

PRESS RELEASE – 18th December 2008

UK Government's arrogance and contempt for rural residents continues as DEFRA to appeal recent landmark High Court victory over pesticides

Award-winning environmental campaigner, Georgina Downs, who last month won a historic and landmark High Court victory against the Government over its fundamental failure to protect people in the countryside from pesticides has today expressed her absolute disgust at the Government's application to appeal the decision.

The High Court Judgment from Mr. Justice Collins handed down on 14th November 2008 was very clear 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).

The Judgment had concluded that Ms. Downs had produced "*solid evidence that residents have suffered harm to their health*", particularly in relation to acute effects, and that "*a different approach*" should have been adopted and accordingly there has "*been both a failure to have regard to material considerations and a failure to apply the [European] Directive properly.*"

Despite statements made by DEFRA at the time the Judgment was issued that "*The protection of human health is paramount*" and that "*we will look at this judgment in detail to see whether there are ways in which we can strengthen our system...*" it is revealed today that the Government will be appealing against the High Court ruling.

However, although Justice Collins has granted the Government leave to appeal he has made it clear that he does not think that an appeal has a real prospect of success. Justice Collins states, "*While I recognise that the arguments raised by the defendant were and are by no means without substance, I do not think that in all the circumstances an appeal has a real prospect of success.*"

Georgina Downs, who runs the UK Pesticides Campaign (www.pesticidescampaign.co.uk), states, "*The Government's response to this issue has been of the utmost complacency, is completely irresponsible and is definitely not "evidence-based policy-making," and was clearly ruled by a High Court Judge to be in breach of European (and UK equivalent) legislation. The Government's decision to appeal this ruling continues to demonstrate the Government's absolute contempt for rural residents and communities and is a disgrace. Heads should be rolling, following such a landmark High Court Judgment, but instead its "business as usual" with the*

Government's relentless attempts to protect the industry as opposed to the health of its citizens abundantly clear."

Ms. Downs points out that this is no surprise considering that the Government regulators, the Pesticides Safety Directorate (PSD), the key officials advising Ministers on pesticides, receives approx. 60 per cent of its funding from the agro-chemical industry. This is broken down into the levy charge and fees for applications. For example, the income generated from the agro-chemical industry for the year 2003/04 was £7,155,000. Thus, as Ms. Downs states, *"Even though PSD's main priority is supposed to be to protect public health and the environment from pesticides (its slogan is 'Safety for People and the Environment') this absolutely conflicts with the fact that its main customers/clients are the agro-chemical companies. Therefore by its very structure, the PSD has a financial interest in maintaining the status quo, has continued to show no interest whatsoever in protecting human health, and has just continued to allow the industry to set the agenda when it comes to pesticides."*

Ms. Downs goes on to express her disgust at the control the industry has over the Government in relation to pesticides, as it is revealed that the industry was announcing the Government's intention to appeal in the days immediately following the High Court Judgment last month and *prior* to any official confirmation by the Government itself.

Ms. Downs states, *"The UK Government's relentless and extraordinary attempts to protect the industry as opposed to people's health has been one of the most outrageous things to behold in the last 7 years of my fight. This is especially apparent at the moment as not content with not protecting its own citizens the UK Government has been doing everything possible to scupper new European pesticide proposals from having the primary focus on health protection of citizens across Europe, to one of primarily protecting the industry."*

This became even more clear in a letter earlier this month from the Prime Minister, Gordon Brown, to an All-Party Parliamentary Group that expressed his concern that certain changes being pressed for in Europe *"...could damage agriculture and food production without securing meaningful benefits for health or the environment"*.

Ms. Downs states, *"The UK Government has just lost a highly significant and landmark High Court action that ruled that the Government has fundamentally failed to protect people in the countryside from pesticides and has also knowingly allowed residents to continue to suffer from adverse health effects, (as recorded in its very own monitoring system), without taking any action to prevent the exposure, risks and adverse impacts occurring. Therefore it is completely unacceptable for Gordon Brown to have made such inaccurate comments in his letter."*

Ms. Downs goes on to state, "There is also a clear case of double standards here. For example, the Government's response to the threat of a chemical terrorist attack would be first and foremost to protect its citizens. However, the spraying of toxic pesticides all over the countryside and the poisoning of the public, including babies and young

children, amongst other vulnerable groups, is directly under Government sanction, as a result of it's very own policy."

Ms. Downs points out, "The crucial evidence I produced for my case in 3 very detailed Witness Statements, shows quite clearly that the Government has knowingly failed to act, has continued to shift the goalposts, cherry picked the science to suit the desired outcome, and has continued to issue grossly inaccurate information and mislead residents and the wider public over the safety of agricultural pesticides sprayed on crop fields throughout the country. The Government's decision to appeal against the High Court ruling is just adding insult to injury to all those residents whose health and lives have been affected as a result of the Government's flawed and unlawful policy and the sheer arrogance of it all is beyond belief."

