

DISTRICT OF SAANICH

Mayor
Councillors
Administrator
Com. Assoc. '5
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Report To: MAYOR AND COUNCIL
Date: OCTOBER 27, 2009
From: SHARON HVOZDANSKI, DIRECTOR OF PLANNING
Subject: PESTICIDE BYLAW

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LEGISLATIVE DIVISION
DISTRICT OF SAANICH**Background**

On May 12, 2008, Council "took the pledge to go pesticide-free" and adopted the following motion:

Direct staff to immediately begin the process of drafting a bylaw addressing non-essential pesticide use, allowing sufficient time for consultation before implementation.

As a result, the Strategic Plan identified the following initiative for 2009:

A Pesticide Bylaw and Pesticide-Free Pledge Program will be implemented during 2009. The program will consider expansion of the Municipality's Pesticide Free Pledge of 2008 for the municipal hall precinct to all municipal operations and propose a regionally consistent bylaw to promote the reduction of cosmetic pesticide use in the community.

Consultation and Engagement

A study in 2004 found that the greatest success in reducing pesticide use came from jurisdictions that had both a bylaw and an educational program. In preparation for a potential bylaw, the CRD and municipalities focused their efforts on pesticide alternatives through the Pesticide Use Reduction Education (PURE) Committee of the CRD Roundtable on the Environment, of which Saanich is an active partner.

The centerpiece of the educational campaign is the pesticide-free pledge. The uptake by Saanich residents has been the highest in the CRD at 31% of all pledges taken. Another key piece of community consultation was a public survey conducted in 2007. It showed that 75% of CRD residents support passing a municipal bylaw that would restrict the use of non-essential pesticides. CRD staff have also conducted outreach with retailers and nurseries.

Saanich has put up an educational display monthly at various public hubs to increase awareness of the model bylaw and alternatives to pesticides. Saanich has also held public workshops and delivered presentations to various community organizations, including SCAN.

A workshop was held in February for staff to provide a forum for discussion on topics such as the legal context and scope for allowing municipalities to enact such bylaws, the model bylaw,

and how a bylaw will potentially effect our operations, outreach activities and ultimately, bylaw enforcement. Staff from the City of Victoria, the CRD, and Gaia College participated. A staff working group was formed, consisting of members from Parks and Recreation (mainly Parks and the Cedar Hill Golf Course), Planning (mainly Environmental Services and Bylaw Enforcement), and the Municipal Solicitor. This group is responsible for preparing the attached package.

The Environmental Advisory Committee and the Parks, Trails and Recreation Advisory Committee have reviewed the bylaw and their feedback has been incorporated into the attached materials where possible. The committees were generally pleased with the material despite the limited scope of the provincial enabling legislation. Some of the key messages were:

- o The importance of enforcement and education;
- o The importance of communicating Saanich's approach to pesticide use meets or exceeds the bylaw standards and the IPM policy;
- o The need to emphasize that alternatives to synthetic pesticides exist;
- o The clarity needed on the various situations that Bylaw Enforcement Officers will encounter, in terms of interpreting the application of the bylaw, should not be included in the bylaw itself;
- o A description of the engagement and consultation processes used, for both residents and businesses, is needed;
- o Community associations should be specifically included in the Education Plan;
- o A definition of Noxious Weeds is needed in the bylaw; and
- o The presence of broadleaf weeds should not be grounds for issuing a permit.

Explanatory notes will be attached to the bylaw and would communicate much of the information contained in the following section.

Discussion

Pesticides are chemicals that are regulated by both the federal and provincial governments. Pesticides include herbicides, fungicides, insecticides, etc. Their application in yards, on playing fields, and in parks contributes to the cumulative chemical impact on the natural environment. They cannot be confined to a single location but move through the environment in the air, land and water and may have an impact on non-target organisms.

The purpose of the proposed bylaw is to address these issues by reducing the amount of pesticides used for non-essential purposes on outdoor plants and grass. Municipalities have the authority to regulate the use of pesticides to maintain grass (turf), outdoor trees, shrubs, flowers and other ornamental plants in some settings under the *Spheres of Concurrent Jurisdiction of the Community Charter*.

The proposed Saanich Pesticide Bylaw is based on the CRD Model Pesticide Use Control Bylaw which is in keeping with the desire to have a regionally consistent bylaw. However, changes have been made to complement the unique environment and take advantage of staff expertise in Saanich. The Town of Esquimalt and City of Victoria have already adopted pesticide bylaws. Due to the limitations established by the enabling legislation, pesticide bylaws are all very similar. The level of commitment to enforcement and education determines the success of the bylaw.

Applying the Bylaw

The proposed bylaw regulates the application or use of pesticides for the purpose of maintaining outdoor turf (grass), trees, shrubs, flowers, and other ornamental plants.

The proposed bylaw applies to the use of pesticides on public and private land. Public land includes land owned by the municipality. Private land means land used for residential purposes. However, there are exemptions as well as the potential to obtain a permit.

