




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 12, 2020
SUBJECT/REPORT NO:	Cosmetic Pesticide Ban (PW20051) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Perrotta (905) 546-2424 Ext. 4402
SUBMITTED BY:	Craig Murdoch Director, Environmental Services Public Works Department
SIGNATURE:	

RECOMMENDATION

That the City of Hamilton continue the practice of not using pesticides in the 69 Municipally owned cemeteries operated by the Cemetery Section of Environmental Services, Public Works Department.

EXECUTIVE SUMMARY

On May 1, 2020, an Information Update was provided to Council advising that the Province of Ontario amended the Pesticides Act, Ontario Regulation 63/09. The amendment is found under Ontario Regulation 134/20. Cemeteries were included in the amendment and added to the list of excepted entities to allow the use of pesticides for cosmetic purposes.

The Information Update advised that Hamilton Municipal Cemeteries would not be exercising the option to use pesticides on Cemetery properties permitted under Ontario Regulation 134/20. The Information Update also advised that staff report back to Council with recommendations, including information on potential environmental impacts, associated costs, impact on Cemetery operations if pesticide use was recommended and the results of an industry scan.

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Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the recommendation in this report.

Staffing: There are no staffing implications associated with the recommendation in this report.

Legal: There are no legal implications associated with the recommendation in this report.

HISTORICAL BACKGROUND

The City of Hamilton passed By-law No. 07-282 on September 26, 2007, limiting the use of pesticides to address public concern for the environmental well-being of the City and the health and safety of residents. This By-law allowed some exemptions such as golf courses and line marking on sports fields; however, Cemeteries were not exempt.

The Pesticides Act and Ontario Regulation 63/09 came into effect on April 22, 2009. This regulation prohibits the use and sale of pesticides that may be used for cosmetic purposes and took the place of existing by-laws bringing consistency across the Province. The Pesticides Act and Ontario Regulation 63/09 provide the provincial framework to regulate pesticides to protect human health and the natural environment. The amendment that came into effect on May 1, 2020 specific to Cemeteries can be found in Ontario Regulation 63/09, Section 27. This amendment defines the use of a pesticide in, on or over land to maintain turf on a lot in a cemetery as an acceptable prescribed use. The terms “lot” and “cemetery” are defined by their meaning under the Funeral, Burial and Cremation Services Act, 2002. Conditions on the use of pesticides include training in Integrated Pest Management and producing an annual report of pesticide use to the Ministry of the Environment, Conservation and Parks.

In December 2019, amendments to the Pesticides Act and Ontario Regulation 63/09 received Royal Assent and came into effect on May 1, 2020. The general cosmetic pesticides ban was retained, including existing exceptions and Cemeteries were added as an exception to the use of cosmetic pesticides.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff consulted with the Cities of Niagara Falls, Cambridge, Waterloo, Norwich, Kitchener, and Oakville, and these municipalities advised that the use of pesticides in municipally operated Cemeteries will not be permitted. The City of Kitchener advised that they are undecided at the present time but may allow the use of pesticides under certain restrictive circumstances.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Hamilton Municipal Cemeteries maintains 496 acres of Cemetery land, of which 357 acres are surveyed for burial use (lots) and would be permitted for pesticide turf maintenance under the amendments of the Pesticides Act and Ontario Regulation 63/09. The exemption allows only for cosmetic pesticide use on lots, and not on the surrounding green spaces.

Environmental Impacts:

The pesticides that are now permitted within Cemeteries under the Act have been researched and tested and have been found to have a level of toxicity that could impact the natural environment or human health and could potentially pose a threat to the naturally occurring pollinator plants in Cemeteries and contribute to the declining pollinator population in the City.

In February 2020, the City of Hamilton became the 39th Bee City in Canada. The Bee City designation program is a North American movement to support pollinator protection, and to reduce and eliminate chemicals that are harmful to pollinators, our food system and the planet. As part of becoming a Bee City, the City of Hamilton has committed to creating healthier pollinator habitats in the community for the protection of bees and other pollinators, educating the public about the importance of pollinators, and a yearly commitment to celebrate all the community gardens/initiatives. Hamilton Municipal Cemeteries are contributing to this program through the yearly planting and maintenance of pollinator gardens throughout our cemeteries, additionally all the dandelions, while not aesthetically desirable, do contribute to pollinator populations survival.

