

APPENDIX 3

Russell Wedgbury and Caroline Kennedy
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24/8/03

Dear Russell Wedgbury and Caroline Kennedy,

CONSULTATION ON PLANS FOR GREATER ACCESS TO INFORMATION ABOUT CROP-SPRAYING

My submission is set out as follows:

1. Introductory observations
2. Comments relating to my family's specific circumstances
3. Consultation proposals – Key Points and recommendations
4. Specific questions
5. Summary

Appendices

- I. References, as well as quotes taken from various Government and industry documentation in relation to the dangers of pesticides; notification and public access to information
- II. Extracts taken from a few of the emails/letters that I have been receiving to highlight the comments that are being made by others who also have the direct experience of this situation

1. Introductory Comments

- 1.1. First of all I would like to make a few comments in relation to the Consultation Process in general.
- 1.2. Whilst it is a step in the right direction for recognising individual rights, that is very long overdue, it definitely does not recognise or represent the seriousness of this issue for people living near regularly sprayed areas, as the Government have denied that there are any health risks involved. There is no evidence that supports this view, but a considerable amount of evidence that shows that there is a high level of risk inherent in the spraying of agricultural chemicals.

- 1.3. The Advisory Committee on Pesticides has stated on a number of occasions that “*science cannot guarantee complete safety or zero risk.*” So I would like to ask why DEFRA launched this Consultation stating that there is *no risk* to people in the countryside from crop-spraying and that pesticides are *safe*?
- 1.4. This claim is not only factually inaccurate and seriously misleading to both farmers and the public, but it is obviously downright dangerous and I definitely do not believe, based on the evidence that this claim would stand up in a court of law. (NB. There are a number of other statements within the Consultation Document for the *Introduction of no-spray buffer zones around residential properties* that are also misleading and factually inaccurate, but I shall elaborate on this further in my response to the second Consultation).
- 1.5. It has been stated in the documentation relating to these two Consultations’ that they have been undertaken to reassure the public and provide a further degree of public confidence in the current system. Yet it is this current system that is the problem.
- 1.6. Pesticides by their very nature are designed to kill living organisms, so it is not surprising that these chemicals are highly poisonous substances. There has been over 50 years of documented scientific and medical evidence in relation to their damaging effects on human health, including from Government’s very own documentation. I continue to receive responses daily from people all over the country reporting acute and chronic long-term ill-health effects following exposure(s) to pesticides. Reports of this nature have gone on for decades. At present there is virtually no regulatory control or legal protection for members of the public exposed to agricultural chemicals.
- 1.7. There are serious fundamental flaws throughout the existing regulations governing the approval and use of pesticides, as the “*bystander model*” is not representative of the exposure scenario for a resident. The Consultation Documents’ seem to have centred on the problem of immediate visible spraydrift only and **not** the wider issue of the long-term exposures to pesticides in the air. This is a fundamental point in relation to the case that has been presented to the Government over the last year, as this is not about the misuse of pesticides, but about pesticides legally allowed to be sprayed near to people’s homes, schools, workplaces and the inherent health risks. (See paper presented for the ACP Open Meeting on July 10th 2002 entitled “*Why the “bystander risk assessment” does not equate to real-life exposure scenarios*”).
- 1.8. The monitoring system is totally inadequate, as HSE and PIAP were only really set up to deal with one-off incidents of acute exposure, (*and even then many people report a lack of any investigation following a complaint, as well as inaccurate recording and reporting. This results in only a few cases of acute effects being confirmed by PIAP as related to pesticide exposure per year*). People who are living near regularly sprayed areas are obviously receiving repeated high level exposures to mixtures of pesticides throughout every year and in many cases for decades. HSE/PIAP have not collected appropriate data on this kind of exposure scenario and related ill-health. This has been recognised in a number of previous reports (ie. British Medical

Association's *Guide to Pesticides, Chemicals and Health*, in 1992 and the 1987 report of the *Chairman of the House of Commons Agriculture Committee on the effects of pesticides on human health*¹, as well as other reports). Therefore without any adequate or appropriate monitoring for chronic effects, there is no evidence that the clusters of medical conditions that people are reporting are not related to pesticide exposure(s).

