Submission to People's Inquiry – 41

Exposure: n/a
Dr Gordon Hosking
Oral testimony: Yes

Submission to Peoples Inquiry From Dr Gordon Hosking

I am a forest health and biosecurity specialist of 35 years experience, much of it in the area of contingency planning and incursion response for new forest pests and diseases. I led the science team for the whitespotted tussock moth response, and in its latter stages was the Chief Forestry Officer for MoF and subsequently MAF.

I chaired the Forest Biosecurity Advisory Committee, which was an outspoken critic of the painted apple moth programme, until it was disbanded by Marion Hobbs. (*Minister of Biosecurity*).

I am not an expert on Btk or its impact or otherwise on human health. I do however firmly believe that exposure of communities to any chemical in such activities as insect eradication, should be absolutely minimised and that the affected communities should be intimately involved in programmes that directly affect them. As an entomologist and specialist in the area of incursion response I would like to offer brief comment on the following issues in relation to the painted apple moth programme:

- 1. quality of science advice.
- 2. alternative strategies and tools.
- 3. assessment of likely pest impact.
- 4. population monitoring.
- 5. initial response, and
- 6. community participation,

all of which have implications for the overall impact of the programme on affected communities.

1. Quality of science advice.

The experience gained from the WSTM programme was rejected, and the scientists who were involved in the programme were excluded from participation in the PAM programme. The Forest Biosecurity Advisory Committee repeatedly urged Dr Frampton to include this expertise in the programme, particularly as it was soon clear some very bad scientific decisions were being made (see Appendix I). The concern of the FBAC is reflected in two resolutions it unanimously passed at its meeting on the 28th October, 1999, directed to the Minister for Biosecurity to whom the Committee reported:

That this Committee draws to the Minister's attention its serious concern and disappointment at MAF's total lack of response to its questions concerning the painted apple moth eradication programme.

That this Committee, responding to concerns both from the forestry sector and the scientific community, urges the Minister to commission an independent review of the painted apple moth eradication attempt.

The Committee was disbanded by the Minister the following year.

2. Alternative strategies.

Experience in the WSTM programme showed that the most valuable tool science could deliver to allow decisions on strategy and operations was access to a synthetic pheromone to accurately monitor and define the pest population. To this end the WSTM programme commissioned two organisations to independently pursue this goal, on the rationale that this strategy was likely to lead to the earliest availability of a usable pheromone. No urgency was given to pheromone development in the PAM programme, and when work was finally commissioned it was given to only one group, the one that failed to deliver the pheromone for

WSTM. The Clearwater/Gries team, arguably the most experienced in the world for lymantriid moths, and the successful developers of the WSTM pheromone, were actively excluded.

3. Assessment of pest impact.

The "state of the art" quarantine and insect rearing facility at Forest Research remained unutilised for over 2 years despite it being offered at no cost, severely limiting insects available for host testing and pheromone development. In fact Dr Frampton maintained host testing was unnecessary because we already had a host list from Australia, the insects native range. This reasoning gives some insight into the scientific competence of the programme leader.

4. Population monitoring.

A fundamental flaw in the monitoring strategy for PAM, one which was repeatedly pointed out to Dr Frampton, was the failure to survey a big enough area that had a good chance of enclosing the population, and working inwards to define the boundary. Surveys were incrementally expanded as each new infestation was discovered such that at no time was the true extent of the population known. The survey was always behind the expanding front and data was often being generated by poorly trained, inexperienced, and inappropriate staff.

5. Initial response.

The lack of decisive action when the infestation was first found, covering perhaps a hectare of industrial land, showed a lack of understanding of the basic tenets of incursion response. Despite the urging of both the forestry and scientific communities no effective action was taken for 2 years allowing several generations of the insect to spread over thousands of hectares.

6. Community participation.

One of the strongest recommendations emerging from a review of the WSTM programme was that the affected community should be involved in analysis and decision making from day 1. Community participation and support was seen as the single most critical factor in the success of any such future operations. MAF retreated from the less than perfect WSTM position to a bureaucratic fortress mentality.

