

SNAP news

Fri, 13 May 2005 Ontario Court of Appeal Rejects legal challenge to Toronto Pesticide Bylaw

### Court of Appeal Upholds Toronto Pesticide Bylaw

The Ontario Court of Appeal, in a unanimous decision

<http://www.ontariocourts.on.ca/decisions/2005/may/C41220.htm>

, has rejected a legal challenge of the Toronto pesticide bylaw from the pesticide industry association, CropLife. The court reconfirmed the Supreme Court of Canada ruling (with respect to the Hudson, Quebec pesticide bylaw) that Canadian municipalities must be able to govern based on the health, welfare and interests of their communities.

For more information: Theresa McClenaghan or Paul Muldoon (CELA) 416-960-2284 ext. 218 and 219

On-line: May 13, 2005 Media Release

Ontario Court of Appeal Decision

On-line collection of information about the Hudson, Quebec Pesticide Bylaw  
Toronto's Go-Natural campaign and by-law information

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Attention News Editors:

### Pesticide By-law upheld by Court of Appeal

TORONTO, May 13 /CNW/ - Dr. David McKeown, Toronto's Medical Officer of Health, is pleased to announce the Ontario Court of Appeal has unanimously dismissed a challenge to the City's authority to adopt a By-law restricting the use of pesticides

Croplife Canada, a trade association that includes pesticide producers, appealed a previous court ruling in favour of the City. The appeal case has been dismissed with costs payable to the City.

"This decision confirms the right of municipalities to pass laws protecting the health and safety of residents. It is a significant public health victory," said Dr. McKeown.

Councillor John Filion, Chair of the Board of Health, said the court decision supports healthy public policy. "I would hope the pesticide industry gets the message that it is time to move on. Residents want to reduce pesticide use in their communities and the By-law is being phased in to make sure that happens."

Toronto Public Health recently launched a "Go Natural" education campaign promoting tips for lawn and garden care. The phase-in of By-law enforcement begins this year. For commercial pesticide applicators and commercial property owners, warnings will be issued for non-compliance this spring and summer and beginning in September, tickets may be issued with a fine of \$255. Residents may be fined for non-compliance starting in September, 2007.

The Go Natural campaign and other By-law information materials are on the City's web site at [www.toronto.ca/health](http://www.toronto.ca/health). Residents should call 416-338-7600

for gardening tips.

Note to Editors: Councillor Joe Mihevc will be available with City legal staff for media interviews at 3pm today at his office, Rm. B35, City Hall.

Visit our Web Site at [www.toronto.ca/health](http://www.toronto.ca/health)

For further information: Media Contacts: Councillor John Filion, (416) 395-6411; Councillor Joe Mihevc, (416) 392-0208; Frank Giorno, Toronto Public Health, (416) 338-7974

<http://www.newswire.ca/en/releases/archive/May2005/13/c9187.html>

The HTML graphics

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**Toronto - Doctors Applaud Toronto Pesticide Ruling**

Date:

Fri, 13 May 2005 18:52:38 -0400

From:

Mike Christie <mikechristie@rogers.com>

To:

Recipient List Suppressed: ;

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Croplife Canada v. Toronto

<<http://www.ontariocourts.on.ca/decisions/2005/may/C41220.htm>>

<http://www.ontariocourts.on.ca/decisions/2005/may/C41220.htm>

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Tel: 416-306-2273 Fax: 416-960-9392 [www.cape.ca](http://www.cape.ca)

**DOCTORS APPLAUD TORONTO PESTICIDE RULING**

For Immediate Release

May 13, 2005

Toronto- The Ontario Court of Appeal's decision to uphold Toronto's pesticide bylaw is a major victory for human and environmental health, says the Canadian Association of Physicians for the Environment (CAPE).

"Canada's doctors are absolutely thrilled by this ruling," says CAPE Executive Director Gideon Forman. "The best available science shows pesticides pose a significant threat to people's health. This bylaw helps protect millions of adults and children from chemicals that could make them very sick. City Council deserves the highest praise for passing this law and the court deserves kudos for upholding it." The physicians' organization said it hopes the ruling will spur other

communities across Canada to pass similar bylaws.

"Now that Toronto's bylaw has been upheld by two courts, we're hopeful municipal councils that have been holding back will pass bylaws of their own," said

Forman. "Research has shown that the only way to reduce pesticide use significantly is through legislation."

Toronto's pesticide bylaw was passed in May, 2003. It prohibits the use of most cosmetic pesticides on public and private property.

