



How Toronto's Pesticide By-law Cut Use and Protected Citizens

Is legislation an effective tool to reduce human exposure to potentially harmful pesticides? This case study from Toronto clearly shows it is. It also offers some lessons for UK towns and cities wishing to follow Toronto's example and restrict the use of pesticides in the interest of human health.

The Canadian city of Toronto introduced a pesticide by-law in 2003 with the aim of reducing public exposure to pesticides. This in turn led onto a wider Province-wide pesticide Regulation across the whole of Ontario.

This case study examines the steps Toronto took to introduce the by-law, assesses whether it has been successful and identifies lessons for other towns and cities trying to protect their citizens from pesticide exposure.

The Background

The use of non-essential, cosmetic pesticides, and the potential harm that pesticides pose to human health and the environment, emerged as an issue in Canada in the early 1990's. Growing public concern, fuelled by scientific evidence about the hazardous nature of these substances, led to municipalities across Canada starting to restrict the use of pesticides – especially non-essential, cosmetic-use pesticides on areas such as lawns. There was predictable opposition to the imposition of restrictions from those with vested interests. But in 2001, the Supreme Court of Canada upheld a pesticide by-law in Hudson, Quebec, which had been challenged by a lawn care company. This decision cleared the way for municipalities across Canada to introduce binding legislation to restrict the use of pesticides in their areas.

Toronto had been reducing its use of pesticides on public green spaces since the early 1990's, and had also been running education campaigns to encourage residents to reduce their use of pesticides and adopt alternative techniques. The Supreme Court decision prompted the city to take things further.

The Toronto Board of Health (TBH) examined the possibility of cutting the use of pesticides, and following public consultations and scientific reviews, drew up a by-law to restrict the use of pesticides on all public and private properties in Toronto including homeowners, lawn care companies, golf courses and cemeteries. There were some exemptions for uses deemed necessary to protect human health, but on the whole, the restrictions were wide-ranging and aimed at stopping almost all non-agricultural pesticide use in the city. The by-law (By-law 456-2003, Municipal Code, Chapter 612) was passed in May of 2003 and came into effect on 1st April 2004.





Key elements of the Toronto Pesticide By-law 456-2003	
Scope	Prohibits the use of certain pesticides on public and private properties in Toronto
Key exemptions from the remit of the By-law	<ul style="list-style-type: none"> • To control or destroy a health hazard • Agriculture • Indoor applications • Pest infestations • Specific lower-risk pesticides
Enforcement	<ul style="list-style-type: none"> • Enforced by Public Health Inspectors • Fines of up to \$5000 for non-compliance

Has it been effective?

The objective of the legislation was to protect the health of people and the environment by reducing the use of pesticides and raising the awareness among the public about the harmful effects of pesticide use. It appears to have been effective in both of these areas.

The two strands were for public use and for that used by the municipality itself. In both areas, significant reductions on pesticide use were achieved. The Parks, Forestry and Recreation department, responsible for managing over 7,500ha of urban greenspace, reduced its use of pesticides by 88%. It should be noted that this was on top of reductions achieved prior to the by-law and what is more, the department continued to make significant progress after this.

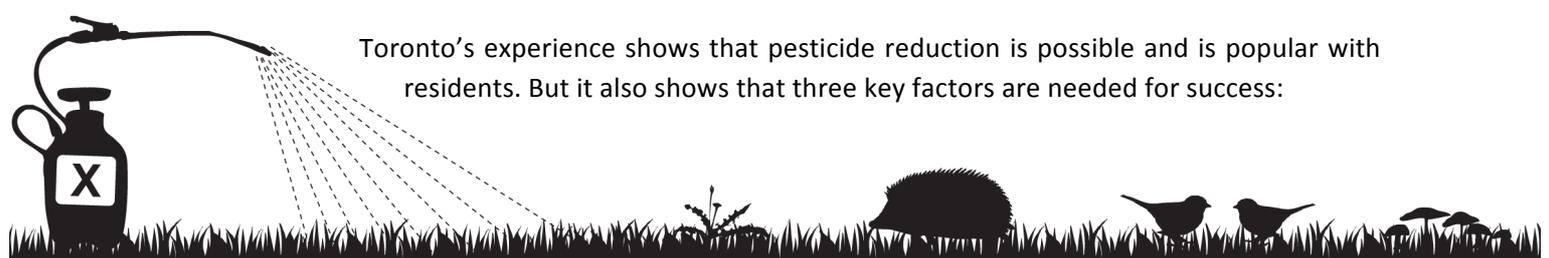
A study into the effectiveness of the by-law by the TBH found that between the years 2003 and 2007 the proportion of Toronto residents who reported any pesticide use on their lawns decreased by 57%. They also found that lawn care companies had also cut their pesticide use: by 2007, only 12% of companies were using pesticides, compared to 60% in 2003.

