

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-24-03-05
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: March 19, 2023
Subject: Draft Policy Package – Pesticides

Recommendation

THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC-24-03-05 Draft Policy Package – Pesticides.

Executive Summary

Following the December 5, 2023 Halton-Hamilton Source Protection Committee meeting, staff presented and discussed SPC comments on the proposed draft policies for the application, handling, and storage of pesticides with the Municipal Working Group on January 17, 2024. Staff have revised the proposed policy and recommend a risk management plan for the application of pesticides, where this activity is or would be a significant drinking water threat.

Report

Staff have drafted revised policies for the application, handling, and storage of pesticides in response to changes to the Technical Rules released in December 2021. Reports addressing policy revisions for pesticides have been presented to the Halton-Hamilton Source Protection Committee (HHSPC) in September 2023 (report SPC-23-09-05) and December 2023 (report SPC-23-12-05). Comments received from the Source Protection Committee at the December 5, 2023 meeting regarding the prohibition of the application of pesticides in WHPA-A were taken into consideration and discussed with the Municipal Working Group at the January 17, 2024 meeting. Staff have revised the proposed policy and with the support of the Municipal Working Group propose a risk management plan policy for the existing and future application of pesticides where this activity is or would be a significant threat. Staff propose maintaining prohibition of the future handling and storage of pesticides where it would be a significant threat. Staff also recommend a risk management policy for the handling and storage of pesticides where the activity is a significant threat in a WHPA-A (existing) and where the activity is or would be a significant drinking water threat in a WHPA-B or WHPA-E (existing and future). RMPs will rely on best management practices and will represent a change from the current education and outreach policy.

Appendix A provides the comments from the Source Protection Committee and the Municipal Working Group related to the handling and storage and application of pesticides.

Appendix B contains all proposed policies for the application, handling, and storage of pesticides. The proposed draft policies reflect the revisions made to the policy for the application of pesticides. No changes have been made to the proposed draft policies for the handling and storage of pesticides and reflect what was presented to the SPC at the December 5, 2023 committee meeting.

Signed & respectfully submitted:



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Appendix A

Application, Handling and Storage of Pesticides

Comments: Prohibition of Application of Pesticides

Tool	Proposed Policy	Comments from SPC (Dec 5, 2023)	Comments from Municipal Working Group (Jan 17, 2024)	Staff Comments & Rationale for Proposed Policy
Application of Pesticides Prohibition (S.57)	T-29.1-C – Future significant threat; application of pesticides to land (>1hectare) in WHPA-A	<ul style="list-style-type: none">- Disagreement with the language of “eliminate the application of pesticides” as it implies total prohibition.- Pesticide application is not restricted to cultivated land, but woodland too. Pesticides may be use for invasive species control.- Pesticides have regulatory labels with approved use. If it is unsafe to use within 100m of a well the label would identify it.- Inconsistent with the existing regulatory environment to prohibit and should be managed with an RMP.	<ul style="list-style-type: none">- Implementation of a Risk Management plans to manage the application, handling and storage of pesticides is proposed.- RMPs would rely on best management practices and would represent a change from the current Education & outreach Policy T-29.2-C	<ul style="list-style-type: none">- Language has been reviewed to reflect the specific area of land on which pesticide application is prohibited must be greater than 1hectare.- Language will be reviewed to reflect that it is not a total elimination of pesticide application.- Staff supports the use of Risk Management Plans to manage the application, handling & storage of pesticides.

