



City of Richmond

Report to Committee

To: Public Works and Transportation Committee
From: Cecilia Achiam, MCIP, BCSLA
Interim Director, Sustainability and District Energy
Senior Program Manager, CPMG, CAO's Office
Re: Pesticide Use Control Amendment Bylaw No. 8745

Date: April 29, 2011
File: 10-6125-04-01/2011-
Vol 01

Staff Recommendation

That Pesticide Use Control Bylaw No. 8514, Amendment Bylaw No. 8745 be introduced and given first, second, and third readings.

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Interim Director, Sustainability and District Energy
Senior Program Manager, CPMG, CAO's Office
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Att. 3

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			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

In the Report to Committee from the Interim Director of Sustainability and District Energy, entitled “*Enhanced Pesticide Management Program Review*”, adopted by Council on February 28, 2011, the Manager of Environmental Sustainability recommended improvements to the Enhanced Pesticide Management Program in 2011. This report responds to Item 4 in the February 28, 2011 Report to Council (Page 7) that addresses amendments to the Pesticide Use Control Bylaw No. 8514.

Background

The City’s Pesticide Use Control Bylaw No. 8514 (the Bylaw), adopted on October 13, 2009, is a component of the City’s comprehensive Enhanced Pesticide Management Program that has been acclaimed by advocacy groups, such as the Canadian Cancer Society and the Richmond Pesticide Awareness Coalition, as a “*model cosmetic bylaw favouring public health over a weed free lawn*” (Letter to Mayor Brodie and Council, September 16, 2009 from Ashley Duyker, Canadian Cancer Society, BC and Yukon Division).

In contrast to the information reported in the annual review of the Enhanced Pesticide Management Program on May 5, 2011, a new Member’s Bill M-203, the *Cosmetic Pesticide and Carcinogen Control Act*, 2011, was introduced and given first reading. A scheduling request was made for debate and a vote on the bill during the remaining days of the present legislative session. Bill M-203 aims to protect the health of British Columbians and the environment by prohibiting the sale, transfer and use of cosmetic pesticides throughout the province. The Bill also states that municipal bylaws will remain in effect and that the most restrictive provisions of the Act or any enactment (i.e. bylaws) prevails. This recent development at the senior government level is a positive step towards stronger restrictions of pesticide use for cosmetic reasons.

Local governments have the power to “*regulate, prohibit and impose requirements in relation to...the application of pesticides, except excluded pesticides, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a parcel or a part of a parcel if the parcel or part of the parcel is used for residential purposes, or on land vested in the municipality*¹”. Many municipalities, including the City of Richmond, have been challenged by the intent of the provisions within this Regulation. For example, some municipalities have exempted City lands to ensure the ability of pesticide use for non-cosmetic purposes, while other municipalities are silent on the use of pesticides for non-cosmetic purposes based on the perception that such bylaws do not apply to non-cosmetic use of pesticides. The Bylaw and proposed Amendment Bylaw No. 8745 (**Attachment 1**) are intended to address the use of pesticides for cosmetic purposes.

¹ *Community Charter, Spheres of Concurrent Jurisdiction — Environment and Wildlife Regulation*, B.C. Reg. 144/2004

Challenges Posed by Current Bylaw

Since the adoption of the Bylaw in 2009, the City has experienced the following implementation challenges, particularly in regards to weed control on City lands:

- Lack of provincial legislation that enables product licensing for new generation, low-toxicity cosmetic pesticides (e.g. chelated iron) in British Columbia.
- The current Bylaw does not reference an exclusion for dealing with noxious weeds. Staff are recommending the addition of a *noxious weed* exclusion to reference appropriate provincial regulation. This is a common exclusion in municipal pesticide bylaws in agricultural communities and serves to provide regulatory clarity.
- Public perception that all pesticide use is prohibited on private residential land and City-owned land. Through consultation with other municipalities, local community groups, the Canadian Cancer Society and provincial staff, City staff have clarified that the intent of the Bylaw is for the use of pesticides for cosmetic purposes, therefore no amendments are recommended relating to non-cosmetic pesticide use.

