



MINUTES

ADVISORY COMMITTEE ON THE ENVIRONMENT
MEETING HELD ON WEDNESDAY, 2009-JUL-08 AT 4:15 PM
BOARD ROOM, CITY HALL, 455 WALLACE STREET

Present:	Jim Kipp, Chair Shelley Serebrin Joan Wagner Meg Savory	Wally Wells Anne Kerr Charles Thirkill Margaret Henigman
Staff:	Rob Lawrance, Environmental Planner	Rebecca Tubbs (Recording Secretary)
Regrets:	Elizabeth Demattia Jeff Thomas	Angelique Nash-Thurmeier
Guests:	Randy Churchill, Manager, Bylaw Services	

1. Call to Order

As J. Kipp was not in attendance, designate Chair C. Thirkill called the meeting to order at 4:22 p.m. in the City Hall Board Room.

2. Approval of Agenda and Late Items

The agenda was approved with the addition of the following late items:

- a) The addition of R. Churchill, Manager, Bylaw Services to the "Pesticide Strategy Bylaw Discussion" regarding the logistics of managing bylaws
- b) Discussion of conferences recently attended (S. Serebrin)
- c) Letter of Resignation by A. Nash-Thurmeier

3. Adoption of Minutes (2009-Jun-10)

The following changes were made by the Committee:

- a) **Fear vs. Real Risks:** *"Many things contribute to cancer: Reduce red meat, sugar, BMI, alcohol...."*

A. Kerr requested that the word "reduce" on Page 2 be removed from the minutes.

- b) **2, 4-D:** *"These are 2, 4-D chemicals."*

A. Kerr requested that the sentence *"These are 2, 4-D chemicals"* on Page 2 be removed from the minutes.

- c) **Glyphosate (Roundup):** *"Glyphosate is a herbicide. It does not cause birth defects, is virt...."*

A. Kerr requested that in the above heading appear as "Roundup (Glyphosate):", as Glyphosate is the scientific name and "Roundup" is the commercial name that most people use.

- d) **Committee Comments:** *"She said that the main thing people are looking for is information and education regarding alternative pest management. She does not want to see overregulation that would deter hobbyist gardeners or other individuals from garden enjoyment."*

J. Wagner requested her comment on Page 3 be amended to read as *"She said that the main thing people are looking for is information and education regarding organic horticultural practices."*

- e) **Committee Comments:** *"S. Serebrin said that she has noticed the scientific community to be against the precautionary principle, even though science also has a precautionary principle."*

S. Serebrin requested that her comment on Page 3 be amended to read as *"S. Serebrin noticed that the scientific community does embrace the precautionary principle."*

J. Kipp arrived at 4:28 and resumed as Chair.

MOVED by S. Serebrin, SECONDED by J. Wagner, that the minutes from 2009-Jun-10 be adopted as amended.

CARRIED.

4. Budget: (\$3,080.87)

5. Delegation

6. Correspondence, Handouts, Notices

- a) Letter of Resignation from A. Nash-Thurmeier:

The ACE Committee accepts A. Nash-Thurmeier's letter of resignation with regret.

J. Kipp will discuss Committee structure with Council before a request for nominations is advertised.

7. Ongoing Business

- a) Draft Pesticide Strategy Bylaw:

R. Lawrance distributed the draft bylaw to Committee members prior to the meeting for their review. R. Churchill, Manager, Bylaw Services, has been invited to discuss and give advice regarding the implementation of a pesticide regulation bylaw.

R. Churchill has reviewed the bylaw and has been kept updated throughout the whole process. He explained that Bylaw Services enforces other department's bylaws and that these departments can choose to either handle the bylaws themselves or ask for assistance from Bylaw Services. Bylaw Services' main concern is whether or not a bylaw is enforceable. After reviewing this draft bylaw, R. Churchill agrees that it seems enforceable and feels that it is moving in a clear direction.

R. Churchill explained that one intention of a bylaw is to educate and obtain compliance. Once people are aware of a bylaw and there is adequate education in place, compliance will come naturally. Compliance can also be achieved through ticketing (i.e. neighbours making a complaint).

R. Churchill emphasized that about 85% of people are simply looking for clarification and information and are happy to comply with these approaches. The small percentage of people that refuse to comply with these approaches will need a bylaw officer to visit their property and provide a specific package of information on a first offense. R. Churchill said that this approach has proven to be effective in the past.

R. Churchill explained that it will be very difficult to prove that a restricted pesticide has been applied to a property. Some other municipalities have partnered with the local health authority to accommodate soil testing/compliance measuring, due to lack of facilities.

R. Churchill noted that the operating procedures included in this draft bylaw cover 98% of offences. Dealing with the remaining 2% is often a matter of the managing department receiving support from Bylaw Services.

R. Churchill is confident that the Committee can reach their goals with this bylaw due to the one -year opportunity they will have to educate the public.

