

*Force of Nature.
The Whole Truth from an
Independent Perspective.*

The Industry Strikes Back !

Part 3.

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14/09/2009

Individuals that are to be charged will include : local councillors, members of a local activists group, members of a national activists groups, and individual members of certain health related groups. >>

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We intend to lay charges of fraud

September 14, 2009

E-Mail Transmission



Today at **10:00 am** we went to Ontario Court of Justice 279 Wellington Street, Kingston Ontario and set a date for commencing a proceeding for “ *swearing to an information* ” under the **Criminal Code of Canada**.

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We have set a date to “ *lay the information* ” and are currently in the process of drafting the document. **We intend to lay charges of fraud on Oct 6th, 2009** in Kingston.

Individuals that are to be charged will include: local councillors, members of a local activists group, members of a national activists groups, and individual members of certain health related groups. This process will only cover the aspects as they are related to the fraud in question that occurred in Kingston between **February 2007** and **March 2008**.

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From the Criminal Code of Canada

Fraud

380. (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service,

(a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or

(b) is guilty

(i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(ii) of an offence punishable on summary conviction,

where the value of the subject-matter of the offence does not exceed five thousand dollars.

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From the Criminal Code of Canada

Affecting public market

(2) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

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R.S., 1985, c. C-46, s. 380; R.S., 1985, c. 27 (1st Supp.), s. 54; 1994, c. 44, s. 25; 1997, c. 18, s. 26; 2004, c. 3, s. 2.

As a direct result of our work in the Kingston file this is an “ *indictable offence* ” as “ *the value of the subject-matter of the offence exceeds five thousand dollars* ”.

The possible outcome is jail time for those involved and the following is taken under consideration.

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From the Criminal Code of Canada

Sentencing — aggravating circumstances

380.1 (1) Without limiting the generality of section 718.2, where a court imposes a sentence for an offence referred to in sections 380, 382, 382.1 and 400, it shall consider the following as aggravating circumstances:

(a) the value of the fraud committed exceeded one million dollars;

(b) the offence adversely affected, or had the potential to adversely affect, the stability of the Canadian economy or financial system or any financial market in Canada or investor confidence in such a financial market;

(c) the offence involved a large number of victims; and

(d) in committing the offence, the offender took advantage of the high regard in which the offender was held in the community.

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From the Criminal Code of Canada

Sentencing — non-mitigating factors

(2) The court shall not consider as mitigating circumstances the offender's employment, employment skills or status or reputation in the community if those circumstances were relevant to, contributed to, or were used in the commission of the offence.

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The charge will be filed by me (with a lot of outside counsel, which is where most of our funding is going). Once these charges are laid; additional legal action will be pursued in other municipalities along with the class action. We are currently looking at proceeding with similar charges in London and Owen Sound. Additional actions may be taken outside of Ontario.

Once the process has been started, I will have the choice of following through with the process. As the charge is an indictable offence, we will not be paying the legal costs of this action. The crown is required by law to take over the case which makes this process the most cost effective and not subjected to outside influence or delays.

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If you have any questions about the preceding information please contact me directly via email. We will provide additional information as things progress.

Sincerely,

Jeffrey Lowes



Director of Government & Industrial Relations

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Below this email are additional links and references for information and a response from the MOE [Ministry of the Environment] as we started the process of taking down (repealing) municipal bylaws in Ontario. We are laying charges in municipalities that violate the Pest Control Products Act through a similar process.

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Ministry of the Attorney General — Private Prosecutions

Generally, allegations of criminal activity are reported to the police. After the police investigate, they may lay criminal charges. However, anyone who has reasonable grounds to believe that a person has committed an offence may lay an information in writing and under oath before a Justice of the Peace.

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When the information is presented to the court by a private citizen, it is then referred to either a provincial court judge or a designated justice of the peace, who holds a special hearing. The purpose of the hearing is to determine whether a summons or warrant should be issued to compel the person to attend court and answer to the charge.

This hearing, held under s. 507.1 of the **Criminal Code**, takes place in private, without notice to the accused person. At the hearing, the judge or justice of the peace must hear and consider all of the allegations and available evidence.

The Crown must also receive a copy of the information, get notice of the hearing, and have an opportunity to attend. The Crown may attend at the hearing without being deemed to intervene in the proceedings.

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Ministry of the Attorney General — Private Prosecutions

If the judge or justice of the peace decides not to issue a summons or a warrant, then the information is deemed never to have been laid.

If the judge or justice of the peace issues a summons, the person will be served with a copy of the summons, which notifies them of the charge and compels them to attend court. If the judge or justice of the peace issues a warrant, the person will be arrested and brought before a justice.

