



**The Hon Roger Cook MLA
Deputy Premier
Minister for Health; Mental Health**



Our Ref: 60-09965
Your Ref: Petition Nos 63 & 64

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn *Math,*

Thank you for your letter of 28 June 2018 regarding Petition No 63 and 64: Impact of pesticides on public health / Pesticides in public places.

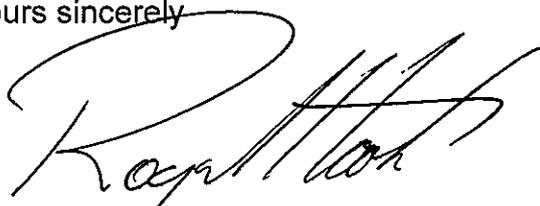
I welcome the opportunity to address the issues raised in the petitions. Safe, responsible and effective use of pesticides is extremely important to both public health and the economy in Western Australia (WA). Therefore, I have referred the petitions to the Environmental Health Directorate (EHD) of the Department of Health (DOH) for comment on the issues raised. Detailed comments are attached for your consideration.

In brief, I am strongly of the opinion that there is no requirement for a Royal Commission or Inquiry into the use of pesticides in WA, for the following reasons:

- WA has the most robust system of pest technician accreditation and pest management business registration of any Australian State or Territory.
- The DOH operates on the basis of evidence based policy and relies on evidence that has been peer reviewed and has professional consensus by qualified and respected scientists in pesticide research and risk assessment.
- The Australian Pesticide and Veterinary Medicines Authority undertake a rigorous process that assesses each pesticide before it is approved to enter the Australian market.
- The petitioners represent the opinions of two small activist groups with a long history of lobbying successive Governments to ban pesticide use in public spaces.
- The issues raised by the petitioners are not based on evidence or scientific consensus, but rather reflect a series of distorted facts through selective omission or drawing incorrect conclusions from current evidence.

I hope the information provided assures you that the DOH takes the matter of pesticide safety very seriously, and that the health of the Western Australian community is being well protected through robust National and State regulatory and licensing systems and training requirements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Cook', written in a cursive style.

HON ROGER COOK MLA
DEPUTY PREMIER
MINISTER FOR HEALTH; MENTAL HEALTH

Att:

20 JUL 2018

Attachment to letter for correspondent Hon Matthew Swinbourn MLC

The following comments address the four key points raised in Petition 063 and key points raised in Hon Diane Evers MLC letter.

1. Grounds for a Royal Commission.

Claims made in first paragraph of question 1

1.1 The petitioner makes a number of claims that industry and authorities at all levels of government are failing in their duty of care. The petitioner claims to have evidence of this. However, the Department of Health (DOH) has not been provided with, and is not aware of, any supporting material that indicates what this evidence is or where it comes from.

In an attempt to build a scientifically sound case against successive Governments' decision not to ban pesticides in public places, the petitioner submitted information to the DOH between 2003 and 2018. This took the form of web links to popular pseudoscientific websites, selected extracts from the European Food Safety Authority, the United States Environmental Protection Agency and various media outlets. All sources of information were followed-up by DOH, and found to predominantly defer to pseudoscience and misinformation interspersed with selective good science to support the petitioner's point of view.

1.2 The next claim of bullying, collusion and corruption is serious and extremely concerning indeed, and has not been raised previously with the DOH. It appears the petitioner has formed this opinion from media articles related to the 1970-1985 2,4,5 T Kimberley pesticide exposure incident, which was both the subject of compensation claims for many years, and the ABC 4-Corners 2013 *Chemical Time Bomb*.

This incident led to a public inquiry in 2004 (*Report to the Standing Committee on Environment and Public Affairs in Relation to the Chemical Use by the Agricultural Protection Board 1970-1985*) which recommended that the Government regularly review legislation and regulations governing manufacture, sales and usage of chemicals. Prior to 1975, this pesticide, 2,4,5 T, otherwise known as Agent Orange, had no standard or regulated maximum level of dioxin content and it was dioxin that was linked to the subsequent deaths and disabilities sustained by the workers. Personal protective equipment (PPE) had not been supplied to the workers, nor had they been advised to wear PPE in the execution of their duties while applying 2,4,5 T for the then Agricultural Protection Board.

