

Georgina Downs statement outside High Court – Friday 14th Nov. 2008

I would like to start by confirming that I have **won** my High Court action against the Government. Therefore 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 Judgment from Mr. Justice Collins 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).

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.

The Government's method of assessing the risks to public health from crop-spraying is based on the model of a '*bystander*', in which it assumes that there will only be occasional, short-term exposure to the spray cloud at the time of the application only, from a single pass of a sprayer and to only one individual pesticide at any time.

The Judge has agreed with my long-standing charge that this *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 my own situation, for decades. Obviously those living near pesticide sprayed fields will include vulnerable groups, such as babies, children, pregnant women, the elderly, people who are already ill and who may be taking medication, amongst other vulnerable groups where the health risks are increased.

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.

Reports of adverse health effects in rural areas have gone on for decades. In 2003, I produced a DVD that I presented to the Government, its regulators, (the Pesticides Safety Directorate) and main advisors, (the Advisory Committee on Pesticides) 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.

It is important to note that the acute effects reported by people on the DVD are the same acute effects recorded in the Government's very own monitoring system, such as rashes,

itching, sore throats, burning eyes, nose, blistering, headaches, nausea, stomach pains, burnt vocal chords, amongst other effects. Government officials and advisors have therefore been fully aware for years of the adverse effects that are being confirmed by its own monitoring system, but the Government has continued to accept such effects as not being *serious*. **Today's Judgment again recognizes that it is unlawful for the Government to have added in a *qualification* to the standard of the European Directive which requires that pesticides are not approved for use until it has been established that there will be “no harmful effect” at all on human health.**

Also by the Government allowing acute effects to be considered acceptable it is then also allowing the risk of chronic illnesses and diseases, because the risk of chronic effects developing can increase when acute effects repeatedly occur as a result of long-term cumulative exposures. This has been recognised previously by the European Commission that acknowledged 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.*”**

The most common chronic long-term illnesses and diseases reported to me by rural residents include various cancers, leukaemia, non-Hodgkin's lymphoma, neurological conditions, including Parkinson's disease, ME, asthma and many other medical conditions.

The Judge has concluded that the DVD contained *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 a failure to have regard to material considerations and a failure to apply the European Directive properly.

The crucial evidence I produced for my case in 3 very detailed Witness Statements, shows quite clearly 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 continued to issue grossly inaccurate information and mislead residents and the wider public by continuing to assert that the current regulatory controls in the UK are *robust* and *fully protective* and that pesticide spraying is *safe*. **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. In fact the UK Government's relentless and extraordinary attempts to protect the industry as opposed to people's health has been one of the most outrageous things to behold in the last 7 years of my fight. This is especially apparent at the moment as not content with not protecting its own citizens the UK Government has been trying to scupper new European pesticide proposals *from having* the primary focus on health protection of citizens across Europe, to one of primarily protecting the industry.**

Therefore 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.

Of course whilst it is right that the Government as a whole is held responsible and accountable for its unlawful policy and approach, there is no doubt that there are a number of people within Government who have a very key responsibility for presiding over this fundamental failure in duty to protect the public from pesticides and those people should now be sacked with immediate effect. I would like to name just a few of these people. First of all David Milliband who previously held the position as the Secretary of State for DEFRA and who did not see it as necessary to meet with me to even hear the case and arguments presented in relation to residents exposure to pesticides and reported ill-health and neither did Hilary Benn the current DEFRA Secretary of State. Paul Hamey who has been in charge of the exposure assessment at the Pesticides Safety Directorate, since 2001 and has had direct responsibility for the exposure model that has been ruled unlawful in the Judgement today. Kerr Wilson Chief Executive of the PSD, Sue Popple the former director of policy at PSD, and now an official working within DEFRA, Richard Davis, Director of Approvals at PSD and Jon Battershill, the secretariat for the Government's Committee on Toxicity. And last but by no means least Professor David Coggon who featured heavily in this case as he was the Chairman of the Government's Advisory Committee on Pesticides between 2000 and 2005 and is now a chairman of another advisory committee, the Committee on Toxicity. Professor Coggon was responsible for introducing the adjective *serious* to describe the standard of the legislation which has been found to be an error in law in today's Judgement. He also previously informed me that he only saw 15 minutes out of my 2 hour DVD (the one that the Judge has called solid evidence, and that should have led to the ACP adopting a different approach), as Prof Coggon said it was not good use of his time to watch any more. He has continued to maintain that this is merely a *social* issue, when the reality is that this is obviously a very serious public health issue.

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.

The most important action that must be taken, based on the evidence that adverse effects are occurring, is to prevent exposure for residents and communities by banning crop-spraying around homes, schools, children's playgrounds and other public areas. Considering studies have shown that pesticides can travel in the air for miles then the distance of the no-spray area would need to be substantial.

I hope this Judgment now puts to rest any attempts by various parties to criticize me for what I am doing. I have worked to the highest professional standard in the campaign I have run and have been meticulous with accuracy and attention to detail. With all the unarguable scientific evidence I have amassed over the last 7 years, I would be acting completely irresponsibly if I didn't do what I do. **I should not have had to have spent the last 7 years of my life fighting to get the Government to do something on this when the evidence and arguments I identified were very clear from the outset and the Government should have acted when I first started to present the case in 2001.**

Finally, I would like to thank my legal representatives, Michael Fordham QC, Emma Dixon, Derek Sutton and others at Blackstone Chambers, as well as all those at Foresters Solicitors, especially Joe Mensah and Robbie Manson, for all the work and support in this case and for agreeing to work in my very unique way, as I have been directly and fully involved in all preparations relating to this case and its overall management.

I would also like to thank all those who have supported the campaign over the last 7 years, all that support has been invaluable and is what has kept me going in this battle on behalf of all those who have had their health and lives destroyed due to the government's very own policy.

Georgina Downs.