

## PART 2

# Environmental Leadership

## Creating a Local Green Agenda and the Bylaws to Make It Happen

Local governments are at the forefront in pursuing an agenda to make Canada's cities and communities as green as they can be. In this section, Rick Smith from Environmental Defence identifies the most pressing environmental issues for local governments in Ontario to prioritize. Next, three examples of inspiring local environmental initiatives will show you what's possible: one small town's success with banning single-use plastic shopping bags, the pursuit of a community-right-to-know bylaw in Toronto, and the eradication of pesticides in Peterborough.

# An Agenda of Green Cities

DR. RICK SMITH is the Executive Director of Environmental Defence Canada, which works on the connections between environmental and health issues. He has worked on a number of initiatives, including the greenbelt campaign, which brought together leaders from more than 70 municipalities in Ontario committed to defending greenbelts.

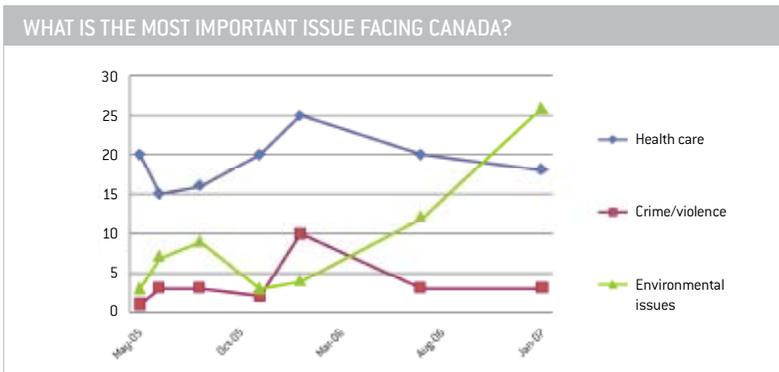
## > THE TIMES HAVE ALREADY CHANGED

I am operating on two premises: First, to paraphrase Bob Dylan, the times they aren't a changing. They've already changed. Today you can look at the Toronto Star or the Globe and Mail and usually find a front page story that shows that we live in environmental times. Even Preston Manning has been writing and speaking extensively from his point of view about the importance of the environment.

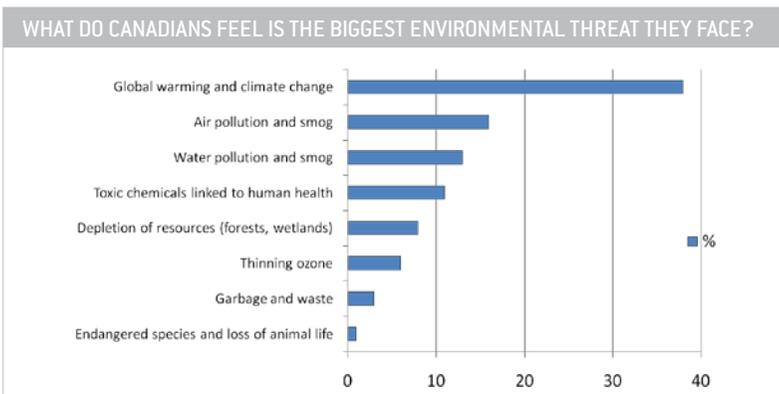
My second premise is that municipalities have a lot more power than most people think they do. We should all have a copy of the Sierra Legal Defence Fund – now Ecojustice – document entitled the Municipal Powers Report. It talks about the Hudson decision, in which the Supreme Court of Canada upheld the town's bylaw aimed at reducing non-essential pesticide use. The report has some interesting case studies from across the country and underscores the notion that the sky is the limit after the Hudson decision when it comes to what municipal leaders can do. This is a good time to be pushing the envelope.

## > THE PUBLIC IS CONCERNED

A Strategic Counsel poll in the Globe and Mail says that environmental issues have shot up in the consciousness of the public. From May 2005 to January 2007 the environment as a top-of-mind issue has gone from about 3 per cent to about 26 per cent. This growth in concern is reflected in the volume of calls we're getting in our office. The weird weather that a lot of people experienced in the winter of 2007, Al Gore's activism on climate change, and other things have created a heightened interest in the environment.



The poll also shows that concern about global warming and pollution is driving this heightened interest, rather than other environmental issues. The poll shows that 76 per cent of Canadians are willing to pay to have their house retrofitted, 61 per cent are willing to reduce the amount they drive by half, 73 per cent will reduce the amount they fly. While we can question the sincerity, the sentiment is certainly there.



## > THE SIX PRIORITIES FOR ONTARIO

### PROTECTION OF THE BOREAL FOREST

The protection of large intact boreal forests is critical to carbon sequestration. These forests contain huge amounts of carbon and Ontario has one of the largest intact boreal forests in the world. We want a land use plan for north of the 50<sup>th</sup> parallel before there's a stampede for resources.

### ENERGY

The supply mix in this province in terms of coal and nuclear power is far from ideal. It needs to change in favour of conservation and renewable energy. There needs to be more emphasis put on conservation and demand management, including incentives for renewable energy and different policies around fossil fuel use.