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To avoid any abuse of the private prosecution process, the Criminal Code and the Crown Attorneys Act authorize Crown Counsel to supervise privately laid charges to ensure that such prosecutions are in the best interest of the administration of justice. If a summons or warrant is issued and the case involves an indictable offence, the Crown is required to take over the prosecution. So, a private citizen's right to swear an information is always subject to the Crown's right to intervene and take over the prosecution.

If the Crown intervenes, the Crown will review the matter, as it does in every other criminal case, to determine whether there is a reasonable prospect of conviction and whether a prosecution is in the public interest. If so, the Crown will proceed with the prosecution. If not, the Crown is duty-bound to withdraw the charge.

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Ministry of the Attorney General — Private Prosecutions

From the Criminal Code of Canada Fraud

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Ministry of the Attorney General — Private Prosecutions

From the Criminal Code of Canada Affecting public market

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(2) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

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Ministry of the Attorney General — Private Prosecutions

From the Criminal Code of Canada Sentencing — aggravating circumstances

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Ministry of the Attorney General — Private Prosecutions

From the Criminal Code of Canada Sentencing — non-mitigating factors

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(2) The court shall not consider as mitigating circumstances the offender's employment, employment skills or status or reputation in the community if those circumstances were relevant to, contributed to, or were used in the commission of the offence.

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14/09/2009



E-Mail Transmission

From: Henry, Dale (ENE) [mailto:Dale.Henry@ontario.ca]

Sent: Wednesday, September 09, 2009 5:47 PM

To: Jeffrey Lowes

Subject:

RE: Possible use of Diazinon in The City of Kingston Parks

Ministry of the Environment

Standards Development Branch

**40 St. Clair Ave. West
7th Floor
Toronto ON M4V 1M2**

www.ene.gov.on.ca

Tel.: 416 327-5519

Fax: 416 327-2936

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September 9, 2009

Mr. Jeffrey Lowes

Email: jplowes@cogeco.ca

Dear Mr. Lowes:

Thank you for your email of **August 20, 2009** in which you indicated several compliance issues that you feel need to be addressed by both the federal and provincial governments as it relates to pesticide use. I am pleased to respond on behalf of the ministry.

The ministry manages its approach to compliance and enforcement through education and outreach, inspections, response to incidents, voluntary abatement, orders, tickets and prosecutions. When responding to reports of suspected non compliance related to the cosmetic pesticides ban, the ministry will focus its initial efforts on education and outreach while utilizing the appropriate compliance and enforcement tools when necessary. The ministry is also monitoring for compliance by inspecting vendors who sell pesticides and businesses that apply pesticides.

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In consulting with staff in our Eastern Region Office, I have been advised that your initial complaint regarding the suspected use of banned pesticides in municipal parks was received by the Eastern Region Office on **August 17th**; the details of which were forwarded to the Kingston District office for appropriate follow up. In addition, your **August 20th** email was also forwarded to the Kingston District Office. I understand that this particular issue has been addressed and both you and the City of Kingston have been contacted by staff in the Kingston District Office.

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In regards to the issue of providing misleading pest control information on municipal websites, the ministry will be following up with the City of Windsor regarding the content on its website. Furthermore, the ministry will be looking at other municipal websites to ensure that any information on pest control complies with the requirements of Ontario's legislation

With respect to the promotion of Neem oil, as noted in your **August 20th** email as being advertised by Nature's Way Landscaping, the ministry has had recent discussions with Mr. Ross Pettigrew of Health Canada's Pest Management Regulatory Agency (**PMRA**) regarding the promotion of an unregistered pesticide. It is my understanding that the **PMRA** will be addressing this situation as it falls within the **PMRA**'s mandate.

Should you wish to report non compliance with the pesticide legislation, please contact the local ministry district office during regular business hours (contact information can be found in the Blue Pages in the telephone directory or on the ministry's website at www.ene.gov.on.ca/en/contact/regionalmap.php) or the ministry's Pollution Hotline (after business hours) at 1-866-MOE-TIPS (1-866-663-8477).

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Please be assured that the ministry follows a consistent approach to compliance and enforcement with the Pesticides Act and Ontario Regulation 63/09. Reports of suspected non compliance are addressed in accordance with the ministry's Compliance Policy (available at www.ene.gov.on.ca/en/about/penalties/CompliancePolicy.pdf) which provides guidance to ministry staff on how to respond to and address non compliance with environmental legislation.

Thank you for bringing these matters to our attention.

Yours sincerely,
Dale Henry
Director

The Industry Strikes Back !

