



FORCE
— OF —
NATURE

THE WHOLE TRUTH FROM AN INDEPENDENT PERSPECTIVE from
National Organization Responding Against HUJE that seek to harm the Green Space Industry (NORAHG)

Pest control products are **SCIENTIFICALLY SAFE** and prohibitions are now **IRREFUTABLY INVALIDATED**.

On May 25th, 2011, Dow AgroSciences, the manufacturer of the pest control product 2,4-D, **SETTLED THE NAFTA CHALLENGE CASE** with the Canadian government.

The North American Free Trade Agreement, or NAFTA, is an agreement signed by the governments of Canada, Mexico, and the United States, creating a tri-lateral trade block in North America.

As part of the agreement, a **VICTORY** for the company, the **GOVERNMENT OF QUEBEC** was **HUMILIATED** into making a **STATEMENT** saying that ...

« 2,4-D DOES NOT POSE AN UNACCEPTABLE RISK to human health or the environment. »

Quebec was the first province to declare weed control products containing 2,4-D as **POSSIBLY** carcinogenic, which has now been **DEEMED AS FALSE**.

On that basis, municipalities in Quebec instituted **NEEDLESS, SENSELESS, and MALICIOUS PROHIBITIONS** against 2,4-D use as a lawn pest control product.

Other jurisdictions outside of Quebec also **CONSPIRED** to **IMPOSE** the Anti-Pesticide **PROHIBITIONS** against 2,4-D under the **PRE-TEXT** that it was a so-called carcinogen.

In fact, **ABSOLUTELY NO** regulatory body in the world classifies 2,4-D as a human carcinogen — 2,4-D is probably the **MOST STUDIED** and **BEST UNDERSTOOD** of **ANY** chemical — not just pesticide — in existence.

2,4-D DOES NOT POSE AN UNACCEPTABLE RISK to human health or the environment.

The Wisdom of Howard Mains



Dow AgroSciences Settlement Agreement with Quebec

October 18th, 2011

Howard Mains

iPolitics

Selected and adapted excerpts



Howard Mains is the Co-President of Tactix Government Relations and Public Affairs Inc. of Ottawa. Mr. Mains has two decades of experience with chemicals and pesticides regulatory matters.

The Wisdom of Howard Mains



The dispute settlement provisions of the North American Free Trade Agreement (NAFTA) Chapter 11 are one of the MOST CONTROVERSIAL ASPECTS of the agreement, and are often PUBLICLY MALIGNED for allowing foreign investors to challenge government decisions affecting investments in Canada.

The recent settlement between Dow AgroSciences LLC and the Government of Canada, as well as the Province of Quebec, is just the latest to be characterized as encroaching on Canadian sovereignty.

However, THE OPPOSITE HOLDS TRUE.

Commenting on the Dow AgroSciences Settlement Agreement on May 27, International Trade Minister Ed Fast stated —

This agreement with Dow AgroSciences demonstrates that the NAFTA dispute settlement mechanism WORKS.

Today's agreement also confirms the right of governments to regulate the use of pesticides.

This right will not be compromised by Canada's participation in NAFTA or any other trade agreement.

The Wisdom of a REAL Expert



Recent comments by Thomas Mulcair, Member of Parliament for New Democratic Party, are indicative of the PREVAILING MISUNDERSTANDING surrounding the dispute settlement mechanism.

In a recent iPolitics interview, Mr. Mulcair is quoted at length about NAFTA Chapter 11 and the Dow AgroSciences Settlement Agreement with Canada and Quebec.

Like many who have commented on this recent NAFTA settlement agreement, Mr. Mulcair seems to have reached a conclusion which DOES NOT BENEFIT FROM A FULL UNDERSTANDING OF THE FEDERAL PESTICIDE REGULATORY PROCESS, the consideration of 2,4-D by Quebec during the 2002/03 period and the findings of provincial officials at that time, the details of the settlement agreement, as well as the underpinnings of NAFTA itself.

The Dow AgroSciences case against Quebec was the result of changes to the province's Pesticide Management Code, first tabled in July 2002, BANNING the use of 13 pesticides for residential lawn applications.

