

FINANCIAL POST

Beekeepers blaming pesticides for bee losses could face bigger losses in court



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PAUL DRIESSEN, SPECIAL TO FINANCIAL POST | October 27, 2014 6:31 PM ET

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Beware of class action lawyers promising gifts.

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Under Canadian law, the bee stewards and their law firm risk running in the red if their claims are ultimately unproven. They better get out their checkbooks, because their claims are likely to bounce. The evidence is simply not on their side.

Canada law firm Siskinds is suing agricultural technology companies Bayer and Syngenta for \$400-million in damages. "This class action relates to the impact of these

pesticides on the bee population and, consequently, on Canada's beekeepers who produce honey and provide pollination services essential to the production of Canada's fruits and vegetables," said a release announcing the suit.

The lawyers have cobbled together a few Ontario beekeepers, but advertise in their announcement that they are looking for more plaintiffs from all provinces.

Derived from a synthetic form of nicotine and applied to seeds, "neonicotinoids" are incorporated into plants to defend them against pests. This allows growers to be much more targeted in killing crop-threatening insects. Only insects that actually feed on the plants are affected.

The technology has also resulted in fewer blanket applications of insecticide sprays to grow a successful crop, and to a radical reduction in more toxic pesticides that do harm wildlife, including bees. Real-world field studies of neonics have shown that bees foraging on plants treated with the substance are not impacted.

Canada's western provinces house roughly 80% of the nation's beekeeping industry. The dominant crop is canola, which is based heavily on neonicotinoid treatments. Yet bees are thriving in those fields.

The Alberta Beekeepers Commission issued a statement explaining why it does not support the Ontario class action suit. "Compared to the organophosphates and foliar applications of pesticides previously used," it noted, "seed treatment technology significantly reduces honeybee exposure to pesticides."

Beekeeper organizations in Quebec, Saskatchewan and Manitoba are poised to make their own statements against the suit, and the Canadian Honey Council warned against making "accusations of blame."

These responses are necessary, because Siskinds structured its complaint in a way that claims it represents all Canadian beekeepers, whether or not they believe neonics harm their bees. That's one of the ways class action suits are rigged in favour of plaintiff lawyers.

Beekeepers who do not wish to go after the pesticide makers must officially "opt out" of the suit, or they are automatically included. However, the lawyers have refused to explain how that can be accomplished, despite multiple requests for clarification.

Many beekeepers want to opt-out because most are doing well. The number of hives in Canada overall has increased, even as the use of neonics has gone up over time. In Ontario, the number of hives has increased over recent years as well, from 84,000 in 1995 to 97,500 in 2013 – while neonicotinoid use continued to expand.

Last winter was a good one for bees in most of Canada, while Ontario had relatively high losses. However, that may be because this province is distinct from others in having a greater proportion of hobbyist beekeepers.

Well-meaning, small-scale beekeepers who dabble in managing hives as a hobby generally cannot be as diligent as those who manage bees for a living.

“When you hear numbers like [Ontario’s], it makes you wonder what they’re doing to their bees,” commercial keeper Lee Townsend observed. “They’re not as current as the commercial beekeepers...[who] are generally more up to speed on what we’re doing [to protect our hives], because this is our living, this is how we make our money, this is how we support our families. It’s not like somebody who has a 9-5 job and plays with his five-to-ten hives after work. There’s a big difference.”

Add a financial incentive to this reduced knowledge and attention, and a fuller picture of the motivations behind the beekeeper class action suit emerges. The government of Ontario offered a \$105 per hive payout for everyone with losses over 40 % of their bees. It subsequently reported a high number of losses – and payouts.

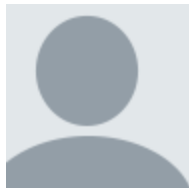
In defending against the lawsuit, the neonicotinoid manufacturers will surely use the discovery process to determine the true culprit for Ontario’s bee problems. Those investigations are likely to reveal the multitude of other problems that have been afflicting bees in Canada, the United States and Europe.

Varroa mites carry at least 19 bee viruses and diseases – and parasitic phorid flies, Nosema intestinal fungi and the tobacco ringspot virus also cause significant colony losses. Some beekeepers have accidentally killed off entire hives, trying to address such health problems.

It’s harder for hobbyists to be as vigilant or effective in fighting these problems. But that doesn’t mean courts should reward them by finding a convenient scapegoat in the form of pesticide companies.

