

*BE IT RESOLVED*, That the CNA lobby the federal government to prohibit, as a threat to human health, the use, sale and display of chemical pesticides and herbicides for cosmetic purposes.

### Background

Evidence of the connection between environment and health is well established, as recognized, for example, in the 2008 CNA resolution on environmental determinants of health. Among the multiple environmental factors that impact health through individual, cumulative, and synergistic effects, environmental exposures to toxic chemicals is a particular concern. The “cosmetic” (sometimes referred to as “non-essential”) use of pesticides to change the appearance of lawns and gardens represents a needless source of chemical exposure and associated health risks with little or no corresponding benefit to public welfare.

Specifically, chronic pesticide exposure has been linked on a co-relational basis to increased levels of specific cancers, asthma, neurological disorders, learning difficulties, birth defects and endocrine disruption.<sup>1 2 3 4 5</sup> Furthermore, the risk to health comes not only from active ingredients, but also from so-called inert substances.<sup>6 7 8</sup> Synergistic and cumulative effects can heighten the damage due to pesticides.<sup>9 10</sup>

Children are particularly vulnerable, due to: greater exposure from their behaviours and play; the greater vulnerability of their developing organs and tissues; and the greater time they have to develop resulting health problems. While it is difficult to draw definitive conclusions about causality, the precautionary principle requires that measures to protect human health and the

<sup>1</sup> Sears, M., C Walker, RH van der Jagt, P Claman. (Apr 2006). “Pesticide assessment: Protecting public health on the home turf”, *Pediatrics and Child Health*, Volume 11, Issue 4: 229-234.

<sup>2</sup> M. Sanborn, M., K.J. Kerr, L.H. Sanin, D.C. Cole, K.L. Bassil, C. Vakil (Oct. 2007). “Non-cancer health effects of pesticides: Systematic review and implications for family doctors”, *Canadian Family Physician* 53:1712-1720.

<sup>3</sup> K.L. Bassil, C. Vakil, M. Sanborn, D.C. Cole, J.S. Kaur, K.J. Kerr. (Oct 2007). “Cancer Health Effects of Pesticides: Systematic Review”, *Canadian Family Physician* 53:1704-1711.

<sup>4</sup> For an extensive review of the literature on the human health effects of pesticides, see *Pesticides Literature Review*, Ontario College of Family Physicians (April 2004). Accessed July 11, 2008 at <http://www.ocfp.on.ca/local/files/Communications/Current%20Issues/Pesticides/Final%20Paper%2023APR2004.pdf>.

<sup>5</sup> Solomon, Gina, O.A. Ogunseit, Jan Kirsch (2000). *Pesticides and Human Health: A Resource for Health Care Professionals*, Physicians for Social Responsibility and Californians for Pesticide Reform.

<sup>6</sup> The EPA encourages manufacturers to refer to “inert ingredients” as “other ingredients” because an inert classification does not mean non-toxic (US Environmental Protection Agency (2006), *Inert (other) Ingredients in Pesticide Products*, accessed July 11, 2008 at <http://www.epa.gov/opprd001/inerts/>.

<sup>7</sup> Attorney General of New York (1996), *The Secret Hazards of Pesticides: Inert Ingredients*, February.

<sup>8</sup> Journal of Pesticide Reform (1999), *Are “Inert” Ingredients in Pesticides Really Benign?*, Summer, Vol. 19, No. 2., 8.

<sup>9</sup> Tuormaa, Tuula (2006), *The Adverse Effects of Agrochemicals on Reproductive Health*, Foresight, the Association for the Promotion of Preconceptual Care, accessed July 11, 2008 at [http://www.foresight-preconception.org.uk/booklet\\_agro.htm](http://www.foresight-preconception.org.uk/booklet_agro.htm).

<sup>10</sup> Steingraber, Sandra (2005), *The Precautionary Principle vs. Regulation: Are We Living in a Chemical Stew?* Keynote address at 9<sup>th</sup> Annual Conference on Women’s Health and the Environment, October 24.

environment not be delayed because of a lack of scientific certainty where there is a risk of serious or irreversible harm.

On this basis, Quebec<sup>11</sup> and Ontario<sup>12</sup> have implemented provincial regulations that prohibit the use and sale of federally registered chemical pesticides for cosmetic purposes. Polling shows consistently strong country-wide support for cosmetic pesticide bans. Across Canada, more than 150 municipalities have adopted bylaws to restrict the use of lawn and garden chemicals.<sup>13</sup> Nurses have played crucial roles in many of these campaigns. For instance, the Registered Nurses' Association of Ontario has been a key player in Ontario municipal and provincial pesticide campaigns<sup>14</sup> since its 2000 policy resolution in support of banning cosmetic pesticides.<sup>15</sup>

