



**The National Farmers Union in New Brunswick
L'Union nationale des fermiers au Nouveau-Brunswick
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FOR IMMEDIATE RELEASE

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NEW BRUNSWICK POTATO FARMERS WIN VICTORY IN SUPREME COURT

The Supreme Court of Canada has ruled the federal government must provide a financial settlement to 180 New Brunswick potato farmers who were hurt by the federal government's mishandling of a potato disease outbreak in the early 1990s.

The decision, released February 19 in Ottawa, is a victory for farmers who have been fighting for justice for nearly two decades. The federal government had appealed to the Supreme Court in an effort to overturn a September 18, 2008, New Brunswick Court of Appeal decision, which held the federal government liable for millions of dollars in damages suffered by the farmers. The federal government must now negotiate a fair settlement with the farmers. If a negotiated deal is not reached, the government must pay a financial package which will be determined by the court.

The National Farmers Union (NFU) in New Brunswick played a key role in helping farmers organize to pursue the court action, beginning in the early 1990s. Kevin Arsenault of Prince Edward Island also worked tirelessly on farmers' behalf on this issue for nearly twenty years, first with the NFU, and later on his own. But it was the farmers themselves, who organized a group known as the "PVYn Affected Growers Inc.", which deserve tremendous credit for sticking together and following through till the end, stated Betty Brown, NFU National Board member for New Brunswick. She noted, however, that there is still considerable work to be done before the farmers see any money in their pockets.

John Friel, QC, McInnes Cooper, who served as legal counsel to the growers for 14 years, said he is happy with the result, and optimistic that the government will be forthcoming with a payment that could amount to many millions of dollars. But the government has been uncooperative from the beginning, he cautioned. "The important thing is that this has been an ongoing battle between the potato growers and the Canadian Food Inspection Agency (CFIA) for the past 18 years. It's been a battle every step of the way."

Friel explained that although the CFIA did not exist at the time the incident took place in 1991, it was named in the action because its predecessor, the federal Department of Agriculture's Food Production and Inspection Division, was responsible for the

negligence which cost farmers many millions of dollars in damages as a result of the government's failure to conduct a meaningful investigation of PVYn it had detected in 1989. The New Brunswick Court of Appeal had found that this failure resulted in the import of PVYn infested seed potatoes into New Brunswick in the spring of 1990 and introduced a quarantine pest into the province.

Gailen Allan, a member of the NFU in New Brunswick and an original member of the PVYn Affected Potato Growers Inc, said the Supreme Court decision was "great news" that he's been waiting to hear for nearly two decades.

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