- 1.9. With the increase in cancers, ME, asthma's, allergies (*NB. 1 in 3 people now suffer from some form of allergy*) and many other illnesses (especially in young children) then what is in the surrounding environment has to be taken into consideration. These chemicals are extremely dangerous and I think that anyone with common sense can see that regularly spraying poison into the air where people live and breathe is definitely not safe and can be nothing but harmful both in the short and the long-term. In most cases it is not possible to reverse the damage caused, therefore the significance of these consequences requires a precautionary approach.
- 1.10. The Government, its agencies and scientific advisors must recognise and admit the effects that pesticides have on human health, as *prevention* of pesticide poisoning is the only way to protect people from pesticide related ill-health.
- 1.11. I would like to quote a couple of people who have worked with pesticides and whose emails I have recently received: *"I used to work as a pesticide chemist. There is definitive risk to people near to farmers spraying fields. I used to analyse drainage water near such sites and they contained significant levels of pesticides. The Government department commenting on this needs to get it's facts right."*
- 1.12. The other stated *"I used to work in the commercial glasshouse industry and at a research institute. At both I used to have to spray pesticides and fungicides. I had to wear full protective clothing and breathing apparatus, but the main point is that no-one was allowed into the sprayed area for 1 day, fruit was not allowed to be eaten for up to 5-7 days the substance sprayed was so toxic. These are still used today. We were not allowed to spray anywhere where people were working, which would apply to the garden etc. of the house and family shown. Being aware of the poisons used from working at the research establishment, in no way is any pesticide safe for anyone to breathe in the drifting spray."*
- 1.13. The principle aim of pesticide regulation is supposed to be the protection of public health, therefore this has to be the number one priority and take precedence over any financial, economic or other considerations. Therefore if people are not being informed about the *true* dangers and risks of these chemicals then they will not be able to take the necessary precautions to protect themselves from exposure. Yet everyone has a recognised right to protect their health and the health of their family from any risks to their health and safety.
- 1.14. Under the COSHH regulations an employer has a legal obligation to supply any employees/workers with all the necessary information in relation to the

hazards/risks of exposure from using/spraying pesticides. Therefore workers should have all the knowledge, information, equipment to protect themselves, whereas members of the public *do not*, even though in relation to the actual application of pesticides, residents and others can be exposed to the very same airborne droplets, particles, vapours and dusts that workers require protection from.

1.15. This situation is completely unacceptable and as previously stated I fully welcome the Government's proposals to rectify this situation.

1.16. People have a fundamental right to know what they are being exposed to.² (Although obviously the fundamental point is that members of the public should not be exposed to these chemicals at all in the first place!) This means receiving prior warning of when spraying is going to take place and information on the chemicals to be used, as well as having full access to spray records. Then if anyone does suffer any adverse health effects, they will be able to tell their doctor or other medical advisors exactly which chemicals they have been exposed to, as a doctor cannot possibly make a proper assessment of their patient's health effects unless this information is provided. Not only is this information vital for the correct assessment and treatment of a patient, but also to feed back into the monitoring system, otherwise pesticide related ill-health statistics will never have a hope of being accurate or complete.

1.17. **I would like to point out that warnings to third parties before spraying and access to information on the chemicals used has been recommended (although obviously not a legal obligation) in both Government and industry documentation spanning decades – Appendix 1 contains quotes taken from a few of these documents.*

2. Comments on my family's specific situation

2.1. I would like to clarify a few points in relation to our specific situation, as there have been a few factually inaccurate statements made in recent media.

2.2. First of all, as has been well documented, we have not been able to get any information on the 14 years of chemicals that were used on the surrounding fields next to our property between 1984 and 1998. This information is vital in view of the chronic long-term health effects that we are suffering. Last year, two medical professionals, including our GP, wrote to the farmer in question to request this information, but he refused to disclose. Therefore our medical records are obviously incomplete since we have not been able to obtain the necessary chemical information from the farmer or the HSE, as there is currently no law to force any farmer to disclose this information to the public.