New Low-toxicity Pesticides

Since the recent adoption of numerous provincial and municipal bylaws for the cosmetic use of pesticides across Canada, new generation, low toxicity pesticides have been licensed for use by Health Canada's Pesticide Management Regulatory Agency. Unfortunately, these new generation pesticides are not permissible for use in Richmond if they are not listed on Schedule 2 of the provincial Integrated Pest Management Regulation or Schedule A of the Bylaw. One such new generation pesticide is Chelated Iron (FeHEDTA), a herbicidal active ingredient, approved and registered by the Pesticide Management Regulatory Agency in 2010 to control several broadleaf weed species that commonly occur in turf. It is a well-known substance, already widely used as common fertilizer in North America to manage iron deficiencies in plants, including food crops (**Attachment 2**). Several municipalities across Canada have had reasonable success with Chelated Iron on turf fields. City staff are very interested in the potential of this product, yet it is not presently permitted under the Bylaw. The addition of Chelated Iron to Schedule A of the Bylaw would permit this product to be used for weed control on both private residential and City owned lands, without having to wait for an amendment to the provincial Integrated Pest Management Regulation.

Noxious Weeds

Under the provincial *Weed Control Act*, the *Weed Control Regulation* defines and provides a list of noxious weed² species that must be controlled by occupiers of the land. This list generally

²(a) "noxious weed" means a weed designated by regulation to be a noxious weed, and includes the seeds of the noxious weed (Weed Control Act, RSBC 1996, c. 487)

(b) Noxious weeds are typically non-native plants that have been introduced to British Columbia without the insect predators and plant pathogens that help keep them in check in their native habitats. For this reason and their aggressive growth, these alien plants can be highly destructive, competitive and difficult to control (Field Guide to Noxious Weeds and Other Selected Plants of British Columbia, 6th Ed., 2007, Ministry of Agriculture and Lands)

identifies weeds that are a threat to agricultural productivity. With 916 ha (12,147 acres) of Richmond's land base, or 38% of the City in the Agricultural Land Reserve, noxious weeds are a great concern to the City. Currently, the Ministry of Agriculture and Lands funds \$5,000 a year, through the City's Community Bylaw Department, to control noxious weeds (i.e., Canada Thistle, *Cirsium arvense*) in the City. The addition of a *noxious weed* exclusion to reference appropriate provincial regulation (i.e. the Weed Control Regulation) will provide greater clarity in terms of the application of the Bylaw. Giant hogweed and the common reed are being proposed as additions to Schedule 2 of the Bylaw as they are not yet amended to the provincial list.

Consultation

On March 29, 2011, staff met with representatives from the Canadian Cancer Society and the Richmond Pesticide Awareness Coalition. City staff discussed the three main challenges posed by the current Bylaw with their respective representatives, notably the need:

- To include the use of traditional pesticides on *noxious weeds*, including giant hogweed and common reed;
- To include *Chelated Iron* (FeHEDTA) as an excluded pesticide in the Bylaw; and
- For an amendment to address infestations on City land.

Based on the applicability of the Bylaw to cosmetic pesticide use only, these community representatives requested that the Bylaw not be amended to include an exclusion for *infestation*, as the current need for pesticides (e.g. giant hogweed and the common reed) would not be required for cosmetic purposes. The representatives further recommended that a stakeholder group, including appropriate community members and City staff, be set-up to discuss future needs and considerations for traditional pesticide use on City lands as they arise.

An amendment of the Bylaw to include *Chelated Iron* as an excluded pesticide and exempt the application of the Bylaw to *noxious weeds* were both supported by the representatives. A recent letter received from the Canadian Cancer Society, following the March 29, 2011 meeting, is attached (**Attachment 3**).

Housekeeping Amendment

The proposed Amendment Bylaw No. 8745 (**Attachment 1**) also includes a housekeeping amendment to delete the Minoru Lawn Bowling Greens from the definition of City Land in the Bylaw, as this facility has been converted to artificial turf.

