

**Halifax: How the list of allowable pesticide products (Administrative Order 23) came to be. You will see that the same tactic was employed in Halifax as was in Saskatoon:**

"In the early Spring of 2000, some misleading information was distributed at the Home Show and garden club meetings claiming incorrectly that the bylaw would prohibit some of the benign gardening materials mentioned above (that the committee had been discussing earlier; this was a distortion by opponents of the bylaw of information "leaked" from committee discussions.)" (Halifax) except that, in Saskatoon, the PMRA employed chair of the environmental committee is the one who stated that there could be no recommended products.

Nothing new under the sun! Let's learn from it and be ready next time.  
Paule Hjertaas

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I just sent HRM Council the mailing below to answer some of Councillor Steve Streach's and Councillor Steve Adams nasty questions last week. It might have info in it of interest.

This is a note we've sometimes added after giving a definition of Administrative Order 23\*.

"Many more gardening and landscape materials are allowed for use than what appear on Administrative Order 23.

Some people are confused that the materials listed in Administrative Order 23 are the ONLY things they are allowed to use. This is not the case - they're just materials with federally registered Pest Control Product Numbers (PCP #'s) that are allowed and encouraged for use in spite of having this number (such as sticky baits, soap solutions and pheromone traps and others - if all the ingredients are listed or approved).

" There are also many safe non-toxic gardening materials not listed in Administrative Order 23 that are encouraged for use in landscaping, such as compost, aged manure, lady bugs, peat moss, limestone, seaweed, untreated wood chips or bark mulch, fish meal, and many others."

In general, I like staying away from the "exclusion," "inclusion," terminology, it just confuses the heck out of people.

Helen

PS To access the current contents of this list, go to <http://www.halifax.ca/pesticides/rules.html> and then click on the Administrative Order 23 pdf file at the bottom.

-----Original Message-----

From: Helen Jones [mailto:[hjones@chebucto.ns.ca](mailto:hjones@chebucto.ns.ca)]

Sent: May 16, 2006 6:44 AM

To: Mayor Peter Kelly and councillors

Subject: How Administrative Order 23 was created

Date: May 16, 2006

Dear Mayor and Councillors,

At the last session of Halifax Regional Council (May 9/06), a councillor demanded to be told exactly how the list of Allowable Materials on Administrative Order 23 came into being. This is an answer to his question.

In the past, opponents of the pesticide bylaw have claimed that Administrative Order 23 was created (1) hastily and (2) arbitrarily. Nothing could be farther from the truth. It was a process that spanned many months, included consultations both inside and outside the Pesticide Bylaw Advisory Committee (some with organic production experts), as well as long distance telephone conversations with the Organic Materials Review Institute in Eugene, Oregon, and my personal purchase of an OMRI membership (\$100 US) which included a subscription to both their materials lists as well as OMRI's specific permission to share them with the municipality.

**THE COMMITTEE** The Pesticide Bylaw Advisory Committee was appointed by Council on March 2, 1999, and consisted of 11 voting members with various areas of expertise, including those representing community health concerns and also 5 members who sold or used pesticides in the course of their work. The main group of committee meetings lasted from April 1999 through the end of September 1999, followed by two later meetings in May of 2000. It soon became apparent that the members fell into two groups: those who thought improvements in signage were almost the only acceptable changes, and those who felt it was important to protect human and environmental health with a phased-in program of eliminating cosmetic landscape pesticides, coupled with imaginative public education initiatives.

**MUCH WORK DONE OUTSIDE OF COMMITTEE** Because the meetings were contentious and there were few areas of agreement between the two main groups, a significant amount of committee work took place by necessity outside of formal meetings. For example, the Minority Report, signed by four pesticide vendor members, and the Majority Report, signed by seven committee members, were both written outside of regular meetings.