R. Churchill told ACE that a department will need to be chosen to be responsible for the workload caused by this bylaw (complaint calls, follow-ups, etc). He explained that in the first year of implementing the bylaw, complaints will be high. After the first year, the level of complaints should drop, and then plateau.

R. Churchill noted that the *Property Maintenance Bylaw 1990 No. 3704* conflicts with the proposed pesticide regulation bylaw, and added that it does not include a definition for “noxious weeds or plants”. M. Henigman commented that the definition for noxious weeds apply primarily to agricultural areas. This needs to be defined, updated, and made consistent throughout.

R. Churchill noted that the *Property Maintenance Bylaw 1990 No. 3704* functions, but not necessarily in the correct way. As “noxious weeds and plants” are not defined, the term can apply to any plant considered noxious at the time. Regarding the removal of tent caterpillars, “caterpillars” are not defined in any way (amount, species, other details, etc). People want the nests removed because they are considered unsightly, yet they are perfectly natural.

J. Kipp reminded the Committee that the bylaw under discussion is for the use of *cosmetic* pesticides only.

R. Churchill said that he has reviewed bylaws from other municipalities and feels that many are unenforceable and poorly written. All municipalities seem to be taking a different path with this issue. The province says that as long as municipalities aren’t experiencing problems in implementing these bylaws, there is no reason for the issue to be addressed at a provincial level.

A. Kerr suggested that both “Right of Appeal” and “Inspections” be included in the bylaw. J. Kipp explained that the “Right of Appeal” has not been included in the process because people already have the ability to appeal a bylaw. R. Churchill added that if those items were to be included in the bylaw, people could be encouraged to appeal unnecessarily, wasting time. R. Churchill suggested that “Right of Appeal” and “Inspections” not be added to the bylaw.

R. Churchill continued by saying that he would like a “Ticket Offence” and “Cost of All Fines” included in the bylaw. In his experience, a ticket is usually enough to deter someone from repeating an offence and this bylaw does not currently give him the right to ticket an offender.

M. Henigman asked if this regulation applies to commercial application on private properties. R. Lawrance answered that the applicator must be IPM certified to be exempt from the bylaw. M. Savory added that just because someone has an applicators permit, does not mean they necessarily have any environmental educational whatsoever.

R. Churchill responded that the level of compliance will be high in regards to enforcement, but again, added that the education portion is a very important factor that will need to be addressed.

M. Savory suggested that we include definitions for the term “pesticide” in the education portion of the program.

M. Savory added that she would like to have a discussion regarding regulation of use on commercial land. R. Lawrance explained that the City does not have the right to regulate the use of pesticides on commercial lands as it is under provincial legislation.

J. Kipp and J. Wagner agree that requesting voluntary compliance from commercial land owners is a good idea.

J. Wagner suggested partnering with a local golf course to promote a commercial example of a pesticide-free landscape.

W. Wells asked if “residential property” is defined by the zoning or by the use of the property.

R. Lawrance will find out and report back at the next meeting.

C. Thirkill feels that this issue will receive popular support as people do care very much the health of themselves and their family.

M. Henigman feels that there should not be an exemption for the application of pesticides on surfaces such as “driveways, pavers, sidewalk, curbs, gutters, and stairways;” as stated on Page 3, 5(f), included in the bylaw. These surfaces can be the worst to apply pesticides on due to high run-off.

S. Serebrin suggested the promotion of incentives instead of fines. A positive approach like this will help to develop social norms.

J. Kipp suggested a pledge that could be taken and a sign that could be displayed on people’s lawns.

4. “Except as permitted in this Bylaw, no person may apply or otherwise use Pesticides *for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a parcel or part of a parcel if the parcel or part is Private Land or Public Land.*”

A. Kerr suggested that the term “turf” be specified.

5. (g) *on land zoned commercial, institutional, or industrial; or*

M. Savory suggested that as we do not have the ability to regulate the use of pesticides on commercial properties, that 5(g) on Page 3 be removed (as it may appear to some as a loophole).

Before excusing himself from the meeting at 5:19 p.m., R. Churchill reminded the Committee that review of the bylaw may take 2-3 weeks before it is able to be presented to Council. R. Lawrance thanked R. Churchill for speaking with the Committee.

The Committee feels that the definition for “Precautionary Principle” on Page 1 is not complete, and should include human health:

Page 1, E. “The Precautionary Principle supports local governments anticipating and preventing threats of harm to the environment, even if some cause-and-effect relationships are not fully established scientifically;”

The Committee agrees that the definition for “Precautionary Principle” on Page 2 is much more clearly defined:

Page 2. “Precautionary Principle” means that the principle of environmental and human health measures must anticipate, prevent, and attack the causes of environmental degradation and impairment of human health, and where there are threats or irreversible damage to the environment or human health. Lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation and the impairment of human health.”

“A BYLAW TO REGULATE THE USE OF PESTICIDES ON RESIDENTIAL AND MUNICIPAL PROPERTIES WITHIN THE CITY OF NANAIMO”

A. Kerr suggested that the term “COSMETIC” be added to the title of the bylaw. Other Committee members feel that the original wording leaves a much wider door open, and noted that the term “cosmetic” is defined later in the body of the bylaw.

