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Court update: If protecting pollinators is wrong, we don't want to be right

November 20, 2017



Dear ---,

Thanks to your support, Ecojustice lawyers were in court last week to fend off a second attempt by government and industry to shut down our lawsuit aimed at protecting bees from risky neonicotinoid pesticides. Here's how it went.

On behalf of our clients at the David Suzuki Foundation, Friends of the Earth Canada, Ontario Nature, and Wilderness Committee, we argued that Canada's Pest Management Regulatory Agency (PMRA) has unlawfully, and repeatedly, registered neonicotinoid pesticides without the necessary science to warrant their continued use.

During two solid days of hearings, my colleague Kaitlyn Mitchell and I went up against more than a dozen lawyers from government and industry. So many were their ranks that they spilled over into our half of the courtroom.

At one point a lawyer for chemical giant Syngenta characterized our litigation as mere "mischief." But if fighting for accountability and science-based decision making is wrong, we don't want to be right.

We argued that the PMRA has allowed for registration of neonicotinoid pesticides for years despite persistent and critical data gaps in the pesticides' science risk assessments. The PMRA's conclusions about key industry studies meant to fill those data gaps are rife with troubling language — the results are "invalid", "insufficient", or "limited due to uncertainties."

Yet every time the PMRA has had to make a choice, the pesticide registrations have been extended. In fact, the PMRA has actually allowed many new neonicotinoid pesticides onto the market while it waits on the science!

Our clients have diligently tracked the non-industry science linking neonicotinoid pesticides and declining pollinator populations with mounting concern. Decision-makers in the European Union opted to heavily restrict neonicotinoid use back in 2013, and just this month the United Kingdom announced its plan to ban all neonics. Meanwhile, here in Canada, we're being forced to jump through legal hoops just to ensure science-based evidence is a linchpin in our pesticide regulatory process.

We're optimistic that despite repeated attempts to block our lawsuit, pollinators and the environment will finally have their day in court. In the eyes of a multinational pesticide corporation perhaps public interest litigation looks like "mischief". But cases like this are the way we test whether our laws can deliver the environmental protection they are supposed to.

Soon we hope the court will say, once again, that our case deserves to be heard on its merits. Without this hearing, our clients and pollinators cannot get the recourse they seek — a legal declaration that the PMRA's repeated failures to meet its obligations as our national pesticides regulator are unlawful.

We'll keep doing whatever it takes to make sure that day comes. Thanks to your support, we'll be fighting the good fight.

Sincerely,



Charles Hatt, Ecojustice lawyer

**Ecojustice is Canada's largest environmental law charity.
Help us build the case for a better earth.**