### THE GREAT LAKES

The Great Lakes are a source of drinking water for 80 per cent of Ontarians and are a resource we take for granted. We are a signatory to the Great Lakes Water Quality Agreement and very little happens with it. There's been very little improvement in terms of sewage. There are more than 300 invasive species in the Great Lakes and more brought in every year. We are destroying this incredible ecosystem and we have no sense of what the costs will be. We need to pay more attention to the headwaters of our various rivers and we need to pay attention to all the lessons of Walkerton.

### GREENBELTS AND URBAN SPRAWL

There's a zoning freeze on 1.8 million acres of land. Greenbelts in other countries give tax advantages to agricultural producers inside the greenbelt boundaries, but we don't. We are looking for that. There are infrastructure problems in the greenbelt. In spite of official greenbelt protection, we aren't seeing much change in terms of expansion of highways and gravel pits. More needs to be done to make greenbelts the centre of natural heritage system planning. And we all know we need to fix the Ontario Municipal Board, and we need to modernize conservation authorities.

Clearly now is the time to be pushing an environmental agenda. The public is hungry for some environmental action and its time we give that to them.

Priorities for Ontario is an initiative that's unprecedented in recent times. It is supported by almost every major environmental movement in the province. We took the leaders of 14 major environmental groups and argued our varying priorities down to six. We wanted a short list of priorities to put on the table with the political parties in advance of the October 2007 Ontario election. Interestingly, the Conservative platform for the election responded directly to this demand set.

## > SOME ENVIRONMENTAL PRIORITIES

I want to recast those provincial priorities to make them more relevant to a municipal agenda. I have 15 priorities for you to think about.

### PRIORITY 1: PROTECT THE GREENBELT

I want to encourage you to think about the greenbelt as a powerful anti-sprawl brand. Developers in southern Ontario have spent huge sums of money trying to defeat the greenbelt, limit its size, and undermine it. It is a powerful brand for good that, according to the Toronto Star,

*The Six Priorities for Ontario, continued*

#### TOXICS AND CANCER CAUSING POLLUTION

Almost half of US states have toxic use reduction laws, which focus on cancer-causing pollutants. We're looking to bring that approach to Ontario and ban the worst toxins. We have to look at these agents in consumer products too, such as baby bottles.

#### WASTE ISSUES

A lot of communities in the province have a lot of work to do to put the three Rs first. There's no reason why we shouldn't have a packaging reduction law and full life cycle product responsibility. After you've finished composting and finished recycling, you're left with packaging. Incineration is not a good option.

has 89 per cent of the public's support. Associating our arguments with the greenbelt will strengthen them. The greenbelt is a brand and we should use it.

#### PRIORITY 2: OPPOSE HIGHWAY EXPANSION

A whole new set of 400-series highways and highway extensions are being proposed, and these proposals contained in the Places to Grow plan will encourage urban sprawl. We need to halt these proposals and promote transit in their place.

#### PRIORITY 3: PROTECT LAKE SIMCOE

In the Lake Simcoe area, we are proposing a Lake Simcoe Conservation Act to encourage conservation regimes and watershed planning as a way to deal with relentless sprawl.

#### PRIORITY 4: DETOXIFY

Environmental Defence has been testing the blood of well-known Canadians for pollution. We've tested federal and provincial environment ministers, we've tested Robert Bateman, we've tested families across the country and compared levels of toxins in kids with those of their parents. We've often found that kids are more polluted than their parents. This defeats the idea being propagated by various governments that there is progress being made on pollution. Our kids have higher levels of many pollutants than we do. Little has gotten better with our pollution laws in recent years.

#### PRIORITY 5: ADOPT A PESTICIDE BYLAW

Passing pesticide bylaws is critical. Québec now has a province-wide pesticide regime. The pesticide issue developed there in much the same way as the tobacco issue, starting with municipalities and then becoming a provincial issue. We can achieve the same thing in Ontario. I encourage you to expand your pesticide-fighting efforts.

#### PRIORITY 6: BAN BISPHENOL-A

We need a municipality to ban the chemical Bisphenol-A within its boundaries. It's one of the highest volume chemicals out there. You can even find this chemical in baby bottles. It is going to be one of the hot topics over the next few years.

#### PRIORITY 7: JOIN THE BLUE FLAG PROGRAM

Environmental Defence runs a program called Blue Flag, which is becoming the acceptable international certification for great swimmable beaches. This program is a way of reconnecting people with their waterfront, getting resources to clean up waterfronts, and promote water quality. The Clean Water Act has established Source Protection Committees and these will be critical for moving water conservation efforts forward. The development industry and other vested interests are paying a lot of attention to these committees. If we lose control of these committees, we are in trouble.

#### PRIORITY 8: ADOPT WATER CONSERVATION MEASURES

Some jurisdictions are experimenting with technologies such as permeable pavements, where rainwater can pass through pavement and recharge the water supply. We need to bring these innovations to Ontario.

#### PRIORITY 9: CLIMATE CHANGE PLANNING

Climate change plans are key. I suggest you load everything into them except the kitchen sink: everything from green roofs to greening your city fleets to improved building codes.

#### PRIORITY 10: INSTITUTE GREEN BUILDING STANDARDS

It's clear that municipalities have jurisdiction to introduce improvements to the building code beyond what the province is doing.

#### PRIORITY 11: INTRODUCE COMPREHENSIVE WASTE MANAGEMENT STRATEGIES

In terms of waste, we estimate that more than half of municipalities are not receiving funds from Waste Diversion Ontario. That likely means that they aren't making much progress on waste diversion issues.

