

Pesticide ban may face legal challenge



Jeffrey Lowes was at the Integrated Environmental Plant Management Association's 14th annual conference being held in Kelowna this week.

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By [Judie Steeves - Kelowna Capital News](#)

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Environmental activists will have to answer in a court of law, where conjecture and hearsay are not admissible, says Jeffrey Lowes, who Tuesday filed 115 charges against 23 individuals, groups and the province of Ontario, for its ban on the use of cosmetic pesticides.

He claims that the province's legislation, enacted last year, is based on fraudulent information as far as the health and environmental risks associated with the use of chemicals to maintain lawns and landscapes, is concerned.

Lowes is guest speaker at the Integrated Environmental Plant Management Association's 14th annual conference being held in Kelowna this week.

Kelowna enacted a similar by law last year, and Lowes said he will be investigating the basis of that legislation as well.

The crux of it is whether there is an issue or whether there is just the perception of an issue, he explained.

If legislation is enacted based on extensive testing, field trials, toxicology and epidemiology, that's one thing, but if it's based on medical reports supplied by environmental activists—or on a public opinion poll—that's another, he said. "We're not questioning the authority of a municipality to enact a by law, but they need justification," he said.

Todd Cashin and Michelle Kam from the City of Kelowna said the city's by law was the result of a grassroots movement's concerns about pesticide use.

Kam pointed out it only affects non-essential pesticides; those used for esthetic purposes.

"We have no concerns," commented Cashin.

He said the city hasn't had to enforce the city's new by law yet.

Lloyd Manchester of Canadian EarthCare in Kelowna, which was active in promoting the by law, said, "The case on pesticides is well known and the province has the right to ban any pesticide it so desires.

"His (Lowes') actions do not concern me and are likely funded by the pro-pesticide industry."

Lowes also plans a submission to the province of B.C., which is proposing a similar ban on pesticides used for cosmetic purposes.

It concludes its public consultation period Feb. 15 on the proposed new legislation.

"The lawn care industry is being told to lower their standards; to use less effective products to do their job," Lowes said.

"And, the industry is losing customers," he said, while turf is becoming infested with weeds and insects.

By banning useful products for use by the lawn care industry, its members are prevented from properly maintaining sports fields, parks, rights-of-ways, and other landscapes, he said.

It has cost the industry 30 per cent of its business, or \$350 million in Ontario, he claims.

"We're assessing the monetary damage done to the industry now and will sue to recover," he commented.

Lowes admits he has no background as a pesticide applicator or a scientist, and says there's nothing personal about this campaign against such bans on pesticide use.

He said he is not representing chemical companies.

He was asked to help out a group of lawn care companies in Kingston, Ontario and it grew from there.

Although he filed the charges personally, there is a Feb. 17 hearing with the Crown prosecutor and a judge to set a date for a pre-en quete hearing on the charges.

That will result in a decision on whether the Crown will proceed with the charges under the Criminal Code of Canada.

Allegations include that false and misleading information regarding the health and environmental risks of pesticide products regulated by the federal government influenced the decision to ban pesticides for cosmetic use in Ontario.

As well, activists pretended to use "peer-reviewed studies" and endorsements by the Canadian Pediatric Society to defraud the lawn care industry of access to products; and impeded access to Health Canada-approved pesticides by fraud, which directly affected the Ontario lawn industry's \$1.3 billion market, he alleges.

The Canadian Cancer Society, B.C. and Yukon, is a proponent of B.C. legislation to ban the cosmetic use of pesticides, and is lobbying to have people participate in the online consultation process at www.env.gov.bc.ca/epd/ipmp/regs/cosmetic-pesticides/consultation.htm

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