Exemptions

There are three main areas of exemptions. First, the use of permitted pesticides, as listed in Schedule A to the bylaw, is not restricted. These are substances that the Provincial Government has deemed exempt from regulation as pesticides, however many of them do not pertain to use on lawns and gardens. Generally, permitted pesticides include:

- acetic acid (vinegar in products like EcoClear as herbicides);
- corn gluten meal (acts as a natural herbicide used in turf weeds);
- methoprene (an insect growth regulator);
- botanically derived pesticides such as pyrethrins and rotenone;
- insect bait stations and pheromones;
- insecticidal or herbicidal soaps;
- mineral oils; and
- sulphurs, ferrous sulphate (moss killer).

Traditional products containing synthetic chemicals such as glyphosate (such as Roundup, Sidekick, and many others), 2,4-D (Weed n' Feed, Killlex, etc.), Malathion, Carbaryl (Sevin), and Diazinon are some of the more common pesticides that are not permitted for general use.

Second, the bylaw does not apply to the use of pesticides needed to manage pests that: transmit human diseases; have an impact on agriculture or forestry; are on or inside buildings; are on a parcel of land that is used solely for commercial (such as golf courses), institutional, or industrial purposes; or, are on residential areas of farms. These are conditions of the enabling legislation.

Third, the proposed bylaw authorizes the District of Saanich, to apply pesticides on public land owned or held by the District of Saanich, provided that the revised Integrated Pest Management Policy (03/166) and the permit conditions listed below are followed. Saanich's IPM policy has led to very low use of pesticides, which are only used to protect public assets and public safety on right-of-ways, parks, the Cedar Hill Golf Course, and other municipal recreation facilities. The revised IPM policy introduces well defined principals that guide the total program including annual reporting requirements. It also includes requirements for increased signage, over and above Provincial regulations, to advise the community on the use of pesticide and fertilizers. The proposed bylaw will bring private use of pesticides to the same high standard we use as a municipality.

It should be noted that since the adoption of Saanich's IPM policy in 2003, our use of synthetic pesticides has been reduced by at least 95%. Saanich does not use pesticides for cosmetic or non-essential purposes.

Permits

Permits will be administered by the Manager of Environmental Services. There are many conditions that must be met:

- there must be an infestation of a noxious weed or an invasive species;
- an infestation must adversely effect a sensitive ecosystem or pose a serious economic loss;
- the use of the pesticide must be permissible under the Integrated Pest Management Act;
- the use of the pesticide must be shown to be 'the last resort' following the principles of Integrated Pest Management;
- the person applying the pesticides must be a certified pesticide applicator; and
- the person applying for the permit is encouraged to have Integrated Pest Management accreditation.

Conditions of pesticide application and requirements for posting signs are part of the permit and bylaw requirements. The control of broadleaf weeds (such as dandelions) would generally not meet the above conditions.

Enforcement and Education

Research has shown that bylaws are most effective when accompanied by an educational campaign. The commitment to education and enforcement is key in seeing the desired uptake within the community.

Enforcement of the bylaw is proposed to become effective one year following the adoption of the bylaw. Although warnings may be issued in the interim, education and assistance will be the first approach. For over two years, Saanich has actively promoted alternatives to pesticides in the community. Saanich Parks and Recreation have taken the pledge to go pesticide free at several locations. Once the Bylaw is in place, educational efforts will expand to increase public knowledge of the bylaw and to provide individual assistance to residents. Details of enforcement protocols and an education plan in support of the proposed bylaw are attached.

Once enforceable, it would be an offence under the proposed Bylaw to use pesticides unless exempted under the bylaw or by Permit. For example, it would be an offence to apply a pesticide to a residential lawn or to use a pesticide to deal with a pest infestation in a sensitive ecosystem without first obtaining a permit. Each day that a violation occurs or continues to exist is a separate offence. A person who commits an offence may be issued a ticket in the amount of \$250 to \$10,000.

Costs

The costs associated with administering complaints, responding to complaints with education, and enforcement of the bylaw have been estimated and attached. The approach is to give extra resources to existing positions and budgets to follow through with the proposed education plan and enforcement policy.

It is also expected that there will be continued increased costs to the Parks and Recreation Department in their efforts to adhere to the Pesticide Free Pledge and Integrated Pest Management Policy. Increased signage, alternative methods and products result in increased labour and material costs. While Parks are doing their best to manage landscapes without the use of pesticides, the public expectation for weed-free landscapes must also be managed.

In 2010, costs will be covered by using the surplus budgets of the prior year along with some existing core funding. In subsequent years, priorities will be realigned if surplus or new funding is not made available.

RECOMMENDATION


That Council adopt the:

- o Pesticide Bylaw; and
- o new Integrated Pest Management Policy.

That Council endorse the:

- o Administrative Policy - Pesticide Bylaw Enforcement; and
- o Education Plan in support of the Pesticide Bylaw.