It is my view that the pursuit of personal agendas and lack of competent scientific input, turned an easily managed localised incursion in an industrial area into a programme costing 10s of millions of dollars and affecting thousands of people.

I attach for your information copies of:

Cordon Hadring Oth Fohmory 2006

- 1. Letter from Chair, Forest Biosecurity Advisory Committee to Dr Frampton on 3rd November, 1999.
- 2. Briefing paper to forest owners prepared by myself in October 1999.

Jordon Hosking	- 0	rebluary	, 2000.		

Appendix 1

Forest Biosecurity Advisory Committee

C/o Hosking Forestry 173 State Highway 30 Tikitere, RD4 ROTORUA

3rd November, 1999. Dr Ruth Frampton Director, Forest Biosecurity Ministry of Agriculture and Forestry PO Box 2526 Wellington

Dear Ruth,

Re: Painted Apple Moth.

Unfortunately your belated reply (2nd November, 1999) to my letter of 10th May, fails to reassure me that effective action has been taken against this insect. In fact, it confirms my original fears, and shows no evidence that effective technical input has influenced the direction of the programme, or that appropriate scientific expertise was accessed.

Your explanation for not carrying out formal host testing is less than convincing, and shows little understanding of risk assessment, especially as it applies to New Zealand's indigenous flora. The failure to pursue the Clearwater/Gries offer of involvement in the development of a pheromone, given their track record on white spotted tussock moth, shows a serious lack of judgement on your part. The wait of four months to commission work by a less experienced group, which completely failed to deliver to the same programme, needs close examination. The failure to establish a quarantine population until four months after detection, despite the urging of this committee, has clearly compromised the programme in both its field operation and science input.

The so-called 'Advisory Group', belatedly assembled, inappropriately composed, and largely ignored, has clearly had little influence on the direction of the programme. Further more, the apparent lack of any detailed operating plan, minutes of meetings, documented support and justification for decisions made, and notes on options considered, given the potential consequences of failure, might be considered irresponsible.

My concerns, more fully addressed in my briefing paper to the Forest Owners Association (copy attached), which was circulated at the FBAC meeting on the 28th October, are heightened rather than allayed by your response. I intend to press the Minister for a completely independent review of the programme, in keeping with the motion passed without dissent at our meeting on the 28th.

I am bitterly disappointed at MAF's level of response to the questions and concerns of this committee. It is my view MAF's performance in this eradication attempt has been both arrogant and grossly inadequate. I still hope for success, although failure appears a more likely outcome.

Yours sincerely

Gordon Hosking Chair, Forest Biosecurity Advisory Committee

cc Dr Barry O'Neil, Director Biosecurity Authority.

Appendix 2

THE PAINTED APPLE MOTH - A BRIEFING PAPER - October 1999

Prepared for the Forest Owners Association Forest Health Committee By Gordon Hosking

Background

In view of the increasing likelihood of failure of the attempt to eradicate the painted apple moth from Auckland it would seem prudent to document the futile attempts of the Chair of the Forest Biosecurity Advisory Committee (FBAC) and the Forest Owners' Association (FAO) to influence MAF's response to this pest. It is of course my personal view, I also outline the key deficiencies of the programme which led to this concern and which largely resulted from MAF's inability to communicate with, listen to, or benefit from, sector experience residing in forest Research and the White Spotted Tussock Moth (WSTM) programme. I consider this document important in establishing the determined attempts of a wide range of experts to have the best possible strategy implemented, through the application of relevant experience and skill. An approach consistently rejected by MAF.

The attached documents clearly show the issues raised in this paper were identified at the very beginning of the programme (Appendix I), reiterated with growing concern in early June (appendix II), and with increasing frustration raised with the sector in July (Appendix III). No response, either written or verbal, has been received by either myself or the FBAC to these concerns despite commitments to do so by the Chief Forestry Officer, the Director of the Biosecurity Authority, and the Director General of MAF.

