



STAFF REPORT Information Report

City of Toronto Discussions with Canadian Tire Regarding the Sale of Cosmetic Pesticides

Date:	June 1, 2010
To:	City Council
From:	Lawson Oates, Toronto Environment Office
Wards:	All
Reference Number:	P:\2010\Cluster B\TEO\CC10007

SUMMARY

At its meeting of May 27, 2010, the Executive Committee considered a report from the Director of the Toronto Environment Office, titled “Live Green Toronto Corporate Sponsorship”. That report recommended that the City enter into a two-year sponsorship agreement with Canadian Tire Corporation for the Live Green Toronto initiative. The Executive Committee requested “*the Director of the Toronto Environment Office and staff from Toronto Public Health to meet with Canadian Tire Corporation with respect to their proposal and report directly to Council on its willingness to voluntarily remove pesticides from its shelves as other large retailers have done.*”

Subsequently, Toronto Environment Office and Toronto Public Health staff met with Canadian Tire representatives to discuss the sale of pesticides in their stores. Staff were advised that Canadian Tire is in compliance with Ontario Regulation 63/09 that restricts the use and sale of cosmetic pesticides across the province. As allowed under this regulation some Class 7 pesticides are available for purchase to control noxious weeds that are poisonous to touch, such as poison ivy and giant hogweed.

Canadian Tire is positioning itself as an industry leader in the greening of its operations. In regards to lawn care and maintenance, Canadian Tire does not advertise the sale of cosmetic pesticides, but does promote environmentally preferable products such as Eco Sense. The company offers its customers various products to maintain lawns and gardens including environmentally preferable products and cosmetic pesticides that are legal for sale in Ontario. Canadian Tire has advised it will maintain its sales policy regarding pesticides.

Financial Impact

There are no financial implications with this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with this financial impact statement.

DECISION HISTORY

At its meeting of December, 2007, City Council adopted a five-year, \$21 million (net City funding \$17 million) funding plan for Live Green Toronto, including the directive “that a minimum of \$3.5 million will come from external funding sources, primarily corporate partnership/sponsorships for the Live Green Toronto initiative.”

Web link to the report proposing the Live Green Toronto Initiative:

<http://www.toronto.ca/legdocs/mmis/2007/bu/bgrd/backgroundfile-8712.pdf>

In order to meet the sponsorship goals adopted by City Council, Toronto Environment Office staff are actively engaged in securing external funds through partnerships with businesses and corporations interested in supporting the Live Green Toronto initiative.

Through a report dated May 3, 2010, the Director of the Toronto Environment Office recommended authorization for a sponsorship agreement with Canadian Tire. Canadian Tire is offering a sponsorship of \$400,000 (\$350,000 cash and \$50,000 in-kind) over two years (2010-11) for the Live Green Toronto program. The details can be reviewed at: <http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-29884.pdf>

The Executive Committee forwarded the report to City Council and requested “*the Director of the Toronto Environment Office and staff from Toronto Public Health to meet with Canadian Tire Corporation with respect to their proposal and report directly to Council on its willingness to voluntarily remove pesticides from its shelves as other large retailers have done.*”

This report is submitted to City Council in response to the request to staff from the Executive Committee.

COMMENTS

Canadian Tire’s Environmental Program

The Director of the Toronto Environment Office and staff from Toronto Public Health met with Canadian Tire representatives to discuss the sale of pesticides in their stores.

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Canadian Tire is striving to reduce its environmental impact, conserve resources and help customers and employees reduce their environmental impact by providing ideas, options, information and solutions. Some of Canadian Tire's green achievements, referenced in its *Community and Business Sustainability Report 2009*, include:

- Being the first retailer to calculate the estimated global-warming potential of their products;
- New stores that are 30% more energy efficient than three years ago;
- The Leslie and Lakeshore store was designed to meet the Toronto Green Development Standard;
- A new program to introduce energy efficient lighting at 361 stores, projecting to save 85 million kilowatt hours of electricity resulting in a reduction of 20,500 tonnes of carbon dioxide emissions annually;
- Largest seller of renewable energy products in Canada;
- Offers 1,100 environmentally preferable products that help reduce waste and conserve energy and water;
- Over 1,800 employees are working toward a zero waste designation for their Home Office location in Toronto; and
- Participation in over 80 environmental stewardship programs for such products as used tires, batteries, oil, electronics, etc.