The 2013 4-Corners report claimed that while 2,4,5 T was later banned, cheap imports might be a source of herbicides containing dioxin. However, the 4-Corners report falls short of naming the imports or importers.

Claims made in second paragraph of question 1

1.3 The Australian Pest Veterinary Medicines Authority (APVMA) and each local government in WA have a complaints-logging system. Local governments also have a 'do not spray' register of residents in their jurisdiction with multiple chemical sensitivity or other reasons that spraying should not be undertaken in close proximity to their residence. It is correct that there is no single centralised complaints system in WA. Allegations of industry influence on the regulatory framework is another serious allegation that has not been previously raised as a concern with the DOH. Similarly, no evidence has been provided to support the allegation.

Claims made in third paragraph of question 1

1.4 DOH cannot comment on the awareness or lack thereof the APVMA's adverse experience reporting program.

The petitioner has made over 28 complaints between 2003 and 2018 alleging misuse of pesticides in the jurisdictions listed. DOH and the relevant local governments investigated each complaint for potential breaches of the *Health (Pesticides) Regulations 2011* (the Regulations). While none was found to have breached the Regulations, warning letters were issued on four occasions to improve practices in relation to signage. The DOH licences 2,871 pest management technicians, of which 1,350 are endorsed to spray in public places, DOH expects that a small number may seek to bypass the regulations and those found to do so wilfully, risk losing their licence.

The petitioner has expressed concerns to the DOH about local governments using glyphosate. Local governments may choose to spray glyphosate as it is a registered herbicide, so it would not be illegal under Commonwealth or State legislation for local governments to use such products within their jurisdiction.

The APVMA issues permits for pesticides after considering need and risk. Permit 13333 limits application of pesticides to non-residential areas; the pesticides listed in the permit must be applied strictly in accordance with the label and the application methods listed in the permit.

Claims made in fourth paragraph of question 1

1.5 DOH cannot comment on the actions of authorised officers from local governments. Local governments may elect to use any registered pesticide to control pests within its boundaries, provided that product is approved for use on the particular pest and situation, and is applied in accordance with label directions.

The petitioner has engaged in the public debate around the issue of pesticides, and glyphosate in particular. The debate is multifaceted consisting of some credible scientific opinion, amongst mostly social, commercial and ideological opinion on the need to ban pesticides more widely. As stated earlier, concerns about bullying have not been raised with the DOH.

Claims made in fifth paragraph of question 1

1.6 The petitioner equates 'safe' with complete absence of risk. There is no argument that some pesticides are toxic chemicals, which is precisely why risk statements appear on the label with clear instructions on how much to apply and the precautions that should be followed in applying the pesticide, along with requirements for any with-holding period and contact period. Length and strength of exposure is related to risk, so the petitioner's example of professional weeders hands that will be strongly exposed for an extended period of time is not equivalent, and therefore relevant to the majority of Western Australians. Professional weeders are also exposed to multiple chemicals over the duration of their working life. Therefore, it is prudent they wear PPE to limit their overall exposure to chemicals.

It is without doubt important to limit children's exposure to chemicals. DOH has previously provided advice to the petitioner that children who inadvertently play on grass after a spray has dried are unlikely to be at risk of pesticide poisoning based on the information provided by the petitioner.

Claims made in sixth paragraph of question 1

1.7 Once again, there is no argument that pesticides can be very toxic to health if not used for the correct situation, and in accordance with label directions. The health effects described have been associated with over exposure to pesticides. DOH has advised the petitioner to broadcast to her group the need to consult a medical practitioner, or to contact the Poisons Information Centre if pesticide poisoning is suspected.

The DOH has not received any reports from doctors supporting pesticide poisoning related to alleged misuse of pesticides that has not been substantiated and for which a prosecution has not been undertaken.