At the same time, surveys undertaken by the TBH showed that the use of alternatives to pesticides by the citizens of Toronto was increasing. In 2004 49% of households reported using a natural lawn care product whilst in 2007 this number had risen to 67%.

One key indicator of success for the by-law was the level of public awareness. According the TBH 75% of Toronto households were aware that the by-law was in place.

Lessons to take away

Toronto's experience shows that pesticide reduction is possible and is popular with residents. But it also shows that three key factors are needed for success:



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- Political will
- Education for all parties
- Enforcement

In the first instance the fact that this was considered a public health rather than an environmental issue was an important step. The TBH provided strong leadership and championed the measure. Meanwhile, focussing on human health, whilst acknowledging environmental concerns, appears to have secured a greater buy-in from the general public than if the focus had been on the environmental effects alone.

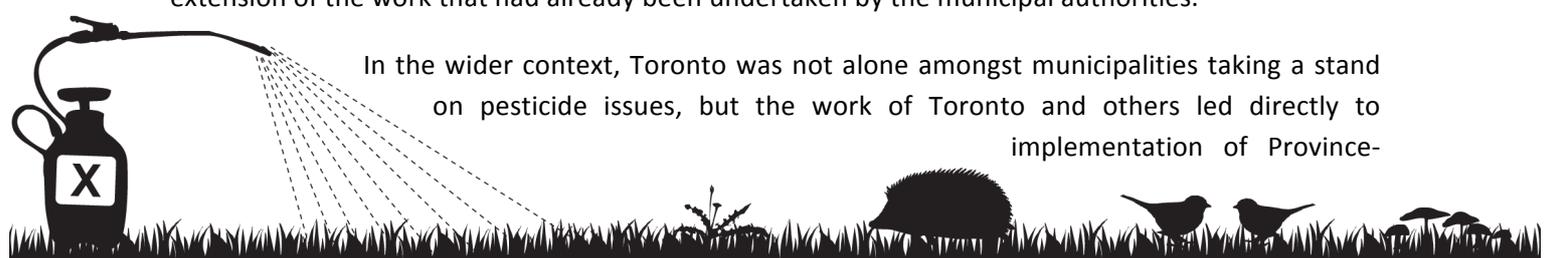
The whole plan was very holistically based and not just the imposition of a new piece of legislation that the public and companies had to comply with. The educational element was a key to its success. The TPH introduced a raft of educational materials including tips and advice for residents and commercial pesticide users and made them available via several different routes and in different languages. The activities of the TBH included: creating a dedicated website, a telephone hotline, brochures, fact sheets and technical guides, a range of advertising about the new legislation and promotion of safe ways to dispose of now obsolete pesticides.

The third key element was a strong enforcement strategy which was phased in to allow people time to adjust to the new regime. When the legislation came into force on 1st April 2004 it was accompanied by education-based enforcement measures whereby complaints of non-compliance were investigated by dedicated inspectors who would then provide educational materials and advice to those being reported to assist them in changing their habits. This was followed in September 2005 by the introduction of penalty based enforcement for lawn care companies and other corporate pesticide users. Those violating the legislation could be issued with court summonses and face potential fines for failure to comply. However, educational materials were still supplied in all cases to assist in compliance. In September 2007, penalty based enforcement for residential users was introduced along the same lines as for commercial users, again with the provision of educational materials for offenders.

