You sue
and we all lose

David South
Auburn University
Southern Forest Nursery
Management Cooperative
• Because we are a minor-use crop, it is often very difficult to get a chemical company to label their product for use in container nurseries.

• In some cases, after years of research, we have been able to convince a company to register a pesticide for our use.

• However, some in the nursery industry have sued or claimed damages against chemical companies. These actions have had dramatic, negative effects on the rest of us.
Companies drop our labels when we sue or claim damages.
Usually, the companies do not profit greatly from allowing us to use their products...
Usually, we... the nurseries benefit economically from allowing using their products...
So when YOU SUE the companies WE LOSE the legal use of pesticides
In 1995, a nursery in NY sued DowElanco for a herbicide injury resulting from what some believe was an off-label use.
As a result, we no longer can use the following herbicides for week control in seedbeds.

Surflan, Gallery, Snapshot
Many horticulture nurseries have sued Dupont for a total of more than $500 million.
As a result, nursery managers can no longer use the following pesticides.

Benomyl, Tersan, Manxate, Lannate, Vydate, Vendex and Biobit
Due to a claim against a chemical company, all longleaf nurseries in NC, SC, GA, and AL can no longer legally treat their seed with an effective fungicide.
Researchers waste time and efforts when pesticide labels are withdrawn

- Research conducted by Weyerhaeuser (Littke, the USFS (Barnett and Karrfalt), NC Forest Resources (Pickens) and Auburn University (Carey and Enebak) is now worthless to nursery managers since the pesticide label they helped to obtain has been withdrawn.
Why should nursery researchers waste their time looking for effective chemical alternatives?

The actions of one individual can erase the potential benefit of many research years...
Even if the chemical company was at fault, please do not make a financial claim .....or the rest of us may suffer when we lose one or more pesticide labels.
Another potential negative effect of pesticide lawsuits is on extension.

Why should we provide pesticide information to all nurseries when this increases the chance of losing herbicide labels?
"To demonstrate that our society is drowning in litigation, one only has to look at the overworked system of justice, the delays in trials, the clogs businessmen face in commerce and a medical profession rendered overcautious for fear of malpractice suits. The litigation explosion, which developed in barely more than a decade beginning in the 1970’s, has affected us at all levels..."

Warren E. Burger
Former Chief Justice
United States Supreme Court