**ALLOWABLE MATERIALS LIST** The development of the list of allowable materials took place over many months through the efforts of "majority" committee member working both inside and outside committee meetings. These were the main steps:

1. On April 7, 1999, the need for an "Exclusion List" was identified at the committee. This was linked to real difficulties finding a definition for the word "pesticide" that would be useful to a municipal bylaw. These difficulties were described to Council later in April of 2000 as follows:

The Exclusion List Problem:

So far, none of the definitions for "pesticide" looked at by the Pesticide Bylaw Advisory Committee, such as that in the Nova Scotia Provincial Environment Act, were consistently reliable at excluding safe, non-toxic garden products that a bylaw would want to permit and encourage people to use from a general prohibition of synthetic chemical pesticides. One very rough guide that the committee was trying to make use of was whether the material had a Pest Control Product (PCP) number, but ... this wasn't totally satisfactory. It failed to identify certain fertilizer products that do in fact contain pesticides but which carry only fertilizer registration numbers (such as weed and feed). And PCP numbers have also been assigned to benign pest control products that a bylaw would want to allow and encourage the

use of. It was unanimously agreed that products such as Tanglefoot tree paste, botanical oils and extracts, insecticidal soaps, biological controls such as lady beetles, pheromone traps, etc., might need to be identified by some kind of exclusion list.

[Your patience is required with this somewhat confusing term since the intention of the list was in fact to identify garden products and materials that would be allowed - not "excluded" or prohibited. The term "Exclusion List" arose because these were things with PCP numbers that would NOT be prohibited by the bylaw.]

2. Knowing that the committee would need to rely on an authoritative organic review body for technical suggestions on the content of the list, advice from organic experts was sought on what would be an appropriate body to consult. The Organic Materials Review Institute (OMRI) was highly recommended.

3. An individual membership was purchased in OMRI in order to obtain their detailed Generic Materials List and Brand Name List, and permission obtained to share these materials with HRM and other members of the committee working on this problem. [The municipality now maintains it's own membership and receives regular updates of the materials lists.]

4. These materials were discussed with committee members outside of meetings.

5. In the early Spring of 2000, some misleading information was distributed at the Home Show and garden club meetings claiming incorrectly that the bylaw would prohibit some of the benign gardening materials mentioned above (that the committee had been discussing earlier; this was a distortion by opponents of the bylaw of information "leaked" from committee discussions.)

6. As the features of the bylaw text were being decided by council over the weeks of Spring 2000, two further meetings of the committee were held in May to finalize Administrative Order 23. Most of the pesticide vendors were upset with the direction the bylaw was taking and eventually left the meetings. With the help of further discussions outside of the committee, the remaining committee was able to finalize the selection steps in those two meetings that had begun so much earlier (and described above).

I hope this provides you with a clear answer to the question asked in council.

The committee 'majority' members are pleased to have been part of a process that has brought so much credit to the municipality and designed features that have been incorporated into the bylaws of so many other communities.

If you wish to read more detail on this process, further material is copied below.

Sincerely,

Helen Jones MSc., EdD  
Member, Pesticide Bylaw Advisory Committee  
Halifax Regional Municipality (HRM)  
Board Member, Real Alternatives to Toxins in the Environment (RATE)  
<http://www.chebucto.ns.ca/Environment/RATE/>

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REGARDING THE DEFINITION OF "PESTICIDE" (September 28, 1999):

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"Pesticide" should be defined by the Nova Scotia Environment Act, with certain qualifications.

Although the NS Environment Act states that "pesticide" means "any substance that is sold or represented for use in preventing, destroying, repelling, attracting, or mitigating, directly or indirectly, any pest,...", as noted in the April 7, 1999, minutes, an exclusion list needs to be developed. Non-toxic materials and biological controls used to reduce pests (such as lady beetles, or soap products lacking risky unlisted ingredients) are not intended by the committee to be included in the meaning of "pesticide" - whether they have PCP numbers or not.

An exclusion list should contain such things as beneficial nematodes, household liquid soap and cooking oil mixtures, pheromones (natural insect-specific scent attractants), "tanglefoot" sticky paste, other sticky traps without petroleum-based volatile organic compounds (VOC's) or pesticides, herbal oils such as peppermint, citronella, tea tree oil, orange, rosemary, etc., baking soda, diatomaceous earth, tiny parasitic wasps, vinegar, and others).