Numerous industry groups began working with the Government of Quebec in an effort to have SCIENCE-BASED RISK MANAGEMENT form the foundation of any changes.

Based on evidence presented, Quebec officials — including the Minister of Environment — COULD NOT SCIENTIFICALLY JUSTIFY A PROHIBITION OF 2,4-D ON THE BASIS OF THE AVAILABLE EVIDENCE.

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In presenting his recommendation to his Quebec Cabinet colleagues in February 2003, then-Environment Minister André Boisclair, submitted —

The prohibition CANNOT BE SCIENTIFICALLY DEFENDED on the basis of the criteria put forward.

The PROHIBITION WENT AHEAD ANYWAY in March 2003, with the government of Quebec knowing full well it could not ban the use of 2,4-D on the basis of scientific evidence, the argument it had advanced as the reason for the ban.

NAFTA fully recognizes the rights of Canadian governments to implement measures to protect the health of Canadians and their environment.

However, Article 712 (3) of NAFTA stipulates that any sanitary and phyto-sanitary measures that are adopted within Canada must be based on scientific principles —

Each Party shall ensure that any sanitary or phyto-sanitary measure that it adopts, maintains or applies is :

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a) based on scientific principles, taking into account relevant factors including, where appropriate, different geographic conditions;

b) not maintained where there is no longer a scientific basis for it; and

c) based on a risk assessment, as appropriate to the circumstances.

In addition, Article 1114 (1) guards Canadian government interests in protecting the environment —

Nothing in this Chapter shall be construed to prevent a Party from adopting, maintaining or enforcing any measure otherwise consistent with this Chapter that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.

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These measures are critically important to trade as they ensure investors in Canada and abroad have confidence that GOVERNMENT DECISION-MAKING IS BASED ON TRANSPARENT SCIENTIFIC CRITERIA.

So important is this provision, that it is the subject of its own World Trade Organization (WTO) agreement, the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

The fundamental reason for the NAFTA claim was the detrimental public statement by the Government of Quebec that INCORRECTLY CLAIMED that 2,4-D was potentially harmful to human health — when dozens of agencies around the world mandated with protecting the public's health made the OPPOSITE DETERMINATION.

When challenged on this basis, the Government of Quebec AGREED TO SETTLE THIS DISPUTE, acknowledging in the Settlement Agreement that ...

... the Government of Quebec agrees that products containing 2,4-D DO NOT POSE AN UNACCEPTABLE RISK TO HUMAN HEALTH OR THE ENVIRONMENT, provided that the instructions on their label are followed, as concluded by Health Canada's Pest Management Regulatory Agency ("PMRA") in its May 16, 2008, decision on the re-evaluation of 2,4-D.

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This is an UNAMBIGUOUS ADMISSION that Quebec's initial claim about potential harm arising from the use of 2,4-D was INCORRECT.

The settlement also fully acknowledges the Government of Quebec's right to regulate the sale and use of these products.

This case is a clear demonstration that the trade dispute mechanism works, allowing investors to enter negotiations with the aim to find a mutually acceptable agreement without the need to engage in a lengthy and costly arbitration process.

The settlement agreement also exemplifies the principle that NAFTA governments, as required under Article 712 (3) must make TRANSPARENT EVIDENCE-BASED DECISIONS when it comes to protecting their citizens' health.

As well, the importance of having a well-defined dispute resolution mechanism should be underscored as it provides the parties with a means to reach an agreement that upholds the environmental provisions of Article 1114 (1).

Far from posing a threat to effective health and environment regulation, this case demonstrates NAFTA works. Canadians have been well served by a government that negotiated a trade agreement which has stood the test of time.

Howard Mains

Howard Mains is the Co-President of Tactix Government Relations and Public Affairs Inc. of Ottawa.

Mr. Mains provides strategic government relations counsel to clients in agriculture, chemicals management and environment sectors.

Mr. Mains has two decades of experience with chemicals and pesticides regulatory matters.

Mr. Mains draws on more than twenty years of public service, policy analysis and consulting experience to implement effective government relations strategies for private sector clients that result in legislative, policy or regulatory change aligned with his clients' corporate objectives.

