

Cosmetic Pesticides

Preface

Manitoba is reviewing public feedback obtained on cosmetic pesticide legislation. The existing legislation prohibits any person from using cosmetic pesticides on Manitoba lawns.

Project Overview

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. It also prohibits the use of certain cosmetic pesticides to lawns and adjoining properties of residential, commercial, government, and institutional properties. The application of the legislation applies 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, and 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

Manitoba Environment, Climate and Parks also 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 non-restricted “domestic class” products (for home use) or for some pesticides that are for agricultural own-use. Manitoba Agriculture is also responsible for The Noxious Weeds Act and The Plant Pest and Diseases Act.

Only products approved for use by Health Canada that have been evaluated for human health and environmental safety are permitted for use. A re-evaluation process ensures products already on the market are re-assessed and meet current scientific standards. Health Canada creates labels for each product. The Health Canada approved label reflects the results of the scientific evaluation that the product has undergone, and explains how to further reduce any potential risks to human health or the environment.

The Health Canada label specifies the correct use of the product. The label is a legal document that must be followed. The rate of application indicated on the label is the lowest amount to use while ensuring it is effective.

Engagement Overview

The Manitoba government conducted a public consultation on the efficacy of the cosmetic pesticide legislation from July 18 to September 12, 2016. The survey asked for the respondent’s perspective on the legislation related to their: level of understanding, how they were affected, appropriateness of the restrictions, and if restrictions should be expanded.

Overview of Cosmetic Pesticide Survey Responses

The public consultation survey on the efficacy of the cosmetic pesticide legislation collected feedback from Manitobans from July 18 to September 12, 2016. Over 2,100 comments were submitted by businesses, municipalities, non-government organizations, and members of the public (see Figure 1 below).

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

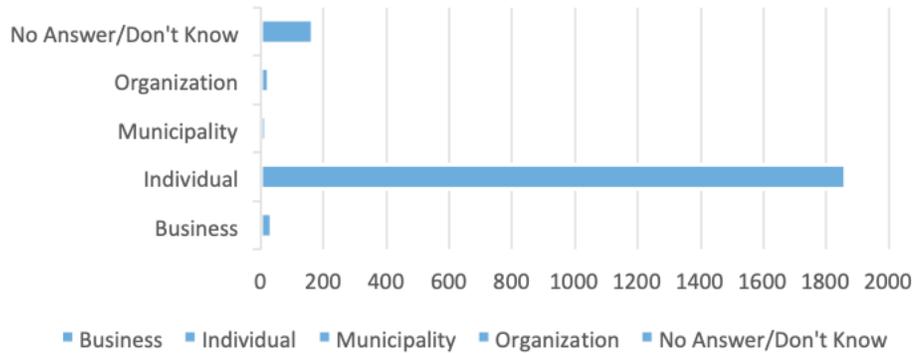


Figure 1. Information on how survey participants felt they were affected by cosmetic pesticides.

What We Heard

The following is a summary of the responses from the public consultation. The majority of those who completed the 2016 survey of Manitobans, regarding cosmetic pesticides, indicated they were affected as individuals. Municipal and industry associations also provided feedback outside the public consultation process. Respondents reported on their understanding of the legislation, with approximately 15 per cent reporting that they had basic to full understanding (Figure 2).

What is your understanding of the regulation prohibiting the use of cosmetic pesticides?

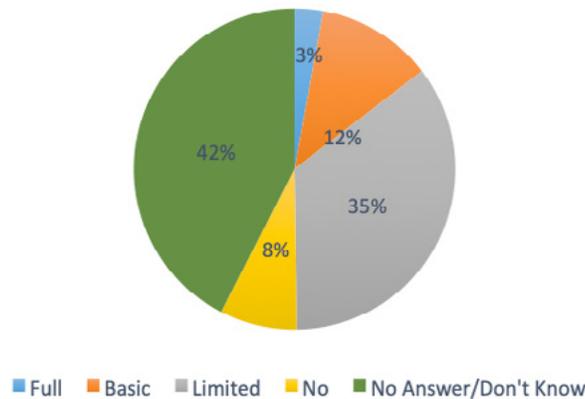


Figure 2. The 2016 survey provided feedback on Manitobans' understanding of cosmetic pesticides legislation.

Almost 70 per cent of respondents indicated that they were negatively affected by the legislation (Figure 3).