Analysis

On May 25, 2010 staff brought forward to Council a recommendation to amend the Bylaw with a new exclusion for *infestation control*. No action was taken. Since that time, staff, through research and community consultation, have determined that an amendment to add an exclusion for *infestation control* is unnecessary as the Bylaw does not apply to pesticide use for non-cosmetic purposes. Staff are therefore proposing the following two options to address the

challenges related to pesticide use for cosmetic purposes that have arisen since the adoption of the Bylaw:

Option 1 (Recommended, Attachment 1):

Amend the Pesticide Use Control Bylaw No. 8514 to add a new non-cosmetic exclusion for *noxious weeds* and add a new cosmetic exclusion for Chelated Iron to Schedule A.

Under this option the Bylaw would enable:

- The use of traditional pesticides on noxious weeds, including giant hogweed and common reed (Schedule 2), on private residential and City-owned land;
- The use of Chelated Iron on private residential land and City-owned land; and
- The use of existing exceptions to address pests that impact agriculture or pose health risks.

This option is recommended as it provides greater flexibility (i.e. the ability to use chelated iron) and clarity (i.e. addition of noxious weeds) to the Bylaw. This amendment also supports the concerns identified by the Richmond Pesticides Awareness Coalition and the Canadian Cancer Society.

Option 2:

Status Quo. No Bylaw Amendment

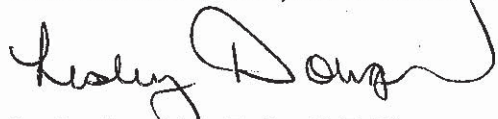
Under this option, the Bylaw would not enable the use of chelated iron nor would it clarify *noxious weeds* as an exception. This option is not recommended.

Financial Impact

There is no financial impact at this time.

Conclusion

Option 1 proposes an amended Pesticide Use Control Bylaw that provides the City with an improved approach to pesticide use for cosmetic purposes. Regulating the use of pesticides for cosmetic purposes on residential and city owned lands is new to local governments, therefore bylaw amendments can be expected, particularly in the first few years of adoption. This option provides staff and the community with broader provisions for new generation, low toxicity pesticides for cosmetic purposes and establishes greater clarity for the application of the Bylaw (i.e. noxious weeds). Staff will continue to follow and provide input to the new provincial members Bill M-203, the *Cosmetic Pesticide and Carcinogen Control Act*, 2011.



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Attachment 1	Pesticide Use Control Bylaw No. 8514, Amendment Bylaw No. 8745	Doc #3187283
Attachment 2	Health-Canada, Pest Management Regulatory Agency, <i>Registration Decision RD2010-09, FeHEDTA</i> , September 2010	Doc #3190913
Attachment 3	Canadian Cancer Society, Response to Enhanced Pesticide Management Program Review, April 1 , 2011	Doc #3190916



**PESTICIDE USE CONTROL BYLAW NO. 8514,
AMENDMENT BYLAW NO. 8745**

The Council of the City of Richmond enacts as follows:

1. The Pesticide Use Control Bylaw No. 8514 is amended at Part One by adding the following definitions, in alphabetical order:

NOXIOUS WEED

means a weed listed in Schedule B of this bylaw or otherwise designated as a noxious weed in Part I of Schedule A of the *Weed Control Regulation*, BC Reg. 4/2010, as amended or replaced from time to time.

2. The Pesticide Use Control Bylaw No. 8514 is amended at Part One by deleting the definition of CITY LAND and substituting the following:

CITY LAND

means land owned by the City, with the exception of the West Richmond Pitch and Putt Golf Course located in Hugh Boyd Park

3. The Pesticide Use Control Bylaw No. 8514 is amended at Part Three by deleting subsections 3.1(g) and (h) in their entirety and substituting the following:

“(g) the use of a pesticide in response to a human or animal health issue;

(h) the use of a biological control to control or eradicate a pest; and

(i) the use of a pesticide to control or eradicate a noxious weed.”