2. Why WA needs a moratorium on the spraying of pesticides on public land in urban areas.

2.1 The International Agency for Research on Cancer (IARC) has classified glyphosate as a 2A carcinogen. The IARC classification category is used when there is limited evidence of carcinogenicity in humans and sufficient evidence of carcinogenicity in experimental animals. The epidemiological evidence, which comes mostly from agricultural studies, demonstrated some weak, but inconsistent, associations between glyphosate exposure and cancer. To place this classification into perspective, consumption of processed meat and alcohol carries the highest IARC classification of 1, meaning there is sufficient evidence of carcinogenicity in humans from consuming processed meats and alcohol.

The glyphosate classification, as with any IARC classification, is qualitative and does not consider the dose associated with the risk. Regulatory bodies use risk assessment to determine if there are acceptable levels of exposures where risk is minimal. Such levels are then used to derive toxicological reference values; maximum residue limits (MRLs) and acceptable daily intake (ADI) values for chemicals and substances. These health based values always include a safety margin. For example, an MRL, ADI have been derived for glyphosate in food and a reference value has been derived for glyphosate in drinking water.

3. Why WA needs a moratorium on growing pesticide-reliant crops such as Roundup Ready® (RR) genetically modified (GM) Canola.

3.1 DOH appreciates there is much debate about the merits of a GM crop moratorium. In WA, GM crops and food continue to attract much public interest and varying opinion. RR GM canola includes tolerance to the herbicide glyphosate. In 2016 – 2017, an international tribunal at The Hague investigated allegations of environmental and health impacts of Monsanto's GM crops, herbicides, and pesticides. The tribunal resolved that under current law, there is no way to bring charges against corporations like Monsanto for environmental and public health crime, and no official charges were made.

4. Why WA needs laws to restrict policies and practices that promote the use of pesticides.

4.1 Concerns about MRLs have been raised from time to time in relation to specific foods and glyphosate. All foods sold in Australia must comply with the requirements of the Australian New Zealand Food Standards Code, which details the maximum level of residual pesticides and natural toxicants permitted in food. The petitioner has advocated to the DOH for a zero approach to residues on foods which is neither practical nor possible. DOH has previously advised the petitioner of the various food surveillance programs implemented by WA and the Commonwealth.

The petitioner makes a number of allegations related to the misuse of pesticides without supporting information. The petitioner has previously provided information on similar allegations to the DOH which were investigated and the majority shown not to be credible.

Comment on Auditor General's Report

The WA Auditor General's Report '*Management of Pesticides in Western Australia*' was tabled in Parliament on 30 June 2015

The Hon Diane Evers MLC ignores the generally very positive findings in relation to the stewardship of pesticide use in WA by the Office of the Auditor General (OAG) Report, and misrepresents the Report in claiming that DOH monitoring surveys found local produce contained residue levels exceeding acceptable standards. Such claims are inaccurate and misleading.

The concerns raised in item 5 of the OAG Report relate to there being no formal analysis or reporting of results, feedback not being provided to industry and results not being used to inform other compliance programs rather than any risk to public health from levels of pesticides above recommended guidelines. Procedures to address this item have since been implemented.

Comment on neonicotinoid pesticides.

The Hon Diane Evers MLC refers to the banning of neonicotinoid pesticides because they represent an unacceptable risk to bees. This is a welcomed decision, however, it must be remembered that the decision was based on an ecological risk assessment of the impact of neonicotinoids on bees and not on humans. The scientific literature is quite clear that many types of flora and fauna are much more sensitive to the effects of chemicals compared to humans. This decision is a sign of proper, evidence based, scientific process in action.

The following comments address the eight points raised in Petition 064 and key points raised in the Hon Diane Evers MLC letter.

The numbers below correspond to the points raised in the petition.

1. Under the Regulations, it is an offence for pest management technicians not to keep records of each chemical application. The record must state the time, location, chemical, application rate, and any notes deemed pertinent to the application. The pest technician must provide this information to anyone that asks. Alternatively, the DOH can request this information from the technician at any time.