Over 60 per cent of respondents indicated the restrictions on the sale and use of pesticides for cosmetic use and found it to be too strict (Figure 4).

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

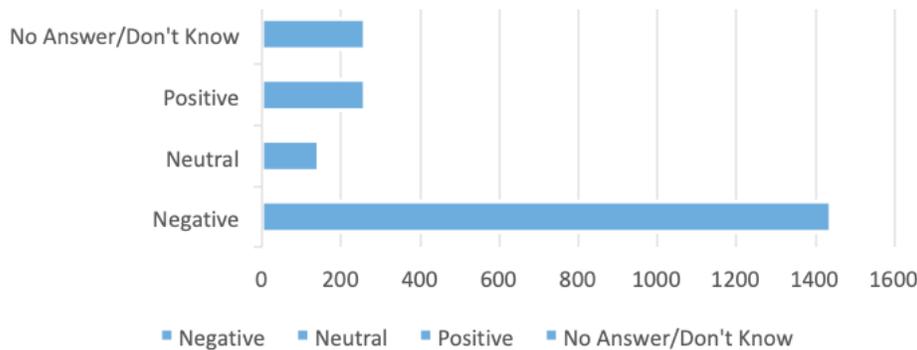


Figure 3. Results of the 2016 survey regarding cosmetic pesticides provided feedback on how the legislation affected Manitobans.

Do you think that the restrictions on the sale and use of cosmetic pesticides are appropriate? Are they...

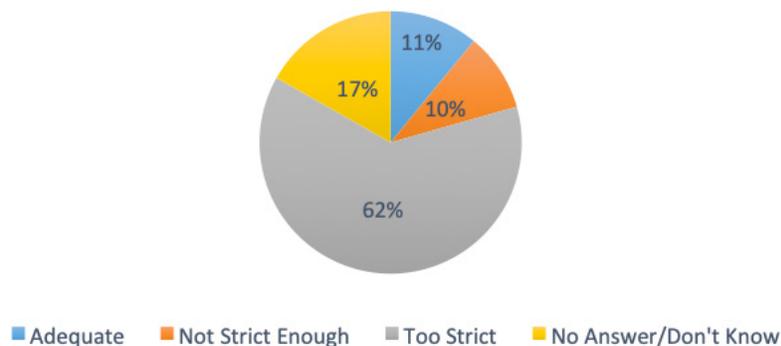


Figure 4. The 2016 survey provided feedback on the appropriateness of the cosmetic pesticide restrictions on sale and use of cosmetic pesticides.

Almost 70 per cent of respondents wanted to see the current restrictions either reduced or rescinded. Some respondents supported the legislation or wanted to see stricter rules brought in (Figure 5).

Common themes included: a desire for sole reliance on the federal Health Canada's designations for pesticides and allowed uses; the need to relax the regulation to enable homeowners, licensed applicators, and municipalities to use restricted products; and concern about the aesthetics associated with visible weeds on individual properties and in communities. Some common themes among those in support of the legislation included: concern for the health of pets, children, or pregnant women; the effects of pesticides on water quality; and continued exposure to other types of pesticides (besides herbicides).

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? The restrictions are/should be

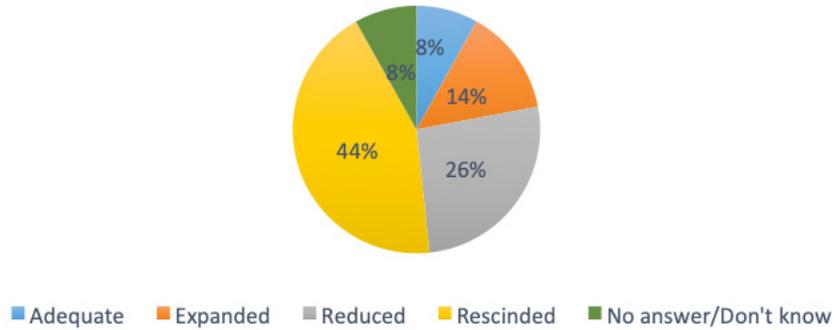


Figure 5. The 2016 survey provided suggestions on whether the cosmetic pesticide legislation should be expanded or reduced.

More Information

For more information on the existing cosmetic pesticide legislation, please visit:
www.manitoba.ca/sd/envprograms/initiatives/pesticide_red.