Technical Advice

The unwillingness of MAF to access and accept scientific and technical advice from the wider New Zealand scientific community, in particular participants in the WSTM programme and Forest Research, is the most serious failure of the programme, and has led to deficiencies in almost every area of the response. Despite direct offers of assistance and repeated urging by the sector, the FBAC, and forest Research, MAF declined effective science input. An ad hoc technical group was

convened months into the programme, excluded much appropriate input, met twice, and largely failed to influence MAF's strategy. The failure to draw on experience gained in the WSTM programme is a direct contradiction of the assurance given to me by Minister Luxton in late June (Appendix III).

Quarantine

The failure to restrict the movement of potentially contaminated goods and plant material out of the known infected zone could have led to new infestations such as that recently discovered in Panmure. The difficulty in visually detecting the insect, and its occurrence high in tree crowns, should have immediately dictated a general zone quarantine and not just individual properties on which insects were found.

Survey

The use of incremental surveys extended by only a few hundred metres beyond each new find, was a very poor strategy for determining the extent of the infestation. Such a strategy leads to the treatment of known infected sites while undetected infestations continue to develop outside the limited survey area. Delimiting surveys must initially cover the widest possible area, greater Auckland in this case, and become more focused as the infested area becomes more defined. Intensive house to house searching is also inappropriate to a delimiting survey, which should move on once a general area is found to be infested. The primary objective should be to determine the size of the infestation, information critical to deciding the response strategy.

Operational Strategy

Both the choice of insecticide and the ground spraying operation were questioned by spray application experts early in the programme. The subsequent discovery of numerous live insects in repeatedly sprayed areas, high in tree crowns and across a bordering waterway, demonstrate these concerns were fully justified. However, despite this obvious evidence of failure MAF persist with an unmodified ground spray strategy.

Pheromone Development

The belated attempt to develop a pheromone for the insect was too little too late, despite early offers by the successful WSTM pheromone team of John Clearwater and Gerhard Gries to become involved. The refusal by MAF to allow a breeding colony to be established has seriously compromised pheromone development, host testing and chemical control trials. Despite Minister Luxton opening a 'state of the art', approved and registered, insect quarantine facility at Forest Research at the time of first detection of the insect, rearing at this site was refused. At the same time live insects were being held, and arguably reared, in a non-approved or registered site at Lynfield. Five months after the discovery of the insect, we know little more of its likely impact, have little information on control options, and have hardly taken the first step in pheromone development, when the facilities and skills were available to advance all three areas from day one. Planning for failure was never included in this strategy.

Consultation and Communication

Consultation was non-existent with either the sector, the sector's key research specialists, or the WSTM team. Communication was intermittent at best. Forums for the expression of sector and science concerns were never provided by MAF, and had to be generated by meeting requests to senior MAF officials or through FBAC agenda items.

Documentation

As far as can be determined, given MAF's reluctance to provide information, no written operational plan exists, no formal minutes exist of the two 'technical group' meetings, and no documentation of options considered in decision making is available. It is also far from clear where MAF's technical advice is coming from.

Conclusion

Gordon Hosking 11 October 1999.

Whatever agenda is being pursued by MAF officials, effective biosecurity of New Zealand's urban, production and indigenous forests from the establishment of painted apple moth does not appear to be a high priority. Irrespective of the outcome of this programme the sector should demand an independent enquiry by an acceptable specialist, possibly Australian, who should carry out the task outside of the MAF environment.

End			

Submission to People's Inquiry – 42

Exposure: lived in spray zone

Harry Cording Oral testimony: No

Shortly after being exposed to the spray I came down with an extremely sore throat - the worst I can ever remember. It lasted for about two days and was followed by a cough that persisted for about two weeks. I normally enjoy good health and rarely suffer from coughs, colds or flu - and never to the degree I experienced on this occasion. Furthermore, I had not been in contact with anyone who had the flu prior to the spray exposure, which occurred in November.

At the time MAF was offering free consultations with doctors chosen by them for people who claimed to be affected by the spray. I went to one of these doctors, who told me my symptoms were not related to the effects of the spray.

