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Pesticide position not based on law

Opinion columnist Chip Martin criticizes me for using my legal knowledge while discussing legal issues at City Council. The staff legal opinion presented at Council on pesticides suggested that we cannot regulate pesticides. This view runs contrary to many authoritative legal opinions that were presented to Council. The only contrary legal opinion was the City's.

Dr. Pollett, our Public Health Officer, has stated that pesticides "pose a serious health risk to the residents of London" and supported a bylaw on pesticides. The London Middlesex Health Unit legal opinion, prepared by Lerner & Associates said we had the authority to regulate pesticides.

Support for municipal regulation of pesticides included legal opinions from the City of Ottawa, the City of Toronto, U.W.O. Professor Valerie M'Garry, the Canadian Environmental Law Association, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities. The Supreme Court of Canada unanimously supported the right of municipalities to regulate pesticides provided there was no conflict with provincial or federal legislation.

For me to ignore the conflicting legal evidence in front of me at Council would be a dereliction of my public duty. I asked for an independent opinion to resolve the obvious conflict and was supported by 5 other councillors on this motion.

Given the strong support for Ontario municipalities having jurisdiction for a bylaw on pesticides those opposed to a pesticide bylaw should admit that this was a political decision and not one based on law.

Ed Corrigan
Councillor for Ward 7