

## ELIMINATION OF COSMETIC PESTICIDE - COMMUNITY OUTREACH, PUBLIC EDUCATION, OPERATIONAL AND ENFORCEMENT RESOURCES

### RECOMMENDATION

That the August 8, 2022, City Operations report CO01215, be received for information.

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|--|---|--|--|
| Requested Council Action                         |   | Information Only                               |  |
| ConnectEdmonton's Guiding Principle              |   | ConnectEdmonton Strategic Goals                |  |
| CONNECTED  |   | Healthy City                                   |  |
| City Plan Values                                 | PRESERVE.   |  |  |
| City Plan Big City Move(s)                       | Greener as We Grow and A Rebuildable City.  | Relationship to Council's Strategic Priorities | Climate adaptation and energy transition |
| Corporate Business Plan                          | Transforming for the future.  |  |  |
| Council Policy, Program or Project Relationships | <ul style="list-style-type: none"><li>• Cosmetic Herbicide Reduction Motion (June 23, 2015)</li><li>• C501A - Integrated Pest Management</li><li>• 2021 Annual Report Integrated Pest Management Policy C501A</li></ul> |  |  |
| Related Council Discussions                      | <ul style="list-style-type: none"><li>• CO00251 Weed Control Program - Reduction in Funding</li><li>• CR_5316 City Pesticide Use Audit</li><li>• CO01006 Aerial Mosquito Program - Additional Information</li></ul>     |  |  |

### Previous Council/Committee Action

At the April 4/5/6, 2022, City Council meeting the following motion passed:

That Administration provide a report outlining steps towards a 2023 elimination of cosmetic pesticide use on public and private properties, including required changes to City Policy C501A - Integrated Pest Management as a result. This report should include:

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- Potential new and/or changes to existing bylaws, regulations and policies, community outreach, public education, operational and enforcement resources needed to support program implementation and promote compliance; and
- An implementation plan that outlines a phased approach, resources required, associated budget, and aligns with naturalization work currently underway, is based on limited use of pesticides and optimizes the integration of other ecosystem requirements.

### **Executive Summary**

- This report outlines the current policy and practices within Policy C501A - Integrated Pest Management and Administration's approach to creating a potential ban on cosmetic pesticide use on public and private properties.
- If directed by Committee, Administration will return to the 2023-2026 budget deliberations with an unfunded service package with a two-phase approach: Scoping and Analysis, and Strategic Planning.
- This two phase approach would be to define and research the scope and public opinion of potential new and/or changes to cosmetic pesticide use, followed by strategically mapping out the process to which these changes would be implemented, assessment of their impacts and how the changes would be enforced.

## **REPORT**

### **Current Policy, Practices and Legislation**

The City of Edmonton has been on a journey to become more ecologically focused in its operations and planning. Through actions and programs such as naturalization, integrated pest management and recent shifts to biological pest control measures, Administration is adjusting the approach to environmental management to preserve and celebrate the natural plant and animal species found in our region. A cosmetic pesticide ban would be one tool to holistically protect and preserve natural systems while balancing livability and aesthetics Edmontonians expect.

The City of Edmonton controls pests on public lands to provide a safe and healthy environment for everyone. The City follows Policy C501A - Integrated Pest Management (IPM) to prioritize preventative methods and long-term management of pests using a combination of mechanical, biological, habitat manipulation, regular maintenance and the judicious use of registered pesticides. Pesticides are one of several control tools that the City uses for pest management on public land. The IPM Policy requires the careful evaluation of methodologies (Attachment 1), using an evidence-based, decision-making framework occurs before a specific method is applied, which can include the judicious application of pesticides.

The City could further regulate pesticide use by enacting a bylaw through *The City of Edmonton Charter 2018 Regulation*, AR 39/2018 (the "Charter"), and the *Municipal Government Act* RSA 2000, c

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M-26 (the “MGA”). This permits the City to pass a bylaw, or bylaw provisions, to restrict certain uses of pesticides for the purposes of the well-being of the environment.

Pesticides in Canada are managed by all three orders of government, with some examples described in Attachment 2.

