



Alliance for a Clean Environment

Promoting Community Right to Know and Environmental Health and Justice in WA

**Submission to the Local Government Act 1995 Review
Alliance for a Clean Environment
9th March 2018**

This submission relates directly to the WA Local Government's role and responsibility to uphold State and Federal laws and regulations and implement practices in accordance with those laws.

In particular, operations of Local Government Authorities involving the application of scheduled poisons in public places.

Over the last 20 years our organisation has noticed a steady and alarming increase in the application of scheduled poisons by Local Government Authorities in public places, including, parks, gardens, sports fields and venues, streets, roads, verges, bike paths, laneways, bushland reserves and all green open spaces.

In addition, we have recorded the increasing frequency with which they are applied, and the increased toxicity/strength of the products used.

We believe that the critical role that Local Government Authorities (LGA's) play in applying these pesticides - a group of scheduled poisons which includes biocides, insecticides, herbicides, fungicides and pesticides, as identified in the WA Pesticide regulations – requires urgent attention.

We believe that the public is not being adequately protected from exposure to these pesticides and that there is an alarming culture of non-compliance with the WA Health Act's Pesticide Regulations, within LGA's, occurring on an almost daily basis.

In addition, there is a lack of transparency and accountability attached to this issue while it falls under LGA "operational practices".

Specifically, then in relation to this review:

1. Electronic availability of information.

The public has a right to know what products, when they will be applied and the exact locations of where they may be exposed to scheduled poisons used by LGA's. This is especially important for people with compromised immune systems or sensitivities to chemicals and for parents of children. All LGA's should be required to provide daily through their website or other online mechanism, details of exactly where and when pesticides will be applied in public places, children's playgrounds etc. Citizens have a right to choose to avoid those locations for their own and their children's health and safety. This is a relatively easy and cost-effective way to provide prior informed notification to their ratepayers.

In addition, LGA's should provide online to ratepayers, policies, plans and council decisions related to the use and application of scheduled poisons in public places. This should also include a mechanism for ratepayers to report any adverse reactions or complaints as part of best practice community engagement and feedback and for the awareness and follow up by LGA's and state regulators.

2. Meeting public expectations for accountability, including gift disclosures.

LGA's should be prevented from accepting gifts, or any other benefits from pesticide companies and their contractors. Public expectations for accountability would include LGA requirements for full community engagement on those operational practices that have the potential to impact the environment and public health. It is certainly the case that LGA's engage with the public on far lesser priority issues. Applying poisons in the urban environment where people live, and their children play, has the potential to impact human rights. Already serious long-term impacts on our environment, groundwater and potentially human health has occurred in the Cities of Stirling and Joondalup where a pesticide contractor was found guilty of applying an unauthorised pesticide resulting in the deaths of up to 12000 trees. The fact that this contractor continues to gain LGA contracts and that the public has no access to the details of this case, is a testament to the culture of non-compliance in LGA's and the priority and privilege LGA's award to industry ahead of the rights and best interests of their own constituents.

<https://www.stirling.wa.gov.au/Council/Meetings/Council%20meetings%20and%20petitions/Council%20Minutes%20and%20Agenda/Council%20Agenda%2018%20September%202007.pdf>

3. Meeting community expectations of standards, ethics and performance.

The public expects that LGA's use the safest and best practice methods to control weeds and pests in their urban environment. Through LGA Environmental Health Officers (EHO's) the Department of Health's Pesticide Regulations are upheld. Yet in most cases, LGA's, defer to the Parks and Gardens department where these "operational practices" are carried out. It is at this interface that any public complaint

or concern is regularly dismissed. It is common for the public to be told that pesticides are “as safe as salt”, or that there is no evidence that pesticides cause harm to human health, or that there are no alternatives to controlling weeds without the use of scheduled poisons.

This blatant misinformation is not only distressing to the public, it has the potential to cause harm to human health (public and workers) and the environment through ignorance.