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Background Information from an Independent Perspective.
Adapted Excerpts from TURF & Recreation Magazine.

The 9/11 Era of the Green Space Industry !

We are now living in the era of 9–11 of the *Green Space Industry*. The prohibition conspiracy against pest control products has now attained NATIONAL proportions. The provinces are falling like dominoes. The *Professional Lawn Care Industry* is systematically being annihilated by *environmental terrorism* across Canada. Our adversaries in the *environmental movement* have VIRTUALLY LIMITLESS FUNDS to wreak their havoc, and they understand full well that THERE IS NO UNITY within the *Green Space Industry*. First municipal, then provincial, and finally national in scope, their first destructive attack will be complete within one or two years. And then. Soon after the *environmental movement* has tasted victory by obliterating the *Professional Lawn Care Industry*, the hated *Golf Industry* will be targeted in the next attack. This time, the *Golf Industry* will be totally alone, and devoid of any allies to help defend itself. The *Golf Industry*, because of its attitude of denial and protectionism and mock-dismay at any form of criticism, is ignoring the supreme historic opportunity to join forces with the *Professional Lawn Care Industry*, and litigate against the forces of environmentalist evil. A failure to do so will be lethal and final, and future generations will ask the question — *Why did you not act ?*. For the first time in all of our collective history, it can honestly be said that there is NO LONGER A HOPEFUL FUTURE for anyone in our industry, young or old.



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The Industry Report Card.

As a consequence, we have prepared a **REPORT CARD** to enlighten our readers. The grading is based upon an association's ability, or willingness, to adequately confront the issues of conspiracy to prohibit pest control products in Ontario. This *Report Card* has become infamous, especially among those leaders whose trade associations have been given a grade of *failure*. Well ... the mock-dismay of these leaders is about to get worst ... please read on.

Those who have failed the Green Space Industry so far.

A grade of *failure* must be assigned to the following industry trade associations and groups that have done **NOTHING** since the announcement of legislation to prohibit pest control products in the *Province of Ontario*. —

- *Canadian Golf Superintendents Association (C.G.S.A.)*.
- *CropLife Canada*.
- *International Society of Arboriculture (I.S.A.)*.
- *Landscape Ontario (L.O.)*.
- *Royal Canadian Golf Association (R.C.G.A.)*.
- *Urban Pest Management Council*.

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Many believe that none of these groups have stepped up to the plate, and adequately challenged the Ontario *Cosmetic Pesticides Ban Act*. These groups have sadly become totally **DISINTERESTED PARTIES**, preferring instead to hide behind their own rhetoric of *What ? Me worry ?*. Some people believe it is time to re-assess whether these groups deserve our support, since, in desperate times, they have utterly failed us. So far.

We ask that all people in the *Green Space Industry* **CANCEL** their memberships with these trade associations and groups, and use their refunds or future contributions to support those organizations that are challenging prohibitions, such as *Professional Lawn Care Association of Ontario (P.L.C.A.O.)*.

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Who then will fight to protect the industry from the Ontario prohibition ?

The *Professional Lawn Care Association of Ontario* (P.L.C.A.O.), in conjunction with its membership, and **Jeffrey Lowes**, has been **VERY** decisive regarding the Ontario *Cosmetic Pesticides Ban Act*. It has recently launched a legal action.



This legal challenge will be expensive. **Fifty to one-hundred thousand dollars** will likely be the price tag for a lawsuit that challenges the *Cosmetic Pesticides Ban Act*. In comparison, when the industry challenged the *Town of Hudson*, the path to *The Supreme Court of Canada* ultimately cost **one-hundred and twenty-five thousand dollars**. People seem to forget that when you lose a challenge, you must pay the opposition's legal bills as well as your own.

The *Professional Lawn Care Association of Ontario* has correctly recognized that this is our last chance to prevent the prohibition, and save the industry and our future. It needs our financial support ! We must defend the industry, whatever the cost may be !

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Please contact and give support to the **P.L.C.A.O.** at 519-836-4906 or plcao@gti.uoguelph.ca

In difficult economic times, where can individuals find the money to financial support **P.L.C.A.O.** ?

We must defend our industry, whatever the cost may be.

[ADAPTED FROM CHURCHILL, 1940.]

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Organizations that have conspired to prohibit federally legal, scientifically safe, and totally irreplaceable pest control products.