Web link to the Community and Business Sustainability Report 2009:

http://corp.canadiantire.ca/EN/CSR/CTC_Report2010/cta_popup_english.html

In addition, Canadian Tire is the retail partner for the City of Toronto's Solid Waste Management Commercial Yellow Bag Program.

Canadian Tire's Marketing of Lawn and Garden Products

Canadian Tire is also the leading retailer of lawn and garden products in Canada and offers one of the largest selections of eco-friendly lawn and garden care products. In the meeting with City staff, Canadian Tire representatives discussed their overall lawn and garden strategy and dedication to provide information and products to their customers to maintain their lawn and garden without the use of traditional cosmetic pesticides. Since Spring 2008, Canadian Tire has been pro-actively helping customers to transition from synthetic controls into natural alternatives. The following summarizes what was learned from the meeting with Canadian Tire representatives:

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- Canadian Tire is fully compliant with the Ontario Regulation 63/09 and is committed to working with Government in its efforts to eliminate the cosmetic use of pesticides;
- Canadian Tire does not promote or sell any cosmetic pesticide products for lawn or garden maintenance use as these products are banned by the Provincial Regulation. Class 5 and Class 6 lower risk products are available for sale at Canadian Tire and other retailers across Toronto to provide residents with product solutions to control weeds and insects in lawns and gardens;
- Some Class 7 pesticides are still available for purchase at Canadian Tire stores to enable residents to control noxious weeds that are poisonous to touch such as poison ivy and giant hogweed. As permitted by Ontario Regulation 63/09, these restricted use products will be removed from Canadian Tire shelves by April 22, 2011 and will only be available by request for the correct usage. They may be on the floor in secured containers, but will require staff assistance to purchase them;
- Canadian Tire does not advertise non-green pesticides (e.g. Round Up), but does promote environmentally preferable products such as Eco Sense;
- Canadian Tire has launched a “Promoting Healthy Lawns” campaign that focuses on helping customers find the right product for their problem and specifically environmentally-friendly alternatives for every problem. The campaign also encourages customers to proactively create and maintain a healthy lawn by over-seeding, fertilizing and aerating;
- The Promoting Healthy Lawns campaign includes conducting ongoing consumer education and staff training on responsible lawn and garden care alternatives through online and in-store clinics, online buying guides, point of purchase signage, advertising materials and through a flyer program; and
- The Canadian Tire website provides online information to customers on the latest pesticide regulations including Ontario Regulation 63/09
<http://www.canadiantire.ca/AST/ResearchCentre/PesticideFree.jsp>

Toronto’s Pesticide Bylaw

In 2009, the Provincial Government amended the Province’s Pesticide Act with the adoption of Ontario Regulation 63/09, which restricts the use and sale of cosmetic pesticides across the province. The new regulation replaces municipal bylaws in Ontario, including Toronto’s Pesticide Bylaw, introduced in 2004.

Additional information regarding Ontario Regulation 63/09 is provided in Attachment A of this report.

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CONCLUSION

As the Live Green Toronto initiative grows, the Toronto Environment Office has seen an increase in the number of inquiries from external partners interested in sponsoring elements of the initiative. Toronto Environment Office staff are interested in partnering with corporate entities whose mission, values and sustainability goals reflect those of the Live Green Toronto program.

The Canadian Tire sponsorship proposal would enhance the Live Green Toronto Community Investment Funds grants program, thereby allowing for an additional four grants to the community, resulting in more greenhouse gas emissions savings taking place in Toronto. Canadian Tire's sponsorship of the Live Green Toronto Festival would help to offset event costs in exchange for temporary (two-day) marketing benefits. And, its support for the Cut-It-Out program will assist the City in its efforts to reduce the number of old highly-polluting two-stroke engines that are still in service.