2.3. The fields next to our house have now been rented to a new farming business.

- 2.4. In December, the farming business in question agreed to give local residents prior notification before any spraying application and to supply information on the chemicals being used.
- 2.5. However, although we did meet with a representative in March who supplied us with the information on the chemical products that they intended to use on the crops, they refused to give us any prior notification of which chemicals they would be using when and in what combinations.
- 2.6. Interestingly the local Parish Council informed us that the farming business do operate a Hotline system for notification in other areas, but do not to my knowledge at present operate that system here despite approaches for them to do so.
- 2.7. Also, the promised no-spray zone in the field adjoining our property is obviously not a no-spray zone, as it was sprayed on Saturday 23rd August and it has been confirmed that it will be sprayed as and when it is necessary.
- 2.8. Therefore in the second Consultation document I think that DEFRA will need to be extremely precise as to the exact definition of a *no-spray zone*.
- 2.9. **It is essential that we receive prior notification before any spraying and information on the chemicals to be used to be able to take the necessary precautions to try and reduce exposure as much as possible to these chemicals. It is also imperative to have full access to the spray records for a proper appraisal and assessment of our long-term health effects.*

3. **Public Access to Information on Pesticide Use: *Issues for Consideration***

3.1 Proposal – Farmers and growers in England and Wales to complete and maintain a register of pesticide treatments used on their holding(s) and to provide access to those records.

3.2 I fully support this proposal

Key points and recommendations:-

- As stated in the Consultation Document the *Green Code* is an advisory document for guidance **only** and is not legally enforceable. Voluntary and self-regulatory measures are completely unacceptable in this situation. Therefore the introduction of statutory measures is essential
- The only way to be able to monitor and have correct analysis of the correlation between exposure and ill-health effects whether they be acute or chronic is for records to be kept to show exactly what chemicals were applied and when. **In view of any chronic long-term health effects these records need to be kept indefinitely**
- Full disclosure of spray records should be made **directly to any member of the public who enquires**, as well as to any other parties who may have been

appointed by an enquirer to act on their behalf (*ie. doctors/medical professionals/lawyers/teachers etc.*)

- Detailed spray records should include the date and time of all pesticide applications, where they were used and the crop that was treated; all product names including all active ingredients per application, along with the Manufacturers' contact details, any safety data sheets (if available) and COSHH Assessment Records. Any other relevant information should also be recorded
- In California pesticide users are legally bound to register what they are using and how much and that is then publicly available information and therefore full disclosure of records should also be made to a central database where the information could be held and made publicly available

3.3 Proposal – Farmers and growers in England and Wales to notify those in surrounding houses of timing of spray operations and the pesticides to be used.

3.4 I fully support this proposal

Key points and recommendations:-

- Again as stated in the Consultation Document all the advice given in the *Green Code* regarding notification is not legally binding. Therefore the introduction of statutory measures is essential, as at present a mandatory notification system only exists for aerial spraying, sulphuric acid and for beekeepers
- PSD have proposed that the advice on notifying adjacent occupiers contained in the *Green Code* could be strengthened and made statutory by making such notification the subject of a new schedule provision with the legal basis like that for aerial spraying. Considering how far pesticides have been shown to travel then the distance for notification would have to be set further than the current 25 metres³. The notification should include all those living or working in the area, anyone with land/premises/livestock/crops in the surrounding area, as well as the person in charge of any hospital, school, care home or other institution or occupied premises etc. **The notification period should be 48 hours prior to any application**, but should definitely be no less than 24 hours beforehand. The notification should include the intended date and time of the application; all product names including all active ingredients per application, along with the Manufacturers' contact details. Material Safety Data Sheets (if available) and COSHH Assessments should also be provided on request
- *Warning signs* of appropriate robustness and legibility should be posted on adjacent roads, paths, *rights of way* and bridlepaths, warning of the time and place of the intended application, the chemicals to be used and who to contact for further information. (*Any Hotline number, email or website address should also be included – see below*). These signs should be posted 48 hours prior to any application, but should definitely be no less than 24 hours beforehand. They should remain for at least 96 hours following treatment, as it is for sulphuric acid. This would benefit and help ramblers, horseriders, cyclists, dog walkers, motorists and any other members of the public, to inform them of the time and place of any

intended spraying application and thus provide them with the necessary information to try and reduce exposure to the chemicals and prevent contamination