- *Canadian Association of Physicians for the Environment (C.A.P.E.).*
- *Canadian Cancer Society (C.C.S.) – All Divisions, Every Province.*
- *Canadian Coalition for Health and Environment (C.C.H.E.).*
- *Canadian Environmental Law Association (C.E.L.A.).*
- *Canadian Health and Environment Education and Research Foundation (C.H.E.E.R.).*
- *Canadian Institute for Environmental Law and Policy (C.I.E.L.A.P.).*
- *Canadian Network for Human Health and the Environment (C.N.H.H.E.).*
- *Canadian Partnership for Children's Health and the Environment (C.P.C.H.E.).*
- *Children's Hospital of Eastern Ontario (C.H.E.O.).*
- *Coalition for a Healthy Calgary.*
- *Coalition for Pesticide Reform Ontario.*
- *David Suzuki Foundation.*
- *Ecojustice Canada.*
- *Environmental Defence Canada.*
- *Équiterre.*
- *Federation of Canadian Municipalities.*
- *Green Party of Canada.*
- *Green Party of Ontario.*
- *IWK Health Centre.*
- *Labour Environmental Alliance Society (L.E.A.S.).*
- *Le Parti Québécois (P.Q.).*
- *New Democratic Party of Canada (N.D.P.).*

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- *New Democratic Party of Ontario (N.D.P.).*
- *Newfoundland and Labrador Medical Association (N.L.M.A.).*
- *Nurses Association of New Brunswick (N.A.M.B.).*
- *Ontario Liberal Party.*
- *Ontario Medical Association (O.M.A.) — Pediatrics Section.*
- *Ontario Public Health Association (O.P.H.A.).*
- *Organic Landscape Alliance (O.L.A.).*
- *Ottawa Environmental Health Clinic.*
- *Pesticide Free Columbia Basin Coalition* (Formerly *Pesticide Free Columbia Valley Coalition.*).
- *Pesticide Free Ontario (P.F.O.)* (Formerly *Campaign for Pesticide Reduction Ontario.*).
- *Prevent Cancer Now.*
- *Registered Nurses' Association of Ontario (R.N.A.O.).*
- *Sierra Club of Canada.*
- *Sunshine Coast Clean Air Society.*
- *The Coalition for a Healthy Ottawa (C.H.O.).*
- *The Council of Canadians.*
- *The Learning Disabilities Association of Canada (L.D.A.C.).*
- *The Liberal Party of Canada.*
- *The Liberal Party of Quebec.*
- *The Lung Association.*
- *The Ontario College of Family Physicians (O.C.F.P.).*
- *Toronto Environmental Alliance (T.E.A.)*
- *Toxic Free Canada.*
- *University of Ottawa.*
- *University of Waterloo.*
- *West Coast Environmental Law (W.C.E.L.).*
- *Western Canada Wilderness Committee.*
- *Wildsight.*
- *World Wildlife Fund of Canada (W.W.F.).*
- *York Region Environmental Alliance (Y.R.E.A.).*

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The Consequences of Failure Against Environmental Terrorism.



Elimination of employment.

The destructive policies advocated by the environmental movement will lead to the needless elimination of tens of thousands of stable jobs.

Tens of thousands unemployed!



Annihilation of companies.

The destructive policies advocated by the environmental movement will lead to the needless annihilation of thousands of stable businesses.

Thousands of business failures.



Disruption of home life.

The destructive policies advocated by the environmental movement will lead to the needless disruption of tens of thousands of stable homes.

Tens of thousands homes lost.



Destitution and despair.

The destructive policies advocated by the environmental movement will lead to needless suffering and hardship for tens of thousands of professionals.

Tens of thousands suffering!

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**Read all about
ENVIRO-MANIACS
and their
ENVIRONMENTAL
TERROR
ORGANIZATIONS
in FORCE OF NATURE !**

**Pest control
products
are LEGAL,
SAFE, and
TOTALLY
IRREPLACEABLE !**

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**The
WHOLE TRUTH
from an
INDEPENDENT
PERSPECTIVE !**

**Environmental
terrorism
can be
BEATEN !**

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Force of Nature was launched for continuous transmission on the Internet on January 1st, 2009. It is a series of e-newsletters destined for the **GREEN SPACE INDUSTRY**, the **ENVIRONMENTAL TERROR MOVEMENT**, politicians, municipalities, and the media, nation-wide across Canada, and parts of the United States and overseas. **FORCE OF NATURE** is produced in two parts. First, The **MEDIA REPORT** itself that reports on the current events affecting the future of the **GREEN SPACE INDUSTRY**. Second, **INDEPENDENT PERSPECTIVE**, which is a running commentary, sometimes technical in nature. Force of Nature is the **WHOLE TRUTH** from an **INDEPENDENT PERSPECTIVE** !