J. Wagner would like to show this draft bylaw to the Canadian Cancer Society and to Pesticide Action Nanaimo (P.A.N.) for their input.

Another meeting will be set aside to discuss the bylaw thoroughly. Comments regarding the draft bylaw must be sent to R. Lawrance before 2009-July-31.

J. Kipp explained that when he attends Council meetings as a representative of a Committee, he informs Council whether or not there was a strong debate about the issue amongst Committee members, explaining that he represents both sides of the Committee.

b) Letter to UBCM on Provincial Pesticide Ban:

R. Lawrance did not draft a letter as the matter was dealt with during the last UBCM Convention in September. He received the response that UBCM received from the Province. (see attached)

c) Green Design Charrette – Debrief:

R. Lawrance reported that the event was a success. The group of designers, architects, and developers, collaborated on the creation of a set of sustainable guidelines which will be added to the OCP. The group will probably meet again this month and sometime in September.

J. Wagner reported that it was a very interesting event. There was a lot of feedback from developers in regards to how the City can facilitate changes. There was also feedback from people requesting a process that makes sustainable building features more easily attainable.

M. Savory asked how this information will be used. R. Lawrance noted that the attendees were requesting more availability and flexibility from municipalities. One example of meeting this request could be to generate checklists that deal with different elements of sustainability. This way, developers could meet a score threshold and receive an incentive, based on their use of sustainable elements.

8. New Business

a) Invasive Species Management Discussion:

M. Henigman noted that funds have appeared and she is working with Coastal Invasive Plant Committee (CIPC) to recruit volunteers for the removal of invasive species along the highway.

A. Kerr disagrees that invasive species should be exempt from the pesticide regulation bylaw. When using Integrated Pest Management, a chemical control method should be considered last, yet pesticides are being used on invasive species. M. Henigman explained that there are invasive species which have been proven to be uncontrollable with physical control methods. As there are hundreds of invasive species on Vancouver Island, the Ministry of Environment (MOE) focuses on a list of species which are most detrimental to ecosystem integrity. A. Kerr requested that a list of priority invasive species to be added as a Schedule to the bylaw. M. Henigman noted that all of the information is available on the CIPC website at www.coastalinvasiveplants.com > Priority Invasive Plants.

J. Kipp reminded the Committee that the pesticide regulation and property maintenance bylaws must be complimentary to each other.

R. Lawrance noted that the Parks Department has been working with various neighbourhood associations and volunteers throughout the City to remove invasive plants. Volunteers are provided with a general manual entitled *Volunteer in Parks Overview Package* and another manual entitled *Guide to Controlling Invasive Plants*. This manual teaches them techniques to remove invasive species. R. Lawrance will ask CIPC to review the document for consistency. The Committee feels it is important that all information that is provided to the public be accurate and consistent, emphasizing that cross-department education within the City is very important. The Environmental Coordinator was responsible for coordinating information with other departments and agencies before the position was removed.

As information is being produced by the Parks Department, M. Savory suggested that ACE politely ask the Parks Department to coordinate their information with the Ministry of Environment to ensure accuracy and consistency.

b) Conferences recently attended:

S. Serebrin attended the 2009 "Oikos" Eco-Conference called Building Bridges, Crossing Boundaries, hosted through the University of Calgary's Faculty of Social work, during the first week of May (see attachment). The keynote speaker was a philosopher, Joanna Macy. She is an internationally respected author of books and educational materials on ecological issues and social empowerment. She has developed an engaging approach of innovative practices that assist persons and communities to deepen their sense of empowerment as global and environmental citizens. For more information, visit www.joannamacy.net.

Another presenter was David Orr, Professor of Environmental Studies at Oberlin College, OH. He has been central in developing the notion of ecological literacy. He has authored several books on environmental issues including *Ecological Literacy* and *Earth in Mind*, and assisted Leonardo DiCaprio with his movie, "*The Eleventh Hour*."

S. Serebrin attended another workshop hosted by the Alberta Teachers Association. Pasi Sahlberge's education practices were discussed. She found out people in Alberta felt that, individually, they were taking a fair bit of personal action to help improve the environment. They did not feel that the general public was taking action. Their main priority was recycling. Other priorities for action were transportation, food security/local food, household operations, and public action. P. Sahlberge linked the health of the environment with human health and a strong economy to environmental protection. For more information, search for "Pasi Sahlberge" to find a number of links.

S. Serebrin was asked to summarize her notes and discussion points into a paper that will be sent to members for review and further comments at a future meeting.

9. Next Meeting

The next regular scheduled meeting will be held Wednesday, **2009-Sep-09** at 4:15 p.m. in the City Hall Board Room.

10. Adjournment

The meeting adjourned at 6:35 p.m.

APPROVED:

Chair

Date