

## DISSENTING RECOMMENDATIONS AND STATEMENT

The Hon Ian Cohen, MLC, The Greens

### **Recommendation 4:**

The Greens recommend, as a matter of urgency, that priority areas for Regional Agricultural Plans be agreed upon by the Ministers for Environment and Planning. For example, the expansion of cotton in the Lachlan area.

### **Recommendation 6:**

The Greens believe it should be mandatory for commercial users to undertake training since a large percentage of applications take place by people in the commercial category, it is essential to provide a clear recommendation about the need for training.

### **Recommendation 38:**

The Greens recommend GPS systems must be on-board aircraft used for aerial application of pesticides.

### **Recommendation 41:**

The Greens believe that, in addition to the EPA's model for the Statutory Advisory Council, the Council should not be subject to the control and direction of the Minister in respect of the contents of any report or advice given by the Council to the Minister and will independently report to Parliament.

### **Third Party Rights (refer to 4.2.12.2 and 4.2.12.3)**

Third Party Rights are an established part of new environmental legislation. Since their

introduction in 1979 with the Environmental Planning and Assessment Act, there have been claims of a flood of vexatious litigation. However, with Third Party Rights in place in various legislation in NSW, no such flood of litigation has occurred.

Third Party Rights must occur at two levels in relation to the Pesticides Act. Firstly, to restrain breaches of the Act, in particular where the Environmental Protection Authority fails to act and significant damage has been caused to persons, property or the environment. Secondly, to ensure the proceedings under the Act are correctly implemented.

Third Party Rights in the Pesticides Act are essential as a safety net for the community to encourage the enforcement of the Act by the EPA. Provision of these rights will ensure improved community and environmental health and will lead to responsible use of pesticides.

### **Prior Notification of Pesticide Use (refer to 4.2.19)**

#### **Recommendation 43**

**Prior notification of intended pesticide application is a community right-to-know issue. It addresses the rights of the community and the environment to avoid or be protected from exposure to pesticides. Notification is the precautionary principle in action, and must be applied given the ongoing discovery of serious, unanticipated health and environmental impacts of pesticides.**

**Precedents for prior notification of pesticide application are firmly established in other countries such as the USA (refer to Pesticides and You, Vol 18, No. 3 1998-1999). The issue of notification should not be deferred to the National Registration Authority.**

### **Aerial Spraying**

Evidence given to the Standing Committee which suggests that schools and school bus routes in NSW have been aurally sprayed with agricultural chemicals are extremely concerning. Children are highly susceptible to the impacts of pesticide exposure. Risk of harm, or proof of actual harm, is not the issue in this instance, the Greens seek to ban such applications. In the USA, six states have recognised the importance of controlling pesticide drift near schools by restricting and banning pesticide use in areas neighbouring a school or child care centre (refer to Pesticides and You, Vol 18, No. 3

1998-1999).

### **Licensing of Ground Rigs (refer to 4.2.11)**

Since a large percentage of pesticide applications in agricultural areas are carried out using ground rig operations, pesticide spray drift associated with such applications can result. The Greens recommend the licensing of ground rigs. This will ensure a more comprehensive compliance with safety standards, which in turn minimises the risks associated with pesticide application.

