

September 11, 2016

The following is submitted on behalf of Prevent Cancer Now. PCN is a Canadian national civil society organization with thousands of followers. We aim to stop cancer before it starts, by eliminating preventable exposures that contribute to development of malignancies. Of note, when we prevent cancer, we also prevent other chronic diseases.

**1. *What is your understanding of the regulation prohibiting the use of cosmetic pesticides? What other approaches should be developed to increase public awareness and understanding of the regulation?***

Response: The regulation itself is described in the government-provided addendum to this document. The law and associated regulations were the culmination of several years of hard work and consultations, to which Prevent Cancer Now contributed.

We applauded the implementation of the Non-Essential Pesticide Use Regulation in 2015. It is highly commendable that Manitoba relies upon a “white list” of permitted products, rather than simply “black listing” selected products.<sup>1</sup> Least-toxic approaches should be the norm where families live, work and play. There are innumerable ways to promote alternatives such as educational programs, access to gardening experts (e.g. organic experts on phone-in shows), tapping community experts and gardening clubs, advertising, information at point of sale, promotion of successful alternatives, and so on.

Switching turf upkeep from a chemical-based approach to alternative products and strategies requires a transition period for learning and adaptation (both of the gardener, and the earth and plants). Thus, while we would welcome broadening the law to include landscaping features in addition to turf, we believe that it is premature to consider any weakening of the law.

Our understanding is that the Regulation is an important instrument to protect public health. Pesticides are products used to kill “pests” and only a small fraction of the products distributed in the environment reach the target. When used on lawns and gardens, pesticides to control weeds (herbicides) and insects (insecticides) are tracked into homes and blown through open windows. Pesticides in house dust may then constitute a major source of exposure for young children.<sup>2</sup> Eliminating toxic chemicals when there is no countervailing health benefit (e.g. food production or disease prevention as in water purification) from populated landscapes is an obvious means to protect public health. Adaptation to least-toxic, organic landscaping has been embraced in Canada’s two largest provinces for many years. Restrictions on non-essential pesticides have been implemented in some form most recently in Manitoba, but are longer standing in all provinces eastward.<sup>1</sup>

Our understanding is that restrictions work to reduce pesticide usage and environmental contamination. Studies of pesticides in waterways have demonstrated that where pesticides are not restricted, concentrations of landscaping chemicals are higher downstream of urban areas. Furthermore, this pollution is abated to a large extent following restrictions of use and sale of these chemicals.<sup>3</sup>

**2. *How has the regulation affected you as an individual, a business, an organization or as a representative of a municipality?***

Response: Prevent Cancer Now followers are now exposed to less pesticides during the growing season, and some report fewer symptoms of sensitivities as a result. They are grateful not to be exposed to

neighbours' unnecessary use of chemicals that are contributors to chronic diseases and cancer, and are pleased to be contributing to healthier living spaces, landscapes and ecosystems.

Organically maintained, beautiful green spaces can be more resilient and sustainable, and very affordable. Indeed, Toronto lawn care companies increased following restrictions.<sup>3</sup>

**3. Currently, some restricted pesticides are still available for certain uses. Do you think that the restrictions on the sale and use of cosmetic pesticides are appropriate?**

Response: We are grateful for this initiative, and feel that it is a basic right not to have others' toxic chemicals affecting our health – our air, water and land. As indicated above, it is premature to consider weakening the current regulation. Indeed it would be timely, in the context of the new report of successes of pesticides restrictions in Ontario, Quebec and the Maritimes, to restrict pest control to least-toxic options for other landscaping purposes.<sup>1</sup>

**4. Do you support the current restrictions on the cosmetic use of pesticides or in what ways would you suggest the regulation be expanded or reduced?**

Response: Prevent Cancer Now endorses restrictions of pesticide uses to only those with a clear benefit to public health. Indeed, as Manitobans adapt to more sustainable, least-toxic lawn care practices, this knowledge of least-toxic approaches may be applied beyond turf, to landscaping (e.g. ornamental, vegetable and fruit gardens), as well as golf courses, with restrictions to least-toxic practices and products extended accordingly.

**5. Do you have any other comments or suggestions you would like to provide us on cosmetic pesticide use in Manitoba?**

Response: We would like to address briefly some common misconceptions regarding pesticide assessments by Health Canada.