#### PRIORITY 12: REJECT INCINERATION

Incineration is still being used throughout the province. There's no way to have environmentally friendly incineration.

#### PRIORITY 13: PROMOTE AND SUPPORT LOCAL AGRICULTURE

We need to return to things that municipalities used to do a lot of, things that seemed quaint but now have assumed renewed importance, and look at the advances that have taken place elsewhere. One of these

things is promoting local food. There are many advantages to local food: it benefits local economies and cuts down on carbon emissions from trucking. The province has put out a Pick Ontario Freshness label and there's room for municipalities to take up this issue. I don't normally associate multinational fruit cartels with forward thinking, but Dole Banana has created a website called [doleorganic.com](http://doleorganic.com). It has a whole line of certified organic bananas but also a farm labeling system. You can look up the farm number when you buy bananas and get information online about the farm, including ownership and what is being done to raise the bananas organically. If international fruit companies can do this, surely local councils can find ways to connect constituents with local food producers in a real way.

PRIORITY 14: PROVIDE ECONOMIC ADVANTAGES TO LOCAL AGRICULTURE

PRIORITY 15: PLANTING AND PROTECTING TREES

We need to plant lots of trees and stop cutting down the trees we have.

## > CONCLUSION

Finally, and this isn't on my list, the Environmental Defence prize for fantastic municipal leadership will go to those municipalities that take the most aggressive action against corporate donations to municipal election campaigns. Corporate political funding is completely out of control. A York University study shows that two-thirds of municipal donations in the Greater Toronto Area come from the development industry. This will ultimately require provincial action but municipalities have tools at their disposal as well.

My grandmother says: "Patience is not always a virtue." I would argue that we're not getting paid to be patient right now. Let's do all the things we can immediately.

## > ON LINE RESOURCES

Priorities for Ontario: [www.prioritiesforontario.ca](http://www.prioritiesforontario.ca)

Blue Flag Program for better beaches: [www.blueflag.org](http://www.blueflag.org)

Dole Pineapple organic site: [www.doleorganic.com](http://www.doleorganic.com)

# Banning Plastic Bags and Building Environmental Awareness

In early 2007, the town of Leaf Rapids, Manitoba made headlines as the first municipality in North America to ban plastic bags. **BOND RYAN** was the Chief Administrative Officer for Leaf Rapids when the ban was introduced.

## > THE TOWN

Leaf Rapids was built in a very green zone in a boreal forest in Northern Manitoba. It is a mining community located 25 km from the mine.

## > REDUCING PLASTIC BAG USE WITH A LEVY

The town council wanted to eliminate or reduce waste resulting from single-use plastic bags. Our municipal budget showed that this could be an opportunity to save money that the town had been spending to clean up our community. I wanted to take some of that money and buy reusable bags. If we could get people to use the reusable bags, the town would begin to realize savings.

We've all heard about the three Rs. Bond Ryan has five:

- Reduce
- Reuse
- Recycle
- Refuse
- Replace, if necessary

We considered a tax levy to bring in some funds to help pay for those reusable bags. Looking on the Internet, the only levy that I could find was in Ireland, so I copied that bylaw.

The levy worked to a limited extent. Since it was only a three-cent levy, people didn't mind. If they needed a plastic bag, they were prepared to pay the three cents.

A problem with tax levies on plastic bags such as the three-cent levy we used in Leaf Rapids is that they may not be big enough. For instance, if you have introduced a one-cent tax levy, people are able to take 10 bags and lose just a dime. But make it a 25-cent tax levy like they did in Ireland and four plastic bags buys you a reusable bag. People are able to see the savings so this is one option that might work. The other problem is collecting the levy, however during the six months our tax levy was in place, we had no problems collecting it.

I get a lot of questions about tax levies from municipalities who wonder where the authority exists in the Municipal Act. Tax levies are there, for example for bottles, and we should use them.

## > GOING TO THE NEXT STEP

Some time after we introduced the levy, we heard from a company out of Mississauga, Instore Products Limited, which makes shopping bins that reduce the need for plastic bags. They talked to us about what would happen if we went shopping bag free. This encouraged us to take up their challenge. We looked at the Manitoba Municipal Act to see how we could legally ban one-time use plastic shopping bags.



One of the biggest problems facing municipalities across Canada that want to bring in bylaws to restrict or ban plastic bags is finding room in the Municipal Act to be able to do this legally. I found a provision in the Manitoba Municipal Act that told us that if something is a nuisance in the opinion of council, then the council can write a bylaw to ban that nuisance. It's a pretty broad provision in the law.

When the Leaf Rapids council passed the bylaw banning single-use plastic bags in March 2007 and the news hit the media, we had two lawyers call us and say: "I want a copy of this bylaw. You can't do this because it's against the constitution." I haven't heard from them since. I've heard from many lawyers since then, especially lawyers in Ontario who are working for communities and cities that are interested in our initiative.

## > THE BENEFITS OF THE BAN

The retailers in town think our bylaw is wonderful. They don't have to buy bags to give away. Instead, they sell reusable bags and can make money, although most retailers sell reusable bags on a break-even basis. One store owner was skeptical at first, wondering if the store would lose business to outsiders if bags weren't given away. But this fear did not become an issue.