4. The Pesticide Use Control Bylaw No. 8514 is amended at Schedule A by adding the following to the end of the list:

47 Iron present as FeHEDTA (DOMESTIC and COMMERCIAL)

5. The Pesticide Use Control Bylaw No. 8514 is amended by adding Schedule A attached to and forming part of this bylaw as Schedule B to the Pesticide Use Control Bylaw No. 8514.
6. This Bylaw is cited as “Pesticide Use Control Bylaw No. 8514, Amendment Bylaw No. 8745”.

Schedule A to Bylaw No. 8745**SCHEDULE B****NOXIOUS WEEDS**

Annual Sow Thistle	(<i>Sonchus oleraceus</i>)
Canada Thistle	(<i>Cirsium arvense</i>)
Common Crupina	(<i>Crupina vulgaris</i>)
Common Toadflax	(<i>Linaria vulgaris</i>)
Dalmatian Toadflax	(<i>Linaria dalmatica</i>)
Diffuse Knapweed	(<i>Centaurea diffusa</i>)
Dodder	(<i>Cuscuta</i> spp.)
Gorse	(<i>Ulex europaeus</i>)
Hound's-tongue	(<i>Cynoglossum officinale</i>)
Jointed Goatgrass	(<i>Aegilops cylindrica</i>)
Leafy Spurge	(<i>Euphorbia esula</i>)
Perennial Sow Thistle	(<i>Sonchus arvensis</i>)
Purple Nutsedge	(<i>Cyperus rotundus</i>)
Rush Skeletonweed	(<i>Chondrilla juncea</i>)
Scentless Chamomile	(<i>Matricaria maritima</i>)
Spotted Knapweed	(<i>Centaurea maculosa</i>)
Tansy Ragwort	(<i>Senecio jacobaea</i>)
Velvetleaf	(<i>Abutilon theophrasti</i>)
Wild Oats	(<i>Avena fatua</i>)
Yellow Nutsedge	(<i>Cyperus esculentus</i>)
Yellow Starthistle	(<i>Centaurea solstitialis</i>)
Giant Hogweed	(<i>Heracleum mantegazzianum</i>)
Common Reed	(<i>Phragmites australis australis</i>)

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Registration Decision

RD2010-09

FeHEDTA

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Registration Decision for FeHEDTA

Health Canada's Pest Management Regulatory Agency (PMRA), under the authority of the *Pest Control Products Act* and Regulations, is granting full registration for the sale and use of NEU1173H TGAI and the end-use products; NEU1173H RTU with Pull'N Spray Applicator, NEU1173H RTU with Quick Connect Sprayer, NEU1173H RTU, Fiesta Lawn Weed Killer Ready to Spray, Fiesta Lawn Weed Killer, NEU1173H Ready to Spray Large Size, NEU1173H Ready to Spray, NEU1173H Large Size, and NEU1173H, containing the technical grade active ingredient iron present as FeHEDTA (herein referred to as FeHEDTA), to control several broadleaved weed species that commonly occur in turf.

An evaluation of available scientific information found that, under the approved conditions of use, the product has value and does not present an unacceptable risk to human health or the environment.

These products were first proposed for registration in the consultation document¹ Proposed Registration Decision PRD2010-03, *FeHEDTA*. This Registration Decision² describes this stage of the PMRA's regulatory process for FeHEDTA and summarizes the Agency's decision, the reasons for it and provides, in Appendix I, a summary of comments received during the consultation process as well as the PMRA's response to these comments. This decision is consistent with the proposed registration decision stated in PRD2010-03.

For more details on the information presented in this Registration Decision, please refer to the Proposed Registration Decision PRD2010-03, *FeHEDTA* that contains a detailed evaluation of the information submitted in support of this registration.

What Does Health Canada Consider When Making a Registration Decision?

The key objective of the *Pest Control Products Act* is to prevent unacceptable risks to people and the environment from the use of pest control products. Health or environmental risk is considered acceptable³ if there is reasonable certainty that no harm to human health, future generations or the environment will result from use or exposure to the product under its conditions of registration. The Act also requires that products have value⁴ when used according to label directions. Conditions of registration may include special precautionary measures on the product label to further reduce risk.

¹ "Consultation statement" as required by subsection 28(2) of the *Pest Control Products Act*.