Appendix B

Proposed Policies: Application, Handling and Storage of Pesticides

Policy ID	T-29.1-C
Threat	Handling and storage of pesticide
Policy Tool	Prohibition
Policy Implementer	Risk Management Official
Policy	<p>Where the handling and storage of pesticides would be a significant drinking water threat in WHPA-A,</p> <p>a) the activity is designated for the purpose of Section 57 of the CWA and shall be prohibited.</p> <p>b) The Risk Management Official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, actions taken to prohibit the application, handling and storage of pesticides and submit this report to the Source Protection Authority by February 1 of each year.</p>
Legal Effect	<p>Part a – Must conform with - legally binding. List I (Appendix C – Compliance Lists);</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A V. score 10</p>
When Policy Applies	Future

Policy ID	T-29.2-C
Threat	Application of Pesticide
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>Where the application of pesticide is or would be a significant drinking water threat,</p> <ul style="list-style-type: none"> a) The activity shall be designated for the purpose of Section 58 of the CWA and a Risk Management plan shall be established. b) The risk management official shall document in their annual report, in accordance with section 65 of Ontario Regulation 287/07, action taken regarding risk management plans for the handling and storage of pesticide and submit this report to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a – Must conform with - legally binding. List I (Appendix C – Compliance Lists);</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A,WHPA-B – V. score 10; WHPA-E – V. score 8.1-10</p>
When Policy Applies	Existing/Future

Policy ID	T-29.3-C
Threat	Handling and Storage of Pesticide
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>Where the handling and storage of pesticide is or would be a significant drinking water threat,</p> <p>a) The activity shall be designated for the purpose of Section 58 of the CWA and a Risk Management plan shall be established if one of the following apply;</p> <ol style="list-style-type: none"> 1. The activity is a significant drinking water threat in a WHPA-A; or 2. The activity is or would be a significant drinking water threat in a WHPA-B or WHPA-E <p>b) The risk management official shall document in their annual report, in accordance with section 65 of Ontario Regulation 287/07, action taken regarding risk management plans for the handling and storage of pesticide and submit this report to the Source Protection Authority by February 1 of each year.</p>
Legal Effect	<p>Part a – Must conform with - legally binding. List I (Appendix C – Compliance Lists);</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A (existing) WHPA-B – V. score 10; WHPA-E – V. score 9-10.</p>
When Policy Applies	Existing/Future

Policy ID	T-30-S
Threat	Handling and storage of Pesticide
Policy Tool	Best Management Practice
Policy Implementer	Agrichemical Warehousing Standards Association
Policy	<p>Where the future handling and storage of pesticide would be a significant drinking water threat,</p> <ul style="list-style-type: none"> a) the Agrichemical Warehousing Standards Association is requested to review their standards to ensure they include appropriate buffer areas and emergency planning and response measures to protect municipal drinking water sources. b) the Halton Region and Hamilton Region Conservation Authorities shall request the Agrichemical Warehousing Standards Association annually to confirm that their standards protect municipal drinking water sources.
Legal Effect	Part a - Strategic - non-legally binding. List K (Appendix C – Compliance Lists) (Part b is a monitoring policy)
Where Policy Applies	See Figures 2 to 11. WHPA-A & B – V. score 10; WHPA-E – V. score 9
When Policy Applies	Future

Policy ID	T-31-C
Threat	Application, and Handling and Storage of Pesticide
Policy Tool	Education and Outreach
Policy Implementer	City of Hamilton, Regional Municipality of Halton
Policy	<p>Where the existing and future application, or handling and storage of pesticide are significant drinking water threats,</p> <ul style="list-style-type: none"> a) the City of Hamilton and the Region of Halton shall continue their established, related education and outreach programs. b) within two years of the date that the updated Source Protection Plan comes into effect, the City of Hamilton and the Region of Halton, in collaboration with the Halton Region and Hamilton Region Conservation Authorities, are requested to undertake an education and outreach program for newly identified threats on pesticide use and storage methods and their potential impacts on drinking water sources. c) the City of Hamilton and the Region of Halton shall document the nature of any new and existing education and outreach program established regarding the application, and the handling and storage of pesticide, and report this information to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must comply with - legally binding. List E (Appendix C - Compliance Lists)</p> <p>(Part c is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> • handling and storage of pesticide: WHPA-A & B – V. score 10; WHPA-E – V. score 9 • application of pesticide: WHPA-A & B – V. score 10; WHPA-E – V. score 9 & 8.1
When Policy Applies	Existing and future