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## **Group tries to bring charges against Ont environment minister over pesticide ban**

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TORONTO - A group representing dozens of lawn care companies is trying to bring charges against Ontario's environment minister and senior bureaucrats over the province's controversial pesticide ban.

A so-called "private information" against Environment Minister John Gerretsen and senior ministry staff was filed Wednesday in a Kingston court, said Jeffrey Lowes, a spokesman for the group and a director at MREP Communications, a Kingston-based public relations firm.

The legal manoeuvre, if endorsed by the court, could result in federal charges being filed against Gerretsen and others by police or by a private individual, and there may be sufficient grounds for a criminal charge of fraud, he said.

The action stems from Ontario's pesticide regulations, which permit the use of azadirachtin, a chemical that is not approved for use in Canada, Lowes said.

"There's something fundamentally wrong with the whole system," he said.

"We would be subjected to federal prosecution if we use the products if we abide by the Ontario laws, and if we abide by the federal laws, we would be prosecuted by the Ontario government."

The government's reclassification of pesticides is based on a methodology that "was not based in regulatory science," he said.

The action to seek a fraud charge stems from a report that formed the basis of that methodology, Lowes said.

The report, a peer-reviewed pesticide literature review of products used in the lawn care industry, was written by the Ontario College of Family Physicians, he said.

Lowes alleges that one doctor who was listed as having peer-reviewed the report was not aware that her name was on the report until it was published, and then denied she had reviewed the report.

Lowes, who said he represents a group of about 36 Ontario lawn care companies, said similar actions may be filed in other provinces that have adopted similar legislation governing pesticides.

Lowes said the action will be heard Feb. 17 in a Kingston court.

Gerretsen wasn't immediately available for comment, but his spokesman John Karapita said the ministry has only recently been made aware of the allegations made against it.

"Until we have the chance to review the information filed today, it would be inappropriate to provide further comments at this time," he said in an email.

"We will be reviewing what information was filed with the courts."

Ontario's ban, which took effect last April, prohibits the sale and cosmetic use of more than 80 ingredients and 250 products, as a way of protecting public health and the environment.

Quebec has also stirred up controversy with its pesticide ban, which sparked a NAFTA challenge.

Dow AgroSciences LLC, which manufactures banned weed killer 2,4-D, has decided to sue the federal government and seek at least \$2 million in damages, arguing that Quebec's rules violate Canada's trade obligations because it prohibits a product without any scientific basis.

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