² "Decision statement" as required by subsection 28(5) of the *Pest Control Products Act*.

³ "Acceptable risks" as defined by subsection 2(2) of the *Pest Control Products Act*.

⁴ "Value" as defined by subsection 2(1) of the *Pest Control Products Act* "...the product's actual or potential contribution to pest management, taking into account its conditions or proposed conditions of registration, and includes the product's (a) efficacy; (b) effect on host organisms in connection with which it is intended to be used; and (c) health, safety and environmental benefits and social and economic impact".

To reach its decisions, the PMRA applies modern, rigorous risk-assessment methods and policies. These methods consider the unique characteristics of sensitive subpopulations in humans (for example, children) as well as organisms in the environment (e.g. those most sensitive to environmental contaminants). These methods and policies also consider the nature of the effects observed and the uncertainties when predicting the impact of pesticides. For more information on how the PMRA regulates pesticides, the assessment process and risk-reduction programs, please visit the Pesticides and Pest Management portion of Health Canada's website at healthcanada.gc.ca/pmra.

What Is FeHEDTA?

Iron is a metallic chemical element (symbol "Fe") that acts as a selective herbicide when chelated with hydroxyethylenediaminetriacetic acid (HEDTA) to form FeHEDTA. Broadleaved plants are generally more susceptible to the herbicidal effects of FeHEDTA than are grass species. The mechanism of selectivity is not entirely understood but is believed to relate in part to differences in uptake. As Fe can function as a catalyst for oxygen reduction, thereby producing unstable and highly reactive oxygen species, including hydroxyl radicals that cause cellular damage, the excessive uptake of FeHEDTA by many broadleaved species leads to tissue necrosis and ultimately plant death.

Health Considerations

Can Approved Uses of FeHEDTA Affect Human Health?

FeHEDTA is unlikely to affect your health when used according to label directions.

Exposure to FeHEDTA may occur when handling and applying the product. When assessing health risks, two key factors are considered: the levels where no health effects occur and the levels to which people may be exposed. The dose levels used to assess risks are established to protect the most sensitive human population (for example, children and nursing mothers). Only uses for which the exposure is well below levels that cause no effects in animal testing are considered acceptable for registration.

The technical grade active ingredient, FeHEDTA, is of low acute toxicity by the oral, dermal and inhalation routes and is minimally irritating to eyes, but non-irritating to skin. There is potential for skin sensitization to occur when skin is repeatedly exposed to FeHEDTA products. Therefore, cautionary statements alerting users to this sensitization concern are required on all product labels.

Dermal exposure is likely for commercial applicators, domestic users or anyone entering sprayed areas before the spray is dried. Children may also be exposed to FeHEDTA by direct dermal or hand-to-mouth contact if they were to play on freshly treated lawn surfaces. Therefore, a restricted entry statement is required on all product labels to mitigate this exposure concern.

Waivers were granted for short-term dermal toxicity, prenatal development toxicity and genotoxicity studies based on the low application rates, low dermal absorption, low toxicity of FeHEDTA, and on the strength of toxicological information on chemically similar EDTA compounds.

Residues in Water and Food

Dietary risks from food and water are not of concern.

End-use products containing FeHEDTA are not applied directly to food or feed crops, so residues on food are expected to be negligible.

Occupational Risks From Handling FeHEDTA

Occupational risks are not of concern when FeHEDTA is used according to label directions, which include protective measures.

Occupational and residential exposure is expected to be brief, and is not likely to result in unacceptable risk to commercial applicators, occupational workers, and domestic users if the end-use products are used according to label directions.

The proposed use of the end-use products may result in exposure to the commercial applicators, domestic-users, mixers, loaders, and those responsible for clean-up and maintenance activities, but significant risks from such exposures are not anticipated due to the low toxicity of FeHEDTA and adequate exposure mitigation measures recommended on the labels. For bystanders, exposure is expected to be negligible. Therefore, health risks to bystanders are not of concern.

Precautionary and hygiene statements on the labels are considered adequate to protect individuals from any unnecessary risk from occupational exposure.