Jurisdictions without non-essential pesticide laws rely on Health Canada's (Pest Management Regulatory Agency's) decisions that individual pesticides pose an 'acceptable risk.' These decisions have been criticized by Canada's Commissioner for the Environment and Sustainable Development as being out of date (leaving potentially unacceptable products in use) and opaque. As well, a newly legislated (in 2002) 10-fold margin of exposure to protect the most vulnerable was not incorporated 90% of the time.<sup>4</sup> Prevent Cancer Now has repeatedly criticized Health Canada's deficient scientific processes, and we now see in the Pest Management Regulatory Agency's strategic plan the intention to invest in the electronic infrastructure that would be needed to execute modern scientific reviews. This reinforces our findings that the current reviews lack scientific rigour.

The Pest Management Regulatory Agency assesses only single pesticides rather than the realistic complex mixtures found in a pesticide product, let alone the more complex suite of exposures to multiple pesticides and other toxicants in everyday life. Many exposures trigger pathways to cancer, such as inflammation, and interference with genes, hormones or the immune system. Pesticides can work in concert to disrupt natural functions, highlighting the need to use least-toxic approaches. Cancers (and indeed many chronic diseases) occur via complex processes, that were delineated in a 2015 series of publications by an international collaboration of over 300 scientists in the Halifax Project.<sup>5</sup> Health Canada's, including the Pest Management Regulatory Agency's, current scientific methods do not cover these "Hallmarks of Cancer."

Health Canada relies on confidential industry-supplied animal testing data while not considering peer-reviewed science including human studies. Pesticides are rarely if ever banned, even when there is very strong evidence of serious human or environmental harm. Indeed, Canada never banned the notorious Agent Orange ingredient 2,4,5-T – the registration merely lapsed as other countries banned the carcinogen.

Proof of harm can easily take a generation or more to assemble, or may remain obscured if data isn't collected and analysed. This is a scientific rat-race where public health never catches up. The only scientifically rational approach is to use the least-toxic, least-hazardous approaches to achieve desirable ends.

### References

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*Addendum: This page was provided in the consultation document*

## **COSMETIC USE OF PESTICIDES PUBLIC CONSULTATION**

### **Background and Scope of the Legislation**

Legislation concerning the sale and use of “cosmetic pesticides” took effect in 2015 with amendments to *The Environment Act* and the enactment of the Non-Essential Pesticide Use Regulation. The legislation restricts the sale and use of cosmetic pesticides for lawn care in Manitoba and prohibits the use of certain cosmetic pesticides to lawns and adjoining properties of residential, commercial, government and institutional properties.

The intent of the legislation is to reduce exposure of people and pets to pesticides used in lawn care for non-essential (“cosmetic”) purposes. The regulation restricts the application of the Act to herbicides only and identifies a list of allowable herbicides that can be used unrestricted for the non-essential control of weeds.

The legislation applies to:

- lawns and adjoining areas (sidewalks, driveways and patios) of residential, commercial, government, and institutional properties
- any exterior property of a school, hospital or child care centre and includes parking areas, pathways, any area around play structures where children play or have access
- retailers who sell domestic class pesticides

Restricted herbicides can still be:

- used in the agricultural sector (including ornamental, vegetable and fruit gardens)
- used in forestry activities, golf course operations, and use on turf or sod farms
- used to protect public health or safety for which no effective alternative exists
- used to control poisonous or invasive species
- used to control noxious weeds by a noxious weeds inspectors under the authority of *The Noxious Weeds Act*
- sold by retailers under certain conditions (secured and not directly accessible to the public) for purposes exempted from the ban under the regulations

### **How Other Pesticide Legislation is Applied in Manitoba**

The Department of Sustainable Development (SD) administers a permitting process for the use of pesticides on public land by weed control districts, municipalities, railways, utilities, school divisions and golf courses in accordance with The Pesticides Regulation under *The Environment Act*. Permits list the products approved for use and specify where and when these products can be applied.

Manitoba Agriculture administers The Pesticides and Fertilizers License Regulation under *The Pesticides and Fertilizers Control Act* requiring retail pesticide dealers and commercial pesticide applicators to be certified and licensed. However, these statutes do not require such licensing for retailers or users of “domestic class” products (for home use) or for agricultural own-use.

The Department of Agriculture is also responsible for *The Noxious Weeds Act* and *The Plant Pest and Diseases Act*. *The Noxious Weeds Act* has recently been amended to allow categorization of weeds. This Act amendment has received Royal Assent but has not yet been proclaimed awaiting completion of regulations.