planner
Rebecca Tubbs (Recording Secretary)

Regrets: Shelley Serebrin

Guests: Kris Holman, Green Thumb Garden Centre
Nancy Falconer, Canadian Cancer Society

1. Call to Order

J. Kipp called the meeting to order at 4:19 p.m. He noted that a new Chair will need to be elected at the next meeting, as well as the term "sustainability" added to the Committee's title.

J. Kipp asked for introductions from two visitors. They introduced themselves as Kris Holman, Green Thumb Garden Centre, and Nancy Falconer, Canadian Cancer Society.

2. Approval of Agenda & Late Items

The agenda was approved as presented.

3. Adoption of Minutes (2010-Feb-10)

MOVED by J. Thomas, SECONDED by C. Thirkill, that the 2010-Feb-10 Minutes be adopted as presented.

CARRIED.

4. Items Arising from Minutes

5. Budget: (\$2,500 subject to Council approval)

6. Delegation

a) Meeting with Lawn and Garden Retailers:

J. Kipp explained that invitations were delivered to a number of retailers; however, many were unable to make this particular meeting. J. Wagner said that Art Knapp and four other garden centres were expecting an invitation but did not receive one. R. Lawrance apologized and explained that retailers will be welcome to attend future meetings. J. Wagner suggested sending each retailer a personal invitation.

Overview of Cosmetic Pesticide Reduction Strategy:

R. Lawrance gave a PowerPoint presentation that gave an overview of the City's cosmetic pesticide reduction strategy as background information. The overview included a summary of the Ipsos Reid survey, current status of the education program, and the proposed bylaw. R. Lawrance will distribute slides to interested members via e-mail after the meeting.

Discussion and Initial Comments:

R. Lawrance welcomed K. Holman of Green Thumb Garden Centre, and N. Falconer of the Canadian Cancer Society, noting that K. Holman also attended the subcommittee meeting on 2010-Feb-24.

K. Holman explained that she and her staff have questions on the program such as “what is a cosmetic purpose?” and “who will be allowed to apply cosmetic pesticides?”. At this point, they know very little. The landscapers that she knows are Certified Pesticide Applicators that already use the IPM process.

N. Falconer of the Canadian Cancer Society introduced herself to the Committee. She has provided input on the bylaw since it was first discussed in 2007. After viewing the bylaw for the first time, she has concerns. She does not agree that the bylaw should allow Certified Pesticide Applicators to apply cosmetic pesticides. The IPM process allow for pesticide use, and there is no reason for pesticides to be applied for *any* cosmetic purpose. She has had a lot of experience with these bylaws and has found that the most successful bylaws to not include exceptions for Certified Pest Applicators.

J. Kipp explained that due to legislation, a municipality only has the ability to regulate the application of the pesticide, not ban the sale of it. He also noted that a bylaw can only be created if there is a way to enforce it.

R. Lawrance asked N. Falconer to elaborate on some of the successful bylaws she has come across. She explained that Port Moody, the first community to adopt a bylaw, has been pesticide-free for 20 years. She explained that the CRD spent the last seven years developing a model bylaw for municipalities in the region to use.

R. Lawrance explained that cost is a big factor in the implementation of this bylaw. Staff must be trained and available to enforce the bylaw. The more education that is provided to the public through the education program, the less enforcement that staff will have to do later. J. Wagner would like to add a clause to the bylaw similar to the clause included in the Esquimalt bylaw. They have made exceptions for the same things that that Nanaimo is proposing (i.e. Schedule A), but have included a clause for application that states:

“A person may apply to Council for an exemption from the prohibition on using pesticides if a pest infestation threatens the integrity of a sensitive ecosystem.”

N. Falconer explained that Esquimalt’s bylaw is exactly the same as the CRD’s model.

R. Lawrance reminded the Committee that this bylaw is a reasonable starting point for Nanaimo and that a review of this bylaw will take place in three years. This will allow for an opportunity to make changes to both the education program and bylaw at that time.

N. Falconer does not see the justification in allowing Certified Pesticide Applicators to apply cosmetic pesticides for any reason whatsoever, adding that enforcement has not been an issue in communities that have restricted it.

C. Thirkill asked N. Falconer if she or the Canadian Cancer Society has heard of any legal challenges arising from these bylaws. She explained that she has not heard of any legal challenges and has plenty of literature that suggests the success rate of these bylaws in over 150 municipalities. She will send her information to R. Lawrance.

M. Savory wonders about the term “ban” rather than “regulate”. J. Kipp explained that it is important to realize that this is a regulation on cosmetic pesticides only – not a ban, and not on all pesticides.

J. Kipp asked K. Holman if she has had customers inquire about the bylaw. She said that people seem to know something is coming, but are not sure what it is yet. She feels that it will become more of an issue to customers as the bylaw-effect date approaches.

She has talked to some landscaping professionals who say they will continue to apply cosmetic pesticides even if a bylaw is adopted. She feels the majority of IPM certified applicators are not currently looking toward alternatives due to time and cost. R. Lawrance explained it is important to begin to challenge the current perception of the ideal lawn and garden. Clearly, this will be a long-term goal.