### **Two-Phase Approach to a Potential Ban on Cosmetic Pesticide Use**

Enacting a potential ban on the cosmetic use of pesticides on both public and private property could be developed through two phases, phase one could be completed in under six months while phase two would require up to nine months to complete. Work would include:

- **Phase I - Scoping and Analysis**

- Jurisdictional Scan and Gap Analysis
  - Municipal scan of best practices in enforcement, monitoring, public awareness programs, bylaw considerations, resources required and lessons learned
  - Assess existing provincial and municipal regulations across Canada
- Literature Review and Research
  - Evidence-based literature review of:
    - Pesticide products available to domestic users and their statistics
    - Effective techniques for cosmetic bans, IPM programs, public education and enforcement approaches
- Define Cosmetic
  - Definition of “cosmetic use” of pesticides:
    - The key inputs required to form the definition of cosmetic (federal, provincial, municipal)
    - Public engagement to compile a list of exemptions (scenarios, user groups, pest impact). A thorough public engagement session(s) would have an additional financial implication.
- Public and Industry Opinion Research
  - Conduct an open survey to gather feedback on a potential cosmetic use ban, to:
    - Build the criteria for defining cosmetic
    - Inform the development of bylaw enforcement practices
    - Build a stronger understanding of impacts and unintended consequences
    - Collect feedback on different versions of cosmetic definitions

- **Phase II - Strategic Planning**

- Resource Allocation/Departmental Overview
  - Identify internal resources and confirm roles and responsibilities for administering and managing a cosmetic pesticide use ban
  - Estimate additional resources required
- Operations Review
  - Risk management
    - Impact on operations (economic, hazards, asset life-cycle, maintenance)
  - Changes to operational procedures and workflow processes

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- Legal Review
  - Review the jurisdictional scan results
  - Determine the scope of authority the City has over the use of pesticides for cosmetic use on private land
  - Legal considerations for private property, public health and the City's existing obligations under pest control legislation (including, but not limited to the *Weed Control Act*, the *Agricultural Pests Act*, the *Public Health Act*, *Aquatic Invasive Species Regulations*, *Plant Protection Act*, *Fisheries (Alberta) Act*)
  - Initial consideration of potential changes to existing bylaws and policies
- Full-scale GBA+ Analysis with Impacts
  - Identify challenges to user groups and how to offset the barriers before bylaw creation (consultation, workshops)
- Bylaw Enforcement Review
  - Build a list of permitted or excluded uses
  - Determine type of evidence and how to collect evidence to prove the infraction
  - Identify training gaps for enforcing a cosmetic pesticide use ban

### Budget/Financial Implications

A conceptual preliminary cost estimate for Administration to complete Phase I and II is \$471,950 (Attachment 3). This estimate is for initial research and strategy work, and does not include implementation of a cosmetic use ban including enforcement. Future resource increases to enforcement would be required to ensure compliance and address anticipated complaint volume increases.

If directed by Community and Public Services Committee, Administration will return to the 2023-2026 budget deliberations with an unfunded service package for one time funding of \$471,950 to move forward with Phase I and II. Further costs related to ongoing implementation would be identified through the phased approach.

### COMMUNITY INSIGHT

In June 2022, Administration engaged with the IPM Advisory Group to help inform this preliminary approach, and help identify challenges and opportunities of implementing a cosmetic pesticide use ban. Points from this discussion included:

- That the definition of cosmetic use of pesticides is critical to determine the scope of work, as well as understanding if it was intended to include all pesticides, or specific to herbicides.
- The importance of understanding trade-offs between a cosmetic pesticide use ban and other impacts to the environment, pest populations, public health and local economy.
- Understanding what exemptions may be required.
- Exploring the creation and success and status of similar bans in other municipalities, and establishing metrics to assess if the new bylaw would meet the intended outcomes, in absence of baseline data on pesticide use by the private sector.

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- The potential misuse of unregistered or alternative products.
- Extensive public engagement would be required (private individuals, businesses, orders of government and non-governmental organizations) to inform program development and support the required change management plan (including a robust public education component) for successful implementation.

Public engagement and communications during Phase I will allow Administration to gather community insights on the opportunities, sentiment, impacts and extract unintended consequences associated with a potential ban. These insights will help Administration build an approach for practical, effective enforcement strategies and methods to mitigate unintended consequences and barriers for people.

If the cosmetic pesticide use ban proceeds into bylaw update and approval, Administration will develop a thorough public education plan to raise awareness, promote compliance and also conduct community outreach to gather feedback during the initial stages of enforcement upon approval of a bylaw change.

### **GBA+**

A ban on the cosmetic use of pesticides will mean that alternative methods will have to be relied on or new alternatives will have to be researched/developed to continue managing pests. A ban may create changes that result in inequities:

- More mechanical tools will be relied on for pest control which will require increased physical effort, time and resources. This will disproportionately affect specific user groups with reduced mobility, resources and time.

Impacts will be explored further in a full-scale GBA+ analysis, Phase II, where public consultation and workshops will be conducted to get further information on how the ban might impact citizens, and allow for an opportunity to develop mitigation strategies based on the public's feedback.

### **ATTACHMENTS**

1. Integrated Pest Management Policy C501A - Annual Report 2021
2. Pesticide Legislation
3. Cost Summary: Phase I and II