Omitting excluded products such as those above, a pesticide could be defined as a product that has a PCP (Pest Control Product) number in Canada, or contains a substance with a PCP number, whether it occurs in the "active" (or "listed") ingredients, or in the "inert" (or "unknown," "other," or "unlisted" ingredients), or has a fertilizer product number\* if the preparation contains substances with a PCP number.

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\*For the protection of public health, it is important to note that some products, which are sold with a Fertilizer Product Number only (i.e., lacking a Pest Control Product Number), DO CONTAIN PESTICIDES.

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## ORGANIC MATERIALS REVIEW INSTITUTE (OMRI) INFORMATION

Further help with identifying safe non-toxic garden products is available from the Organic Materials Review Institute (OMRI). The Organic Materials Review Institute provides professional, independent, and transparent review of materials and compatible processes allowed to produce, process, and handle organic food and fiber.

A sample of the type of information OMRI can provide can be viewed at <http://www.omri.org/samplecrop.htm>

Even though the OMRI lists of organic products are often food and agriculture related, the materials being evaluated are appropriate for any growing conditions including landscape care materials, and the lists have been more carefully researched than the Municipality would be able to do. They are regularly updated, and are divided into several use categories, including a generic list and a brand name list. The fee for service is low and a good value.

Further information is available from:  
Projects Coordinator, Organic Materials Review Institute (OMRI),

Box 11558, Eugene OR 97440 USA,  
541-343-7600, fax 541-343-8971,  
www.omri.org <<http://www.omri.org>>

Additions to Minutes for May 11, 2000

A recommendation was made for the pesticide bylaw to use the OMRI Lists (Generic and Brand Name) as the basis for the bylaw including (OMRI category "P"), or excluding safe, natural landscape materials, or products with Canadian PCP numbers (OMRI A and R categories).

A recommendation was made to place a high priority value on the full disclosure of ingredients in landscaping and gardening materials approved for use in HRM (how strictly this would be interpreted could be decided later).

Intended was the suggestion that two additions to the list of excluded landscape materials would be CLASS DEFINITIONS:

"Any ingredients, materials, or products possessing PCP numbers in Canada, which appear on the OMRI Generic list or Brand Name Product List and are used in ways covered by HRM's jurisdiction to regulate pesticides." NOTE: This is a self-updating exclusion category (quarterly).  
Or ..

"Any product or material in the Natural Insect Control Catalogue which has a Canadian PCP number, and is used in ways covered by HRM's jurisdiction to regulate pesticides." NOTE: This is a self-updating exclusion category (annually).

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Additional advantages:

- 1) If there are any challenges, they can be referred to OMRI to handle and explain (instead of HRM), and
- 2) The demands for verification of municipal decisions by "Experts" can be more than satisfied by referring to OMRI's technical board of advisors, which consists of world class consultants.
- 3) These class categories would apply automatically to any changes in jurisdiction.

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Subject: Re: Halifax area question  
From: Organic Materials Review Institute <[info@omri.org](mailto:info@omri.org)>  
To: Helen Jones <[hjones@chebucto.ns.ca](mailto:hjones@chebucto.ns.ca)>

Dear Ms. Jones:

To answer your first question, you can find our entire Brand Name Products List on our website at [www.omri.org](http://www.omri.org). You will also find information about subscribing to the list so that you can

receive a hard copy as well as quarterly updates. The rates for subscriptions are \$100 US for an individual, \$150 US for an organization, and \$200 US for a company.

To answer your second question, I have forwarded your message on to the other staff members here at OMRI to see if they have any knowledge of cities or towns with experiences similar to what you are working on. I know that the city of Arcata City Council just voted or is in the process of ceasing all use of pesticides. The latest NCAP (see below) journal has an article about this.

Also, you may wish to contact the Northwest Coalition for Alternatives to Pesticides (NCAP) Box 1393, Eugene, OR 97440. Tel: 541-344-5044; email: [info@pesticide.org](mailto:info@pesticide.org); [www.pesticide.org](http://www.pesticide.org). This is a wonderful organization with a wealth of knowledge and experience.

Good luck to you.

Sincerely,

Scott Rice, Projects Coordinator

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