



## **Media backgrounder: David Suzuki Foundation, Environmental Defence Canada and Friends of the Earth Canada intervention in *Safe Food Matters Inc. v. Attorney General of Canada***

### **Case history**

In April 2017, Health Canada's Pest Management Regulatory Agency (PMRA) released its re-evaluation of glyphosate, which failed to take into account its impacts on human health — including evidence submitted by the David Suzuki Foundation, Environmental Defence Canada and Friends of the Earth Canada and Safe Food Matters, as well as the World Health Organization's conclusion that glyphosate is probably carcinogenic to humans.

In June 2017, Safe Food Matters and 7 other objectors (including the David Suzuki Foundation, Environmental Defence Canada and Friends of the Earth Canada) filed their Notice of Objections (NoO) and asked the Minister of Health to establish an independent panel to review the re-registration decision. The NoOs presented scientific rationale and evidence to support their objections that the evaluation of the health and environmental risks of glyphosate were not valid. The Minister of Health rejected the request for an independent review of the PMRA's decision on glyphosate.

In February 2019, Safe Food Matters filed an application for judicial review of the PMRA's rejection of its NoO on the basis that the rejection was unreasonable. The Federal Court dismissed the group's application for judicial review.

On March 13, 2020, Safe Food Matters filed an appeal of the Federal Court's ruling. The group argues that the Judge erred in her approach to reviewing the PMRA's decision to reject the NoO.

More information about the Safe Food Matters appeal is available at <https://safefoodmatters.org/>.

### **Why we are intervening in *Safe Foods Matter Inc. v. Attorney General of Canada***

Under the *Pest Control Products Act*, Canadians have the right to request reviews of decisions made by the PMRA to ensure accountability and transparency.

The David Suzuki Foundation, Environmental Defence Canada and Friends of the Earth Canada, represented by Ecojustice lawyers, will be intervening in this case to ensure that this right continues to protect the health of Canadians and the environment. Canadians should be able to depend on the PMRA to use the precautionary nature of the *Pest Control Products Act* to take swift action to restrict the use of harmful pesticides, like glyphosate. Unfortunately, in this instance, they have not applied this precautionary approach.

When, like with the re-registration of glyphosate, the PMRA fails to act with appropriate precaution, the right to request reviews of decisions gives Canadians an important tool to hold the PMRA accountable and to protect our health and environment. Unfortunately, the Federal Court's decision seriously limited the scope of that tool - making it effectively impossible to use. We're going to court now to make sure that Canadians can continue to hold the PMRA accountable when it ignores relevant science or makes decisions without enough scientific evidence.

### **Main points we support as interveners**

- The requirements for the Notice of Objection in the Federal Court's decision were overly restrictive.
- The Court denied a review because the applicants did not produce a new peer-reviewed study within 60 days. Notices of Objection should be permitted even if they only raise a concern about the absence of evidence.
- We believe that 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.

### **Why we are concerned about glyphosate**

Glyphosate is a broad-spectrum, non-selective herbicide and the most widely used herbicide in Canada and worldwide.

Glyphosate is registered in Canada for cosmetic uses and for spraying on the following crops after they've started growing: wheat, barley, oats, chickpeas, flax, lentils, mustard, dry beans, canola (GM), peas, soybean (GM), faba beans. Scientific studies have shown that when glyphosate is used on crops that are not physiologically mature, this results in an accumulation of glyphosate residues in the seeds of the crops. This means glyphosate's presence can be found in our food, our water and where our children play.

In 2015, the World Health Organization's cancer research agency panel of independent scientists classified glyphosate as a "probable human carcinogen". 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.

Despite the risks, Health Canada announced that it will not take further steps to address major concerns about the scientific credibility of its decision to maintain the registration of glyphosate for another 15 years.

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