M. Savory also feels that Certified Pesticide Applicators should not be exempt from the bylaw. She would like to regulate the use of pesticides for any cosmetic reason.

R. Lawrance explained that the Committee is unable to regulate the list of exempted pesticides (Schedule A) established by the province.

J. Wagner would like to propose some amendments to this bylaw. J. Wagner said that Esquimalt's bylaw defines itself as a bylaw to "*regulate the use of pesticides for non-essential purpose*". Nanaimo's bylaw is to "*regulate the use of pesticides*".

M. Savory asked where the bylaw currently is in the process. R. Lawrance explained that the bylaw has been submitted to the lawyer and the Bylaw Department for review. R. Lawrance drafted the report and bylaw (attached). It has not yet gone to Council.

Regarding the reference to public health as a reason for the bylaw, the lawyer stated that under the spheres of concurrent jurisdiction, municipalities are only able to regulate the impacts on the natural environment, not on human health. The lawyer also stated that there was a need for peer-reviewed, scientific studies based on the impact of pesticides on the natural environment. These studies would be required if the bylaw was ever challenged. R. Lawrance has included references to two scientific studies on the effects of pesticides on amphibians to satisfy this request. C. Thirkill asked if the lawyers took into account the bylaws from other municipalities when making their recommendations. R. Lawrance said yes.

J. Kipp explained that the report and bylaw need to be presented to Council in the next couple of weeks. Amendments need to be made at this meeting so that they can be reviewed and the report carried forward to Council.

K. Holman feels that the more education that is provided, the less enforcement that will be needed. The education program is a chance to promote the regulation in a positive way. She agrees that it will be beneficial to include retailers in the process. The changes that take place should not hinder retailer sales but change the type of products that are sold.

J. Kipp noted that retailers will need to be provided with a list of products that are being restricted so they discontinue stocking them. J. Kipp asked if there was a way to find out the types of products that are most typically sold. K. Holman offered to provide some of Green Thumb's base sales figures to R. Lawrance (small amount). R. Lawrance explained that the larger corporations (Canadian Tire, Home Depot, Walmart, etc.), may have different sales figures. M. Henigman noted that many of those companies are changing their products to provide more environmentally friendly options. K. Holman feels it will be important to reach smaller stores that may not have the same marketing clout, but which are still significant in Nanaimo.

K. Holman explained that some of her employees will be taking home pesticide-alternative products and using them on their own lawns for one year. This will help them to gather feedback which they can provide to customers when promoting the alternative products.

R. Lawrance wonders if there is any training that could be made available to retailers. K. Holman says that it depends on who is in charge of the store (i.e. owner, manager), explaining that many businesses feel profit is the bottom line. R. Lawrance explained that the hope is that businesses will continue to profit by providing products and services that still do the job in a more environmentally benign way.

W. Wells wonders how many Certified Pesticide Applicators there actually are in Nanaimo. It may be easy enough to get in touch with these people individually. R. Lawrance agreed that this would be a good idea but noted that not all businesses will have Certified Pesticide Applicators. M. Henigman asked if there would be any education directed toward these applicators.

N. Falconer has research that shows that landscaping retailers located in areas with implemented regulations have not suffered economically, due to the period of transition provided.

R. Lawrance explained that the bylaw itself will make a statement to the community. It is a starting point which can be adjusted at the 3-year review point. Education is the most important thing to focus on. K. Holman thinks that the facts that have been gathered will be very useful in “selling” this bylaw to the public (i.e. the Ipsos Reid survey stated that a cosmetic pesticide bylaw garners the support of 4 of 5 residents). This helps people to accept changes based on the input that they have provided.

7. Correspondence, Handouts, Notices

- a) Invasive Plant Council of BC’s Invasive Plant Management Training in Nanaimo
April 19 – 29, 2010

8. Ongoing Business

- a) Draft Cosmetic Pesticide Bylaw / Council Report:
J. Wagner would like to remove the following items from the list of exceptions under Section 4:

“b) applied by a Certified Pesticide Applicator or a licensed company that employs Certified Pest Applicators;” and

“i) applied by the City, on Public Lands, where there is in place an integrated Pest Management Program including an approved Pest Management Plan with the Ministry of Environment (British Columbia);”

J. Wagner feels that permission should not be granted to anyone to use of cosmetic pesticides, given the list of exceptions already provided. Use of cosmetic pesticides for IPM is use of cosmetic pesticides.

C. Thirkill explained that he knows for a fact that City staff does not like using pesticides on public lands whatsoever. The only reason the bylaw includes an exception for *“i) applied by the City, on Public Lands...”* is so that the City can reserve the right to use them if needed, for instance, to treat invasive plants.

J. Wagner explained that Esquimalt’s bylaw states that a *“person may apply to Council for an exemption from section 4 for the use of Pesticides for Pest infestations that threaten the integrity of sensitive ecosystems”*, and would like to add invasive plants to this.