Environmental Considerations

What Happens When FeHEDTA Is Introduced Into the Environment?

FeHEDTA is expected to be non-persistent in the environment (terrestrial and aquatic) under neutral to alkaline aerobic conditions. FeHEDTA has a potential for high mobility in sandy soil with negligible organic matter. FeHEDTA is expected to impact broadleaf terrestrial plants; therefore, a precautionary label statement is needed for the protection of desirable plants.

Iron is ubiquitous in the environment. FeHEDTA is widely used as a plant micronutrient fertilizer in agricultural industries. Based on its low volatility, FeHEDTA is not expected to enter the atmosphere. FeHEDTA is soluble in water where it is rapidly degraded by natural light. FeHEDTA is transformed by micro-organisms in soil and aquatic systems, although it is relatively stable in anaerobic soils. No major products are formed in soil and water. From the

proposed use pattern, the amount of FeHEDTA entering the environment will be lower than for other agricultural uses.

FeHEDTA is expected to pose negligible risk to terrestrial and aquatic organisms under conditions of use for application to turf.

Value Considerations

What Is the Value of FeHEDTA

FeHEDTA controls several broadleaved weed species that commonly occur in turf. It is an alternative to conventional herbicides. FeHEDTA is compatible with integrated weed management practices in that it is applied only when weeds have emerged and is not used as a “preventative” treatment.

Measures to Minimize Risk

Labels of registered pesticide products include specific instructions for use. Directions include risk-reduction measures to protect human and environmental health. These directions must be followed by law.

The key risk-reduction measures being proposed on the labels of the end-use products NEU1173H RTU with Pull’N Spray Applicator, NEU1173H RTU with Quick Connect Sprayer, NEU1173H RTU, Fiesta Lawn Weed Killer Ready to Spray, Fiesta Lawn Weed Killer, NEU1173H Ready to Spray Large Size, NEU1173H Ready to Spray, NEU1173H Large Size, and NEU1173H to address the potential risks identified in this assessment are as follows.

Key Risk-Reduction Measures

Human Health

Because there is a concern with domestic-users coming into direct contact with FeHEDTA on the hands and then transferring to mouth, the labels recommend “avoid hand-to-mouth contact” and require commercial applicators/domestic-users and workers to wash hands thoroughly with soap and water after handling the products and before eating, drinking, and chewing gum or chewing tobacco.

The labels specify that anyone handling or applying these products should “avoid breathing vapour or spray mist” and “avoid contact with skin or clothing.” Domestic product labels should include the statement “DO NOT get in eyes.”

To protect children and adults from dermal exposure to FeHEDTA from wet treated turf, the labels should include the restricted entry statement, “Do not re-enter or allow re-entry into treated areas until the spray is dried.”

The signal words “POTENTIAL SKIN SENSITIZER” and the statement “May cause skin sensitization” are required on the principal and the secondary display panels, respectively, of both the technical and end-use product labels.

To prevent inappropriate use, the secondary display panel of the technical label should include the statement “PREVENT ACCESS BY UNAUTHORIZED PERSONNEL.”

Personal protective equipment (PPE) recommended include protective eye-wear for commercial products and waterproof gloves for both commercial and domestic products which require loading, mixing, and for repair/clean-up activities.

The application of commercial products is recommended only when the potential for drift to areas of human habitation or areas of human activity such as houses, cottages, schools, and recreational areas is minimal; taking into consideration wind speed, wind direction, temperature, application equipment, and sprayer settings.

Other Information

The relevant test data on which the decision is based (as referenced in this document) are available for public inspection, upon application, in the PMRA’s Reading Room (located in Ottawa). For more information, please contact the PMRA’s Pest Management Information Service by phone (1-800-267-6315) or by e-mail (pmra.infoserv@hc-sc.gc.ca).

Any person may file a notice of objection⁵ regarding this registration decision within 60 days from the date of publication of this Registration Decision. For more information regarding the basis for objecting (which must be based on scientific grounds), please refer to the Pesticides and Pest Management portion of Health Canada’s website (Request a Reconsideration of Decision, healthcanada.gc.ca/pmra) or contact the PMRA’s Pest Management Information Service by phone (1-800-267-6315) or by e-mail (pmra.infoserv@hc-sc.gc.ca).