FORCE OF NATURE is the brainchild of William H. Gathercole and his entourage. Norah G is actually an acronym for the stable of writers that contribute to this e-newsletter. The opinions expressed in Force of Nature, even though from an **INDEPENDENT PERSPECTIVE**, may not reflect those of everyone in the **GREEN SPACE INDUSTRY**, or Mr. Gathercole's many associates. Be warned ! Mr. Gathercole and Norah G may sometimes be very irreverent and fearless with these e-newsletters. **DON'T THANK US. IT'S A PUBLIC SERVICE. AND WE ARE GLAD TO DO IT.**

William H. Gathercole holds a degree in Horticulture from the **UNIVERSITY OF GUELPH**, and another pure and applied science degree from **MCGILL UNIVERSITY**. He has worked in virtually all aspects of the **GREEN SPACE INDUSTRY**, including public affairs, personal safety, and environmental issues. Mr. Gathercole has been a consultant and instructor for decades. He also been an agricultural agronomist. Mr. Gathercole has been following the evolution of **ENVIRONMENTAL TERRORISM** for over a quarter-century. His involvement in environmental issues reached a fevered pitch in the 1990s, when he orchestrated, with others, legal action against unethical and excessive municipal regulations restricting the use of pest control products. (i.e. the Town of Hudson.) Although he can be accused of being **ANTI-ENVIRONMENT-MOVEMENT**, he is, in fact, simply a strong advocate **FOR** the **GREEN SPACE INDUSTRY**. However, this position has not precluded him from criticizing the Green Space Industry itself. Nonetheless, his vast knowledge of our long journey with environmental issues is **UNDENIABLE**. (Hopefully !) For many years, Mr. Gathercole has been a contributing columnist for **TURF & RECREATION Magazine**, Canada's Turf and Grounds Maintenance Authority.

All document excerpts and pictures contained in **FORCE OF NATURE** were found somewhere on the Internet. We believe that they are in the public domain, serving one of the following purposes : archive, education, promotion, publicity, or press release.

We believe that environmental terrorism can be **BEATEN** ! Information presented in **FORCE OF NATURE** has been developed for the education and entertainment of the reader. The events, characters, companies, and organizations, depicted in this document are not always fictitious. Any similarity to actual persons, living or dead, may not be coincidental. The mission of Force of Nature is to respond to those statements and activities originating from culprits that conspire to prohibit **FEDERALLY LEGAL, SCIENTIFICALLY SAFE, and TOTALLY IRREPLACEABLE** conventional pest control products. Culprits are identified on the basis of their statements, activities, affiliations, and whereabouts. Even though each culprit is a mis-guided adversary, each still deserves our respect. The term « culprit » is not an accusation of any legal wrong-doing. Force of Nature is simply holding culprits accountable for changes in public policy that have terrorized the Green Space Industry. Force of Nature believes that the prohibition policies of the **ENVIRONMENTAL TERROR MOVEMENT** will lead to **UNEMPLOYMENT, BANKRUPTCY, BUSINESS FAILURE, DESPAIR, and DESTITUTION**. The actions of the movement is viewed as a form of **TERROR** against the Green Space Industry.

The following titles are currently available. (Or, will be available in the near future.) ● Alberta Prohibition ● British Columbia Prohibition ● Canadian Association of Physicians for the Environment ● Canadian Environmental Law Association ● Consequences ● David Suzuki Foundation ● DDT and Politicized Science ● Death and the Environmental Movement ● Golf and Landscape Trade Industries ● June Irwin, The Clown of Junk Science ● Kazimiera Jean Cottam ● Kelowna BC Prohibition ● New Brunswick Prohibition ● Nova Scotia Prohibition ● Ontario Prohibition ● Organic Fertilizers ● Pets and Lawn Care Chemicals ● Prince Edward Island Prohibition ● Quebec Prohibition ● Rachel Carson, The Queen of Junk Science ● Randy Hillier, The Next Premier of Ontario ● Salmon Arm BC Prohibition ● The 9/11 Era of the Green Space Industry ● The Failure of Integrated Pest Management ● The Industry Strikes Back ● The Misconceptions About Cancer ● The Wisdom of Drysdale ● The Wisdom of the Solomons ● Wisconsin Fertilizer Prohibition ● **ASK FOR A COPY OF ANY BACK ISSUE OF FORCE OF NATURE TODAY. READ ALL ABOUT ENVIRO-MANIACS AND THEIR ENVIRONMENTAL TERROR ORGANIZATIONS IN FORCE OF NATURE ! THE WHOLE TRUTH FROM AN INDEPENDENT PERSPECTIVE !**