### MANITOBA MUNICIPAL ACT

Section 233: A by-law under clause 232(1)(c) [activities or things in or on private property] may contain provisions only in respect of:

- (a) the requirement that land and improvements be kept and maintained in a *safe and clean* condition;
- (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or *things* that in the opinion of the council are or could become a *nuisance*, which may include noise, weeds, odours, *unsightly property*, fumes and vibrations. [emphasis added]

## > TOWN OF LEAF RAPIDS, BY-LAW NO. 462

Being a By-law of the Town of Leaf Rapids for the establishment of Single Use Plastic Shopping Bags.

WHEREAS Single Use Plastic Shopping Bags are a very visible component of litter throughout the Town of Leaf Rapids, lakeside, trails, roadside and the nuisance grounds;

AND WHEREAS Single Use Plastic Shopping Bags have a negative impact on our wildlife habitat and are not environmentally friendly;

AND WHEREAS the Town of Leaf Rapids incurs a significant cost to clean up the Single Use Plastic Shopping Bags each year;

AND WHEREAS local businesses can reduce merchandise cost by not having to purchase Single Use Plastic Shopping Bags;

AND WHEREAS the Town of Leaf Rapids has provided education to shoppers and school children about the environmental advantages and reduced cost of using reusable shopping bags;

AND WHEREAS by using a multi-use shopping bag, residents are reminded of the positive impact of recycling;

NOW THEREFORE upon passing this By-law, the Council of the Town of Leaf Rapids, enacts as follows:

1. THAT the Town of Leaf Rapids will be Single Use Plastic Shopping Bag free effective April 2, 2007.
2. THAT retailers in the Town of Leaf Rapids will not be permitted to give away or sell plastic shopping bags that are intended for single use.
3. THAT a person who contravenes this By-law of the Town of Leaf Rapids is guilty of an offence and is liable on summary conviction of a fine of not more than \$1000.00.
4. THAT where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
5. THAT on passing of this By-law, By-law No. 457 is hereby rescinded.
6. DONE AND PASSED as a By-law of the Town of Leaf Rapids at the Townsite of Leaf Rapids, in the Province of Manitoba, this 21st day of March, 2007, A.D.

Our residents are taking more pride in our community because they're doing something that's good for the environment and certainly our residents are proud to be the first in North America to do this. Because the bags are an environmental issue, people are thinking more about the environment as a result of our initiative. For example, more people are joining our recycling program.

The town is much cleaner following the ban and we expect it to be even cleaner than that over time. The cost for clean-up is reduced this year and next year we should see an even greater reduction in costs.

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## > MORE WORK TO DO

One of the big things the media questioned was the fine for contravening the bylaw, which is \$1,000 a day. Enforcement for us is simple, because we have only two major stores in our community.

Leaf Rapids is not a plastic bag-free zone. It's a single-use shopping bag free zone. You still get those real thin one-time use bags for meat and dairy products and bulk items. We are looking at options to deal with those bags, but we wanted to start by getting the most unsightly bags away from our environment.

*Town of Leaf Rapids, By-law No. 462, continued*

### Exemptions to the By-Law

- Small plastic bags that are used to store non-packaged goods such as:
  - Dairy products
  - Fruit, vegetables or nuts
  - Confectionery
  - Cooked foods, hot or cold
  - Ice
- Smaller bags for fresh meat, fish, candy and poultry
- Bags that cost more than \$1.50

## > THE ENVIRONMENTAL IMPACT OF PLASTIC BAGS

Here are some statistics to consider: The average family of four uses 1,500 bags a year. One million sea birds and 100,000 sea animals die every year from ingesting plastic. I use these statistics when I talk to school kids. I show them pictures of whales that have died from swallowing plastic bags. The kids think what we have done is wonderful.

In the United States consumers go through 100 billion plastic bags a year, which is equivalent to 12 million barrels of oil. In Canada, the statistic is 15 billion bags a year. So dealing with plastic bags can make a big impact on our landfills and our environment.

The polls show that about 75 to 80 per cent of Canadians are ready to make changes like getting rid of plastic bags. If that many people make that change then we will make a big dent in the use of bags. It's certainly going to happen in the US as well, since San Francisco and other communities are looking at reducing and banning one-time use plastic bags.

## > INDUSTRY DOESN'T LIKE THE BAN

The plastic bag industry doesn't like us at all. If you can take away 80 per cent of 115 billion bags, they are going to fight it.

When I hear criticism of our decision, my rebuttal is that we did it to reduce costs. We didn't start out to help the environment. But when we realized that plastic bags have a huge environmental impact, we started looking at this as an issue not just for Leaf Rapids, but as one that involves all of North America.

## > NEXT STEPS

We are thinking about biodegradable options to plastic bags. We are looking at a bag made of corn starch and cooking oil, which after about two weeks in the landfill begins to break down. There are also biodegradable alternatives to disposable diapers and dog waste bags. We are still doing research on biodegradable bags, because there are some questions about them.

## > ON-LINE RESOURCE

Bring your own bag: [www.bringyourbag.com](http://www.bringyourbag.com)

# Community Right-to-Know Bylaws

## Fighting Pollution By Disclosure

KATRINA MILLER is Campaigns Director for the Toronto Environmental Alliance

We in the Toronto Environmental Alliance are working with the City of Toronto to bring in a Community Right-to-know Bylaw. This is a type of bylaw that most people probably haven't heard about, because it doesn't yet exist in Canada. Once this bylaw is in place in Toronto we hope that other communities will replicate it.