Impact on Cemetery Operations:

The operational maintenance of Cemetery lots would be the same frequency of mowing whether pesticides were applied or not. It would only optically provide a more aesthetic appearance applying the pesticides as the dandelions would be controlled in the spring. The application of pesticides would have contractual costs as detailed below.

Financial Impacts:

It has been determined that the use of a certified contractor would be the most operationally feasible method of applying cosmetic pesticides. Using internal staff would require a single unfunded capital cost of \$3,000 to purchase equipment; however, operational maintenance costs over the life expectancy of the equipment would also be incurred. Additional operating costs would be required for staff to obtain licencing from a certified Integrated Pest Management (IPM) body, as approved by the Ministry of the Environment, Conservation and Parks. It is estimated that the amount of time required to apply the cosmetic pesticide would be 2 acres per hour, not including travel time, and site preparation. Based on this estimate, it would require 14 working days for two staff members to apply pesticides on surveyed burial lots, both in the Spring and Fall, impacting the number of staff available for our standard level of service. Both Spring and Fall maintenance demand a full complement of staff and therefore, the pest management program could not be absorbed, resulting in additional FTEs and supporting equipment being required.

Table 1 below outlines an estimate of the per acre cost to spray cosmetic pesticides by a certified contractor. The true cost would be determined by the amount of turf to be serviced by hand compared to a ride on method, the amount of open space, obstacles, upright memorials and their spacing, as well as the grade of the ground to be serviced. The estimated cost for a contractor to apply a cosmetic pesticide on burial lots would require an annual increase in the Cemeteries operating budget, contractual services account, based on the below scenarios:

Table 1

Cemetery Type	Acreage	Cost Per Acre	Number of Annual Applications	Total Annual Increase in Contractual Services
All active and inactive cemeteries	357	\$120.00	2	\$85,680.00
Active cemeteries only	283	\$120.00	2	\$67,092.00

The Parks and Cemeteries Section is not recommending an increase to the annual operating budget to support the use of cosmetic pesticides.

Industry scan:

An industry scan of neighbouring municipal cemeteries found that the Cities who responded will not permit the use of pesticides in their municipally operated Cemeteries even though amended Pesticides Act and Ontario Regulation 63/09 now permits it.

Table 2 below outlines the municipalities that responded to our request for information, the number of cemeteries they operate and the rationale for why they would not be using pesticides cosmetically.

Table 2

Municipality	Number of Municipally Owned Active Cemeteries	Exercising option to allow cosmetic use of pesticides	Rationale
City of Cambridge	4	No	No rationale provided
City of Waterloo	2	No	City Council approved a strategic plan citing an effort to strive to reduce environmental impacts and spraying pesticides would be counter intuitive
City of Niagara Falls	4	No	City of Niagara Falls is a Bee City and the use of pesticides would pose a threat to the pollinator gardens in Parks and Cemeteries throughout the City.
Township of Norwich	4 (9 inactive)	No	The Township does not use pesticides, due to any potential health hazards, on any of our sports fields or greenspaces, unless noxious weeds are present, such as hog weed or poison ivy, etc.
Town of Oakville	2	No	Against Town of Oakville's by-law. Use IPM program to control weeds.
City of Kitchener	5 (1 inactive)	Undecided	Using an IPM program, we are not recommending pesticides for general turf maintenance, however we may recommend glyphosate for overgrown perennial beds.

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ALTERNATIVES FOR CONSIDERATION

If Council wishes to allow pesticide use on Cemetery lots, we could consider applying it to all Cemeteries or to only the premier sites. The associated costs would need to be approved as an enhancement to the Cemeteries operating budget.

Financial: For all Cemeteries to be treated with pesticides an enhancement of \$85,680.00 for Contractual costs would need to be added to the Cemetery base operating budget; for only premier cemeteries to be treated with pesticides an enhancement of \$67,092.00 would be required.

Staffing: Contractor project management would be absorbed by current staffing levels.

Legal: There are no legal implications associated with this alternative.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.