



Retail Council of Canada
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July 17, 2009

The Hon. Barry Penner
Minister of Environment
Parliament Buildings, Room 112
P.O. Box 9407 – Stn. Provincial Government
Victoria, British Columbia V8W 9E2
Via E-Mail: env.minister@gov.bc.ca

RE: RCC Comments on Banning Cosmetic Pesticides in British Columbia

Dear Minister Penner:

On behalf of Retail Council of Canada (RCC) and our members operating in British Columbia, we are writing with regards to a potential ban of cosmetic pesticides in the province. As you may know, several provinces have either already implemented bans (Quebec and Ontario) or have announced their intention to do so (Alberta, Prince Edward Island, New Brunswick). While we understand your Ministry has not made any decisions or announcements on this issue, we wanted to provide you with our industry's position on banning cosmetic pesticides, as retailers would be significantly impacted by such a decision.

Retailers, as the sellers and importers of pesticides and the touch point for both consumers and manufacturers, have a significant stake in the development and implementation of any government legislation pertaining to banning cosmetic pesticides. The following represents the initial thoughts of retailers, which may be added to and/or refined as further discussion and consultation takes place.

Retailers Require a Phased-In Implementation Period

It is imperative that retailers be provided with a phased-in implementation period of at least two-to-three years should the government decide to ban the sale of cosmetic pesticides to ensure the responsible removal of affected products from BC store shelves. Over 85 per cent of RCC members are small independent retailers and given their size, their buying cycles are greatly different than larger retailers. Most retailers have already completed their buying cycles and made their purchases for next spring and summer (in some cases they have already purchased for fall 2010). Retailers require a phased-in timeline to accommodate varying buying cycles.

Small businesses are the life blood of BC's economy. Independent retailers do not have the financial or human resources to comply with difficult and onerous legislation and regulations. It is simply inefficient and impractical to enforce aggressive timelines for such a ban. If not enough time is provided, there would be a high risk that substantial amounts of banned product would be pulled off the shelf in a short period of time, which is a situation that must be avoided to ensure that such a large quantity of products would not be disposed of inappropriately.

Again, RCC recommends that should the government decide to ban cosmetic pesticides, they provide retailers with a phased-in implementation period of at least two-to-three years.



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Scope

RCC recommends that should the government decide to legislate banning cosmetic pesticides, they should conduct a thorough identification and scientific analysis of all relevant information (ie. toxicity) for each pesticide, herbicide and fungicide under consideration. This will assist in developing clear definitions and categorization of banned products, as well as assist with educating consumers about their purchasing decisions.

Harmonization

Harmonization is a fundamental concern for the retail sector. The need for legislation and regulation to encourage harmonization with federal, provincial and territorial and municipal laws cannot be overstated. Approaches to pesticide use across Canada are far from consistent and increasingly place national retailers in the position of having to comply with a patchwork of requirements across the country; not to mention the confusion it creates for consumers across different provincial and municipal jurisdictions. Implementing different laws in every province is costly and administratively burdensome for retailers and is confusing for consumers; and as such, harmonization must be entrenched as a foundation of the proposed legislation.

RCC recommends that any provincial legislation that is created must over-ride, and thereby render inoperative, existing municipal by-laws that address the sale and use of pesticides.

Education and Consumer Awareness

To ensure compliance with any new legislation, retailers must clearly understand their obligations under any new laws affecting the sale of merchandise; and consumers must also be educated and influenced to change their purchasing behaviour. RCC and its members would be pleased to work with your Ministry on the development of voluntary guidelines that are clear and understandable to assist affected retailers in complying with any legislation.

Conclusion

The health and safety of consumers is of the utmost concern for retailers. From our members perspective, the top priority is to be assured the products that they sell are safe. Thank you for your consideration of our above recommendations regarding potential legislation to ban cosmetic pesticides in British Columbia. If you require any further information or clarification, please do not hesitate to contact us directly at (888) 373-8245.

Sincerely,

Rachel Kagan
National Director, Environmental Affairs

Max Logan
Director, British Columbia