I did not accept this and went to the doctor I normally consult at Avondale Health Centre. He confirmed my suspicions that the symptoms were due to spray exposure and issued me with a certificate which specified that I should be evacuated from the area when spraying was due to take place. The symptoms have not recurred at any time since.

You may use my name and reproduce or quote from this statement if you wish.

End		

Submission to People's Inquiry – 43 Exposure: Worked in spray zone

Oral testimony: No

Whilst teaching (on a casual basis) at a school in Swanson, I heard a loud, low flying aircraft that disturbed my lesson. This was the first time I had heard such a thing and then I looked out the window and saw an aerial spraying aeroplane. I asked the children if that was a regular thing and they said it was.

I then suffered the rest of the day and the following day with a very dry throat, a strange taste in my mouth, and a headache. As I was in good health and did not have other flu or cold symptoms I am certain that this was a reaction to the aerial spraying.

It is a crime that the aerial spraying operation does not make available the exact ingredients and dangers of the chemicals used - the health of children in schools is more valuable than any trade secret ingredients of poison.

y ours sincerely,		
End		

Submission to People's Inquiry – 44 Exposure: lived in spray zone

N. Holland

Oral testimony: No

I wish to provide a summary of my experience regarding the aerial spraying for Painted Apple Moth, and the subsequent involvement with MAF over my damages claim.

I first noticed a problem with the paint on my car in November 2002, although I had no idea of the cause. It was not until February 2003, after a further aerial spraying, that I realised what the cause was. The vehicle had been washed on Sunday afternoon and left sitting in my driveway until the following Thursday, when because of the spray residue I had to wash it again. When I washed it I noticed that the effect from November was much worse. This was light coloured spots on the black paint, and now they were much denser, (more of them).

It was at this time I called the advertised MAF hotline. I was advised to wash my car, and although this had already been done, I did it again. I also used a cutter/polish to try and improve the problem, but when I called MAF again, I was told that the polish would have sealed the residue in. I washed the vehicle again using detergent to remove the polish, but no matter what I did there was no improvement.

At this time I was given a contact number for a MAF? employee and after discussion with her I was feeling very frustrated. I was then given contact details for Kevin Purdy of ESP Co. Ltd. The impression given was that he was a specialist paint consultant working for MAF.

On the 23rd July 2003 Kevin Purdy inspected my vehicle and his verbal comments were, "it was the worst affected vehicle he had seen", and that "he could not think of any other cause, and that the pattern was consistent with other spray affected vehicles he had seen". At the end of his inspection he advised that his report would be sent to the spraying contractor as he was contracted to them. They in turn would forward it to MAF. He also indicated that I would have to be very persistent, as I would "get the run around from MAF".

After waiting an appropriate time, (many months), I contacted the MAF employee again who informed me that Kevin Purdy was not contracted to PAM project in any way. His report was of no interest to them and if I wanted anything done I would have to commission my own report. With my frustration being evident, I was given the name and contact details of the Director, Pam Project. The deliberate mis-information and failure to directly answer questions by the MAF employee was in fact lying by omission. This was expressed at the time.

I wrote to the Pam Project Director on 4-9-03 and received an acknowledgement on 18-9-03. On 19-12-03 because of lack of response I again wrote to the Pam Project Director, but there was no response – he never responded again over the three-year period.

On 18-3-04 I wrote to the then Minister, J. Sutton, asking him to prompt a reply from his department, and acknowledgement was received on 2-04-04, and on 22-04-04 a further letter was received stating that another report on paint effects was being commissioned and that I would be contacted when this was complete.

On 15-07-05, because of lack of response, I wrote again to J. Sutton and the Pam Project Director, including an official claim form in the hope that this would gain a response. On 19-07-05 I received an acknowledgement from J. Sutton, and on 18-08-05 a further letter stating that MAF would forward a copy of the claim report by the end of August.

On 8-09-05 I again wrote to J. Sutton as nothing had happened. On 19-09-05 I received a reply stating that MAF had sent the information on 16-09-05.

