

Submission to the Standing Committee on Environment and Public Affairs, Parliament of Western Australia

Petition 063: Call for a Royal Commission into the Use of Pesticides and Harm to Public Health

I have not referred this matter to the Ombudsman and advise that the Submission addresses four key points raised in Petition 063 that express the individual will of signatories.

The Petition has also been addressed to the Minister for Health, Hon. Roger Cook (185 signatures) and to the Minister for Local Government, Hon. David Templeman (170 signatures) for tabling in the Legislative Assembly. A similar petition (No. 833/1300) was tabled in the Federal Parliament of Australia in 2014 by the former Member for Fremantle Hon. Melissa Parke and Senator Rachel Siewert. The issues raised in the federal petition remain open before the Federal Parliament.

Urgent attention is required to address decades of systemic failure across three levels of government, largely due to the obfuscation of powers and duty of care of State and Federal Regulators. The Australian Pesticides and Veterinary Medicines Authority (APVMA) is responsible for the regulation of pesticides to the point of sale. The WA Department of Health (DoH) is responsible for the use of pesticides beyond the point of sale. Local government "Authorized Officers" carry responsibility for enforcement under the Public Health Act. The use and abuse of pesticides is out-of-control under the "virtual" autonomy and arbitrary decision-making processes of local governments.

The Auditor General's Report 14(June 2015) did NOT audit Local Governments - the "Authorized Officers" under the WA Health Act and Poisons Act. Its focus on "inappropriate pesticide use" perpetuated the myth that pesticides are "safe" when used lawfully and that there are few complaints (to DoH), ignoring the numerous and apparently unrecorded complaints to Local and State land management authorities. Prior to the Report, we raised concerns with the Auditor General's Office about Local and State spraying practices. The Report found that the Department of Health rarely carried out legislatively required inspections and does NOT follow up on reported incidents, including unacceptable levels of pesticides in foods.

This systemic failure underlies the four key points in the Petition.

1. Grounds for a Royal Commission

The Department of Health in its dual role as protector of public health and pesticide regulator is incompetent and conflicted. Given the extensive use of pesticides in WA, there has not been a proper analysis of the effectiveness of relevant laws and the extent of pesticide- use on public land. Evidence suggests that industry and authorities in all three levels of government are failing in their duty of care to remove or mitigate the known risk of harm from exposure to pesticide (**Precautionary Principle WA Public Health Act 2016**). Evidence to local and state government officers and Ministers over successive governments has failed to improve outcomes. Industry whistle-blowers have been ignored by governments and acts of bullying and intimidation have occurred indicating that our government processes are exposed to collusion and corruption. The recent Media Release by Chapman's Barristers and Solicitors in regard to the Kimberley Weeders' 2,4,5 T Compensation Claim to WorkCover epitomizes the decades of on-going systemic failure, also reported by Janine Cohen in ABC Four Corners **Chemical Time Bomb**.

There is NO centralized recording system for complaints about pesticides (Scheduled POISONS 5,6 &7) The past efforts over successive governments of the Multiple Chemical Sensitivity Task Force -chaired by former Greens MLC Hon Giz Watson and the ongoing efforts of community networks, to remove the risk from involuntary exposure to pesticides, indicate a serious systemic problem. A Royal Commission is sought to inquire into industry influence on the regulatory framework, the conflict of interest in the Pesticide industry's claims of product safety versus independent scientific evidence as well as anecdotal and documented evidence gathered by concerned citizens. Many complaints are made to local authorities by telephone and are not recorded.

There is a lack of awareness in the community of the APVMA's Adverse Experience Reporting Programme (AERP), the local governments' No Spray Registers and yellow painted arrows indicating footpaths and verges that are not to be sprayed. There are concerns about Arbitrary decision-making, duty of care and the Role of Councillors, including the City of Nedlands' decisions to resume the spraying of Glyphosate on footpaths after almost 15 years of 'No Spraying', and to refuse the request for yellow painted arrows on footpaths in front of "No Spray" properties. Numerous complaints by telephone, emails, letters, Public Question Time and even petitions to Local, state and federal governments have failed to improve outcomes. Concerned citizens have reported, to no avail, pesticide spraying activity on public land contrary to Guidelines and Regulations over vast areas including: Stirling, Melville, Nedlands, Cambridge, Bassendean, Subiaco, Mandurah, Bayswater, South Perth, Margaret River, Kings Park, Herdsman Lake, Bold Park, Lake Monger as well as aerial spraying over the Blackwood River watershed near Southampton Homestead and organic farm. The granting and abuse of Permit PER13333 must be investigated.

