



September 3, 2015

Dear AMM Members,

As a result of continued AMM engagement with Manitoba Conservation and Water Stewardship, I would like to inform you about some regulatory changes pertaining to the applicability of the *Non-Essential Pesticide Use Regulation* - more commonly known as the Cosmetic Pesticide Ban.

For your review, I have attached a letter and table provided by Manitoba Conservation and Water Stewardship that explains the circumstances in which **municipal sidewalks, ditches, and centre median boulevards** are exempt from the regulation.

It is essential to note that in most cases, ditches and centre median boulevards do not fall under this regulation. Restrictions on pesticide use only apply if these types of routes have active transportation or recreational infrastructure. In the case of sidewalks, the regulation is more prescriptive. Hard surface sidewalks not associated with a lawn are exempt.

The AMM believes these regulatory changes and clarification from the provincial government are positive, as they should significantly help municipalities manage financial costs in complying with this regulation. However, we will continue to lobby the Province of Manitoba to consider rescinding this regulation all together.

If you have any questions or concerns regarding these regulatory changes, please contact AMM Executive Director Joe Masi at 204-856-2360 or jmasi@amm.mb.ca.

Sincerely,



Chris Goertzen
President

August 13, 2015

Denys Volkov
Association of Manitoba Municipalities
1910 Saskatchewan Avenue W.
Portage la Prairie MB R1N 0P1

Dear Denys:

As follow up to our meeting with Minister Nevakshonoff on July 21, 2015, I have been asked to provide written clarification to you and your association regarding the applicability of the *Non-Essential Pesticide Use Regulation* to municipal sidewalks, ditches and centre median boulevards. Our follow up meeting on August 4, 2015, was helpful in better understanding the specifics of your member's concerns.

As discussed, there are two considerations in determining the applicability of the legislation to sidewalks, ditches and boulevards: 1) the intent, which is to protect children and pets from exposure to pesticides when they are recreating or playing; and 2) the wording of the actual regulation which determines the "compliance" status. In general, the regulation designates lawns and associated green space as areas where certain pesticide products may not be used. In most cases, ditches and centre median boulevards would not fall under this regulation in that they:

- Are usually not cut in the same way as a residential lawn;
- Are not places where children normally play or should play; and
- Are places where the maintenance of low vegetation is required to allow either the ditch to effectively drain water out of the area during high rainfall to prevent local flooding or vegetation must be kept low to maintain traffic safety.

However, if a municipality has a boulevard or ditch which they know is actively used for recreation and recreation infrastructure is associated with it, e.g., the centre boulevard on Wellington Crescent in Winnipeg, these types of boulevards and/or ditches would not be exempt.

In the case of sidewalks, the regulation is more prescriptive. If a sidewalk is adjacent to a lawn as defined in the regulation, then the regulation applies. There may be cases in some municipalities where there is a sidewalk not associated with a lawn, and in those cases, product may be used. However, in most cases sidewalks are not exempt from the regulation.

Table 1: Application of MR 286/2014 the Non Essential Pesticide Regulation on Sidewalks, Boulevards and Ditches in Manitoba.

AREA	Restrictions on pesticide use apply?	Explanation
SIDEWALKS		
Walkways within or beside a lawn*, (including soft or hard surfaced designated paths or sidewalks)	Yes	The definition of a lawn* includes the walkways, driveways and patios that are located within or beside the associated lawn.
Hard surface sidewalks not associated with a lawn*	No	If the sidewalk is not associated with a grassed area that is regularly or periodically mowed, then the legislation does not apply. EXCEPTION: Unless located on the property of a school, hospital or childcare centre.
BOULEVARDS and DITCHES		
Grassed boulevards that are active transportation routes, and have recreational infrastructure, including walking paths, nature trails and/or are frequented by the public for a recreational purpose.	Yes	An example: walking path on Wellington Crescent – clearly intended for recreation use therefore restrictions apply.
Centre Median Grassed or not grassed Boulevards (mowed regularly) that do NOT include any of the following uses - active transportation routes, including walking paths, nature trails and/or are frequented by the public for any recreational purpose.	No	In most cases centre median boulevards would not fall under this regulation in that they: Are usually not cut and mowed as frequently; Are not places where children normally play or should play; and, Are places where the maintenance of low vegetation is required to allow either the ditch to effectively drain water out of the area during high rainfall to prevent local flooding or vegetation must be kept low to maintain traffic safety.
Roads rights-of-way, ditches	No	Road rights-of-way and ditches most likely fall outside of the definition of a lawn* as they are typically not a plot of grass that is regularly or periodically mowed.