- The statutory conditions of use in the approval for **all** pesticides (and not just sulphuric acid) should also contain the same detailed requirements for notification and provision of notices as set out above
- The Green Code for the Safe Use of Pesticides on Farms and Holdings should have legal status, with amendments as required to incorporate the same detailed requirements for notification and provision of notices as set out above, as well as any other necessary changes following the outcome of both Consultations' and any further input from Stakeholders
- In California pesticide users are legally bound to register what they are using and how much and that is then publicly available information and therefore notification and all the relevant information should also be made to a central database where the information could be held and made publicly available
- The information should also be provided to the Local authority (and notably the Chief Environmental Health Officer for the district) where all pesticide applications over the season should be logged with all the relevant information
- All safety data sheets of the products should also be made available on websites as well as provided to local authorities/hospitals and GP surgeries. They would then also have the necessary chemical information if anyone attended suffering ill-effects etc.
- In the event of an emergency (suspected poisoning) the Material Safety Data Sheets and other information has to be provided immediately by the user to any member of the public on request for specialist medical advice/treatment
- Communication and co-operation from farmers/growers and other pesticide users to members of the public is essential
- Considering houses undergo a whole host of structural surveys and assessments for all sorts of problems/hazards, then it should be a legal obligation to inform anyone who is thinking of buying or renting a property in an area near fields that are regularly sprayed of the inherent health risks. This will then enable them to make an informed and knowledgeable decision about whether it really is the kind of environment and situation they would want to be living in

*3.5 *I would like to ask if notification would also be considered for chemical fertilisers, harvesting and liming, as hazardous operations in their own right?*

4. Specific Questions

Question 1. The general proposal that users of pesticides be required to notify occupants of adjacent property prior to use of pesticides

4.1. I fully support the general proposals in this Consultation Document that users of pesticides should be required to notify occupants of adjacent and nearby properties prior to the use of any pesticides. This would mean that occupants and others would then be able to take the necessary precautions to try and protect themselves to reduce exposure as much as possible to these chemicals. I think this measure is very long overdue.

Question 2. In what form the notification should take place, for example what notices should be produced and where they should be placed

Practical Options to consider for Providing Mandatory Notification and Information on the Chemicals to be Used to Residents and Members of the Public:-

- Whilst **telephone** is the most convenient mode of notification, I am aware that many farmers/growers will point out that it is not a practical option when faced with *heavy populated* residential areas. The same would apply to **faxing** or **posting flyers** through the door of any nearby properties. These 3 options may only work successfully for an area with a low number of houses. However, any of these options would have to be discussed locally between farmers and residents as to the most suitable method of providing the mandatory notification for all parties
- The most practical options could be for local farmers/pesticide users to provide all the relevant information on **Hotlines** (*possibly freephone*) and by **Email Alerts** and on **Websites**
- The **Hotlines** would be similar to the recorded answer phone systems that provide train/weather information and would be updated either every day or every few days with a message to say which fields would be sprayed when (specifying the date and time) and with what combinations of products. Local residents and other members of the public could then phone in and get all the necessary information (as specified on page 6). On the days when there is no spraying planned, then the message could simply say that there would be no spraying on those particular dates. (*Although any change of plan would have to be made available within the mandatory notification period*). Any **Hotline** numbers would obviously have to be sent to all residents in the area and fully advertised and listed for others to be made aware of their existence and could possibly be freephone numbers. It should also be included on the warning signs posted in and around the area. **I believe that the Government should provide financial assistance where needed**
- The **Email Alert** system and **Website** listing could also provide the relevant information, as well as instant access to any Material Safety Data Sheets if they were available electronically. Unfortunately, these 2 options might not be the most practical in some areas, as there are still many people who don't have access to a computer, but again this would have to be discussed locally between farmers and residents as to the most suitable method of providing the mandatory notification for all parties
- Notices on site and around the area as already stated on page 6

Question 3. The period before use when notification should be given

4.1 **The notification period should be 48 hours prior to any spraying application.** This is the time allocated in relation to protecting bees and therefore should be the equivalent for members of the public so that the necessary precautions can be taken. For example, many people have to vacate the area when spraying is taking place and therefore will need time to arrange alternative accommodation. In the past we have received only 10/15 minutes notification (*that is when we did actually receive any notice at all!*) and it was just impossible to pack a bag, get out of the house and arrange somewhere else to stay in the allocated time. Residents will need time to make alternative arrangements and change plans, as well as taking the obvious measures to close windows/airvents, get any washing indoors, bring pets inside, put cars and any garden furniture away and anything else etc. The notification should be no less than 24 hours in advance of any spraying application.

