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Dow lawsuit threatens children's health protection, say groups

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February 6, 2009

Dow Chemical's action in suing the Canadian government over Quebec's Pesticide Code is a direct threat to Canadian legislation that is intended to protect children's health, a municipal councillor and leading health-environmental organization said today.

"Baby boomers will remember in the 1960s when thousands of Canadians and Americans protested against Dow Chemical as the manufacturer of incendiary napalm and the defoliant Agent Orange used in Vietnam," said Mae Burrows, executive director of Toxic Free Canada. "Now the chemical giant is suing the Canadian

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government under NAFTA, demonstrating that it is more interested in pushing its pesticide products than in helping ensure the protection of our children's health."

Dow AgroSciences, a wholly-owned subsidiary of Dow Chemical, has launched a lawsuit under Section 11 of the North American Free Trade Agreement (NAFTA), seeking at least \$2 million in compensation for sales revenue lost when products containing its weed killing chemical 2,4-D were banned under Quebec's Pesticide Code. Quebec's legislation, which is seen as a model across Canada, was the first in Canada to ban sales of certain chemicals used in cosmetic pesticides.

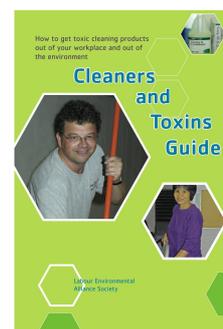
"It's clear that Dow is trying to shut the door on other provinces that want to introduce similar legislation" said Councillor Dan Johnston, Chair of the Environment Committee of Burnaby City Council, which has adopted a bylaw to regulate the use of pesticides for cosmetic purposes. Johnston added: "British Columbia municipalities are so concerned with the potential risk that the use of pesticides poses to the environment and human health that the Union of B.C. Municipalities passed a resolution at its annual convention in September requesting the province to enact legislation that will ban the sale and use of cosmetic pesticides province-wide."

Dow insists that 2,4-D is not toxic, pointing to a recent re-registration of the chemical by Canada's Pest Management Regulatory Agency. But critics note that the PMRA's evaluation did not take into account recent research that links 2,4-D to an increased incidence of non-Hodgkin's lymphoma. 2,4-D is listed as a possible human carcinogen (Group 2B) by the UN's International Agency for Research on Cancer. It is also banned for use in Sweden, Norway and Denmark.

"There is an overwhelming weight of evidence to tell us that we need to take a precautionary approach on 2,4-D," said Dr. Jim Brophy, a leading Ontario cancer researcher whose work has revealed a possible link between breast cancer and exposure to farm use of pesticides "The protection of our children's health is far more important than dandelion-free lawns and Dow's sales of its weed killer chemical."

Brophy said if Dow's lawsuit is successful, it will undermine the precautionary steps many local

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governments are taking to improve cancer prevention by reducing exposure to pesticides.

Burrows said that as the case becomes known, Dow could face the kind of public outrage that it did back in the 1960s when Dow products were boycotted and many institutions pulled their shares out of the company.

"As Canadians we can't tolerate a giant corporation interfering in the rights of the federal government to protect its citizens' health - especially its children's health," she said.

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