Notes to Editors:-

- The Judgment of Mr. Justice Collins in the Judicial Review High Court case *Georgina Downs v Secretary of State for DEFRA* was handed down on 14th November 2008. Ms. Downs' case was the first known legal case of its kind to reach the High Court to directly challenge the Government's pesticide policy and approach regarding crop-spraying in rural areas. The Judgment is available at:- [http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2008/2666.html&query=title+\(+downs+\)&method=boolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2008/2666.html&query=title+(+downs+)&method=boolean)
- Georgina Downs made a statement outside the High Court following the hand down on 14th November 2008. The statement in full is available on her website at: http://www.pesticidescampaign.co.uk/georgia_high_court_victory.htm
- **The Order of Mr. Justice Collins issued on 15th December 2008 is that, "It is ordered that: (1) A Declaration that the Defendant is not acting in compliance with Directive 91/414 EEC in the respects identified in the judgment. (2) The Defendant must reconsider and as necessary amend his policy in accordance with the terms of the judgment."** Ms. Downs has also been given *"Liberty to apply."*
- Ms. Downs spent much of the last year working on her legal case and after re-reading approx. 3500 pages of documentation in the High Court she submitted a 149 page Witness Statement which provided critical evidence for her case. **This critical evidence has not yet been published, but is due to be published in due course.**
- Ms. Downs was represented by Michael Fordham QC and Emma Dixon, barristers at Blackstone Chambers. Michael Fordham was recently named as Public Law and Human Rights Silk of the Year at the Chambers & Partners Bar Awards 2008, see http://www.blackstonechambers.com/news/news/chambers_bar_awards.html
- Georgina Downs runs the UK Pesticides Campaign (www.pesticidescampaign.co.uk) to highlight the risks and adverse health and environmental effects of pesticides, especially on rural residents and communities. Ms. Downs has lived next to regularly sprayed fields

for over 24 years and has long-standing health problems. She was the first to identify serious fundamental flaws regarding the so-called “*bystander risk assessment*”. The ‘*bystander*’ model assumes there will only be occasional, short-term exposure to the spray cloud at the time of the application only, (ie. immediate spraydrift) for five minutes (or less), from a single pass of a sprayer, based on a person standing 8 metres from the spray boom (and based on dermal and inhalation routes of exposure only). It also assumes exposure will only be to one individual pesticide at any time.

- **The Judge agreed in his Judgment with Ms. Downs’ long-standing charge that the *bystander* model does not and cannot address residents 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 her own situation, for decades.** The various exposure factors include long term exposure to pesticides in the air, exposure to vapours, which can occur days, weeks, even months after application, exposure to mixtures, precipitation, reactivation, pesticides transported from outdoor applications and redistributed into an indoor air environment, as well as long-range transportation, as studies have shown pesticides found miles away from where they were originally applied.
- The evidence set out in Ms. Downs’ second Witness Statement shows that the Government, its main advisors, the Advisory Committee on Pesticides, and the regulators, the Pesticides Safety Directorate have clearly continued to allow acute effects, (and not just local irritant effects, but seemingly other acute effects, including systemic effects such as headaches, nausea, aching limbs, pain, dizziness etc.) to occur in residents (and bystanders), without taking any action to protect residents health. It should be noted that when acute effects are repeated again and again, as they are for people living near sprayed fields, then it can increase the risk of long-term cumulative effects resulting in chronic long-term illnesses and diseases.
- There have been a number of recent and important European Commission statements that clearly acknowledged the chronic long term impacts of pesticides, including for those living in the locality to sprayed fields. For example, the EC stated 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.***”(Source: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/278&format=HTML&aged=0&language=EN&guiLanguage=en>)
- Ms. Downs has spent the last 7 years campaigning for a change in the regulations and legislation governing crop spraying. This includes the call for an immediate ban on crop-spraying near homes, schools, playgrounds, workplaces and other public areas, and for direct public access to information on the chemicals sprayed on crops. Ms. Downs has produced 2 videos “*Pesticide Exposures for People in Agricultural Areas – Part 1 Pesticides in the Air; Part 2 The Hidden Costs*” to illustrate chemical exposure and effects on people in rural areas. **These videos have played a crucial role throughout Ms. Downs’ campaign and were referred to by the Judge in the Judgment.**

- Earlier this year Georgina Downs won the first ever *Inspirational Eco Woman of the Year Award*, in the Daily Mail's Inspirational Women of the Year awards. Ms. Downs also won the prestigious *Andrew Lees Memorial Award* at the 2006 British Environment and Media Awards (BEMAs) and the *Heroine Award* at Cosmopolitan magazine's inaugural Fun Fearless Female Awards in November 2006. She was also invited to attend the 2008 "*Women of the Year Lunch*" where each woman is individually nominated by a member of the Women of the Year Nominating Council and is considered a "*Woman of the Year*" because of their special contribution to society or the workplace.
- Ms. Downs was also recently elected a fellow of the Royal Society of Arts, Manufactures and Commerce (RSA) as a result of her campaigning efforts.

****Please note that this case is Georgina Downs v DEFRA and does not involve any other group or organization. Due to legal confidentiality regarding the specific arguments involved in this case the only contact for enquiries about the actual evidence and arguments presented in this case is Georgina Downs.**

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