⁵ As per subsection 35(1) of the *Pest Control Products Act*.

Appendix I Comments and Responses

1. Comments on the registering of products for domestic use.

A comment was received in which the suitability of registering domestic products was questioned due to the potential for misuse by non-licensed users.

Response:

The assessment of risk for domestic products takes into consideration the proposed use pattern and the target user while addressing exposure to sensitive populations (such as children and nursing mothers). Residential exposure for these products is expected to be brief, and is not likely to result in unacceptable risk to domestic users, sensitive populations or bystanders when the end-use products are used according to label directions.

2. Comments on the use of independent scientific data.

In the document Proposed Registration Decision – *FeHEDTA* (PRD2010-03), it was noted that the data used to support the value review was generated by the applicant and it was recommended that independent scientific value data should be considered.

Response:

Health Canada carefully evaluates new pesticides according to rigorous scientific standards to ensure that the product poses no risk to human health or the environment, and has value when used according to the directions on the product label.

Companies applying to register a pesticide in Canada are required to develop a comprehensive database of studies that will allow Health Canada to determine the potential risks posed to human health and the environment and the pesticides' value. It is the responsibility of the manufacturer to carry out these detailed scientific studies in accordance with internationally accepted test guidelines.

The use of internationally accepted test guidelines promote the quality and validity of test data by addressing the organizational process and conditions under which studies are planned, performed, monitored, recorded and reported. Independent trial audits may be conducted under the good laboratory practices guidelines at anytime to verify the integrity of data.

Health Canada requires product specific value data as the formulation in an end use product can have an affect on the performance of an active ingredient. For the application to register *FeHEDTA* and its end use products, the value data submitted by the registrant were found to be sufficient to demonstrate acceptable control of the weeds that will appear on the product label with the condition that additional confirmatory data for the listed weeds be submitted.

Comments on the application rates and potential phytotoxicity to turf.

In the document Proposed Registration Decision – *FeHEDTA* (PRD2010-03), two comments on the potential for phytotoxicity to turf grass were received. It was questioned if the application rate could be lowered in order to remove any possibility of damage to turf grass.

Response:

The efficacy information submitted indicates that the application rates supported by the PMRA are required for control of the weeds listed on the product label.

The product label contains statements warning of possible, but transient injury to turf grass, and advises the user to test the product on a small area. In consideration of the low levels of injury reported in the information submitted by the registrant (generally 5-7% or less, and declining over time), in combination with the efficacy of the product for control of several common broadleaved turf weeds, the level of tolerance of the labeled turf grasses to these products is considered to be acceptable. Given the range of factors that may influence a plant's response to a herbicide application, it is not possible to provide a quantification of potential levels of injury on a product label. The precautionary statements are therefore added to indicate that the potential for injury to the turf exists.

Comments on the use of the term 'natural'.

In the document Proposed Registration Decision – *FeHEDTA* (PRD2010-03), Section 5.5.1 Survey of Alternatives, the term 'natural' was used to describe a registered active ingredient. The comment was that the use of this term is not consistent with the advice to registrants and applicants in the Regulatory Directive, DIR96-02: *Environmental Label Claims and Advertising of Pest Control Products*.

Response:

DIR96-02 is intended to inform the pesticide industry of the requirements for using environmental claims on pest control products, in order to ensure responsible labeling and advertising. In DIR96-02 it states that "no further consideration will be given to the use of the term "natural" as an environmental claim for pest control products".

The PMRA acknowledges that the term 'natural' was inadvertently used in error in PRD2010-03.