Report prepared by:




Adriane Pollard, Manager of Environmental Services

Report prepared by:



Rae Reep, Parks Manager

Report reviewed by:



Sharon Hvozdzanski, Director of Planning

AP/cf/adm

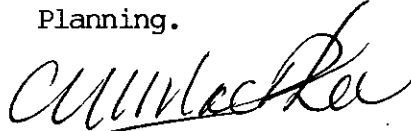
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Attachment

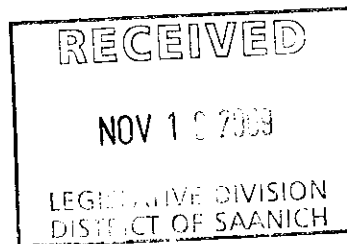
cc: T. Wood, Municipal Administrator

ADMINISTRATOR'S COMMENTS:

I endorse the recommendations of the Director of Planning.



for Tim Wood, Administrator



Contents:

- *Pesticide Bylaw*
- *Updated Integrated Pest Management Policy*
- *Administrative Policy - Pesticide Bylaw Enforcement*
- *Education Plan in support of the Pesticide Bylaw*
- *Budget*
- *Letter of Support from the Canadian Cancer Society*

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9054

A BYLAW TO REGULATE THE USE OF PESTICIDES ON RESIDENTIAL AND
MUNICIPAL PROPERTIES WITHIN THE DISTRICT OF SAANICH

WHEREAS:

- A. the residents of the District of Saanich are concerned about the non-essential use of pesticides and the risk that pesticides may pose to the natural environment;
- B. the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment;
- C. pesticides cannot be necessarily confined to a single location but move through the environment in the air, land and water and may have an impact on non-target organisms and plants;
- D. alternatives to the application of pesticides exist;
- 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;
- F. municipalities have jurisdiction to pass bylaws regulating the application of pesticides pursuant to sections 8(3)(j) and 9 of the *Community Charter* and *BC Reg. 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation)*.
- G. the District of Saanich deems it expedient to provide for regulating the use of pesticides for non-essential purposes within the District of Saanich;

NOW THEREFORE the Council of the District of Saanich, in open meeting assembled, enacts as follows:

PART 1 – GENERAL PROVISIONS

Title

- 1. This Bylaw may be cited for all purposes as "PESTICIDE BYLAW, 2010, NO. 9054".

Schedules

- 2. The following Schedule attached to this bylaw forms an integral part of this bylaw and is enforceable in the same manner as this bylaw.
 - a) Schedule "A" – Permitted Pesticides

PART 2 – DEFINITIONS

Definitions

3. In this bylaw:

“District” means the District of Saanich.

“Farm” means land classified as farm land by an assessor appointed under the *Assessment Authority Act*.

“Infestation” means the presence of pests in numbers, or under conditions, that involve an immediate or potential risk of substantial loss or damage.

“Integrated pest management”, as defined in the *Integrated Pest Management Act (SBC 2003)*, means a process for managing pest populations that includes the following elements:

- (a) planning and managing ecosystems to prevent organisms from becoming pests;
- (b) identifying pest problems and potential pest problems;
- (c) monitoring populations of pests and beneficial organisms, damage caused by pests and environmental conditions;
- (d) using injury thresholds in making treatment decisions;
- (e) suppressing pest populations to acceptable levels using strategies based on considerations of biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations, and environmental and human health protection;
- (f) chemical pesticides will be used only when other options are not available, feasible, or effective. The least toxic pesticide that effectively controls the pest will be used;
- (g) evaluating the effectiveness of pest management treatments.

“Invasive species” means an alien species whose introduction does or is likely to cause environmental or economic harm, or harm to human health.

“Land Used For Agriculture” means land designated as agricultural land under the *Agricultural Land Commission Act* and includes agricultural land under a former Act.

“Noxious Weeds” means plant species that are capable of inflicting agricultural loss or ill health on people; or are subject to the “Noxious Weeds Bylaw, 2000, No. 8080”, or any successor bylaw.

“Permitted Pesticide” means a pesticide listed in Schedule “A” as defined in Schedule 2 of *B.C. Regulation 604/2004 (Integrated Pest Management Regulation)* as amended from time to time.

“Pest” means an injurious, noxious or troublesome living organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in humans or animals.

“Pesticide” means a micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest, and includes:

- (a) a plant growth regulator, plant defoliator or plant desiccant;
- (b) a control product as defined in the *Pest Control Products Act* (Canada); and
- (c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia).

“Precautionary Principle” means that the absence of full scientific certainty shall not be used as a reason to postpone decisions where there is a risk of serious or irreversible harm.

“Private Lands” means a parcel or part of a parcel if the parcel or part is used for residential purposes.

“Public Lands” means lands vested in the District of Saanich.

“Sensitive Ecosystem” means private or public lands with one or more of the following characteristics:

- (a) areas or landscape features identified in the *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, or species and ecosystems listed by the *Conservation Data Centre*, both of the BC Ministry of Environment;
- (b) areas or landscape features identified in a municipal plan, map or zoning bylaw as environmentally sensitive, environmentally significant, environmental protection area, development permit area for protection of the environment, or other similar purpose that is compatible with the conservation of ecological features and functions of the site; or
- (c) local government parks or other protected areas designated or managed for the conservation of ecological features and functions of the site.

