

Submission to Standing Committee on Environment and Public Affairs,

Parliament House, Western Australia

1. This complaint has not been taken to the Parliamentary Commissioner for Administrative Investigations.
2. Independent investigation is sought in to the apparent systemic failure to control the use of pesticides on public land and open spaces in W.A., and in to the conflict of interest that exists in Local Governments, some of the biggest users of pesticides in urban areas, advocating the continued use of pesticides based only on direct cost rather than evidence of the likely and unintended impact on human and environmental health. **Our evidence is that Environmental Health Officers do not fulfil their role.**
3. Department of Health guideline "A guide to the use of pesticides in Western Australia: providing information on legislation, policies and best practice (April 2013)" states:
 - a. *"Pesticide misuse can result in harm to human and environmental health and can also impact on our trading relations with overseas consumers of our agricultural produce. Therefore high regulatory standards are necessary to ensure that the community continues to benefit from pesticide use in the future."*
 - b. *"The Commonwealth Agricultural and Veterinary Chemicals (Code) Act 1994 or Agvet Code, in conjunction with State Poisons Acts, controls the import or manufacture of pesticides, their packaging, registration, labelling, wholesale supply, and retail supply to the end user."*
 - c. *"Currently, the role of the States and Territories is to regulate the post-retail sale, transport, storage, use and disposal of pesticides once they are in the hands of the end user. Other elements of control of use include the licensing of Pest Management Technicians, delivery of training, minimisation of residues in foods and spray drift control. To achieve these ends, all jurisdictions administer Acts and Regulations which support the NOP, but which vary, in some cases considerably, in content and emphasis*."*
 - d. *"In WA, pesticide control of use is effected principally through the Health Act 1911, and in particular, the Health (Pesticides) Regulations 2011. This legislation is administered by the Department of Health (DOH)."*
 - e. *"As the arm of government closest to most members of the community, LGA play an important role in the control of pesticide use in WA. They do this in two ways:
 - i. *By use of local planning schemes, and the conditional approval of new land use developments that may have a potential for generating pesticide spray drift.*
 - ii. **Environmental Health Officers employed by LGA are authorised officers under the Health Act 1911 and the Poisons Act 1964. This means they have the power to ensure compliance with the pesticide related Regulations of these Acts."***
4. **Independent investigation is sought, as stated in point 2. Our concerns include:**
 - a. The LGA is generally incapable or unwilling to demonstrate a duty of care in its decisions. Residents' requests for Comparative Risk Assessments of "weeds" and pesticides have been rejected or ignored. Our evidence is that "weeds" do not represent such a risk to human health and the environment that would warrant the high risk posed by pesticides? The various sizes of "Pesticide Exclusion Zones" granted in some cases by the LGA are generally arbitrary (not risk based) and decided by employees unqualified to assess the specific circumstances and possible consequential harm. (Minutes & correspondence, Cities of Stirling, Nedlands, Cambridge, Bassendean, Mandurah..)
 - b. The LGA generally does not monitor for unintended human and environmental health impacts and provides no contingency plan or recourse for damages. The Chemistry Centre WA is unable to test soil for commonly used pesticides and the standard level of detection provided by the National Measurement Institute is inadequate for the detection of trace levels of pesticides in soils and vegetation. Drift of chemicals into houses, buildings and the environment is generally not tested and its impact remains uncontrolled.
 - c. There is evidence, from samples tested by ARL and Arbor Carbon laboratories, of Glyphosate residues in loose surface soil well after the area was sprayed at Miles Park, Belmont and Herdsman Lake, Churchlands, and of trace levels of various pesticides in soil and mature tree foliage in Kings Park. There is no signage or warning to users that contamination in these public spaces can persist for weeks or months (Refer: Material Safety Data Sheets).
 - d. Many instances of unlawful practice, misuse of pesticides, false and misleading information to Bushland and Friends Groups, by local government and state authorities. Examples include:

- i. Spraying pesticide through the open windows of moving vehicles on public roads.
(The Dept of Transport advises that pesticide applicators do not have special exemption.)
 - ii. Spraying in high winds, with consequential chemical drift.(Evidence, Bureau of Meteorology)
 - iii. Spraying on hard surfaces in rain or just prior to rain with consequential transport into water ways.
 - iv. Statements contrary to the ***Agricultural and Veterinary Chemicals Code Act 1994, Statements Prohibited*** which claim or imply that pesticides are safe and that their use (or misuse) is approved by the APVMA for use in urban areas where children, babies, pregnant mothers and many chemically sensitive people, such as sufferers of Multiple Chemical Sensitivity, are often exposed.
The current system appears to allow the pesticide industry to flout the law, regulations and guidelines with impunity.
5. Our cause for concern is based on recent research into the adverse health effects of pesticides. Adverse health effects are known:
- a. **Ontario College of Family Physicians' Pesticide Literature Review** April 21, 2004 which states, pages 172-174:
 - "We have reported on many studies showing excess cancer risk in children exposed directly or indirectly to pesticides."*
 - "It is clear from these studies that a positive association exists between pesticide exposure and leukemia".*
 - "The literature does not support the view that some pesticides are safer than others"*
 - "The elderly also have chronic neurological diseases that have been related to long-term pesticide exposure".*
 - "All these diseases are difficult to treat, which highlights the importance of prevention by reducing lifetime pesticide exposure".*
 - "...our message to patients should be to focus on reduction of exposure to all pesticides rather than targeting specific pesticides or classes".*
 - b. **European Commission's State of the Art Report on Mixture Toxicity** p.17, states:
 - European guidelines for the assessment of chemical mixtures**
 - "Scientific research has repeatedly demonstrated that the effects of mixtures are considerably more pronounced than the effect of each of its individual components.."*
 - c. **2009 Report, President's Cancer Panel to President Obama, Reducing Environmental Cancer Risk,** page ii, states that US regulation of environmental contamination is rendered ineffective due to:
 - "[3] Excessive regulatory complexity"*
 - "[4] Weak laws and regulation"*
 - "[5] Undue industry influence"*

In the Report's attached letter to the President, the Panel also states:
"All levels of government, from federal to local, must work to protect every American from needless disease, through rigorous regulation of environmental pollutants".
 - d. Commonly used pesticides not only cause the flu-like symptoms of Pesticide Illness; many pesticides are known or suspected carcinogens, neurotoxins and endocrine disruptors and have been linked to cancers such as Non Hodgkins Lymphoma, brain tumours in children, Parkinson's Disease, Multiple Sclerosis, various autoimmune diseases, Autism, Asthma, Depression and Obesity. Even the commonly used "Roundup"/Glyphosate is not safe in the environment as once claimed by its manufacturer who has been successfully sued in both France and the United States for having made false claims. The potential Risk to public health (consequence x probability) arising from overspraying in heavily populated urban areas is HIGH to EXTREME.
 - e. The state of our public health, with frequent media reports of "epidemics" in obesity, autism, asthma, severe allergies and certain childhood cancers, is reason enough to adopt the Wingspread Precautionary Principle and to remove the unnecessary risk of harm from pesticides. (Californian Department of Health, Pesticide Emergencies, Pesticide Illness, Symptoms).
6. The Western Australian framework for the use of pesticides is failing to protect public health and the environment; complaints from residents, volunteer and employed chemical weeders (ABC Four Corners, Chemical Time Bomb) go unheeded. **An audit of the industry and its regulation is overdue.**

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