

Bittersweet ending to neonicotinoid pesticide case | Ecojustice

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Ecojustice recently learned that the Federal Court decided to dismiss our neonicotinoid pesticide case on mootness grounds, related to the timing of the case. This means that, although we argued our case forcefully and well at the hearing in November 2018, the Court declined to decide on the merits of what they heard.

Our clients, the David Suzuki Foundation, Friends of the Earth Canada, Ontario Nature and the Wilderness Committee, brought this case in 2016 because Health Canada's Pest Management Regulatory Agency (PMRA) had long failed to live up to its legal responsibilities as a regulator. Our lawsuit challenged a decades-long history of conditional registrations of Thiamethoxam neonicotinoid pesticides by the PMRA. These pesticides are toxic to bees and other pollinators, and the PMRA's own scientists acknowledged that they lacked the science to accurately assess the risks posed to the environment by these products.

Because the Court declined to decide on the merits of our case, the Court did not make findings as to whether the PMRA's actions fundamentally undermined the precautionary nature of the Pest Control Products Act by registering possibly harmful products without understanding their impact on ecosystems.

This outcome is all the more disappointing because of how hard Ecojustice battled to get pollinators their day in court. We fought off two separate motions from government and industry to shut down our case. It took years of delay to bring the case to a full hearing. And the courtroom scenes were David-and-Goliath matchups, with more than a dozen lawyers opposing us – so many that they spilled out into our half of the courtroom.

While Ecojustice did not win this battle, we're winning the war.

During our long years fighting this case, the PMRA repealed the conditional registrations regulation and conducted more research on pesticide impacts on pollinators. Some of that research has led the PMRA to conclude that some uses of Thiamethoxam neonicotinoid pesticides pose unacceptable risks to pollinators, and there is a planned phase-out of some uses.

Ecojustice remains deeply committed to protecting bees and other pollinators. Until the PMRA follows the law and only registers pesticides when it is reasonably certain that they will not damage the environment, we will continue to hold it to account.

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