PART 3 – REGULATION

- 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 if the parcel or part of the parcel is private land or public land. In this section “maintain” includes the control, suppression or eradication of a pest.
- 5. Section 4 does not apply to the application of pesticides:
 - (a) that are permitted pesticides as listed in Schedule “A”;

- (b) for the management of pests that transmit human diseases or impact agriculture or forestry;
 - (c) on the residential areas of farms;
 - (d) to buildings or inside buildings; or
 - (e) on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality; or
 - (f) on land zoned commercial, institutional, or industrial; or
 - (g) by the District, on public land owned or held by the District of Saanich, when in accordance with Council's Integrated Pest Management Policy (10/CNCL, or successor policy).
6. A person may apply to the Manager of Environmental Services for a permit for the use of pesticides not exempt under Section 4 for: pest infestations that threaten the integrity of sensitive ecosystems or pose a serious economic loss to an owner or occupier of land; or to control the spread of invasive species or noxious weeds; and is permitted pursuant to the *Integrated Pest Management Act* (British Columbia) and the *Integrated Pest Management Regulation BC Reg. No. 604/2004*.
- An application for a permit may be made by an applicant using the form attached to this bylaw as Appendix 1. A permit may be issued or refused.
7. A permit may impose one or more conditions relating to:
- (a) the species of plant or pest to which the pesticide may be applied;
 - (b) the area of land on which the pesticide may be applied; and
 - (c) the period of time in which the pesticide may be applied.
8. A person who has obtained a permit to use a pesticide pursuant to section 6 must provide written notice of the use of the pesticide in accordance with sections 9 and 10.
9. Written notice must be posted on public or private land where the pesticide will be used and must comply with the following requirements:
- (a) The notice must be posted on the public or private land at least 48 hours before the pesticide will be used;
 - (b) The notice must remain on the public or private land until the later of 72 hours after the application of the pesticide or the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (c) Notices must be posted in locations that are clearly visible from each highway or public pathway adjoining the public or private land, and

- (i) within three metres of each of the property lines intersecting each highway or public pathway; and
 - (ii) at driveways, walkways, and other usual entrances to the public or private land;
 - (d) The notice must be made of material that is weather resistant;
 - (e) The notice must measure at least 12 centimetres by 17 centimetres;
 - (f) The notice must include the following information:
 - (i) the location, date and approximate time of the pesticide use;
 - (ii) in the event of inclement weather, an alternate date or dates on which the pesticide use may occur;
 - (iii) the brand name and registration number of the pesticide that will be used;
 - (iv) the pest for which the pesticide is being used;
 - (v) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application; and
 - (vi) the following phrase: "Permission to undertake this activity was obtained from the District of Saanich. Further details may be viewed at the Municipal Hall, Planning Department, 770 Vernon Avenue".
10. Written notice must be delivered to residents of lots that are adjacent to the public or private land where the pesticide will be used and must contain the information set out in section 9 (f).
11. In section 10, "lots that are adjacent" include lands separated by a highway or public pathway.

PART 4 – OFFENCE AND PENALTY

12. A person commits an offence who:
- (a) violates a provision of this bylaw;
 - (b) consents, allows or permits an act or thing to be done in violation of a provision of this bylaw;
 - (c) neglects to or refrains from doing anything required to be done by a provision of this bylaw.
13. A person is guilty of a separate offence each day that a violation occurs or continues to exist.

14. A person who commits an offence is liable on summary conviction to a minimum fine of \$250 and a maximum fine not exceeding \$10,000.

PART 5 – SEVERABILITY

15. If a section, subsection, sentence, clause or phrase of this bylaw is held to be invalid, by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remaining portions of this bylaw.

PART 6 – EFFECTIVE DATES

16. This bylaw shall come into effect on January 1st, 2011.

Read a first time this

Read a second time this

Read a third time this

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the

Municipal Clerk

Mayor

PART 7 - SCHEDULE "A"

The following substances are permitted pesticides and shall be excluded from the provisions of this bylaw. (Source: *Integrated Pest Management Regulation, B.C. Reg. No. 204/2004, Schedule 2 – Excluded Pesticides*)

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
6. bacillus thuringiensis kurstaki (Btk) (DOMESTIC)
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
8. boron compounds (DOMESTIC)
9. boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
11. cleansers (DOMESTIC and COMMERCIAL)
12. corn gluten meal (DOMESTIC and COMMERCIAL)
13. d-phenothryn (DOMESTIC)
14. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
15. deodorizers (DOMESTIC and COMMERCIAL)
16. fatty acids (DOMESTIC)
17. ferric phosphate (DOMESTIC and COMMERCIAL)
18. ferrous sulphate (DOMESTIC and COMMERCIAL)
19. hard surface disinfectants (DOMESTIC and COMMERCIAL)
20. insect bait stations (DOMESTIC)
21. insect pheromones (DOMESTIC and COMMERCIAL)
22. insect repellents (DOMESTIC)
23. laundry additives (DOMESTIC and COMMERCIAL)
24. material preservatives (DOMESTIC and COMMERCIAL)
25. methoprene (DOMESTIC)
26. mineral oils for insect and mite control (DOMESTIC)