Community right-to-know is a very broad term. In the context of the bylaw we are planning to introduce, a community's right-to-know is about the use and release of toxic substances in neighbourhoods and workplaces.

We want disclosure of toxic chemicals that can turn up in our products, in our homes, in our air and our water, and even in our blood. A community right-to-know bylaw relates to how much we are allowed to know about where those chemicals are coming from and why they are being used.

## > BENEFITS OF RIGHT-TO-KNOW

The benefits of community right-to-know are pretty obvious. If you are a resident and you see a great big factory nearby, you can telephone or get on the Internet and find out what's coming out of the stack of that factory and you can use that information to raise your concerns in an informed and eloquent manner. We want to use that information so that we can go and talk to industry and be somewhere on an even footing with them.

Community right-to-know and disclosure of toxic chemical use have shown time and time again that they lead to significant reductions in toxic releases. Experience has taught us that community right-to-know leads to pollution reduction, which leads to cost savings most of the time for the business. That cost saving causes the business to be more sustainable and more viable in the long term.

## > MAPPING TORONTO TOXICS

Like most major cities and many smaller centres, Toronto's air, land, and water are burdened by many toxic chemicals. Whether it's because of the disease and death caused by toxic chemicals, or the fact that there are hundreds of spills every year in our city from chemical accidents, toxics are an issue in the City of Toronto.

We found out the following facts about toxics in Toronto:

- 1,700 people/year die prematurely from smog.
- At least nine potent carcinogens are in Toronto's air at unhealthy levels.
- Every year there are hundreds of chemical spills and accidents.
- In 2003 more than 7,000 tonnes of toxic chemicals were reported as having been released into Toronto's air, land, and water.
- Reported releases are rising in Toronto and elsewhere in Canada.

We began our campaign by trying to represent how we are burdened by toxic chemicals in the City of Toronto and give people a visual ability to see that burden. We came up with a map that shows people the reported completely legal toxic chemical releases by air, land, and water in the City of Toronto. The map shows the 7,000 tonnes of toxic chemicals – that we know about – that are reported through Environment

Canada's National Pollutant Release Inventory. These toxic chemicals are released in people's neighbourhoods, near their workplaces and inside their workplaces. There are about 11,000 facilities in Toronto that use and release toxic chemicals. Only 3 per cent of them report that use and only report around 20 to 50 per cent of their actual pollution. This means that there is a massive unknown about how the chemicals in our air are getting there, where they are coming from, and the dangers that they present to our neighbourhoods right now.

Nowhere in Canada is there any mandatory reporting of the use, production, or storage of chemicals. That's a problem for all of our communities. It's a problem for workers, because unfortunately neither the Ontario Health and Safety Act nor the Workplace Hazardous Materials Reporting System do an adequate job of protecting workers.

Toxic chemicals are also a problem for firefighters and other first responders when they go to an accident. They don't have reliable information letting them know what they're walking into when they enter a facility that's on fire, or a facility where there's been a spill. This has become a major issue for firefighters throughout the Greater Toronto Area, who are really pushing for more information about what is stored where.

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## > STARTING WITH COMMUNITY FEEDBACK

The bylaw we are working for is based on the idea that the community has a right-to-know what chemicals they are being exposed to, where they are coming from, why they are being used, and some potential ways of reducing their impact. One of the ways we've been trying to really engage communities in Toronto about this problem is to get people to look around their neighbourhoods to find what kinds of facilities exist, especially facilities about which there is little information and serious concerns about what is going on inside.

We embarked on a project where we asked residents to take pictures and tell us their stories. In response we got pictures back from community groups of an abattoir with a smokestack in a residential area in downtown Toronto. We also got photos of an ice-making plant with

odd-looking bins and strange substances. People wondered about dry cleaners that advertise themselves as being solvent-free.

We're going to make an interactive website of Toronto with the pictures and stories and then begin conversations with the facilities involved on behalf of the residents. We will send the questions from the residents to the facilities and let the communities know what the answers are. This is one way we're trying to engage communities and begin conversations with some of these facilities to see if they'll voluntarily disclose some of that information.

## > THE CAMPAIGN IN TORONTO

The City of Toronto is heading toward a more mandatory approach to community right-to-know. In 2000 the city council actually committed to adopting a community right-to-know bylaw that empowers community members to know the locations, sources, and health effects of toxins in their neighbourhoods.

We had been working to get that bylaw passed, but we put it aside for a time because we got distracted with another campaign. Later on we came back to the idea of community right-to-know in the Riverdale-Beaches area to show that there was a real need for community right-to-know and that communities wanted it.

Our campaign triggered a second stage of action. We are expecting a thorough report from the City of Toronto Public Health Department, which we believe will likely recommend a mandatory approach to community right-to-know with a bylaw.