Eventually I received a letter from MAF dated 16-09-05 together with a claim report (1) and a paint report. (2) The paint report was dated 26-05-04 and the claim report 31-08-04 (more than a year earlier). The claim report states that the aerial spraying did not cause my vehicle damage, so no payment is recommended. I can only assume that this decision was based on the paint report of 26.05.04, which deliberately avoided the conditions under which my vehicle was affected. (3) All this information was available to them as was Kevin Purdy's report as it is referred to in the second report

I hope that this three year chronology makes following the events a little clearer and should any further information be required I would be happy to provide it.

Appendix I

Compensation Assessment Report

Claim for: Car Paintwork

(Released under the Official Information Act)

CLAIM DESCRIPTION

The claimant seeks compensation for damage to the paintwork of his car that ascribes to the effects of the spray.

BIOSECURITY ACT ASSESSMENT

The claim for compensation under Section 162A of the Biosecurity Act 1993 has been assessed against the following tests. Any negative assessment will indicate ineligibility for compensation.

Section 162A (1)(a)

Powers under the biosecurity Act 1993 are exercised for the purpose of the management or eradication of Painted Apple Moth.

Section 162A (1) (a)

The exercise of the Biosecurity Act powers has caused certifiable loss as a result of:

- i) damage to or destruction of a person's property; or
- ii) losses due to restrictions imposed in accordance with part VI of the Biosecurity Act 1993 on the movement or disposal of a person's goods.

Section 162A (2) (b)

The compensation payable is of such an amount that the person to whom it is paid will be in no better or worse position than any person whose property or goods are not directly affected by the exercise of the powers.

Section 162A (4)

- a) Loss does not relate to unauthorised or uncleared goods.
- b) Loss was not suffered <u>before</u> the exercise of powers commenced.
- c) The claimant did not fail to comply with the Biosecurity Act.

DISCUSSION

With respect to Section 162A (1)(a) (i): MAF has indeed exercised its powers under the Act to achieve the eradication of the Painted Apple Moth.

The Oxford Dictionary defines damage as "harm or injury impairing the value or usefulness of something .."

Section 162A (1)(a) (ii): the claim DOES NOT relate to restrictions imposed on the movement or disposal of their goods.

Section 162A (2)(b): the claim seeks compensation which would NOT leave them better off that they would otherwise have been if MAF had not used its powers under the ACT.

Section 162A (4): the claim DOES NOT relate to unauthorised or uncleared goods.

Section 162A (4): the claim DOES NOT relate to losses suffered before the exercise of powers under the Act.

Section 162A (4): the claimant DID NOT fail to comply with the Biosecurity Act.

MAF has commissioned specialist studies into the effects of Foray 48B on vehicle bodywork. These found that no damage was sustained but that simple washing may be required to remove spray residue.

RECOMMENDATIONS

While the vehicle damage is compensatable under the Act, MAF does not accept that Aerial operations using Foray 48B have caused vehicle bodywork damage. No payment is recommended.

Recommended: PAM Compensation Coordinator – Iain Macdonald - 1/9/04

Approved: Manager Special Projects – Ian Gear – 1/11/04

Appendix II

Report on the effect of Foray 48B spray on Automotive Paint Surfaces Clive Bolt, Coatings & Resins International Ltd - 26.5.04 (Released under the Official Information Act)

Introduction

There are complaints of difficulties of removing residues of the Foray 48B spray from vehicle paintwork after aerial spraying. The report by ESP company Ltd (Mr Kevin Purdy) found that there was little difficulty in removing the spray

while the residue was still wet and that there was no sign of any permanent effect on the paint work in the vehicles he investigated.

This investigation has the objective of determining the effect of the residue on both clean and polished car paint and to conduct a small trial under the aerial spray for comparison.

Paint Testing

Solids of the foray 48B spray was measured on a commercial solids balance running at 140°C to be 36%w/w. The true solids are likely to be higher due to pyrolysis of the sample at the temperature of testing. At these solids, significant residue remains on paintwork after drying of the spray droplets.

