

It's time that Canada stopped registering glyphosate, Ecojustice lawyer says

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A helicopter applies a herbicide spray in a forested area. - Contributed



The Canadian government should stop blindly endorsing glyphosate, says a Toronto lawyer.

"Federal legislation requires that the Pest Management Regulatory Agency (PMRA) refuse to register a pesticide unless it has reasonable certainty that no harm will occur to human health or the environment," Ecojustice lawyer Laura Bowman said Tuesday as she and other lawyers prepare to make their case in front of the Federal Court of Appeal.

Glyphosate, the active ingredient in herbicides Roundup and VisionMax, has long been controversial in Nova Scotia, where it is used in agriculture and in aerial spray programs to cull or eliminate the growth of hardwood in softwood stands.

Health officials in several provinces, including Robert Strang, Nova Scotia's chief medical officer of health, have said that evidence does not exist that glyphosate creates a risk to human health.

In 2016, Strang said, "there is no evidence that glyphosate creates a risk to human health if used properly and if the Department of Environment is monitoring where, how, and when it is used."

He said even water can be toxic if too much is consumed in a short period of time.

"The difference is between the possible hazard and the real-life risk," Strang said at the time.

Studies of 'questionable reliability'

Bowman countered Tuesday that "we know very little about whether or not glyphosate is used properly" and in accordance with label restrictions.

"There is very little enforcement or monitoring of how glyphosate is actually used," Bowman said. "A reference to no evidence does not mean that glyphosate has been proven to be safe. There is an objective scientific basis for concerns about human health risk. The World Health Organization has designated glyphosate a probable carcinogen and in the United States, a trial process concluded that glyphosate harmed human health. When someone says there is 'no evidence' this can also be true when there is no evidence at all.

"If you don't go looking for evidence of harm, you probably won't find it."



Dozens of people launched Roundup lawsuits against Bayer. - Reuters

Bowman said there has been limited study of the health effects of glyphosate, particularly when used with other chemicals in the formula it is sold in.

"Many of the scientific articles that are available are of questionable reliability," she said. "That is why an independent scientific review of the effects of glyphosate is essential.

Bowman said, in her view, Strang applied the wrong question.

"Whether there is proof of harm, that is not the standard for registration of pest control products in Canada," Bowman said. "The registrant is instead required to provide scientific evidence leading to reasonable certainty that no harm will occur."

Ecojustice, a Canadian non-profit environmental law organization, will represent The David Suzuki Foundation, Environmental Defence Canada and Friends of the Earth Canada, interveners in the Federal Court appeal by non-profit Safe Food Matters Inc. that should be heard in the coming months.

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all. If you don't go looking for evidence of harm, you probably won't find it."

Laura Bowman, Ecojustice lawyer

The legal wranglings began in 2017 when PMRA, a branch of Health Canada, released its re-evaluation of glyphosate, which opponents say failed to take into account the impacts of the herbicide, including evidence submitted by the other interveners and the World Health Organization's conclusion that glyphosate is probably carcinogenic to humans.

Safe Food Matters and seven other objectors filed a notice in June 2017, asking the federal health minister to establish an independent panel to review the re-registration decision.

The minister rejected the call for an independent review and Safe Food Matters made application for a judicial review of the minister's decision in February 2019. That application was dismissed by the Federal Court.

On March 13, Safe Food Matters filed an appeal of the Federal Court ruling.

"Our clients objections turned on whether the evidence for glyphosate did not meet this threshold and was based on limited or unreliable science," Bowman said of the reasonable certainty test that glyphosate would cause no harm to human health or the environment.

"The role of the public in the objection process is to highlight errors, weaknesses or omissions that are relevant to whether the PMRA has properly found that the registrant has proven that there is reasonable certainty that no harm will occur," Bowman said.

Widely used herbicide

"Our clients are intervening in the appeal to ensure that the objection process is a useful tool to correct errors by the PMRA."

The groups opposed to glyphosate believe the PMRA should err on the side of caution and refuse to register pesticides when they do not have sufficient information to establish they are safe.

The group says glyphosate is the most widely used herbicide in Canada and worldwide and is registered in Canada for cosmetic uses and for spraying crops like wheat, barley, oats, chickpeas, flax, and soybean.

In Nova Scotia, the Environment Department this year issued three new approvals for aerial pesticide spraying for 1,498 wooded hectares, primarily in Cumberland County, along with limited sprays in Annapolis, Kings, Hants and Colchester counties.

A department spokeswoman said Tuesday that Century Forestry advised the department in September that they had finished their spray program for 2020 because of hurricane Teddy. Four sites were not sprayed.

Also in September, the groups Stop Spraying and Clearcutting Nova Scotia and Extinction Rebellion and their friends occupied three parcels of forested land approved for aerial glyphosate spraying.

The applicants going to the Federal Court of Appeal argue that scientific studies have shown that when glyphosate is used on crops that are not physiologically mature, it results in an accumulation of glyphosate residues in the seeds of the crops.

That means glyphosate's presence can be found in our food, our water and where our children play, they argue.

In 2018, a California court found that Monsanto's (now Bayer's) glyphosate-based pesticides contributed to an American citizen's cancer, and that Monsanto knowingly covered up the risks.

More than 9,000 court cases have been brought forward by cancer patients in the U.S.

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