27. n-octyl bicycloheptene dicarboximide (DOMESTIC)
28. naphthalene for fabric protection (DOMESTIC)
29. paradichlorobenzene for fabric protection (DOMESTIC)
30. pesticides in aerosol containers (DOMESTIC)
31. pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
32. piperonyl butoxide (DOMESTIC)
33. plant growth regulators (DOMESTIC)
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)
35. pyrethrins (DOMESTIC)
36. resmethrin (DOMESTIC)
37. rotenone (DOMESTIC)
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
39. silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
40. slimicides (COMMERCIAL)
41. soaps (DOMESTIC and COMMERCIAL)
42. sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
43. surfactants (DOMESTIC and COMMERCIAL)
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
45. tetramethrin (DOMESTIC)
46. wood preservatives (DOMESTIC)

APPENDIX 1 – PERMIT APPLICATION

Name and address of applicant:
Phone number:
Email address:
Address where pesticide will be applied:
Area (m ²) of proposed application:
Name(s) and consenting signature of landowner(s):
Name of pesticide to be used:
Name of pest or plant targeted:
Name of certified pesticide applicator:
Reason for Application for Permit based on the principles of integrated pest management as defined in this bylaw (or attach an IPM plan) :
Is the author of the IPM plan accredited? Yes _____ No _____
Signature:
Attachments (evidence of ecosystem harm, such as a professional report):
DATE:
For Staff Use:
Comments:
Conditions:
Species of plant or pest to which the pesticide may be applied:
Area of land on which the pesticide may be applied:
Period of time in which the pesticide may be applied

COUNCIL POLICY

SUBJECT: INTEGRATED PEST MANAGEMENT POLICY		
ISSUED: JANUARY 25, 2010	INDEX REFERENCE:	
AMENDED:	COUNCIL REFERENCE: 10/CNCL	(Replaces 03/166)

1. Purpose

This policy describes the approach to pest management used on public lands within the District of Saanich. The Integrated Pest Management (IPM) approach is designed to eliminate the non-essential use of pesticides.

IPM is not a single pest control method but, rather, is a series of pest management evaluations, decisions and controls. The IPM approach is consistent with the precautionary principle, and also with the vision set forth in Saanich's Official Community Plan (2008) and Strategic Plan 2009-2013 (2009) which state that Saanich is a model steward, restoring and protecting air, land, and water quality, the biodiversity of existing natural areas and ecosystems, the network of natural areas and open spaces, and urban forests.

2. Need for Policy

Many citizens are concerned about the amount and location of pesticide applications and associated health and environmental impacts. Saanich recognizes its unique location and environment and celebrates the need to safeguard its waterways, ecological habitats, and cultural heritage. An IPM policy is an important component in environmental stewardship of these features.

This IPM policy demonstrates Saanich's commitment to eliminating non-essential pesticide use on public lands, with the highest standards possible. These standards have been adopted in Saanich "Pesticide Bylaw, 2010, No. 9054", or any successor bylaw, making the policy and bylaw complementary to achieving the goal of eliminating non-essential pesticide use on all lands in Saanich.

3. Definitions

Action level: The level of pest population establishment when action must be taken to prevent the population from reaching the injury level.

Biological control: The use of living organisms (parasites, predators, pathogens) that have been approved by the Pest Management Regulator Agency (PMRA) or Health Canada to manage pests.

Chemical control: The use of a synthetic chemical pesticide to suppress or control a pest.

Cultural practices: Management practices that focus on the prevention of pests by maintaining healthy hosts through proper planting, pruning, mulching, irrigation, nutrient requirements and sanitation practices.

Early detection / rapid response (EDRR): A coordinated approach to invasive species or noxious weed management that focuses on identifying, surveying, and monitoring selected areas to detect populations of invasive species that are new to or approaching a region, and to prevent their expansion at or before their earliest stage of establishment.

Ecological approach: Planning and management activities that consider ecosystems and the relationships among and between all organisms, including humans, and their environment.

Ecosystem: A complex system of organisms and their physical environment that function together, circulating nutrients and energy.

Excluded pesticide: Those pesticides which, by excluding them from compliance with the requirements imposed on a licensee, permit holder or confirmation holder under the Act, will not increase the risk of unreasonable adverse effects from their use. Includes federally labelled Commercial and Domestic (or Domestic only, as indicated) pesticides that are excluded in accordance with Schedule 2 of the Provincial Integrated Pest Management Regulation (Appendix A).

Invasive species: An alien species whose introduction does or is likely to cause environmental or economic harm, or harm to human health.

Injury threshold: The point in growth of a pest problem where it will cause an unacceptable impact upon: public safety, recreation or health; natural and/or managed ecosystems; economic injury to desirable plants; or the integrity, function or service life of facilities.