<https://www.panna.org/sites/default/files/KidsHealthReportOct2012.pdf>

<https://www.panna.org/sites/default/files/2013-PAN-AP-POISONING-OUR-FUTURE-Children-and-Pesticides-Book-v8-WEB-lo-res.pdf>

The level of expertise, training, education and oversight required for the safe and best practice control of weeds in the urban environment, is not held by staff in the Parks and Garden departments, who often have only certificate IV or less qualifications in horticulture.

There is a community expectation that the use of scheduled poisons in public places by LGA's is attached to robust regulation and compliance monitoring. However, this is not the case. There is no coordinated system for recording or responding to adverse impacts or complaints at the LGA level. This is a gross failure of both the Local Government Act and the WA Health Act. The first interface for any pesticide exposure resulting in an adverse impact or environmental harm occurs with the LGA where the details of the application are held. Response times from the Parks and Gardens staff are ineffective and the public regularly must demand action from an elected councillor or the CEO to obtain basic information about the event. In serious cases of exposure any delay can have critical effects on the ability of medical staff to treat their patients.

Furthermore, routinely LGA's choose scheduled poisons over safer non-chemical weed management. This undermines the health of our environment, our groundwater, river systems, wetlands and public health, particularly women and children.

Traditional owners of register sacred sites are routinely having their human rights eroded through the overuse and application of pesticides, mostly undertaken without prior informed notification by LGA's.

http://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

Over time we have witnessed more toxic and hazardous pesticide products being used in the urban environment. Just in the last few years LGA's use class 6 poisons in the urban environment applying them via spot spraying from backpacks. This allows the applicator to walk around freely in any location without signage and often without any dye in the product to alert pedestrians. It is often the case that mothers

with infants and small children will have pesticides sprayed nearby without being aware that they may be inhaling pesticide spray drift or that their children may come into direct ingestion and dermal contact with the freshly sprayed turf. This places an increased risk on women and children's health in the very environment they are encouraged to frequent for the benefit of their health and wellbeing.

Now that the Department of Agriculture has granted approval for a range of highly hazardous pesticides (HHPs) to be used in our urban bushland reserves and certain environments including Kings park, Bold Park and wetlands, we hold grave concerns for the protection of public health and the environment.

Permit 1333 details the scheduled poisons now allowed to be used in these locations. It is unfathomable that LGA's could apply these pesticides close to peoples homes and in high use recreational areas like urban bushlands and parks and yet this permit containing Highly Hazardous Pesticides such as Paraquat, 24D and Picloram is recommended for NRM workers on the DPAW website -

<https://www.dpaw.wa.gov.au/plants-and-animals/plants/weeds/155-how-to-control-weeds>

<http://permits.apvma.gov.au/PER13333.PDF>

Many of these pesticides are highly restricted or banned overseas.

Given the fact that there are safer and equally effective non-chemical methods for weed control available for both NRM and urban environments, it is unacceptable that LGA's are silent at best on safer alternatives or actively promote more dangerous methods, for weed control in our urban environment. In addition, it is an abject failure that LGA's do not provide for full public disclosure of all scheduled poisons used nor provide for any system of compliance monitoring of applications or adverse experiences for their ratepayers.

<http://www.emrc.org.au/regional-services/environmental-services/natural-resource-management/steam-weeding.aspx>

<http://www.weedtechnics.com/>

Given the clear long -term risks to human health and the environment through the increasing use of pesticides in the urban environment, we recommend the WA Local Government Act be amended to include:

1. Requirements for full public disclosure in real time and on line of all scheduled poisons applied in their urban environment, public open spaces, parks, playgrounds, bushland and wetland reserves.
2. Requirements for a pesticide complaints and adverse experience register and to be directly engaged with the Pesticide Safety Branch of the Department of Health.

3. Requirements for LGA's to eliminate the use of scheduled poisons to control weeds on hard surfaces and in children's playgrounds.
4. Requirements for LGA's to establish pesticide reduction plans in urban bushlands and wetlands.
5. Requirements for LGA's to implement non-chemical weed control in all high use public places.
6. Requirements for mandatory full prior informed notification to Traditional Owners of registered sites within any LGA.

Yours sincerely,

Jane Bremmer
Chair
Alliance for a Clean Environment

