

[Page 49 - On the Trail of Elizabeth May](#)ISSUE : [Issue 53](#)

Published by Ronald Caplan on 1990/1/1

2,4-D and 2,4,5-T were longstanding, registered years ago, phenoxy herbicides. Which, thanks to the fact that they'd been registered so long ago and were used so much, we had a pretty impressive data base. What 2,4,5-T was too hazardous to be used. And at the point that Nova Scotia granted permits for spraying 2,4,5-T, it had been banned in the United States since 1978. It had been banned in Sweden. Sweden had also banned 2,4-D from forestry use. 2,4,5-T was banned in Ontario, in Saskatchewan, and British Columbia, and--before our case was over--in Quebec. So we were not in any way alarmists to be concerned that they were going to be putting this stuff on our forests.... The people who were opposing the herbicide spraying, then and now, are always put in the position of having to prove--the onus of proof is on us--to prove that a chemical, that the government plans, is going to kill you. I mean, they don't make the test easy. You can't just prove that there are some health risks associated with it. Whereas, the real crux of the debate should be. What are we doing to our forests? Does it make any sense to spray something to kill hardwood bushes? to kill shrubs? Is that good for the forest? And is that necessary? And all of those things should be debated well before you start getting onto the question of whether one chemical is better marginally than another.... I think all of the anti-spray work in Cape Breton that I've been involved in or been witness to for the last 13 years--the anti-spray people have always tried to focus on basic forestry issues, and tried to keep it from getting twisted into a health vs. jobs thing. In the herbicide case, we had three different witnesses addressing forestry and economic issues, to say that this was not an appropriate thing to do from the forest industry's point of view. It just didn't make sense. We had a retired forester with 50 years' experience who testified, and a professor of vegetation management from the States, and an economist who also demonstrated that it didn't make any economic sense to do it. But I mean, the herbicide case is another long story, because our evidence was overwhelming, and should have at least been sufficient to have gotten the injunction prolonged. Or at least to have had a decision from the court that reflected that our evidence was legitimate. But we got a very political decision.... And one that I'm convinced would have been overturned on appeal. But we didn't go to an appeal because of the financial pressures, and emotional pressures, on the plaintiffs. I desperately wanted to appeal, and I really regret that we didn't, because I don't think that we'd still be fighting every year the spraying around the island if we'd gone on to the appeal. (Did you write a book on the herbicide case?) No. I think someone else should write the book on that one, frankly. I think someone should write a book about it, because it said a lot about the failure of the Nova Scotia justice system. It said just as much about the failure of the Nova Scotia justice system as the Donald Marshall case does. And it said a lot about the failure of the regulatory system in Ottawa. And about politics. And it says a lot about the frailty of people.... Anyway, (after the herbicide case) I threw myself into my work in Halifax for quite awhile. And that was during the period that I very nearly got married. And I think that was just kind of being on the rebound from



the herbicide case, that I was really depressed, and this fellow was quite nice, and thought that it would be great to pick up and move some place. And since he was a reporter, he'd be moving quite a lot. But I realized very quickly that wasn't a good idea, for lots of reasons. And, so I worked in Halifax practising law, and just getting good at it. Working with a 45 Cape Bretoners tell stories about their lives in this anthology from Cape Breton's MAGAZINE Introduction by Ronald Caplan 121 PHOTOGRAPHS OVER 300 PAGES \$19.95 beautiful quality paperback "As a record of Cape Breton life in days gone by, this book is a treasure" • Ellen Pilon in Ttie Kentville Advertiser "I t{>ok the road less travelled by ...and that has made all the difference." -Robert Frost Richmond County's Route 4 fIA EOC Our Specialties Are Seafood and Home Baking OPEN DAILY, ALL YEAR ROUND (902) 535-2089 Grenville Street in St. Peters Entrepreneur of the Year Award • Cape Breton Tourist Association,' MacDonald Hotel Dining Room and Lounge Home Cooking with a Gourmet Touch Specializing in Fresh Seafood Recommended by Taste of Nova Scotia (902)535-2997 ARDEN & (REASONABLE RATES) 'MOF'A'KT Highway4 . ST.PETERS