Integrated pest management (IPM): As defined in the *Integrated Pest Management Act (Statutes of BC 2003, Chapter 58)*, Integrated Pest Management means:

"a process for managing pest populations that includes the following elements:

- (a) planning and managing ecosystems to prevent organisms from becoming pests;
- (b) identifying pest problems and potential pest problems;
- (c) monitoring populations of pests and beneficial organisms, damage caused by pests, and environmental conditions;
- (d) using injury thresholds in making treatment decisions;
- (e) suppressing pest populations to acceptable levels using strategies based on considerations of biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations, and environmental and human health protection;
- (f) evaluating the effectiveness of pest management treatments."

Integrated pest management program: A program for managing pest populations or reducing damage caused by pests, using integrated pest management principles. The IPM program is implemented through a series of landscape-specific plans that describe the methods of handling, preparing, mixing, applying and otherwise using pesticides and pest management methods within that program.

Native species: Organisms that have not been introduced to a place by people or their direct activities; that are known to have existed in an area prior to the influence of humans.

Natural areas: Spaces containing representative biological, physical or historical components. They either retain or have had re-established a natural character, although they need not be completely undisturbed.

Noxious weeds: Plant species that are capable of inflicting agricultural loss or ill health on people, or are subject to the "Noxious Weeds Bylaw, 2000, No. 8080", or any successor bylaw.

Pest: An injurious, noxious or troublesome living organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in humans or animal.

Pesticide: A micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest, and includes without limitation:

- (a) a plant growth regulator, plant defoliator or plant desiccant;
- (b) a control product under the *Pest Control Products Act* (Canada), other than a device that is a control product; and
- (c) other substances classed as a pesticide by the *Integrated Pest Management Act* (British Columbia).

Precautionary principle: The absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm to the environment.

Preventative measures: Management practices that are directed towards preventing the establishment of pests (e.g., site design, generic material, optimal site selection for plant material, proper planting and cultural practices, etc.).

4. Policy Statement

Saanich will manage pests through an IPM program that applies the following principles and practices.

4.1 Principles

- (a) Ecosystems will be managed and landscapes planned to prevent organisms from becoming pests. An ecological approach that uses appropriate preventative measures will be applied, with consideration given to native species diversity.
- (b) Safeguarding human health, the environment, and non-target organisms will be primary considerations when developing pest management strategies, action levels and injury thresholds.
- (c) A formal system will be undertaken to monitor populations of pests and beneficial organisms, pest damage, and environmental conditions. Monitoring means the regular surveying of sites and/or features to understand and identify the location and extent of potential pest management problems.

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- (d) Written, photographic, and map records will be maintained and used to record monitoring data and to develop future pest management plans. Records will describe the target pest, implementation timetables, specific management factors used, alternative methods assessed and/or implemented, type and quantity of pesticide used, site and area of application, certification that notification was made, measurable responses to treatments; costs and amounts labour and materials used; results of pest management upon ecosystems and aesthetic values; economic injury to desirable plants, if any, and/or to the integrity, function, or service life of facilities. All of this information shall inform the decision-making process and be used in the evaluation of each IPM plan.
- (e) Data collected through monitoring and record-keeping will be used to regularly evaluate treatment effectiveness. This includes analysis of treatment strategies and the modification of existing Pest Management Plans.
- (f) As a provincially accredited pesticide license holder, Saanich will submit an Annual Report of Pesticide Use to the Ministry of Environment.
- (g) An education program will be initiated that (1) encourages the community to accept higher levels of weeds in exchange for diminished use of synthetic chemicals, and (2) informs the community about pest occurrences and threats with the goal of encouraging changes in behavior that result in improved pest control and reduced threats.
- (h) Potential and confirmed pest problems will be addressed using a combination of cultural, physical, mechanical, biological, behavioural, and chemical treatments to suppress pests to acceptable levels. Greater emphasis shall be placed on prevention and reduction than control.
- (i) Injury thresholds and action levels for each landscape type will be established and used in making treatment decisions.
- (j) Chemical pesticides will be used only when other options are not available, feasible, or effective. The least toxic pesticide that effectively controls the pest will be used. Such pesticides generally have short residual effects and/or specifically affect target pests. Such pesticides:
- (i) are least disruptive of natural (e.g., biological) controls,
 - (ii) are least hazardous to human health,

- (iii) minimize negative impacts to non-target organisms,
 - (iv) are least damaging to the general environment.
- (k) Treatment actions shall be applied during the most vulnerable time in the life-cycle of the pest while having the least impact on natural predators and non-target organisms.
- (l) An early detection / rapid response (EDRR) approach will be adopted to ensure new pests are prevented from spreading, with the goal being eradication.
- (m) Cost-effectiveness will be determined and applied, inclusive of long-term maintenance of various public facilities and landscapes.

4.2 Training

To ensure appropriate and current understanding and implementation of IPM principles, Saanich staff will be provided with necessary and appropriate training, including but not limited to Pesticide Applicator's certification and qualification for the Plant Health BC Pest Management Accreditation program.