Two cars were used in the program. One was painted with an OEM finish in COB (very high gloss, Clear On Basecoat metallic paint). The paintwork was in excellent condition. The other vehicle was an original solid colour OEM in bright red. The surface was quite oxidised. OEM stands for Original Equipment Manufacture, in this case the original paint of the car as supplied when new.

The horizontal boot top of each vehicle was polished over half of the horizontal surface. The polish was a cream polish manufactured by Turtle Wax. The polish was applied as directed in the instructions and allowed to harden for 90 minutes before buffing. Then polish was then allowed to harden for a further 24 hours before testing with spray applied foray 48B spray.

The spray was applied using a commercial atomiser to a target drop density of 30 drops per cm² (in fact the result was about double that amount). The spray was allowed to completely dry for about 2 hours. One of the test panels was water washed with a hose in the same manner that would normally be expected when washing a car. The other was washed with a soft car wash brush, again in the manner normally expected when washing a car. No detergents were used. The panels were then allowed to dry. The unpolished panes of both vehicles took about 60 minutes to dry whereas the polished panels took up to 16 hours. The panels were dried with the vehicles in a garage.

Where the panels had been washed with a soft brush there was still some evidence of spray residue remaining. The unpolished panels were almost completely free of residue but on the areas that been waxed there was a significant residue still remaining. The remaining residue was a large (3-10mm) area which was soft and waxy to touch. Where the panels had been washed with water only (no car wash brush) there was significant residue remaining on both the polished and the unpolished areas. On the polished areas, the residue was quite waxy and showed as a large (3-12mm) spot. The unpolished panel was readily cleaned with water and a soft brush whereas the polished area required buffing to completely remove the residue.

On Site Spray

One of the cars mention above was placed under the spray zone at the Ranui Sports Ground for the final application of May 17th. Spraying actually took place at about 11.30am. Three separate passes of the place left spray droplets on the paintwork. The spray was left on the vehicle for about 5 hours in sunshine before being washed with water and a carwash brush in the normal manner for cleaning a car (about 2 passes of the brush over each area).

On inspection, there was no sign of the dry spray droplets leaving any kind of residue on the paintwork, neither on the waxed nor on the unwaxed sections of the paint. It appears that the dry spray washed off completely from all areas with normal brush washing.

The spray density looked to be within the target range measured to be 20-30 drops per square centimetre. Droplet size looked to be several hundred microns indication that the aerosol was close to the target range of 100microns diameter.

Discussion

In this test there was no significant problem in removing the spray droplets from clean normal paint work. Even areas that had been recently polished and where the spray had been allowed to dry in warm sun, cleaned up with normal water washing using a car wash brush.

There does not appear to be a potential problem in removing spray residues where the spray is applied heavily onto freshly polished paintwork. I saw no evidence of a problem where the paint work was in good condition although a soft car wash brush, or similar, is usually required to remove the residue once it has been allowed to dry.

Clive Bolt Coatings & Resins International Ltd

Appendix 3

Letter to Convenor of People's Inquiry – 9-12-05

Enclosed is a copy of further correspondence in relation to my claim with MAF, together with the final result.

The "Compensation Assessment Report" recommends no payment should be made. This is based on the paint spray report by Clive Bolt.

It has taken three years of harassing the Pam Project Director to finally get an answer; this only came about by involving and pursuing the government minister in charge. Based on the report by Clive Bolt it would seem that the conditions under which my vehicle was affected were avoided in his testing. These were the colour, the paint type, the time before washing and the continuing high temperatures/sunlight that were prevailing conditions. These details were recorded by Kevin Purdy, they were obviously made available to MAF, as there is reference in Kevin Purdy's report on the first page of Clive Bolt's report.

My vehicle was washed on Sunday afternoon (Feb 03), and left in my driveway. It was sprayed early on Monday morning and left unused for 4-5 days before washing. The colour of the vehicle is black and the paint type is "two pack" factory OEM.