The comment about the Pesticides Advisory Committee (PeAC) is misguided. PeAC does not form policy, nor provide advice to local government on pesticide matters. PeAC is chaired by DOH and comprises representatives from government agencies that manage pesticides within their remit. Provisions relating to pesticides are currently contained in the *Health (Miscellaneous Provisions) Act 1911* (the Act) – Part VIIA. Section 246B of the Act outlines the general powers of PeAC. In essence, PeAC advises the Chief Health Officer (CHO) on any matter whatsoever concerning pesticides, whether that matter is referred to it by the CHO or agencies including the DOH. PeAC does not create policy on pesticides; this is the role of the DOH and other vested agencies. However, PeAC does have the discretion not to support policies created by member agencies. PeAC does not provide advice to local government unless asked to do so by a member agency and then only with majority support of members. PeAC does not make regulation, nor enforce regulation; this is the responsibility of the DOH under Health legislation. However, legislative amendments and regulations cannot be passed without the approval of PeAC.

PeAC has considered community representation. However, the work of the committee has wide application across the State, and there are many potential stakeholder groups, and individuals. Therefore, equitable representation would be difficult to achieve.

2. A centralised local complaints unit would duplicate the APVMA's adverse experience reporting program. The Commonwealth has devolved the responsibility of regulating the pest management industry to the States and Territories which includes compliance monitoring.

3. A risk assessment utilises site specific information for the assessment undertaken. Typically, the information is readily available, can be measured or inferred. The petitioner may be confusing risk assessment with epidemiological study. In either case it is not clear what the petitioner means by 'critical volume' as it is only necessary to know the volume of pesticide used at the time of application which is readily available information.

An epidemiological study is unlikely to provide a definitive answer due to difficulties in identifying a pesticide as the major source of exposure amongst exposures to other substances in the environment.

4. Glyphosate can be measured in human blood and urine, and is commonly measured in cases of deliberate glyphosate ingestion and suspected glyphosate poisoning in Australia. Samples must be collected and analysed within 48 hours of exposure.

Pesticides, as with any other chemicals, with rare exception, undergo a process of metabolism within the body. Some chemicals leave behind products of the metabolic process that may be readily measured. Not every pesticide or chemical leaves traces behind because the human body is very effective in metabolising chemicals to common by-products, indistinguishable from by-products of food metabolism. Therefore, it is not reasonable to assume that natural justice is being denied because a chemical cannot be measured in human biological samples.

By-products of chemical metabolism that can be measured in humans are often a useful measure to indicate that exposure has occurred. However, an exposure may occur without any adverse clinical or overt health impact occurring. An exposure to a chemical does not automatically lead to an adverse health impact. For a health impact to occur, an exposure must lead to a change in the body of some type that manifests or has the potential to manifest into a clinical symptom or into an aberration of some type capable to leading to a clinical symptom.

5 - 7. DOH recommends local governments use chemicals only when other methods are not effective. However, local governments may choose to apply pesticides when other methods are not cost effective. DOH would support efforts which enable local authorities to implement non-chemical pest control programs.

8. DOH understands that where such arrangements are in place traditional owners are consulted.

Comment on links to websites submitted by the petitioner

It is true that some scientists cannot agree on how to interpret the evidence around the safety of glyphosate; this is not unusual, and is in fact a sign of proper scientific process. However, just because a small number of scientists disagree with the vast majority of their peers on a particular issue, does not necessarily mean that the current evidence or scientific consensus is wrong.

The DOH does not assert that social, cultural or ideological views represented by these websites are not valid in the debate. Indeed such views often influence policy, as demonstrated by the decisions of some countries and local governments to ban glyphosate. National Governments on the other hand, have not banned glyphosate, and the DOH, as with other government agencies in WA, aspires to evidence based policy. To this end, DOH relies on evidence that has been peer reviewed and has professional consensus by scientists qualified to assess the validity of scientific methodology and the appropriateness of the interpretation and conclusions. DOH will continue to monitor the scientific debates around glyphosate and pesticides in the interest of good science based policy, and to ensure the continued protection of public health in WA.

Comment on points raised in the letter

Points raised in the letter from the Hon Diane Evers are addressed in responses provided to points raised in petition 63 and 64 above.