## > RIGHT-TO-KNOW IN THE UNITED STATES

There are lots of success stories about community right-to-know, but unfortunately none of them so far are in Canada. This is a movement that comes from the United States, in states such as Massachusetts, that have had wonderful success. In 12 years the Massachusetts Toxic Use Reduction Act has caused the use of toxic chemicals to fall by 42 per cent and a reduction in releases of 92 per cent. That's massive and the reduction itself is voluntary. The disclosure is mandatory and the reduction is voluntary. New Jersey and California also have community right-to-know laws.

There are also municipal right-to-know laws in the United States. New York City is the best-known example. Eugene, Oregon has one of the most comprehensive laws on disclosure and it's a town of 140,000. So if Eugene, Oregon can do it, certainly the City of Toronto and other municipalities can do it.

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## > COST SAVINGS FOR BUSINESS

The traditional viewpoint is that pollution prevention is going to cost lots of money. It's true that initially there will be up-front costs because owners have to go into their facilities and spend money and time to track and audit their use and releases of toxic chemicals. However facility operators often find that they are either using more of a toxic chemical than they actually need, or that the chemical isn't being used in an efficient way, and its release is unnecessary. By halting or reducing the use of these chemicals, facility operators save money by not having to buy that toxic chemical any more and by no longer having the liability of that toxic chemical in their facility. For example, the Canadian Auto Workers audited one of their workplaces and found a very carcinogenic solvent that they were using to clean some of their machinery. They brought this matter to the attention of the company and pointed out that the solvent was very expensive to buy, handle, and dispose of because it is considered toxic, hazardous waste. They also found out that they

could get the same job done with soap and water. That is much cheaper and doesn't have a liability associated with it.

In Massachusetts people are finding that the average business savings from the pollution prevention that is triggered by disclosure and tracking is between \$60,000 and \$100,000 per facility, which is considerable. Cost savings from chemical disclosure has been a very important argument in Toronto, where we are losing some of our good jobs in the manufacturing sector. We have been very careful to ensure that our push for a community right-to-know bylaw is complementary to the idea of keeping good industry in Toronto.

## > BUILDING A COALITION

Because we use both the health message and the economic development message, we have a broad coalition of people that is pushing for this bylaw in Toronto. We have environmental groups, cancer prevention

**“Community right-to-know is simply our inherent right-to-know in a democratic society. It's ridiculous that we don't know about toxic chemicals. The health result of this is that you get some major pollution prevention.”**

groups, firefighters, labour groups, and worker health and safety clinics who support community right-to-know. Twenty residents' associations have formally signed on to a position statement on community right-to-know. Getting that much support is really hard to do, because residents'

associations don't meet that often. We even have some community-minded and green-minded businesses that are now writing letters in support of this.

We've gained a broad coalition of support and I would suggest that when you try to promote community right-to-know in your communities, you first look for that broad coalition of support. This is a very basic principle and a very basic right. Most people believe strongly that it is their right-to-know and are willing to support the community right-to-know initiative, if you are able to show how it connects to their lives.

## > START BY ENGAGING YOUR COMMUNITY

To enhance community right-to-know in your area, you don't need to start with a bylaw. What you really need to do at the beginning is to engage your community, first by making information that you have more available and accessible. Municipalities receive large amounts of environmental information, whether it is tests on brownfield sites, water quality tests, air monitoring tests, or certificate of approval applications that come through. You can also make more information available at the school board level.

You also need to talk to the public about the information that you don't have and find out what information they really want, so you can move on to the next step, which is link disclosure to existing environmental concerns. In Toronto the main concern today is air quality. The bylaw that I think we will see in Toronto will emphasize air quality and chemicals that are in our air at unhealthy levels, including chemicals that cause smog and global warming.

If you are interested in bringing in a bylaw, ensure that you have jurisdictional authority. We have used a general review conducted by the Canadian Environmental Law Association and found that there is broad jurisdictional authority under the same authority that governs pesticide bylaws. That's as far as anyone in Canada has gone so far in terms of looking at jurisdictional authority. We will learn more as we get closer to our goal of bringing a community right-to-know bylaw to Toronto.

### > ENGAGE THE COMMUNITY

- Make available information accessible
- Tell the public what they don't know and find out what they want to know.
- Prioritize concern
- What toxic secrets have the biggest impact on the community?
- Collaborate with Broad Allies
- Universal issue can bring wide support
- Establish Jurisdictional Authority if passing bylaws
- Likely same authority that allows for pesticide bylaw adoption.

## PESTICIDE BYLAWS

# Citizen Action to Ban Pesticide Use

LORI PETERSONE is an elementary school teacher in Peterborough and the co-founder of Pesticides Beware, a local citizens' group.

In 2005 the City of Peterborough passed a bylaw that effectively bans the use of pesticides inside its boundaries. This bylaw was passed after a lengthy process that involved local citizens working together with environmental groups. This is the story about how we made it happen.

I am not a politician – I am a citizen who is concerned about pesticide use. In March 2001, I attended a pesticide seminar put on by Peterborough Green-Up, a wonderful non-profit environmental organization that runs a number of environmental programs in Peterborough. The seminar had some great speakers, including Janet May from the Toronto Environmental Alliance, a doctor, a former pesticide applicator turned organic farmer, and an organic landscaper. They spoke to a full house of people concerned about pesticides.

Many of us were very moved by the presentations and at the end of the evening, Patricia Dixon and I organized a group called Pesticides Beware. We had 60 people sign up that evening. From that initial meeting, about 10 or 12 people met regularly every couple of weeks to drive the project. In the first year, we worked to educate the public and elected officials.