The first page of Clive Bolt's report refers to Kevin Purdy's report saying that there was no permanent effect on any vehicles inspected. Kevin's comment to me at time of inspection was that "my vehicle was the worst affected he had seen", seems to contradict this statement. Kevin used a magnified light source, and because of my knowledge of paint, proceeded to show me that where there was discolouration there was also a blister of raised paint. His assumption was that the shape of the spray droplets had magnified the suns rays and because of the colour of the vehicle and the long period of exposure, this had caused a boiling of the paint, which then remained, raised and discoloured. As stated in my letter of 4-9-03, Kevin also said that he could not think of any other cause, and that the pattern was consistent with other spray affected vehicles.

For myself, my whole experience in this has been frustration and disbelief in the attitude of MAF. It would seem that they think they are accountable to no one. The deliberate misinformation is close to lies; it appears their staff have been trained in this.

At this point I do not intend proceeding any further. This is obviously what MAF would be hoping for.

I trust that this is of use to the Inquiry and should I be able to help any further please do not hesitate to contact me.

End

Submission to People's Inquiry – 45	
Exposure: lived border of spray zone (hot spot)

Oral testimony: No

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Submission to People's Inquiry – 46 Exposure: lived in spray zone

Oral testimony: No

Yours sincerely

To whom it may concern

I wish it to be noted that my mild asthma has developed into bronchiectasis. This happened during the spraying of the Painted Apple Moth in Waitakere City. It seems more than a coincidence.

	•	
End		

Submission to People's Inquiry – 47 Exposure: lived in spray zone

Oral testimony: No

SUBMISSION

Prior to the Aerial spraying programme over West Auckland for the Painted Apple Moth I resided at Glendene. When the news broke that Painted Apple Moth had been found in Glendene not far from me I conducted an inspection of my own property.

I did find something on the property and being unsure as to what it was I contact MAF. MAF said they would send somebody to inspect the property. MAF never did inspect the property even though I made at least 3 reminder calls to them.

As is now well known this was not an isolated occurrence.

In view of later developments where the Painted Apple Moth became firmly entrenched in West Auckland it is my view that MAF was negligent in not being more proactive in the early stages.

I later moved to Sunnyvale, an area which was subsequently heavily sprayed.

Health Problems After Aerial Spraying Commenced

1. Inflammation of the sinus and eye irritations e.g. stinging and burning.

<u>Treatment</u>: Chlorsig eye ointment. Livostin eye drops. Butacort nasal spray

2. Rash on face

<u>Treatment</u>: Micreme H ointment with no effect. Lecoid ointment with no effect.

3. Severe migraine type headaches.

<u>Treatment:</u> Paramax tablets. They provided little relief.

4. Burning sensation in the throat.

Before the aerial spraying programme I had none of the above health problems.

I was on the MAF medical register.

Effects on Life Related to Spray

The face rash, because it was so visible was socially embarrassing. The health problems left me debilitated and miserable.

The MAF medical register tried to convince me that the face rash was caused by coming into contact with the Painted Apple Moth.

The rash on the face was certainly not caused by coming into contact with the Painted Apple Moth. Regular inspections to the property (Sunnyvale) by MAF, about 6 in all had found no sign of the caterpillar. (I was at home each time the property was inspected and was able to ascertain this from the inspectors).

However just to be on the safe side, whenever it was necessary to go into the garden I always wore garden gloves and was very careful not to touch my face.

Loss of Enjoyment of Home

On spray days if well enough, I was obliged to vacate my home or alternatively to remain at home indoors with all doors and windows closed for at least 5 hours, a virtual prisoner. (5 hours is the recommended time the MAF Medical register advised before going outside).

Number of Sprays in the Sunnyvale Area

The total number of aerial sprays inflicted on the people of Sunnyvale was 33. I recorded each one as they occurred.

Toward the end of the aerial spray campaign, areas in West Auckland were progressively removed from the spray schedule, however Sunnyvale was not. I am uncertain as to how many extra sprays Sunnyvale received over other areas of West Auckland, Sunnyvale was considered by MAF to be a hotspot.

