

UK community activist, Georgina Downs, has won a landmark seven-year campaign to force the British government to protect residents from pesticide spraying. JO IMMIG reports.

Georgina Downs is one of those environmental crusaders – like Rachel Carson (author of *Silent Spring*) or Erin Brockovich ⁽¹⁾ – who will be remembered as a hero because of her stamina and courage in fighting for something she believed in. She took on the UK government, no less, and has recently won a landmark ruling in the UK High Court on the dangers of pesticide spray drift – a health threat that communities face all over the world.

Downs, now 35, grew up in the English countryside (Chichester, West Sussex) next door to heavily-sprayed fields. As an 11-year-old she regularly fell ill, but doctors could not find the cause. It was only as a 19-year-old, with wasted muscles and an exhausted body, that she began connecting her ailing health with spraying near her parents' home. This turned into a full-blown investigation into government regulations controlling pesticide spraying and 'safe' exposure to spray drift.

The more Downs looked into it, the more concerned she became. It then took a seven-year campaign and assistance from a legal team to prove that the government had never made an adequate assessment of the health risks for people who are regularly exposed to pesticide spray drift. Along the way, Downs' campaign received extensive support and recognition and she won prominent awards, including the *Daily Mail's* 'Inspirational Eco Woman of the Year'.

The High Court ruling in November 2008 acknowledged that Downs had provided solid evidence that residents had suffered harm, and found the model used by the government to

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Above: Georgina Downs outside the High Court after her win.

determine risks did not protect people from harmful pesticide exposures. The judgement calls for a total rethink of the way pesticide spraying risks are assessed and controlled. It could also have significant implications for the chemical industry.

Downs made a powerful statement outside the High Court that laid bare her anger at government inaction. Here are some edited excerpts from her speech:

"I would like to start by confirming that I have won my High Court action against the Government. I have been fully vindicated, as this case was based on a set of core arguments that I identified and have been presenting to the Government over the last seven years.

"The Judgement from Mr Justice Collins is very clear in that the Government has been acting unlawfully in its policy and approach in relation to the use of pesticides in crop spraying, and that public health, in particular rural residents and communities exposed to pesticides from living in the locality to regularly sprayed fields, is not being protected (and this applies to both acute effects and chronic long-term adverse health effects). This is obviously a landmark ruling for the potentially millions of residents throughout the country who, like myself, live in the locality to pesticide-sprayed fields.

"The Government's method of assessing the risks to public health from crop-spraying is based on the model of a 'bystander', in which it assumes that there will only be occasional, short-term exposure to the spray cloud at the time of the application only, from a single pass of a sprayer and to only one individual pesticide at any time.

"The Judge has agreed with my long-standing charge that this bystander model does not, and cannot, address residents [including vulnerable groups such as babies, pregnant women and the elderly] who are repeatedly exposed from various exposure factors and routes to mixtures of pesticides and other chemicals, throughout every year, and in many cases, like my own situation, for



decades. The fact that there has never been any assessment of the risks to health for the long-term exposure for those who live, work or go to school near pesticide-sprayed fields is an absolute scandal, considering that crop-spraying has been a predominant feature of agriculture for over 50 years. Under EU and UK law, the absence of any risk assessment means that pesticides should never have been approved for use in the first place for spraying near homes, schools, children's playgrounds and other public areas.

"Reports of adverse health effects in rural areas have gone on for decades. In 2003, I produced a DVD that I presented to the Government, its regulators (the Pesticides Safety Directorate) and main advisors (the Advisory Committee on Pesticides) that featured individuals and families from all over the country reporting acute and chronic long-term illnesses and diseases in rural communities that were surrounded by sprayed fields.

"The acute effects reported by people on the DVD are the same acute effects recorded in the Government's very own monitoring system... Government officials and advisors have, therefore, been fully aware for years of these effects, but the Government has continued to accept such effects as not being serious...

Above: Georgina Downs has been vindicated in her campaign against chemical spraying.

"Yet the European Commission has acknowledged that: 'Long term exposure to pesticides can lead to serious disturbances to the immune system, sexual disorders, cancers, sterility, birth defects, damage to the nervous system and genetic damage.'

"The crucial evidence I produced for my case, in three very detailed witness statements, shows quite clearly that the Government has knowingly failed to act... The Government should now just admit that it got it wrong, apologise and actually get on with protecting the health of the citizens in this country."

– Georgina Downs,
Friday November 14, 2008

⁽¹⁾ Erin Brockovich was a Californian legal clerk who helped launch a massive case against the Pacific Gas and Electric Company for polluting drinking water with carcinogenic chemicals. At the conclusion of the case, the company ended up having to pay US\$333 million in damages to more than 600 residents. See: www.brockovich.com for details.

• For more information about Georgina Downs' campaign go to: <http://www.pesticidescampaign.co.uk/> **OG**

THE AUSTRALIAN SITUATION

The historic ruling in the UK High Court sends a strong message to Australian regulators that urgent action needs to be taken.

Australians are arguably no better protected from spray drift than their UK counterparts, because we have a comparable approach to assessing pesticide risks and similar patterns of exposure in agricultural areas. There is no mandatory pre-notification requirement by legislation in Australia for farmers to notify neighbours of spraying.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) has recently introduced a policy called 'Operating Principles in Relation to Spray Drift Risk'⁽¹⁾, which acknowledges that better management of the problem is needed. However, APVMA expects it could take several years to work through, because as many as 2800 products need to be reassessed for spray drift risks. Also, it will only test the effects of individual pesticides, not exposure to multiple pesticides at the same time, which is a common occurrence.

While the APVMA says it needs to defend its regulatory decisions with good science, it means that in the meantime the community will continue to be exposed to potentially dangerous pesticides.

It would seem that there is a strong case for applying the precautionary principle and, as a minimum, that an effective pre-notification system needs to be put into place so people can at least remove themselves from harm's way.

• ⁽¹⁾ APVMA operating principles in relation to spray drift risk (July 2008) <http://www.apvma.gov.au>

– Jo Immig,
National Toxics Network