Mr. Mains has offered strategic counsel to a diverse range of Canadian and international companies on all facets of health and environment issues as well as the complex fields of government procurement and government support for major research and development programs.

His experience includes directing or leading a variety of public affairs strategies ranging from grassroots lobbying to industry-wide advocacy efforts to media and direct government relations campaigns to build awareness and support for client issues.

He has developed and implemented several successful product defence strategies.

Before joining Tactix in 1998, Mr. Mains was a member of the environmental and public affairs practice groups of Burson-Marsteller and National Public Relations.

From 1985 to 1989, he served on the staff of the Minister of Public Works and Government Services.

In addition to earning an MBA from the Richard Ivey School of Business, Mr. Mains holds a B.Sc. from Cornell University, and is a graduate of Kemptville College of Agricultural Technology.

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NORAHG also produces A LOOK AT, a series of reports providing TECHNICAL INFORMATION on issues such as Career Management, Golf Course Maintenance, Green Alternatives, Summer Stress, Turfgrass Pests, and Turfgrass Species.

Finally, NORAHG frequently responds to anti pesticide activists in LETTERS TO THE EDITOR in newspapers across Canada and around the world.

All information, excerpts, and pictures contained in FORCE OF NATURE, A LOOK AT, and LETTERS TO THE EDITOR were retrieved from the Internet, and may be considered in the public domain.

FORCE OF NATURE, A LOOK AT, and their various incarnations, was the brainchild of William H. Gathercole (now retired) and his colleagues.

Here is a brief summary of Mr. Gathercole's career —

Fields of study — Horticulture/Agriculture, Mathematics, Physics

Alma mater — McGill University • University of Guelph • the first person ever to obtain university degrees and contribute to both the professional lawn care and golf maintenance industries

Expertise in — environmental issues and anti pesticide terrorism • turf and ornamental maintenance and troubleshooting • history of the industry • sales and distribution of seeds, chemicals, fertilizers, and equipment • fertilizer manufacturing and distribution

Notable activities — worked in virtually all aspects of the green space industry, including golf, professional lawn care, distribution, environmental compliance, government negotiations, public affairs, and workplace safety • supervisor, consultant, and, programmer for the successful execution of hundreds of thousands of management operations in the golf and urban landscape, as well as millions of pest control applications • advisor, instructor, and trainer for thousands of turf and ornamental managers and technicians • pesticide certification instructor for thousands of industry workers • founder of the modern professional lawn care industry • prolific writer for industry publications and e-newsletters • first to confirm the invasion of European Chafer insect in both the Montreal region and the Vancouver / Fraser Valley region • with Dr. Peter Demoeeden, confirmed the presence of Take All Patch as a disease of turf in Eastern Canada • with Dr. David Shetlar, confirmed the presence of Kentucky Bluegrass Scale as an insect pest in South Western Ontario, and later, in the Montreal and Vancouver regions

Special contributions — creator of the exception status that has allowed the golf industry to avoid being subjected to anti pesticide prohibition • creator of the signs that are now used for posting after application • co-founder of annual winter convention for Quebec golf course superintendents • the major influence in the decision by Canadian Cancer Society to stop selling for profit pesticide treated daffodils • the only true reliable witness of the events of anti pesticide prohibition in the town of Hudson, Quebec • retired founder of FORCE OF NATURE and A LOOK AT reports

Notable award — the very first man of the year for contributions leading to the successful founding of Quebec professional lawn care industry, which served as a beach-head against anti pesticide activists in the 1980s and 1990s

Legacy — Mr. Gathercole and his colleagues ... designed and implemented strategies that reined anti pesticide activists to provide peace and prosperity for the entire modern green space industry across Canada • orchestrated legal action against anti pesticide activists in the town of Hudson, Quebec • launched the largest founding professional lawn care business in Canada • quadrupled the business revenues of one of the largest suppliers in Canada

Mr. Gathercole is now retired, although his name continues to appear as founder of FORCE OF NATURE and A LOOK AT reports.



*Anti-Pesticide Prohibition
Cannot Be Scientifically Defended*