Environmental Health Officers employed by Local Governments as "Authorized Officers" under the WA Health Act and the Poisons Act to regulate elements of the legislation are often protected from public scrutiny when complaints are made to local governments. Responses to concerned citizens often come from Technical

Services, Engineering, Parks and Reserves or Governance officers unauthorized in matters of public health and environment. This anomaly results in the failure of legislation to deliver proper protection for the community. Arbitrary decisions are made about pesticide exclusion zones and “operational matters” that adversely affect public health and natural environment. Contrary to the Role of Councillors, there is no obligation to engage in broad community consultation on the spraying of poisons on public land. There has also been evidence of bullying and public ridicule of residents and academics who express concerns.

Incompetence and lack of qualification of administrators: It is in breach of both Commonwealth and WA law to make false claims about a pesticide, or to claim that a pesticide can be used for anything other than its registered use. State and Local government officers often misleadingly state or imply that products are “safe” because they are registered for use by the APVMA and that products and practices are lawful. Such claims are in breach of the Agricultural and Veterinary Chemicals Code Act and often contradict Material Safety Data Sheets that warn weeders entering poisoned areas within two weeks after herbicide application that they should wear protective clothing. Government officers demonstrate a lack of responsibility and understanding of their obligations when they **OR** their pesticide contractors advise parents that their children may play in sprayed areas within 10-30 minutes or “after the spray has dried”. Given the body of independent research available that either contradicts or questions pesticide safety, residual and re-entry periods, resistance to community concerns by public officers is very disturbing.

The health risks include but are not limited to: Pesticide illness with flu-like symptoms, Skin Rashes, Cardiovascular Disease, Endocrine Disruption, Breast Cancer, Prostate Cancer, Non Hodgkins Lymphoma, Birth Defects, Anxiety, Depression, Neurological and Autoimmune diseases.

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

In 2015 the World Health Organization’s International Agency for Research on Cancer listed Glyphosate as a class 2A Probable Carcinogen. As the expert cancer research group stands by its Report and has refuted criticism, concerned citizens do not accept the APVMA’s position on the safety of Glyphosate products such as ROUNDUP. A moratorium on the routine application of this falsely claimed “safe” herbicide as well as numerous other equally or more toxic weedkillers, fungicides or insecticides (Metribuzin, Simazine, Hexazinone, Fluazifop, Quizalofop, Clopyralid, MCPA, Diflufenican, 2,4-D, Metsulfuron, Mancozeb etc) is in the public interest and in keeping with international best practice.

3. Why WA needs a MORATORIUM on growing pesticide-reliant crops such as RR GM Canola:

Evidence of crimes against humanity by the Monsanto Corporation was presented at a civil society tribunal at The Hague, Netherlands, in October 2016. There has been a lack of mainstream media reporting on the disturbing evidence presented and the conclusion by a panel of judges at this global event that was also attended by Australian citizens. The public health disaster in Argentina where there have been increased cancers and birth defects since the widespread growing of Roundup Ready GM Soy and all evidence to the Hague should be acknowledged and investigated. Although approximately 28,000 concerned Western Australians signed a petition to maintain the bans on the growing of Roundup Ready GM Canola in WA, the former Minister for Agriculture, Terry Redman, ignored community concerns and effectively rolled out the red carpet in WA for the world’s least ethical company (according to Covalence Research) to own a 26% share of Australia’s InterGrain and influence government policy.

4. Why WA needs LAWS to restrict policies & practices that promote the use of pesticides

Disturbing MRLs and proposals to FSANZ to normalize low level residues in food, lack of community consultation on pesticide policies and practices, lack of comparative risk assessments (weeds versus TOXIC pesticides), residents’ and ratepayers’ concerns ignored by councils (including petitions), observable environmental HARM, evidence of pesticide residues in soil and foliage from sick/dying trees, thousands of poisoned trees in treated sumps, roadsides and verges, quad bikes driven on footpaths while spraying pesticides, chemical drift into homes, spraying of pesticides through windows of moving vehicles, spillage of pesticides (Paraquat) during transportation through Perth’s suburbs, residents routinely leaving home to escape council spraying programmes, residents wearing masks during spraying programmes, school ovals poisoned (FOI), threat of legal action to silence concerned citizens.

In 2017, the former Standing Committee advised that it did not have the powers to recommend a Royal Commission and referred Petition No.121 to Premier Barnett who disagreed with Petitioners’ call for a Royal Commission. Will the Committee on this occasion please undertake a preliminary investigation of the issues raised prior to referring Petition 063 to either Premier McGowan or the Governor?

Further to the above, I would be pleased to provide evidence including but not limited to:

- Unresolved Pesticide related Complaints and Petitions to Local, State and Federal Authorities,
- Correspondence, Council Minutes, Laboratory Test Reports and Photographic Evidence of Pesticide Harm
- Local and State Governments’ Reliance on the Untenable Position of a Failing APVMA
- Unsatisfactory Complaints Mechanism (LG/State/ Adverse Experience Reporting Programme)
- Arbitrary Pesticide Exclusion Zones and Decision-making by Local and State authorities

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