

PRESS RELEASE – 14TH NOVEMBER 2008

HISTORIC VICTORY IN LANDMARK HIGH COURT ACTION VINDICATES CAMPAIGNER AS GOVERNMENT POLICY ON PESTICIDES IS RULED UNLAWFUL

A historic victory has taken place in the High Court this morning as award-winning pesticides campaigner Georgina Downs has **won** her landmark legal challenge against the Government over pesticides.

For the last 7 years, Ms. Downs, who runs the UK Pesticides Campaign (www.pesticidescampaign.co.uk), has been campaigning to highlight the Government's inherent fundamental failure to protect rural residents and communities from exposure to toxic pesticides sprayed near homes, schools, children playgrounds and other premises.

The High Court Judgment from Mr. Justice Collins issued today 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).

The Judgment states, “*The alleged inadequacies of the model and the approach to authorisation and conditions of use have been scientifically justified. The claimant has produced cogent arguments and evidence to indicate that the approach does not adequately protect residents and so is in breach of the Directive.*”

The Judgment also states, “*It is important to bear in mind that operators and workers are not the only individuals who are exposed to pesticides and, while their protection is of course most important, they can benefit from the use of protective clothing and other measures not available to residents. Some individuals may be particularly vulnerable (for example, the asthmatic, the elderly, children, pregnant women), but they must be protected too.*”

Georgina Downs, speaking outside the High Court this morning states, “*I am obviously very pleased with today's result, and 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 7 years. 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.”*

Throughout her 7 year campaign Ms. Downs has continued to present considerable evidence to the Government, its regulators, (the Pesticides Safety Directorate) and main advisors, (the Advisory Committee on Pesticides) regarding the lack of *any* protection for residents from pesticides. In 2003, Ms. Downs produced a DVD that featured individuals and families from all over the country reporting acute and chronic long-term illnesses and diseases in rural communities surrounded by sprayed fields. Acute effects include rashes, itching, sore throats, burning eyes, nose, blistering, headaches, nausea, stomach pains, burnt vocal chords, amongst other symptoms. The most common chronic long-term illnesses and diseases reported include various cancers, especially breast cancer among rural women, neurological conditions, including ME, asthma and many other medical conditions. However, Government officials and advisors dismissed the content of the DVD and have continually failed to act on any of the evidence produced by Ms. Downs.

Yet today's Judgment concludes 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.*"

Ms. Downs states, "*This is obviously a very significant and landmark ruling for the potentially millions of residents throughout the country who, like myself, live in the locality to pesticide sprayed fields. Today's judgment is extremely damaging to the Government, all the Government departments, officials and scientific advisors, responsible for pesticides, as it clearly confirms what I have always said from the outset of presenting my arguments in 2001, 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 without taking any action to prevent the exposure, risks and adverse impacts occurring.*"

Ms. Downs goes on to state, "*The evidence really is quite clear 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 misled the public, especially rural residents over the safety of agricultural pesticides sprayed on crop fields throughout the country. 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 has now been ruled by a High Court Judge to be in breach of European (and UK equivalent) legislation. As I have always maintained from the outset of my campaign this is definitely one of biggest public health scandals of our time.*"

Ms. Downs called on the Prime Minister to intervene and stop his Government appealing against today's decision. She stated, "*I would now suggest that the Prime Minister himself sees the evidence I have presented in my case first hand without being told by his advisors that there is nothing wrong as that has been shown today to not be the case and I would urge the Prime Minister to step in and stop his Government from appealing this decision, as 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.*"

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 at 10.30am on 14th November 2008. Ms. Downs' case is 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.
- **Georgina Downs made a statement outside the High Court following the hand down. The statement in full will be available on her website www.pesticidescampaign.co.uk after 11am.**
- 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.
- 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 has agreed in today's 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.”***
- 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 have been referred by the Judge in today's 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 this case and Judicial Review hearing is Georgina Downs.**

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