



Urban Pest Management
Council of Canada

For Immediate Release
June 23, 2003

URBAN PEST MANAGEMENT COUNCIL OF CANADA ANNOUNCES LEGAL ACTION AGAINST CITY OF TORONTO

Municipality does not have the authority to restrict pesticide use

TORONTO – The Urban Pest Management Council of Canada (UPMC) today announced that an application has been filed with the Ontario Superior Court of Justice asking the court to strike down the City of Toronto’s by-law restricting the use of pesticides by Toronto residents. UPMC is the urban division of CropLife Canada, which represents the manufacturers and distributors of pest control products.

“We do not believe that Toronto Council has the authority under the province’s *Municipal Act* to pass this by-law,” said Dr. Lorne Hepworth, President of CropLife Canada. “Legislation governing pest control products already exists at the federal and provincial levels. The city has overstepped its jurisdiction with its new by-law.”

On May 23rd, Toronto City Council passed by-law 456-2003, which all but eliminates the use of federally-registered pest control products by homeowners and residents in the city. UPMC’s position throughout the discussions on the by-law have consistently stressed that a by-law is ineffective, unenforceable, and redundant because of the stringent regulations that are already in place.

“Registered pest control products have already passed the scrutiny of Health Canada and Ontario’s Ministry of the Environment,” said Hepworth. “We have an extensive regulatory system in place which protects the health and safety of residents and the environment, while ensuring that choice is available for lawn and garden care.”

The Notice of Application was filed this morning by CropLife Canada. The application states that the *Municipal Act* does not allow the City to pass by-laws regulating the use of pest control products. The framework for regulating the safety and use of pest control products already exists under federal and provincial legislation. CropLife’s position is that the power to regulate the use of pest control products belongs to the province and has not been given to municipalities under the *Municipal Act*.

...2/

“Toronto City Council made an ill-informed decision, and has now created a system that criminalizes gardening, and requires that neighbours police their neighbours,” said Dr. Hepworth. “Our legal action is about challenging the City of Toronto on the by-law Council has passed, and asking the court to intervene.”

UPMC has been a strong proponent of informed public education around proper lawn and garden care. This includes programs such as ‘integrated pest management,’ which encourages proper care and maintenance as part of safe and healthy gardening solutions. UPMC also advocates that, through promotion of integrated pest management programs, federally-regulated pest control products have an important role to play in contributing to a healthy, clean and green environment.

-30-

For Information Contact:
Dr. Lorne Hepworth, President CropLife Canada

416-622-9771

BACKGROUNDER CROPLIFE CANADA NOTICE OF APPLICATION

The following is excerpted from the CropLife Canada application to the Ontario Superior Court, and constitutes key components of the industry's position on by-law 456-2003:

- the City of Toronto purported to enact the By-Law pursuant to section 130 of the Ontario *Municipal Act*;
- section 130 of the Ontario *Municipal Act* does not confer upon the City of Toronto the power to regulate any matter that is “specifically provided for” in the *Municipal Act* or “any other Act”;
- the matter of pest control product use is “specifically provided for” in the Federal *Pest Control Products Act*, R.S.C. 1985 c. P-9, the Federal *Pest Control Products Act (2002)*, S.C. 2002 c. 28 and the Ontario *Pesticides Act*, R.S.O. 1990, c. P-11;
- the Federal *Pest Control Products Act* regulates the importation, manufacture, sale and use of pest control products throughout Canada;
- Health Canada's Pest Management Regulatory Agency (the “PMRA”) is responsible for administration of the *Pest Control Products Act*;
- the PMRA has the mandate to protect human health and the environment by minimising risks associated with pest control products, while enabling access to the pest management tools, namely, these products and sustainable pest management strategies.
- pursuant to the *Pest Control Products Act*, all pest control products in Canada must undergo extensive science-based testing before they are approved for use in Canada, and manufacturers must conduct the required tests and studies according to the detailed specifications of the PMRA;
- the Ontario *Pesticides Act* and related regulations provide a comprehensive and detailed regulatory regime for the management of pest control products to protect human health and the natural environment;
- pursuant to the Ontario *Pesticides Act*, the Ontario Ministry of the Environment has specifically provided for the sale, use, transportation, storage and disposal of pest control products in Ontario;
- because the matter of pest control product use is “specifically provided for” in the Ontario *Pesticides Act*, the Federal *Pest Control Products Act* and the Federal *Pest Control Products Act (2002)*, section 130 of the Ontario *Municipal Act* does not confer upon the City of Toronto any power to regulate or prohibit the use of pest control products;

- furthermore, the Ontario *Municipal Act* specifically provides for the protection of the natural environment through the passage of by-laws and does not include any power to regulate or prohibit the use of pest control products;
- any municipal enactment purporting to regulate the use of pest control products, including the By-Law, is beyond the powers conferred upon the City of Toronto and is therefore illegal

**BACKGROUNDER
CROPLIFE CANADA
URBAN PEST MANAGEMENT COUNCIL OF CANADA**

CropLife Canada represents the manufacturers, formulators and distributors of plant life science solutions for agriculture, forestry, and pest management Canada. The Urban Pest Management Council (UPMC) was formed in 1997 by CropLife (then the Crop Protection Institute of Canada) to specifically deal with urban pest control issues.

The Council addresses the use of pest management products in non-agricultural settings, serves as an information source on urban pest management issues, and develops programs to further the education and development of the industry. The Council is dedicated to the protection of community health and the environment.

Pesticides play an important role in helping homeowners and municipalities maintain lawns, gardens, golf courses and green spaces. They contribute to a standard of living and quality of life all communities enjoy.

Some facts about urban pesticide use:

- Pesticides registered by the federal government for domestic, non-professional use pose little risk to users when used according to directions.
- In Canada, over 500,000 homes are treated by professional lawn-care companies annually.
- Over one million packages of domestic fertilizer and pesticide combinations for turf are purchased annually by private homeowners.
- A 50' by 50' section of well-maintained lawn produces enough oxygen for a family of four.
- Grass reduces noise levels 20% to 30%.
- Home and garden pesticides often have similar ingredients as farm chemicals but are generally more dilute and easier to use to increase their safety and effectiveness.
- A well-kept, vigorously-growing lawn absorbs hazardous air pollutants.