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Pesticides cases heating up

by Dianne Saxe on May 20, 2008



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After years of relatively little pesticides litigation, there is suddenly an explosion of activity. The federal government is facing nine lawsuits (including class actions) across the country arising from alleged pesticide contamination of the Gagetown military base. Some product liability litigation for pesticide treated wood also seems to be proceeding.

Meanwhile, a consultant claiming to act for an unnamed “group of lawn care professionals” is threatening to sue any municipality that adopts a ban on the cosmetic use of pesticides. MREP Communications says *there is no scientific evidence to support existing by-laws...* and claims to have already launched its first lawsuit *for defamation and slander of goods*. However, the legal basis for the alleged lawsuit is unclear, and MREP declined to provide us with a copy of its pleadings. Is there a scientific basis for the threat? The College of Family Physicians is standing behind its 2003 literature review, which concluded that cosmetic use of pesticides does pose a potential human health threat.

In any event, all municipal bylaws on the cosmetic use of pesticides will become inoperative if Bill 64, the provincial ban on the cosmetic use of pesticides, comes into effect as planned. This should go far to make the threatened lawsuits irrelevant, whether or not they have other merits.

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