Canadian Tire is actively working to reduce its carbon footprint. In regards to lawn care and maintenance, it offers its customers a choice of products and is compliant with the province's regulation regarding the use and sale of pesticides.

CONTACT

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Lawson Oates
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Attachment A:

City Council enacted Toronto's Pesticide Bylaw (Municipal Code Chapter 612) in 2003 and it came into effect on April 1, 2004. On April 22, 2009, Ontario Regulation 63/09 came into effect, restricting the use and sale of cosmetic pesticides across the province. The new regulation replaces municipal bylaws in Ontario; therefore Toronto's Pesticide Bylaw is no longer in effect.

At the May 19, 2009 meeting of the Board of Health, the Medical Officer of Health brought forward an information report on the status of the City of Toronto Pesticide Bylaw as well as a summary of the new Ontario Regulation 63/09 that came into effect on April 22, 2009, restricting the use and sale of cosmetic pesticides across the province. <http://www.toronto.ca/legdocs/mmis/2009/hl/bgrd/backgroundfile-21099.pdf>

The report to the Board of Health noted that the Ontario regulation is more restrictive than Toronto's bylaw, banning the sale of many common pesticides, limiting exemptions, and tightly restricting remaining uses. It should further decrease the use of pesticides, and therefore human exposure to these substances, in Toronto and across Ontario.

The particular strength of Regulation 63/09 is its ban on the sale of many commonly-used pesticides. Municipalities do not regulate the sale of pesticides, and the effectiveness of local bylaws were compromised by the availability of products in stores. In addition to the product bans, the regulation restricts access to many remaining products.

Highlights of Ontario Regulation 63/09:

- The provincial ban makes local municipal pesticide bylaws inoperative creating one clear, transparent and understandable set of rules across the province;
- Pesticides cannot be used for cosmetic purposes on lawns, vegetable and ornamental gardens, patios, driveways, cemeteries, and in parks and school yards;
- There are no exceptions for pest infestations (insects, fungi or weeds);
- The use of pesticides will still be allowed for promotion of public health or safety. No other uses of banned pesticides are allowed under the health or safety exception. Under this exception pesticides can be used for:
 - the destruction, prevention or control of animals that bite, sting, are venomous or carry disease, including wasps, mosquitoes and ticks;
 - the destruction, prevention or control of plants that are poisonous to humans by touch, including poison ivy, poison sumac and giant hogweed; or

- the destruction, prevention or control of plants, fungi or animals that affect public works and other buildings and structures, including carpenter ants and termites.
- The use of biopesticides (e.g., microorganisms that control pests, such as the bacterial insecticide spray used to control Gypsy moths) and certain lower risk pesticides (such as acetic acid) will be allowed to control weeds, insects and plant diseases on lawns and gardens;
- To support the cosmetic pesticides ban, a classification system consisting of eleven classes of pesticides has been established. Three classes of pesticides are permitted for sale in Ontario for use by homeowners:
 - Class 5: Less hazardous domestic pesticides that can be used by homeowners and include biopesticides and lower risk pesticides allowed for cosmetic uses in, on or over land. It also includes pesticides that can only be used for an excepted use (e.g., control of wasps) and pesticides to which the ban does not apply.
 - Class 6: Least hazardous domestic pesticides that can be used by homeowners and include biopesticides and lower risk pesticides allowed for cosmetic uses in, on or over land. It also includes pesticides that can only be used for an excepted use (e.g., control of mosquitoes) and pesticides to which the ban does not apply.
 - Class 7: Controlled sales domestic pesticides with both non-cosmetic uses and cosmetic uses. Such pesticides will only be allowed for non-cosmetic purposes. For example, a pesticide that can be used to control poison ivy cannot be used on patios or driveways to control weeds.
- Beginning April 22, 2009 the vendor is required to give written information, approved by the Ministry of the Environment, directly to each consumer, at the time of purchase, informing them that the cosmetic uses of the pesticide are illegal under the ban; and
- Beginning April 22, 2011, licensed vendors will also be required to display Class 7 pesticides such that consumers do not have ready access to the pesticides.