CAPE provides communities across Canada with scientific information on pesticide hazards and the safe, non-toxic lawn care alternatives now available.

FOR MORE INFORMATION:

Gideon Forman, Executive Director, Canadian Association of Physicians for the Environment (416) 306-2273 (day); (416) 531-2111 (eve)

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Canadian Association of Physicians for the Environment

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CELA Bulletin

53: 13-May-2005

Periodic E-News from the <http://www.cela.ca/>Canadian Environmental Law Association

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On-line: <http://www.cela.ca/newsevents/detail.shtml?x=2205> May 13, 2005 Media Release

<http://www.ontariocourts.on.ca/decisions/2005/may/C41220.htm> Ontario Court of Appeal Decision  
<http://www.cela.ca/celacourts/detail.shtml?x=1615> On-line collection of information about the Hudson, Quebec Pesticide Bylaw  
<http://www.toronto.ca/health/> Toronto's Go-Natural campaign and by-law information

Media Release

## Ontario Court of Appeal Releases Pesticides Decision

May 13 2005

Toronto, Ontario - The Ontario Court of Appeal today released its decision in the challenge against Toronto's Pesticide By-law.

The Court ruled that the City of Toronto has the authority to pass the by-law controlling pesticides. No other federal or provincial law dealt with this subject.

The Toronto Pesticide By-law was closely patterned after a similar by-law by the town of Hudson, Quebec fourteen years ago. That by-law was upheld as valid by the Supreme Court of Canada in 2001.

CropLife, a pesticides industry association, challenged the by-law passed by Toronto, and a lower Ontario Court ruled it valid.

Today's ruling means that Ontario municipalities concerned with the reduction of pesticide use in their territories, can continue with consideration and passage of by-laws to control such use.

"This is an important day for Ontario municipalities and their residents," stated Theresa McClenaghan, Counsel. Ms. McClenaghan continued, "The court has reconfirmed the Supreme Court of Canada ruling that Canadian municipalities must be able to govern based on the health, welfare and interests of their communities."

"This is a victory for the environment and public health, and the ability for municipalities to act in a precautionary way," added Paul Muldoon, CELA Counsel and Executive Director.

CELA, in conjunction with Sierra Legal Defence Fund, represented itself and Canadian Association of Physicians for the Environment, Sierra Club of Canada, Toronto Environmental Alliance, Ontario College of Family Physicians, Environmental Defence Canada, Federation of Canadian Municipalities and World Wildlife Fund as interveners before the Ontario Court of Appeal to support the city's Pesticide By-law.

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For more information, please contact:

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### Related Information

Hudson, Quebec Pesticide By-Law  
Collection of materials related to the Supreme Court of Canada  
Decision on Municipal Powers to Set By-Laws

Partnership for Pesticide Bylaws  
Collection of materials in support of a pesticide bylaw in Toronto

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WARNING INDUSTRY PROPAGANDA BELOW

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Attention News Editors:

Ruling upholding Toronto pesticide ban doesn't mean by-law is sound public policy

TORONTO, May 13 /CNW/ - Toronto property owners will simply have to get used to weeds in their lawns and insects feasting on their flowers as a result of the court ruling upholding the city's by-law banning the use of lawn and garden pest control products, the Urban Pest Management Council says.

"The Ontario Court of Appeal has confirmed that the city has the power to pass by-laws like this, but that doesn't make it sound public policy," said UPMC President Debra Conlon.

"Every study and analysis of lawn and garden pest controls, including the very recent review of 2-4-D conducted by Health Canada, has confirmed that these products can be used safely when used according to directions. Science, not sensationalism, should be the standard when it comes to making public policy decisions," Conlon said.

"Obviously we are disappointed with this ruling. It looks like the Great Toronto Dandelion Festival is a 'go.'"

The Urban Pest Management Council has been a strong proponent of informed public education around proper lawn and garden care. This includes programs such as 'integrated pest management,' which encourages proper care and maintenance as part of safe and healthy gardening solutions. UPMC also advocates that, through promotion of integrated pest management programs, federally-regulated pest control products have an important role to play in contributing to a healthy, clean and green environment.

For further information: Debra Conlon, President, Urban Pest Management Council, (416) 622-9771

<http://www.newswire.ca/en/releases/archive/May2005/13/c9148.html>

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The Laws of Ecology: "All things are interconnected. Everything goes somewhere. There's no such thing as a free lunch. Nature bats last."