In all the joined up nature of the legislation led to its successful implementation and uptake by the public and companies affected.

Perhaps the key lesson that can be taken from this case study is that where there is political will to make changes to pesticide use then real changes can be made. Even before the by-law came into effect, Toronto had been working to reduce its own pesticide use and encourage residents, through education and promotion of alternatives, to reduce their use. The by-law was merely a natural extension of the work that had already been undertaken by the municipal authorities.

In the wider context, Toronto was not alone amongst municipalities taking a stand on pesticide issues, but the work of Toronto and others led directly to implementation of Province-



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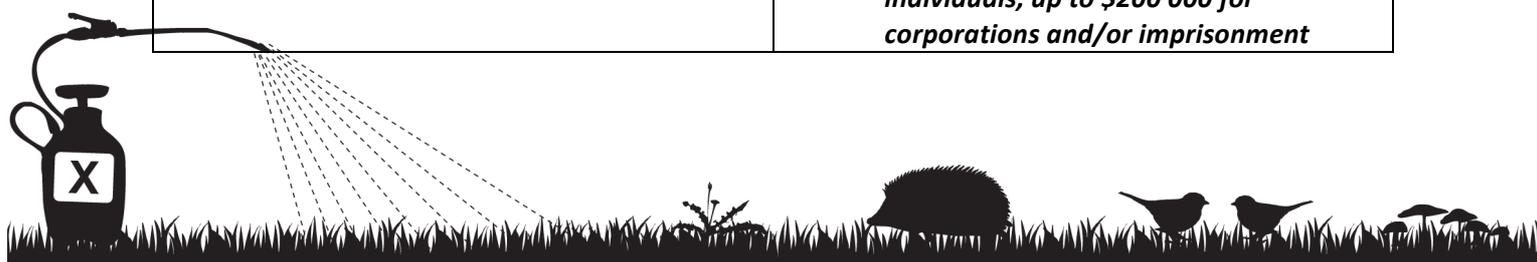
wide laws aimed at reducing pesticide use. This shows that a ground up approach can work and presents a model for what could be achieved in the UK.

Current status

By 2008, following the successful implementation of the Toronto by-law, and widespread public support for it, the Ontario Provincial government announced its intention to pass legislation that would ban the use of non-essential, cosmetic pesticides – a Province-wide version of the Toronto by-law. In March 2009, the Ontario Government filed Ontario Regulation 63/09 which provided the framework for the Cosmetic Pesticides Ban Act 2008. The Regulation came into force on 22nd April 2009.

Ontario Regulation 63/09, being a Province-wide law, effectively superseded the original Toronto by-law. The Regulation included more wide-ranging provisions. For example, sales of pesticides to the public were restricted, something that the Toronto by-law did not address. The Provincial Regulation also has the freedom to impose much higher fines for non-compliance. Instead of the maximum \$5,000 of the Toronto by-law, the range of fines can go to a maximum of \$50,000 for individuals and \$200,000 for corporations, including the option of imprisonment.

Additional measures brought in by Ontario Regulation 63/09	
Scope	<ul style="list-style-type: none"> • <i>Prohibits use and sale of certain pesticides</i> • <i>Established 11 classes of pesticides according to product attributes and how they can be sold and used</i>
Key exemptions from the remit of the By-law	<ul style="list-style-type: none"> • <i>Forestry, natural areas</i> • <i>Golf courses, lawn bowling, speciality turf exempted but with new requirements for use of Integrated Pest Management (IPM) and publicly reported annual pesticide usage figures</i>
Sale of pesticides	<ul style="list-style-type: none"> • <i>Bans the sale of certain pesticides to the public</i> • <i>Retailers required to provide educational materials to customers</i> • <i>Retailers required to limit access to certain pesticides</i>
Enforcement	<ul style="list-style-type: none"> • <i>Penalty fines up to \$50 000 for individuals, up to \$200 000 for corporations and/or imprisonment</i>



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