During that year we printed and sent out a flyer to almost every home in the city that we funded through a sale of perennials at my home. The flyer outlined the harmful effects of pesticides and explained alternative lawn care practices and products.

## > PETITION DRIVE

One of our main goals was to collect signatures on a petition and in our first year we collected 4,000 signatures in the City of Peterborough, which has a population of 70,000 people.

Wherever we could, we got out and ran tables, talked to people and collected signatures. During these activities we used information produced by Green-Up, including their Pesticide-Free Naturally kit. We went to events like the Saturday Farmers' Market, the Love of Gardening Show, and the Buckhorn Health Fair with positive results. Many people really wanted to see something done about the spraying of pesticides in Peterborough.

Patricia Dixon and I also emailed and phoned councillors in Peterborough regularly. We received a great deal of information by email from Mike Christie, an activist on the pesticide issue who is based in Ottawa. We didn't send along all of Mike's emails to the councillors, but we talked to them about the more important ones. We kept them informed and let them know that we were not going away.

Pesticides Beware made a PowerPoint presentation to the Peterborough Health Unit to win their support. That same year our Member of Parliament read our petition in the House of Commons and we were interviewed a number of times by the media. We were getting our message out.



## > GOING TO CITY HALL

In the spring of 2002 two councillors invited us to come to city hall to meet them. They suggested we go to Peterborough City Council's next meeting and ask that they form a pesticide committee to work on the pesticide issue. We thought that was a good start and the city set up a pesticide committee that year.

The committee was composed of 13 members, chosen by the city from a pool of applicants. I was the only person formally representing Pesticides Beware. There were three pesticide applicators and several people who were in the middle on this issue. They were interested, but wanted to learn more. This committee would meet about every two weeks and we educated each other with presentations. I shared information on the harmful effects of pesticides and alternative lawn care practices and products.

A year later, the committee decided that we needed to hold some sort of public forum to see what the rest of the city thought about pesticides. The response was substantial. A large number of people came out to the forum and more people wanted to speak than we had time for, so we met a second night. Ninety per cent of the presenters were there to support a pesticide bylaw.

**"This may be the best pesticide bylaw in North America. Certainly it's the strongest in Canada."**

– Paul Muldoon, Executive Director of the Canadian Environmental Law Association

## > MOVING BEYOND THE COMMITTEE

Meanwhile, the work of the pesticide committee had become a very frustrating process. We rarely came to a consensus on anything because the two sides were so divided. The one thing we did agree on was that pesticide use should be reduced in Peterborough. We worked for two years on the pesticide committee and wrote four different drafts of our report intended to go to city hall.

In the summer of 2004, I received a call from Gideon Forman, the Executive Director of the Canadian Association of Physicians for the Environment (CAPE), who had heard about our work in Peterborough and offered to help us. I eagerly accepted Gideon's offer, put the word out to Pesticides Beware members, and a group of 21 met in my backyard

on a beautiful July afternoon with Gideon Forman and Janet May. We agreed to work together to get city council to pass a pesticides bylaw for Peterborough.

## > GETTING A BYLAW

At Gideon's suggestion, we formed a core group of five people to work on our mission. We met regularly at my home and Gideon came from Toronto to help with planning, strategy, messaging, and media. He had CAPE commission an opinion poll through Oraclepoll Research, which showed that 84 per cent of citizens in our community wanted a complete phase-out of pesticides.

We also began lobbying councillors individually, using the poll results and a 10-minute video presentation CAPE had produced, called 'Lawn and Garden Pesticides: Reducing Harm.' We also gave councillors the April 2004 Ontario College of Family Physicians research paper that discusses the health effects of pesticides. Gideon encouraged us to find a champion on council and a councillor did come forward who gave us a lot of valuable insight into what was happening on council.

On the Pesticides Committee I often found myself in the minority when we voted on recommendations. At the end, the majority of committee members voted to support a voluntary 50 per cent reduction in pesticide use over four years. That was too little and too long a time for Pesticides Beware. Thankfully, the committee recommended that there be a month-long public input phase where the public could pick up a copy of the report, review it, and give feedback.



The Peterborough bylaw effectively bans the use of pesticides inside its boundaries. People, the environment, the water table, and the land all benefit.

## > CITY OF PETERBOROUGH, BYLAW NO. 05-077

*(As amended by 06-056)*

BEING A BY-LAW TO REGULATE THE USE OF PESTICIDES WITHIN THE CITY OF PETERBOROUGH THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

WHEREAS Section 130 of the *Municipal Act, 2001* authorizes the City to enact by-laws which provide for the protection of the “health, safety and well-being” of City residents;

AND WHEREAS the Council of the City of Peterborough desires to respond to the concerns expressed by City residents about the health risks associated with the use of pesticides;

AND WHEREAS regulating the non-essential use of pesticides will help to promote and protect the health of City residents.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PETERBOROUGH BY ITS COUNCIL ENACTS AS FOLLOWS:

Definitions:

In this by-law, the following word has the following meaning:

**I.P.M. accredited groundskeeper** – means a person who:

- (a) obtains and maintains accreditation in a recognized integrated pest management programme from the Audubon Cooperative Sanctuary System of Canada, or equivalent, as determined by the City; and
- (b) provides proof of I.P.M. accreditation to the City Clerk on or before January 31st of each year.

