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Home

PANNA: Action Alert: Canada's First Province-Wide Ban of Cosmetic Pesticides Threatened Under NAFTA

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Action Alert: Canada's First Province-Wide Ban of Cosmetic Pesticides Threatened Under NAFTA
November 15, 2002

Quebec's Minister of the Environment has called for new regulations to reduce pesticide use throughout the province. In July 2002, the Minister presented a new Pest Management Code that includes strict new regulations designed to "progressively institute a decreased and more prudent use and sale of pesticides." The Code would ban a number of pesticides for non-agricultural uses including the herbicide 2,4-D, and has come under sharp criticism by a group of 2,4-D manufacturers in the U.S. who have threatened to sue the Quebec government under the North American Free Trade Agreement (NAFTA).

The movement to ban the use of pesticides for cosmetic (purely aesthetic) purposes has grown steadily in Canada since June 2001, when Canada's Supreme Court upheld the 1991 pesticide bylaws of Hudson, Quebec. Hudson is one of nearly 60 Canadian city municipalities that already ban cosmetic lawn pesticides. Many more Canadian cities—including Montreal, Ottawa and Toronto—are also considering bans. "This could be the first province-wide or state-wide ban of its kind in the world," said Michel Gaudet, of the Coalition for Alternatives to Pesticides (CAP). CAP and other local citizen and environmental groups have played a key role in forwarding Quebec's Pest Management Code and promoting alternatives to urban pesticide use.

The Code is expected to pass the Quebec government by the end of 2002 and come into effect in early 2003. The Code states that by 2003, synthetic pesticides will be prohibited in all daycare facilities and schools and cosmetic pesticides will be banned from all public land; by 2005, the ban will extend to all private green spaces. Fines will range from CANS\$00-\$30,000. The ban covers 23 pesticide active ingredients that—according to the U.S. Environmental Protection Agency (EPA) and/or World Health Organization (WHO)—are known or possible carcinogens or endocrine disruptors, including lindane, malathion, MCPA, permethrin, benomyl, captan and 2,4-D.

In addition to the ban, the Code will also increase buffer zones around spray applications, outlaw application of mixtures of pesticides and fertilizers, require sale and use permits for pesticide applicators, require golf courses to present pesticide use reduction plans, and provide a list of less-toxic and organic pest control products. The Quebec government also plans to support alternative pest management education for the public and training for pesticide applicators.

One day after the Environment Minister presented the Code, the U.S.-based companies that manufacture 2,4-D threatened to sue under Chapter 11 of NAFTA. Donald Page, spokesman of the Industry Task Force on 2,4-D Research, stated that, "[Quebec is] going to have to stand up in court and prove [that 2,4-D causes cancer]." Page's group, funded by 2,4-D's largest manufacturers, Dow Agro-Sciences, BASF, Nufarm and Agro-Gor SA, is spending US\$30 million on tests intended to show that 2,4-D is not carcinogenic. The U.S. EPA estimates that at least 58 million pounds of 2,4-D are used in the U.S. each year.

This is not the first time that pesticide manufacturers have threatened to sue a Canadian government under NAFTA for projected profit loss (see PANUPS: Canadian Government Sued for Banning Lindane, January 3, 2002 http://www.panna.org/resources/panups/panup_20020103.dv.html).

However, the Environment Minister seems resolved: "I consider health to be more important than a perfect lawn. I would therefore like to ask Quebecers to avoid using pesticides, or if they need to do so, to use them in ways that respect our health and the environment." CAP has called for international support for the Quebec government to stand against the pesticide manufacturers' lawsuit under NAFTA.

Action

Send a letter to Canadian officials supporting the ban on cosmetic pesticides:

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Minister of the Environment
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Québec (Québec) G1R 5V7
Phone: (418) 521-3911
Fax: (418) 643-4143
Email: cab.ministre@menv.gouv.qc.ca

Prime Minister Bernard Landry
Prime Minister of Quebec
Édifice Honoré-Mercier
835, Boulevard René-Lévesque East, 3rd Floor
Québec (Québec) G1A 1B4
Phone: (418) 643-5321
Fax: (418) 646-1854
Email: premier.ministre@mce.gouv.qc.ca

Mr. Jean Charest
Leader of the Official Opposition
The Liberal Party of Quebec
Hôtel du Parlement
Office 2.83
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(Please also CC your own government representatives.)

Sample Letter

Dear Minister Boisclair,

The announcement that certain pesticides would be banned in Quebec in three years, and that this ban would extend to private properties, sent a wave through Canada and across the world.

It is encouraging to note that children will be protected as soon as the Pesticide Management Code is adopted, by banning synthetic pesticides from schools, daycares, public lands. The decision to remove pesticides from the shelves in stores and to have low impact pesticides sold from behind a counter is remarkable. I thank you for this courageous deed that will have generations to come thanking you for your wisdom and foresight. I hope that my government will show that same responsibility towards my family as you have shown all Quebecois! Bravo!

It is not surprising to note that Industry has threatened your government with Chapter 11 of NAFTA. This is a good time to meet the problem head on and get rid of Chapter 11. Thank you for your firm stand against this unwarranted threat. We support you on your upcoming ban in Quebec and your strong position to protect human health.

You have shown that obstacles should not be used as an excuse to do nothing! I hope that my government will have the good sense to follow your lead.

Thank you.

Yours sincerely,

<your name and address>

Contacts: Michel Gaudet or Rohini Peris, Coalition for Alternatives to Pesticides (CAP), C.P. 434, Saint-Bruno-de-Montarville, Quebec J3V 5G8, Canada; phone (514) 683-5701; fax (450) 441-2138; email caponline@videotron.ca; Web site <http://www.cap-quebec.com/>

Sources: CAP Press Release: Pesticide Coalition Applauds Quebec's Move to Ban Pesticides in Urban Areas, July 3, 2002. "Pesticide sparks NAFTA fight" July 5, 2002, *The Montreal Gazette*. "Quebec to ban cosmetic pesticide use" July 3, 2002, *Canadian Broadcasting Corporation*, <http://www.cbc.ca/>. Quebec Pesticide Management Code is available at <http://www.menv.gouv.qc.ca/>

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