4.2 **This situation is completely unacceptable for residents and other members of the public as lives should not be put at risk, restricted or affected in anyway by someone else's hazardous activity when on your own land and property. This is a breach of Articles 2, 5, 8 and Part 2, The First Protocol – Article 1 of the Human Rights Act 1998 and Articles 2, 6, 7, 17 and 37 of the Charter of Fundamental Rights of the European Union. This cannot possibly be classified as the Natural Peaceful Enjoyment of one's property! The World Health Organisation's European Charter on Environment and Health states that: "Every individual is entitled to "an environment conducive to the highest level of health and well being" and that "the health of every individual, especially those in vulnerable and high risk groups must be protected."*

Question 4. *How access should be provided to those wishing to see records of spray activities*

4.3 Full disclosure of spray records should be made **directly to any member of the public who enquires**, as well as to any other parties who may have been appointed by an enquirer to act on their behalf (*ie. doctors/medical professionals/lawyers/teachers etc.*) **Copies in full should be provided to anyone who wants to see them and sent either by post, delivered by hand (if convenient) placed on a website or emailed through directly to the enquirer, depending on the option that is most suitable to them, within 14 days of initial request.** (*NB. If the information is needed for diagnostic purposes, then it should be provided in full, as soon as possible*).

4.4 Also, as previously stated, in California pesticide users are legally bound to register what they are using and how much which is then publicly available information. Therefore full disclosure of records should also be made to a central database where the information could be held and made publicly available.

4.5 (See pages 5/6 for further details on access to spray records).

5 Summary

- 5.1 The fact that there is no existing law to protect members of the public from exposure to known hazardous chemicals is unacceptable, especially in relation to babies, children, pregnant women, the elderly, those with pre-existing medical problems or chemical sensitivity and other vulnerable groups.
- 5.2 People are not being informed about the dangers and risks that are inherent in the spraying of agricultural chemicals and yet members of the public have a fundamental right to know the information necessary to make informed and knowledgeable decisions to protect their own health.
- 5.3 This information is also vital for the correct assessment and treatment of anyone who suffers adverse health effects (whether it be acute or chronic) as a doctor cannot possibly make a proper assessment of their patient's health effects unless this information is provided. It is also essential to be able to feed back into the monitoring system otherwise pesticide related ill-health statistics will never have a hope of being accurate or complete.
- 5.4 **The existing system is totally obstructive and I fully welcome the Government's proposals to rectify this situation and I cannot see any reason why this would not be implemented considering the Government's commitment to openness and transparency.** *(NB. The proposed mandatory disclosure of information in relation to pesticides obviously should not only apply just to agricultural spraying, but should also include any other source of exposure ie. public health pest control, local councils' spraying of parks/streets/roads etc.)*
- 5.5 With the introduction of any new legislation there has to be a vast improvement in relation to the current system for enforcement. The new mandatory measures should be enforceable by the Health and Safety Executive, the local council's Environmental Health Department, as well as the police.
- 5.6 **I have to stress that although the measures proposed in this Consultation Document will help provide the necessary information to members of the public who are exposed, the fundamental point remains that they should not be exposed in the first place. The current system is completely unacceptable for protecting public health and therefore as well as the introduction of the proposals set out above, the introduction of no-spray zones near homes, schools, workplaces and any other places of human habitation are essential and an urgent priority.**
- 5.7 As stated earlier I continue to receive responses daily from people all over the country reporting acute and chronic long-term ill-health effects following exposure(s) to pesticides. These include clusters of cancers, leukaemia's, neurological conditions including M.E. and various other medical problems in communities surrounded by regularly sprayed fields. Appendix 2 contains sections from just a few of the emails/letters that I have been receiving with all names, addresses and other personal details removed to highlight the comments that are being made by others who also have the direct experience of this situation.

5.8 Appendix 1 as stated earlier, includes quotes taken from various Government and industry documentation spanning decades, in relation to the dangers of pesticides; notification and public access to information on the chemicals used.

I look forward to hearing from you in due course.

Kindest regards,

Georgina Downs.