By-law 05-077 is hereby amended by deleting the definition of pesticide in Article 1, and substituting the following therefore:

**pesticide** – means any substance, other than a substance derived from plants, plant extracts, fatty acids, iron phosphate, sulphur, mineral oil, borax or microbial pest control agents, which is intended to:

- (a) control, destroy, reduce, or repel, directly or indirectly, an animal, plant or other organism which is harmful or annoying to a human being;  
or
- (b) inhibit or prevent the growth of plants.

## > CAMPAIGNING AROUND COMPROMISE

In October 2004 the pesticide committee report went to city council. At the same time, I prepared a minority report stating my feelings about the report, which was put into councillors' mailboxes the same day as the final pesticide committee report.

*City of Peterborough, Bylaw No. 05-077, continued*

### OFFENCE

The application or use of a pesticide is prohibited within the boundaries of the City of Peterborough.

### EXCEPTIONS

Notwithstanding Article 2, it is permitted to apply or use a pesticide in the following cases:

- (a) In a public or private swimming pool;
- (b) To purify water for human or animal use;
- (c) Inside of a building;
- (d) On land used for the commercial production of food;
- (e) To control, destroy, reduce or repel, directly or indirectly, an animal, plant or other organism which is harmful to human health; or
- (f) On a golf course, provided that after March 1st, 2007, any such use or application is permitted only under the direction of an I.P.M. accredited groundskeeper.

### PENALTY

Any person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a fine or penalty provided for in the *Provincial Offences Act*, as amended.

### EFFECTIVE DATE

This By-law comes into force and effect on March 1, 2006.

By-law read a first and second time this 2nd day of May 2005

By-law read a third time and finally passed this 2nd day of May 2005.

*Sylvia Sutherland, Mayor  
Nancy Wright-Laking, City Clerk*

During the public input phase, Pesticides Beware really got working and created a form letter calling for a pesticide bylaw. We went out to the malls and to public events and got help from nurses at Trent University. In the end we got 1,900 form letters signed by people who wanted a bylaw. We also still had our petition from earlier in the campaign, which hadn't yet been submitted to city hall. At the end of the month-long public input phase, we had almost 6,000 signatures calling for a pesticide bylaw in Peterborough. Only one person submitted a letter to city hall against having a pesticide bylaw.

When the pesticide committee was brought to council in February 2005, one of the committee chairs stood up and recommended that the report be accepted, but he also raised the results of the public input. Council had heard a number of speakers on both sides of the issue, and the evening ended with the councillors voting eight to one against the committee report, deciding instead to look at a pesticide bylaw at the next council meeting.

**"This is a major victory. It means over 70,000 residents have strong protection against toxic lawn chemicals. Lots of politicians talk about protecting children. Mayor Sutherland and council have actually done something about it." – Dr. Kapil Khatter, president of the Canadian Association of Physicians for the Environment**

I provided city hall with bylaws from Halifax, Toronto,

and Hudson, Quebec. Our Pesticides Beware core group then met with Gideon from CAPE and wrote up a sample pesticide bylaw that was as simple and clear as possible. Gideon met with the city solicitors, they tweaked it a little bit, and the bylaw was written.

## > THE BYLAW PASSES

In May 2005 city council voted unanimously in favour of the bylaw. That evening one councillor succeeded in getting an exemption for golf courses put into the bylaw. Even with that exemption, it is still an excellent bylaw.

The Peterborough Pesticides Bylaw became effective 10 months later in March 2006. Council agreed to fund an education component, understanding that pesticide bylaws work better in conjunction with an

education campaign than on their own. Council agreed to spend \$60,000 on education and Green-Up was chosen to do the job.

After the bylaw was put in place, two of the councillors came to me and said how impressed they were by how calm and reasonable we remained when delivering our message to council. We were never angry or hostile in any way. That level-headed approach worked in Peterborough. Councillors and citizens appreciated that kind of approach when we talked to them.

It is a short, simple, and clear bylaw. It is balanced because it protects residents against unnecessary spraying of toxic chemicals, but it also allows them to use them if there's something that affects their health, like poison ivy, rats, or harmful infestations.

## > ENFORCEMENT AND EDUCATION

Green-Up did a great job in the education campaign, which included workshops for lawn care professionals and homeowners, two cable television shows, a school poster contest, and a full-colour guidebook and a fall lawn care fact sheet that went to all homes in Peterborough.

Enforcement of the bylaw is triggered by reporting possible infractions to city hall. The legal department sends out a letter to the person who is reported to be using pesticides promising that Green-Up will be contacting them to provide help with their lawn or garden. If the person complies with the bylaw, that's the end of the matter. If there's continued pesticide use, then the city legal department will seek evidence for court action. Anyone convicted under the bylaw can be fined up to \$5,000.

Adults, children, the elderly, and pets all benefit from reduced pesticide use, along with wildlife, insects, and birds. The environment, the water table, and the land all benefit. We are proud of our work to establish Peterborough's pesticide bylaw.

## > RESOURCES

Peterborough Green-Up: [www.greenup.on.ca](http://www.greenup.on.ca)

Canadian Association of Physicians for the Environment: [www.cape.ca](http://www.cape.ca)