M. Savory understands the reason behind *“i) applied by the City, on Public Lands...”* but feels that it looks bad publically. She would like it to be reworded to reflect what J. Wagner and C. Thirkill said.

Again, C. Thirkill suggested the idea of a voluntary reporting system – not a permit system. The statistics gathered from this reporting system would allow the City to keep track of the location and time of pesticides being applied in the City.

If the list of exceptions includes *“b) applied by a Certified Pesticide Applicator”*, then it would be unnecessary to include *“i) applied by the City on Public Lands...”*, because all Parks would include Certified Pesticide Applicators. J. Wagner feels that including *“b) applied by a Certified Pesticide Applicator...”* as an exception is contradictory to the whole bylaw.

It was noted that the CRD model bylaw seems to cover the exception that allows for the use of cosmetic pesticides on invasive plants.

Can *“use on invasive species”* be added to the list of exceptions?

MOVED by J. Wagner, SECONDED by M. Savory, that *“b) applied by a Certified Pest Applicator or a licensed company that employs Certified Pest Applicators”* be removed from the list of exceptions.

CARRIED.

MOVED by J. Wagner, SECONDED by M. Savory, that “i) applied by the City, on Public Lands, where there is in place an Intergrated Pest Management Program including an approved Pest Management Plan with the Ministry of Environment (British Columbia);” be removed from the list of exceptions.

CARRIED.

b) Environmental Mind Grind – Prize donation from ACE:

MOVED by C. Thirkill, SECONDED by M. Savory, that the Committee donate a \$125.00 sponsorship toward the Environmental Mind Grind Challenge.

CARRIED.

C. Thirkill volunteered to present the prize at the Challenge.

c) Earth Day celebrations (2010-Apr-22):

C. Thirkill had previously suggested that the Committee organize an event for Earth Day (i.e. tree planting, invasive plant removal, etc.). G. Pasaluko has recommended Bowen Park as a location for ivy pulling. C. Thirkill will be recruiting Nanaimo District and Wellington Secondary School students for an ivy-pull on 2010-Apr-24. R. Lawrance asked if the public was invited to participate. C. Thirkill suggested that a notice be advertised in the Citypage. If it is advertised, he may need some Committee members to help with supervision.

d) ACE Subcommittee meeting (2010-Feb-24) – Debrief:

Notes from the subcommittee meeting were distributed via e-mail prior to the meeting. J. Wagner feels that there will be a better retailer turn-out at the next meeting if personal invitations are extended. Attendees included the Nanaimo Recycling Exchange, Green Thumb Garden Centre, etc. Everyone seemed enthusiastic about developing the education program. There seemed to be a lot of emphasis on providing people with alternative practices. Other suggestions included:

- A “Green Events” calendar was suggested. This would allow people to go to one place to find out information on a variety of events.
- FAQ section on the website to help people find answers to commonly asked questions.
- “Ask an Expert”. J. Wagner has discussed with Connie Kuramoto, the idea of her answering questions submitted by the public for a rate. Retailers would also be able to submit their questions to it. C. Holmen will ask her employees if they have questions that they would like answered.

J. Wagner noted that the Home and Garden Show seems to be very popular and suggested paying Connie Kuramoto to give a talk at the Nanaimo Spring Festival hosted by the Central Vancouver Island Botanical Society. A discussion topic could be alternatives to pesticides. M. Henigman suggested partnering with the Gary Oak Recovery Team (GOERT) to highlight the importance of using native plants. The more people that convert to native plants means the less dependency needed on pesticides and water.

Regarding the public’s perception on the bylaw, K. Holman thinks that many people feel this bylaw is being implemented to restrict weed control only and feels that it needs to be made very clear that this includes insects, etc. N. Falconer said that the CRD has created fact sheets for different types of pests that include ways to get rid of them using alternatives. These are available on their website. R. Lawrance will ask the CRD for permission to use their fact sheets.

J. Wagner said that the CRD’s staff liaison seemed happy to share their information and loved the idea of a Q&A section on the City’s website. R. Lawrance said it will be useful to hear her ideas because she has already done this type of work and has been successful.

N. Falconer noted that she is a part of PURE and brought their Communications Plan to share with members. The Plan questions why people use pesticides and has been found that males of a certain age are most likely to apply them. PURE also provides a “pesticide-free pledge” that people are able to take online and receive a sign for their lawn. This method helped promote the message through the residents themselves. She will provide the Communications Plan to R. Lawrance after the meeting. R. Lawrance said that the RDN has already drafted up a lawn sign.

A date for the subcommittee meeting will be sent to members via e-mail after the meeting.

9. New Business

10. Council Update

- a) 2010-Feb-22:
No updates

- b) 2010-Mar-08:
C. Thirkill presented his idea for to nominate the *Lotus Pinnatus* as Nanaimo's floral emblem. The Parks, Recreation & Culture Department has started a public process to accept additional submissions before deciding on an emblem.

11. Next Meeting

The next regular ACE meeting is scheduled for 2010-Apr-14 in the City Hall Board Room.

12. Adjournment

The meeting adjourned at 6:09 pm.

APPROVED:

Chair

Date