

## Landscape Nova Scotia – Submission to Law Amendments Committee Bill 61 - *Non-Essential Pesticides Control Act*

The Landscape Nova Scotia Horticultural Trades Association (“LNS”) thanks the Law Amendments Committee for this opportunity to share its views on Bill 61. LNS’ submissions are summarized below.

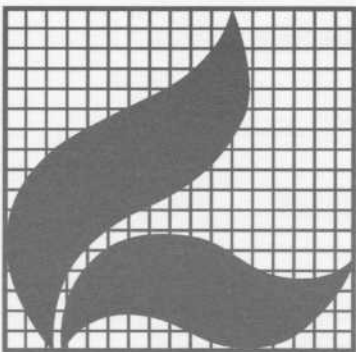
1. **Lawns are not “non-essential”** - LNS and its members disagree with the underlying premise of Bill 61 that the use of pesticides for lawn and turf maintenance is a “non-essential” use.
  - a. Lawn and turf maintenance provides many substantial environmental benefits such as erosion prevention and control, cooling, pollution absorption, noise pollution reduction and carbon capture and sequestration.
  - b. Lawns are an essential part of our public and private green spaces, including private lawns, public parks and sportsfields. All contribute significantly to the quality of life in our communities.
  - c. From private property owner’s point of view, landscapes including turf play a significant role in property values.
  - d. LNS believes Bill 61 draws an artificial line by exempting golf, vegetable gardens – these are also part of our urban landscapes and we fail to see why these are “essential” and urban landscapes are “non-essential”.
2. **LNS will work with government** - LNS understands that the use and safety of pesticides is an issue of concern for Nova Scotians and that Bill 61 is an effort to address these concerns. While we disagree that the use of pesticides for lawn maintenance is non-essential, we do support laws that protect the health of Nova Scotians. Our industry has a simple goal - to help Nova Scotians keep the landscape around them beautiful, functional, sustainable and safe. LNS understands that Nova Scotians want to do this in an environmentally sustainable manner, and in a manner that respects the health and safety of people and animals. LNS shares these goals and is prepared to work with the government on this legislation to ensure its goals are met, but in a way that still allows Nova Scotians to maintain their greenspaces in a safe, effective way.
3. **LNS is concerned about potential economic harm to our industry** – The landscape industry is an important part of the economy on Nova Scotia. Our industry employs thousands of Nova Scotians and provides products and services to many more. According to a survey carried out by Deloitte Inc. for the Canadian Ornamental Horticulture Alliance, the nursery and

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landscape industry in Nova Scotia generated over \$150 million in sales of goods and services in 2007.

- a. Our industry in Ontario suffered a significant economic downturn when Ontario brought in its ban in 2009. Tony DiGiovanni, the Executive Director of Landscape Ontario advised us that the Ontario lawn care industry suffered a reduction in business between 40-60%. In addition, there were many layoffs and reduced hiring in the lawn care industry. Our industry believes this was caused primarily by two reasons:

- i. No lead time – the Ontario legislation was introduced in the Spring of 2008, but the Regulations were not finalized until close to the start of the 2009 season. This was after lawn care operators (LCOs) in Ontario had signed up customers for the season, made product decisions and purchased product, set their prices, and made hiring decisions. Some elements of the Regulations were difficult to adapt to so close to the start of the season.

- ii. No clear process on how the ON permitted list of products was created, or how to add products to the list. This left LCOs with limited products they could use that were effective for managing pests.

4. **Adequate lead time vital** - It is absolutely imperative to our industry that the Regulations passed under Bill 61 be in place by fall of 2010. This will give our industry time to adapt – including sourcing approved products, setting prices, making hiring decisions etc. One of the most important elements of this is having the permitted list of products set by that time. Otherwise, there is a substantial risk that Nova Scotia will see the kind of economic harm to our industry that Ontario LCOs experienced.
5. **Permitted list** – Another factor that will assist in accomplishing Bill 61's goals in a way that will minimize economic harm to our industry is to ensure there are clear, published science based guidelines on creating the permitted list and adding products to the list. We strongly urge this committee to add language to Bill 61 that states that permitted list be based on science based, published guidelines.