4.3 Compliance and Coordination

The IPM Program shall be administered in accordance with this policy. An IPM Coordinator, who is a licensed pesticide applicator, shall be appointed to oversee and coordinate the IPM Program. Any IPM Plans prepared by or for Saanich shall be submitted to the IPM Coordinator for review and approval and must include all of those components described in sections 4.1 and 4.2 above.

5. Regulatory Context and Application

This policy provides the basis for Saanich "Pesticide Bylaw, 2010, No. 9054", or any successor bylaw and is accompanied by Saanich's Integrated Pest Management Plan, which describes prescriptions for treatment and monitoring of various landscapes, hard surfaces, and natural areas, and the IPM Program is in accordance with applicable federal and provincial legislation including: *Pest Control Products Act*, *Fisheries Act*, *Migratory Birds Act*, *Plant Protection Act*, *Workers' Compensation Act*, *Integrated Pest Management Act* and Regulations, *Environmental Management Act*, *Weed Control Act*, *Wildlife Act*, and *Invasive Plant Regulations*.

This policy applies to all lands owned or held by Saanich or under the jurisdiction of Saanich.

6. Treatment Notices

6.1 Regulatory Requirements

Any Saanich department or contractor doing work for Saanich that is using pesticides must post a Treatment Notice in compliance with the requirements set out in the Integrated Pest Management Regulations, Section 10. A blank form can be found under the Environmental Protection Branch of the Provincial Ministry of Environment at http://www.env.gov.bc.ca/epd/ipmp/forms/pdf/wcb_treat_notice.pdf [accessed 14 Aug 09]. This form also meets the requirements of WorkSafeBC (if workers can read English) and is designed for posting in and around buildings and outdoor public use areas.

The following specifications apply:

(a) Treatment Notice size

The minimum size of the treatment notice for outdoor posting is about standard letter size (22 x 28 cm). The notice is to be clearly visible to a person approaching a treated area. It may be appropriate to increase the size of the notice so that it can be posted at less frequent intervals around the treatment area and still meet the “clearly visible” requirement.

(b) Treatment Notice content

The following is provided to assist in completing the content requirements.

- (i) Description of the treatment area – must be specific enough to allow the reader to accurately identify the area being treated.
- (ii) Name of targeted pest – describe either the pest or the pest complex. Be specific enough to allow the reader to confirm that the pest is listed on the pesticide label (e.g., leafrollers, powdery mildew, broadleaf weeds).
- (iii) Registration number and active ingredient(s) of the pesticides to be used – these are *Pest Control Product Act* (Canada) Registration numbers and the active ingredients under the “Guarantee” on the pesticide label.

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- (iv) Date and start time and any proposed alternate dates for pesticide use – are to be listed so that the public knows when the treatment was done or is to be done. An alternate date and time should be provided if a treatment may be postponed due to adverse weather conditions (e.g. rain or winds over 8 km/hr). The alternate date is not to be used to identify possible re-treatments – new notices should be posted close to the actual treatment date.
 - (v) Name of licensee and license number and a phone number of the licensee where a person can obtain more information – where a person can obtain information on the treatment method or what will be or was treated.
 - (vi) Precautions to minimize exposure to a pesticide or its residues, including the period during which people should not enter a treated area – when such precautions are specified on a label or Material Safety Data Sheets, these should be included on the posted notice. A typical precaution is to avoid contact with treated areas. For unprotected worker re-entry to a treated site, WorkSafeBC has identified minimum re-entry times. These should be placed on the notice when appropriate. These can be found at <http://www2.worksafebc.com>.
- (c) Locations for Treatment Notice Postings

The primary aim of posting treatment notices is to ensure that individuals entering a treatment area are aware that treatment will occur near their residences or for general public areas so that individuals are alerted that treatment occurred, before they enter the treatment area. Suggested locations for posting include:

- (i) So that it can be seen as a person approaches each gate or opening to a treatment that occurs within a fenced area; and
- (ii) At intervals around the treated area so that a notice will be clearly visible to anyone approaching the treated area from the different directions that it may be accessed. The spacing of notices will depend on the size of the notice and lettering. Notices should generally be posted beside paths leading to a treated area.

Note that the regulations specify posting is required when pesticide is used in outdoor public use areas defined as landscaped areas maintained for public passage or recreation.

BC Ministry of Environment considers examples of these areas to be: turf in parks, ornamental beds in parks where people walk or play and areas immediately adjacent to them, school playgrounds and fields, the land around bus stops and rest areas and points of interest; and boulevards in residential and commercial areas (where people may walk across them).

Examples of areas that BC Ministry of Environment considers do not require posting are boulevards and medians along highways or in industrial areas, away from residential or commercial buildings and stopping areas.

6.2 Additional Notification Effort

In addition to the above regulatory notice requirements, Saanich takes further steps to inform and educate the public about the IPM program.

