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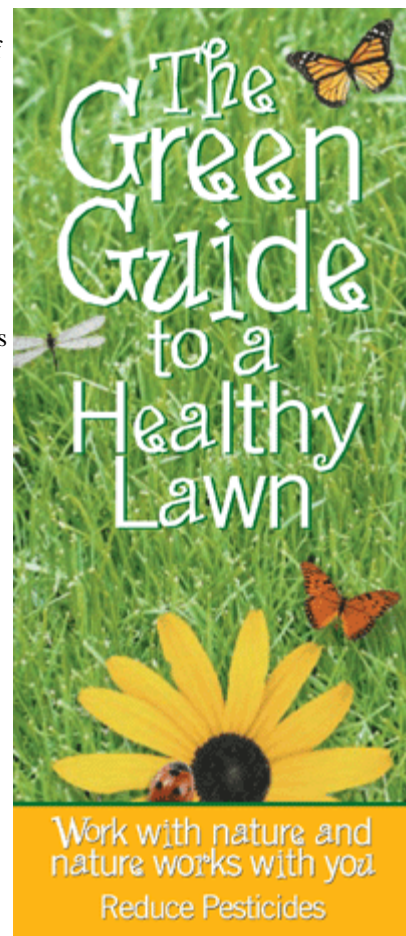
# Quebec bans non-farm pesticides

***The Canadian province of Quebec has announced new legislation banning non-farm pesticides. Several municipalities have taken similar action but this is the first province-wide ban.***

On 3 July Minister Andre Boisclair announced Quebec's long-awaited Pesticide Code, which will bring into effect immediate restrictions on the use of 28 pesticides(1). For over a decade Canada has been at the forefront of efforts in North America to ban non-farm pesticides. An increasing number of Canadians recognise that the majority of these pesticides are applied for cosmetic reasons, and question the need for this unnecessary public health risk. In 1991 Hudson in Quebec became the first town to pass a municipal bylaw banning cosmetic pesticide use. Momentum has been gathering ever since and there are currently over 30 municipalities with bylaws that either ban or severely restrict such usage(2). However, Quebec's Pesticide Code is the first province-wide ban. Province-wide legislation will be more far-reaching and, as such, this is a landmark.

Quebec's Pesticide Code is the culmination of extensive consultations initiated in 1998 and derives directly from a report on urban pesticide use submitted in March of this year. It will become law on 3 September after a 60 day consultation period bringing into force a series of measures which will affect commercial, industrial, agricultural, amenity and amateur use of pesticides. The most remarkable aspects of this code are its implications for non-farm pesticide use. From 3 September there will be an immediate ban on the use of 28 pesticides on lawns of public, semi-public and municipal green spaces. Within three years this prohibition will extend to all private and commercial green spaces. In addition, these pesticides will be prohibited immediately from childcare centres, elementary and secondary schools. The 28 banned pesticides include 2,4-D, MCPA, mecoprop, lindane, malathion, permethrin and difocol. Eleven substances are approved for continued use, including soap, sulphur, pyrethrum, diatomaceous earth, and boric acid. It will no longer be legal to apply any pesticides within certain distances of watercourses and zones of human activity. In addition, any pesticide use inside schools will require authorisation. Mixes of pesticides and fertilizers, or mixes of insecticides and herbicides will be banned. Golf courses will be required to submit pesticide reduction plans every three years.

Not surprisingly, those companies whose profits may be affected by this law have indicated their intention to challenge. Donald Page, executive director of the Industry Task Force II on 2,4-D Research, a body funded by four North American manufacturers of 2,4-D (BASF, Dow AgroSciences, Nufarm Inc, and Agro-Gor S.A.) has indicated that industry will challenge under the controversial chapter 11 of the North American Free Trade Agreement (NAFTA). NAFTA's chapter 11 provides a level of protection for private investors unprecedented in international law. Under these provisions private investors can sue governments bringing in new legislation even when the intention of such legislation is to protect the public and the environment. US companies have successfully used these provisions to sue Mexican and Canadian governments on several occasions with claims ranging from US \$10 million to US \$750 million. In approximately half of these cases companies have been disputing a restriction placed on their activities due to environmental concerns(3). In a notable case Ethyl Corp successfully challenged a Canadian government ban on the gasoline additive MMT, which had already been banned in the US(4). The case was settled when the Canadian government agreed to repeal the ban, issue a public apology to Ethyl Corp and pay \$13 million US in damages. Crompton Corp, who produce the pesticide lindane, is currently suing



In December 1998 Toronto City Council committed to phasing out pesticide use in public green spaces. By the end of 1999 they had reduced their pesticide use by 97%. They would like to extend these prohibitions to private land and are currently engaged in a series of consultations with the public and stakeholders on how to proceed. Their website [www.city.toronto.on.ca/health/hphe/pesticides\\_index.htm](http://www.city.toronto.on.ca/health/hphe/pesticides_index.htm) contains excellent resources:

- Lawn and Garden Pesticide: A Review of Human Exposure & Health Effect Research
- Playing it Safe: Healthy Choices about Lawn Care Pesticides

the Canadian government over its ban on lindane(5).

Previous legislation to reduce pesticide use has been challenged by those with vested interests. The legality of Hudson's 1991 bylaw was challenged by two professional lawn care companies who claimed that Hudson did not have jurisdiction to prohibit the use of substances authorised under both federal and provincial guidelines. The case went to both Quebec's Supreme Court in 1993 and finally to the Canadian Supreme court in 2001. Both courts upheld the Hudson bylaw indicating that Hudson Council had acted in the public interest.

Andre Boisclair, the Quebec Minister, is undeterred by the strong-arm tactics of the 2,4-D taskforce. "I am not surprised to hear that kind of reaction" he commented. "If there is a parallel, it is with what happened with the tobacco producers the day the government decided to adopt restrictive legislation." He remains committed and confident about introducing this progressive legislation(6).

The Pesticide Action Network applauds the efforts of Quebec in banning the use of non-farm pesticides and will be pressing for similar legislation in the UK. (RM)

green guide to a healthy lawn  
([www.city.toronto.on.ca/parks/healthylawn/greenguide.pdf](http://www.city.toronto.on.ca/parks/healthylawn/greenguide.pdf))

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