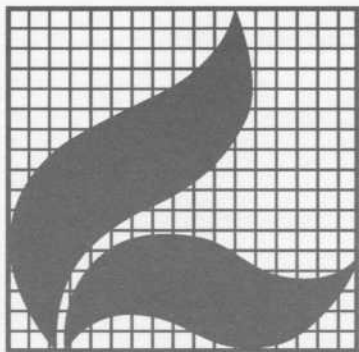
- a. HRM's pesticide bylaw does not have this – it has no published guidelines, which has led to inconsistent decision making. Products were placed on the list that were not effective in

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controlling pests, some made the list that had higher toxicity profile than others that did not make the list, but made the list because they were organic and perceived as safer.

- b. We believe that by making the list based on science, it “depoliticizes” the process of what products make the list. The list should be based on objective, scientific evidence of what products are acceptable for use.
- c. We also believe our industry should have a role in process – we are licensed and trained in the use of products, have more experience than anyone on their use and what products are effective.
- d. Manufacturers need certainty on the rules to invest in new organic/low risk products. LCOs need certainty so they know what products they’ll be allowed to use and what will likely be approved that is in development.

**6. Issuance of Permits for Severe Infestations** – There is presently nothing in Bill 61 about issuance of permits to control severe infestations. This is included in the HRM by-law and the new pesticide rules in New Brunswick and Prince Edward Island. LNS believes it should be added to Bill 61.

- a. Severe infestations can develop (such as Point Pleasant Park and the spruce longhorn beetle or Cornwallis Park and a severe Japanese Beetle infestation a few years ago) and a permitting process allows for the controlled use of pesticides to manage the infestation.
- b. If severe infestation occurs that is not treated, substantial degradation or complete destruction of a landscape can occur
- c. If a permitting process is introduced, it should have clear, published science based rules on when a permit is issued. Not in place in Halifax and has led to inconsistent decision making by bylaw officers and confusion with public and LCOs on when a permit can be obtained
- d. Scientific data on what constitutes a severe infestation is readily available and can be readily incorporated in rules for the issuance of permits.

**7. Municipal pre-emption** – Bill 61 is silent on municipal pre-emption. LNS recommends that a provision be added to the legislation that specifically pre-empts any present and future municipal by-laws.

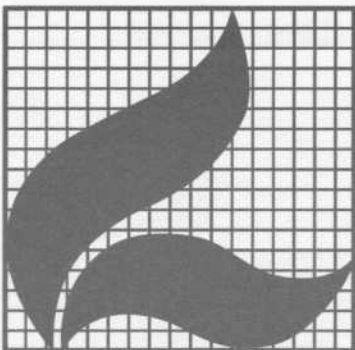
- a. The Ontario legislation includes a municipal pre-emption clause.

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- b. HRM currently is the only municipality that has authority to prohibit use of pesticides, and have said they will no longer be using their bylaw. It is not clear whether they will repeal it or leave it on the books.
- c. However, other municipalities do have authority under *Municipal Government Act* to regulate the use of pesticides. Some (such as Truro) have enacted bylaws that create additional rules/restrictions on the use of pesticides – for example by requiring permits to be obtained, notices to be posted, etc.
- d. Leaving these rules in place when there is a province wide set of restrictions is a bad idea – multiple levels of these rules add to the cost of providing these services, create confusion with the public (by having different rules apply in different municipalities) and have uneven enforcement.
- e. Our legislation should create a level field across the province by having one set of rules that applies. This can be accomplished by including a clause that overrides any municipal bylaws.

Thank you for the opportunity to make these submissions.

Respectfully Submitted,



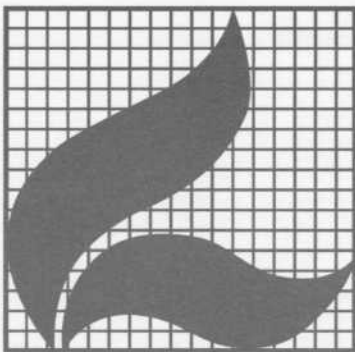
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