

UK High Court rules to protect rural residents

After a seven year campaign culminating in a High Court case against the UK Government, Georgina Downs has won an historic victory. On 14 November the High Court ruled that the UK Government has systematically failed to protect rural residents from the effects of long term pesticide exposure. Nick Mole reports.

On 14 November, the UK High Court made a historic decision in the case of *Georgina Downs v DEFRA* ruling that the UK Government has systematically failed to protect rural residents from exposure to pesticides and the associated acute and chronic long-term adverse health effects. The judgement follows a long and tenacious campaign undertaken by Georgina Downs, who runs the UK Pesticides Campaign.

Shortly after moving to the countryside with her family as a child, Ms Downs started suffering from a range of mysterious ailments including flu-like symptoms, blistering inside her mouth and severe muscle wasting and weakness. After her doctors ruled out a range of medical conditions Ms Downs became aware that crop-spraying was regularly carried out on nearby fields and began to investigate whether pesticides could explain the ill health that she and her family were experiencing.

Over years she documented the health impacts experienced by many rural residents who had contacted her, gradually building a compelling case that the government's risk assessment for a short-term 'bystander' was not able to protect against the long-term exposures experienced by residents such as herself.

Her campaign against the UK Government began in 2001 and focused on the Government's fundamental failure to protect people in the countryside from pesticides, such as those who live, work or go to school near pesticide sprayed fields.

As a result of Ms Downs' representations to the Government, its officials and scientific advisors, in 2004 Ministers requested the Royal Commission on Environmental Pollution (RCEP) to carry out a special study to examine the scientific evidence on which DEFRA based its decisions on the risks to people from pesticide exposure.

The RCEP published its report in 2005 and came to the conclusion that there was a need for the government to take a more precautionary approach to passive exposure to pesticides. The report also made a number of recommendations on measures that should be undertaken including the introduction of no-spray (buffer) zones and prior notification of spraying for rural residents. DEFRA rejected the majority of the RCEP's recommendations.

Ms Downs landmark Judicial Review case focused on the failure of the government to effectively implement EC Directive 91/414/EEC contending that the UK Government failed to meet its obligation to protect public health. This was based on three grounds; there was no risk assessment capable of identifying and properly guarding against the effect of pesticides on rural residents; the Directive requires that the use of pesticides should not result in harm to human health and the government's qualification of this to 'no serious harm to human health' was wrong in law; and that the failure of the government to act on the RCEP's conclusion that a more precautionary approach was needed was erroneous.

The Judge in the case, Mr Justice Collins, stated in no uncertain terms, that the approach taken by the UK Government to protecting rural residents from the risks and adverse health effects of pesticide exposure does not meet the necessary legal requirements. He commented 'I have no doubt ... that the manner in which controls on crop spraying have been applied do not

comply with the obligations imposed by the Directive.'

Mr Justice Collins concluded his judgement by saying that the government 'must think again and reconsider what needs to be done'. Whilst not specifying particular actions he continued by saying that, 'The need to inform residents of intended spraying and of the composition of the pesticides to be used is I think clear. Voluntary action is not achieving this. Equally, I think there is a very strong case for a buffer zone.'

The ramifications of this legal victory are potentially immense, as whilst this particular judgement is concerned with the effects of long term pesticide exposure on rural residents it should also sound alarm bells over the way the UK Government approaches pesticide issues in general.

PAN UK calls on the UK Government to:

- Accept Mr Justice Collins' judgement without appeal
- Implement the actions recommended by Mr Justice Collins as a matter of urgency
- Take immediate steps to re-evaluate its approach to all areas of pesticide policy and adopt a more precautionary approach
- Revisit the recommendations of the RCEP report

This judgement could have far reaching effects on the way pesticides are regulated in the UK. The work undertaken by Georgina Downs is a testament to what someone with drive and determination can achieve. (NM)

1. DEFRA is the UK Government's Department for the Environment, Food and Rural Affairs

The full text of the judgment can be read at <http://www.bailii.org/ew/cases/EWHC/Admin/2008/2666.html> More details are available on Georgina's campaign website at: <http://www.pesticidescampaign.co.uk/>



Photo: The Organic Center