Beekeepers who have signed on to the suit may have dollar signs in their eyes. But revelations about their management practices could bankrupt their reputations – and having to compensate neonic makers for defense costs under Canada's "loser pays" system, could hit their lawyers and them with significant fees.

Paul Driessen is senior policy analyst for the Committee For A Constructive Tomorrow (www.CFACT.org) and author of Eco-Imperialism: Green power – Black death.



Norah G Fon · 5 minutes ago Hold on, this is waiting to be approved by Financial Post.

NORAHG RESPONDS TO LITIGIOUS BEE-KEEPERS & THEIR CLASS-ACTION IN ONTARIO — THE ONTARIO LAWSUIT WILL FAIL BECAUSE BEE-KEEPERS ARE NEGLIGENT AND INCOMPETENT !

An ILL-ADVISED Ontario bee-keeper class-action lawsuit has been filed by lawyers representing anti-pesticide and litigious bee-keepers to RECOVER ALLEGED DAMAGES suffered due to neonicotinoid insecticides used by the agriculture industry since 2006. Observers predict that the litigious bee-keepers will LOSE THIS LAWSUIT, and will NOT RECOVER ANY LOSSES AND DAMAGES. The lawsuit will fail to prove that ONLY neonicotinoid insecticides were to blame for bee losses. The bee-keeper lawsuit will also fail to avoid the fact that there is NO BEE CRISIS caused by neonicotinoid insecticides, since only a very limited number of bee-keepers have reported losses. The lawsuit will prove that bee-keepers are simply negligent and incompetent in their management practices. It will prove that they failed to perform due diligence to control varroa mites, nosema fungus, tobacco ringspot virus, and other pests that damage bees. The bee-keeper lawsuit will fail to prove that there is even a bee crisis with neonicotinoid insecticides. There is no bee crisis with neonicotinoid insecticides, and THE LAWSUIT WILL FAIL ! However, there IS a bee crisis with negligent and incompetent bee-keepers. Even if the Ontario lawsuit is somehow successful, we would still have bee losses because many bee-keepers are NOT competent to manage their hives. Let the anti-pesticide and litigious bee-keepers face the spotlight of scrutiny and the terror of the courts. For more information about the ONTARIO BEE-KEEPER CLASS-ACTION LAWSUIT, go to The Pesticide Truths Web-Site ... <http://wp.me/p1jq40-8pz> <http://wp.me/p1jq40-8pm><http://tinyurl.com/q64fq9k> <http://tinyurl.com/ph4a6xc> NORAHG is the National Organization

Responding Against HUJE that seek to destroy the Green space industry. WILLIAM H GATHERCOLE AND NORAH G Get the latest details at <http://pesticidetruths.com/> <http://pesticidetruths.com/toc...> <http://wp.me/P1jq40-2r><https://www.facebook.com/norah...>



Michael S Harris · 3 hours ago

Great intimidation piece!

Get out in the field and really see what is really going on with the bees in Ontario and other insects before you start downgrading the skills of veteran beekeepers.



Norah G Fon **Michael S Harris** · 2 minutes ago Hold on, this is waiting to be approved by Financial Post.

Harris is WRONG ! NEONICOTINOID INSECTICIDES CAUSE NO HARM. There is no evidence to suggest a link between pest control products and bee health. With Best Management Practices, pesticides do not harm bees. However, the bee-keepers themselves are harming bees. If some anti-pesticide activists and bee-keepers were not so scientifically illiterate, they would know that scientific research shows that, as reported through EPA's and Health Canada's vast toxicology database, no harm will occur to bees with pest control products. Bee deaths are the fault of bee-keepers and their mis-management practices. Bee-keepers are responsible, and not pest control products. In their usual method of arriving at scientifically illiterate conclusions, the anti-pesticide activists and bee-keepers have somehow concocted the imaginary danger in order to deflect attention from the real problems. Of course, this is a myth ! Anti-pesticide activists and bee-keepers are the least qualified to provide any advice on this issue. If we had less conventional neonicotinoid use in the environment, we would still have bee colony collapse disorder, because many bee-keepers are not competent to manage their hives.

PROHIBITION WILL NOT SAVE BEES. <http://tinyurl.com/pxqzh6m> For more information regarding BEES, go to The Pesticide Truths Web-Site ...<http://wp.me/P1jq40-2r>

2BA <http://wp.me/p1jq40-6WJ> <http://wp.me/p1jq40-6H8> WILLIAM H GATHERCOLE
AND NORA H G <http://pesticidetruths.com/http://wp.me/P1jq40-2rr>