In Canada, federal, provincial, and municipal governments share responsibility for regulating pesticides. Provinces have the authority to impose regulations that are more (but not less) restrictive of pesticide use and sale than federal laws and regulations in consideration of the public interest and general welfare. In many provinces, municipalities can further restrict the use of pesticides within their boundaries, but lack authority to regulate sales. Municipal and provincial restrictions on cosmetic pesticides highlight weaknesses in the federal approach to regulating pesticides. Moreover, provincial pesticide bans that nurses have worked hard to secure are now being threatened by a challenge under the North American Free Trade Agreement (NAFTA), primarily on the basis of the current discrepancy between federal and provincial pesticide standards. A federal prohibition on the use and sale of cosmetic pesticides would extend protections currently enjoyed in Ontario and Quebec across the country and affirm the precautionary basis for provincial and municipal bans.

The *Pest Control Products Act* establishes the authority for federal pesticide regulation. This Act should be amended to prohibit the use and sale of pesticides for cosmetic purposes. Pending legislative changes, the Pest Management Regulatory Agency should revise its approach to regulating cosmetic pesticides under existing authorities. Following the Ontario model, prohibitions on the use and sale of cosmetic pesticides should provide reasonable exceptions to allow the use of specified pesticides where necessary to protect public health or safety.

Many Canadians were surprised to learn that foreign multinationals could seek to overturn Canadian programs and legislation if they could argue that their profits were affected. In a document dated March 31, the international chemical giant Dow AgriSciences served notice that

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<sup>11</sup> Government of Quebec. (2002). *The Pesticide Management Code*. Author: Quebec City. Retrieved June 1, 2009, from <http://www.mddep.gouv.qc.ca/pesticides/permis-en/code-gestion-en/index.htm>.

<sup>12</sup> Ontario Ministry of the Environment. (2009). *Banning Pesticides*. Retrieved June 1, 2009, from <http://www.ene.gov.on.ca/en/land/pesticides/index.php>.

<sup>13</sup> Christie, M. (2009). *Private Property Pesticide Bylaws in Canada*. Author: Ottawa. Retrieved June 1, 2009, from <http://www.flora.org/healthyottawa/BylawList.pdf>.

<sup>14</sup> For example, see the many pesticide actions listed at Registered Nurses' Association of Ontario. (2009). *Environment and Health*. Author: Toronto. Retrieved June 1, 2009, from [http://www.rnao.org/Page.asp?PageID=835&SiteNodeID=465&BL\\_ExpandID=&AA\\_Shell](http://www.rnao.org/Page.asp?PageID=835&SiteNodeID=465&BL_ExpandID=&AA_Shell).

<sup>15</sup> Registered Nurses' Association of Ontario. (2000). *Resolution on Cosmetic Use of Pesticides Passed at April 2000 Annual General Meeting of RNAO*. Retrieved June 1, 2009, from [http://www.rnao.org/Storage/30/2423\\_RNAO\\_Pesticide\\_Resolution.pdf](http://www.rnao.org/Storage/30/2423_RNAO_Pesticide_Resolution.pdf).

it was challenging Quebec's Pesticide Management Code for banning the use of 2,4-D on lawns.<sup>16</sup> It claims the right to do so under the NAFTA because its profits were harmed by the ban.<sup>17</sup> It is very alarming that public health measures may be challenged by trade agreements. The Canadian Trade Minister Stockwell Day vowed a vigorous defence,<sup>18</sup> but the outcome of the arbitration process is uncertain. If Dow is successful, that could trigger numerous other challenges to Canadian health and social policy initiatives. This is a remarkable intrusion into democratic decision-making and into health and social policy.

Submitted by the Registered Nurses' Association of Ontario

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<sup>16</sup> Ogilvy-Renault LLP. (2009). *Notice of Arbitration: Under the UNCITRAL Arbitration Rules and the North American Free Trade Agreement: DOW AGROSCIENCES LLC v. GOVERNMENT OF CANADA*. Retrieved June 2, 2009, from <http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/DowAgroSciencesLLC-2.pdf>.

<sup>17</sup> David Suzuki Foundation. (2009) *Briefing Note: Potential NAFTA Challenge to Quebec's Ban of 2,4-D Lawn Pesticides*, April 9. Retrieved June 2, 2009, from [http://www.ecojustice.ca/media-centre/media-backgrounder/Dow%2024-D%20Backgrounder-English-2009-04-09%20\\_WA\\_.pdf/at\\_download/file](http://www.ecojustice.ca/media-centre/media-backgrounder/Dow%2024-D%20Backgrounder-English-2009-04-09%20_WA_.pdf/at_download/file).

<sup>18</sup> O'Neill, J. (2009). "Day vows to defend Quebec ban on pesticide," *Financial Post*. March 30. Retrieved June 2, 2009, from <http://www.financialpost.com/news-sectors/economy/story.html?id=1443136>.