1. When required to post signs:

- (a) At locations where synthetic pesticides are to be used, Treatment Notices will be printed on red paper or with a red border. On the back of each notice text will be provided that explains in plain terms why a synthetic chemical is being used; for example, to control an infestation of introduced alien plant that threatens a rare native species or critical habitat.
 - (b) At locations where excluded pesticides, as listed in Appendix A and permitted under Saanich's "Pesticide Bylaw, 2010, No. 9054", or any successor bylaw are to be used, Treatment Notices will be printed on yellow paper or with a yellow border. On the back of each notice text will be provided that explains in plain terms why the treatment is being applied; for example, to control weeds where other methods have failed.
2. At locations where fertilizers are to be used, a notice will be printed on green paper or with a green border that provides the dates and nature of treatment and a contact name and number the public can use if they have questions.

7 Exclusions

Excluded pesticides are not required to follow Section 7 of this policy but are required to follow the IPM policy otherwise.

This policy does not apply to the use of a pesticide (some of which are listed in Appendix A) for the following purposes:

- (a) in a public pool;
- (b) to purify water intended for the use of human beings or animals;
- (c) inside a building;
- (d) to control or destroy animals or plants that constitute a danger to human beings;
- (e) to control or destroy structure-destroying insects.

APPENDIX A - EXCLUDED PESTICIDES

The following federally-labelled Commercial and Domestic (or Domestic only, as indicated) pesticides are excluded from this policy, in accordance with Schedule 2 of the Provincial Integrated Pest Management Regulation:

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
6. bacillus thuringiensis kurstaki (Btk) (DOMESTIC)
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
8. boron compounds (DOMESTIC)
9. boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
11. cleansers (DOMESTIC and COMMERCIAL)
12. corn gluten meal (DOMESTIC and COMMERCIAL)
13. d-phenothryn (DOMESTIC)
14. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
15. deodorizers (DOMESTIC and COMMERCIAL)
16. fatty acids (DOMESTIC)
17. ferric phosphate (DOMESTIC and COMMERCIAL)
18. ferrous sulphate (DOMESTIC and COMMERCIAL)
19. hard surface disinfectants (DOMESTIC and COMMERCIAL)
20. insect bait stations (DOMESTIC)
21. insect pheromones (DOMESTIC and COMMERCIAL)
22. insect repellents (DOMESTIC)

23. laundry additives (DOMESTIC and COMMERCIAL)
24. material preservatives (DOMESTIC and COMMERCIAL)
25. methoprene (DOMESTIC)
26. mineral oils for insect and mite control (DOMESTIC)
27. n-octyl bicycloheptene dicarboximide (DOMESTIC)
28. naphthalene for fabric protection (DOMESTIC)
29. paradichlorobenzene for fabric protection (DOMESTIC)
30. pesticides in aerosol containers (DOMESTIC)
31. pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
32. piperonyl butoxide (DOMESTIC)
33. plant growth regulators (DOMESTIC)
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)
35. pyrethrins (DOMESTIC)
36. resmethrin (DOMESTIC)
37. rotenone (DOMESTIC)
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
39. silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
40. slimicides (COMMERCIAL)
41. soaps (DOMESTIC and COMMERCIAL)
42. sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
43. surfactants (DOMESTIC and COMMERCIAL)
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
45. tetramethrin (DOMESTIC)
46. wood preservatives (DOMESTIC)

SUBJECT:	PESTICIDE BYLAW ENFORCEMENT POLICY	
DATE:	JANUARY 25, 2010	ORIGIN: PLANNING

1. Purpose

The purpose of this policy is to set expectations for a consistent approach to the enforcement of the "Pesticide Bylaw, 2010, No. 9054", or any successor bylaw.

The bylaw is considered an 'educational bylaw' that establishes community standards for protecting the environment and human health from the impacts of pesticides. As such, the bylaw will be enforced in a three stage process.

2. Responding to an Initial Complaint

Bylaw Enforcement will contact the owner/occupant to determine the validity and scope of the potential violation. Bylaw Enforcement staff will respond to an initial complaint by sending a letter and educational material regarding the bylaw and alternatives to pesticides. During the voluntary compliance period of twelve months following the adoption of the bylaw, a complimentary voucher for advice and assistance will be given.

3. Responding to a Second Complaint

Bylaw Enforcement staff will respond personally to a complaint of a second incident of using non-permitted pesticides. A violation warning notice will be issued.

4. Responding to a Third Complaint or an Uncooperative Violator

When responding to a complaint of a third incident of using non-permitted pesticides, or responding to any incident involving an uncooperative violator, Bylaw Enforcement staff may issue a ticket. Discretion will be used when a lack of evidence occurs.

5. Support for Bylaw Enforcement

Bylaw Enforcement staff will be supported by Environmental Services staff in terms of interpreting the bylaw, supplying educational materials, and attending property visits when necessary. Parks staff will provide technical expertise upon request.

6. Responding to a Complaint that does not fall under the Bylaw

If a complaint is received about using pesticides which does not fall under the bylaw (such as use on surfaces like driveways, pavers, sidewalk, curbs, gutters, stairways, fruit trees, vegetables), an educational letter will be sent.