References

A. List of Studies/Information Submitted by Registrant

1.0 Chemistry

PMRA Document Number	Reference
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1768339	2009, 5-Batch Analysis of Neu 1173H TGAI, DACO: 2.13, 2.13.1, 2.13.2, 2.13.3 CBI
1768340	2009, 5-Batch Analysis of Neu 1173H TGAI Appendices, DACO: 2.13, 2.13.1, 2.13.2, 2.13.3 CBI
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Portelance, Eric

From: Brittney Parks [bparks@bc.cancer.ca]
Sent: Friday, 1 April 2011 1:05 PM
To: Portelance, Eric
Cc: Douglas, Lesley; Semple, Dave; Arzeena Hamir; Michelle Li
Subject: Enhanced Pesticide Management Program Review - Canadian Cancer Society Response
Attachments: BC Giant Hogweed Control.doc

April 1, 2011

J. Eric Portelance, Environmental Programs
City of Richmond
6911 No. 3 Road, Richmond, B.C.
V6Y 2C1

Dear Mr. Portelance,

Thank you again for inviting me to meet with you and Richmond City staff this week regarding the "Enhanced Pesticide Management Program Review" report.

As you know the Canadian Cancer Society is very concerned about the use of pesticides, which can contain carcinogens, for the purposes of enhancing the appearance of lawns, gardens, parks, and recreation facilities. We are pleased that the City of Richmond has implemented a strong and comprehensive approach to reducing pesticide use in the city, including a model pesticide bylaw. We encourage the City of Richmond to maintain the integrity of this bylaw.

Cosmetic pesticides are those pesticides used to improve the appearance of lawns, gardens, and non-agricultural landscaping. Their use does not control pests that constitute a danger to human beings. Cosmetic pesticide use is non-essential and unnecessary. There should be no exemption for so-called infestations.

For the control of invasive plant species, we encourage the use of non-toxic alternatives to using synthetic or chemical pesticides. I have attached a list of communities within British Columbia that are currently controlling Giant Hogweed with manual removal.

Regarding the addition of Fiesta to the Schedule A: Excluded Pesticides permissible by the PUC Bylaw - Fiesta has been granted full registration by the Pest Management Regulatory Agency (http://www.hc-sc.gc.ca/cps-spc/pubs/pest/_decisions/rd2010-09/index-eng.php): Additionally, the Province of Ontario, which has gold standard cosmetic pesticide legislation, allows for the use of Fiesta for cosmetic purposes (<http://app.ene.gov.on.ca/pepsis/>). Therefore, we see no issue with its use within the City of Richmond.

The City of Richmond has taken on a leadership role within BC, with the most progressive approach to reducing exposure to cosmetic pesticides. Thank you for the work you have done, ensuring that health and the environment is favoured over a weed free lawn.

Sincerely,

Brittney Parks
Health Promotion Coordinator
Canadian Cancer Society, Greater Vancouver Region
T: 604-215-5468
E: bparks@bc.cancer.ca

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12/05/2011

BC Municipalities Giant Hogweed Treatment

This is a summary of Giant Hogweed treatment within BC municipalities where a bylaw has been implemented restricting or eliminating the use of cosmetic pesticides. Within the following communities, manual removal of Giant Hogweed is the current treatment. This list includes only a portion of municipalities manually removing Giant Hogweed.

Vancouver - The Vancouver Parks Board treats hogweed with manual removal – not chemical pesticide treatment. The VPB IPM coordinator noted that the removal has been successful, but that they don't have very large patches (<http://vancouver.ca/parks/info/pests/problemweeds.htm>).

The City of Vancouver workers treat Giant Hogweed using manual removal as well and have taken the same steps as the VPB.

Contact: Sophie Dessureault, IPM Coordinator, Vancouver Parks Board
T: 604-257-8589

Nanaimo - Manual removal

Contact: City of Nanaimo, 250-755-7515

North Van – Manual removal

Contact: Angela Negenman, Environmental Technician, Engineering, Parks & Environment
T: 604-982-3932
Email: anegenman@cnv.org

Port Moody – Manual removal

Contact: Rick Saunier, Environmental Services
T: 604-469-4572

Burnaby – Manual removal, not chemical pesticide treatment with general success in most locations on public and private land. Note: Not well established patches.

Contact: Christine Ensing, Environmental Services
T: 604.294.7976

Maple Ridge – Manual removal

Contact: Parks Department
T: 604-467-7346