I recorded the last aerial spray over Sunnyvale on the 9th March 2004.

MAF Operational Conduct

In the opening stages of the spray campaign the spray helicopter flew over my house with the spray nozzles still on further adding to the distress of the situation. I complained to MAF who did investigate and the practice eventually ceased.

Human Rights

In my view the decision to blitz west Auckland from the air with chemicals is a gross violation of human rights, whether MAF or the government believes this or not. There was widespread public concern and protest marches against the aerial spraying of West Auckland. And yet the spraying went ahead.

The aerial spraying was forced on the community against its wishes.

I would now like to quote from an article from the NZ Herald dated Monday April 29th 2002. a public meeting had been organised by the Community Advisory Group set up by MAF to air residents' concerns over the aerial operation against the Painted Apple Moth. The following remarks are telling.

MAF's Painted Apple Moth spokeswoman Mary-Ann Crawford, said people "were being led to believe their views would count when in fact it was too late." She went on to say,

"It's really unfair to call a public meeting to ask for feedback from the public when they can't have any input."

(I attach that newspaper article to the submission).

There has been considerable community concern from the first aerial spray that adverse health effects have been trivialised, discounted or dismissed, while the social and economic impacts on the community have not been acknowledged in any form.

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Attachment

NZ Herald - Monday, April 29, 2002

MOTH PEST

Meeting too late to help, says ministry by Anne Beston - Environment reporter.

A public meeting tonight to discuss West Auckland's pest moth eradication has been labelled a waste of time by the Ministry of Agriculture and Forestry.

MAF's Painted Apple Moth spokeswoman, Mary-Ann Crawford, said people were being led to believe their views would count when in fact it was too late.

The Cabinet paper representing views of MAF, scientists and Waitakere and Auckland City Councils had already been written and was now with ministerial officials.

"It's really unfair to call a public meeting to ask for feedback from the public when they can't have any input," she said.

Ms Crawford denied MAF had rushed through the process to get the paper to the various ministries in time.

It will be put before Cabinet ministers for a decision on the future of the \$11 million programme late next month.

At least three options are included in the paper: to take no further action; opting to control the moth instead of trying to get rid of it; and expanding the aerial target zone from the present 600ha to anywhere between 3000ha and more than 40,000ha.

Tonight's meeting has been organised by the community advisory groups set up by MAF to air residents' concerns over the aerial operation against Painted Apple Moth.

Relations between the group and MAF soured late last year with the community group accusing the ministry of bungling the moth programme and failing to keep residents fully informed.

Community group chairman Kubi Witten-Hannah accused MAF of rushing through its review of the aerial campaign to meet the Cabinet deadline.

But Ms Crawford denied the process had been accelerated.

The community group are complaining now they didn't have enough time. They had the same time as anybody else," she said.

Ms Crawford accused the group of trying to take on the role of scientists and expert advisers when their job was to convey residents' concerns to MAF.

Mr Witten-Hannah said that even though the Cabinet paper was finished the meeting was not a waste of time.

"the Cabinet won't have made its decision before [tonight] so a public meeting that expresses an opinion is going to be an opportunity to influence Cabinet," he said.

Painted Apple Moth, estimated to be a \$48 million threat to horticulture and forestry, was found in Glendene in 1999. the meeting is at the New Lynn Community Centre at 7.30.

End	

Submission to People's Inquiry – 48 Exposure: lived in spray zone (hot spot)

Raymond MacKay Oral testimony: Yes

[Note: Documents referenced below in this written submission are not appended. They were tabled as part of the MacKay's hearing. Raymond's statement to the hearing will be part of the oral transcription]

2 February 2006

Dear Hana

We would like to express our concerns in the manner in which Aer'aqua treated us during the time West Auckland was sprayed with the Foray 48BTK spray. We would very much like to personally present our concerns to the People's Inquiry panel in March. Enclosed is a full copy of the file Aer'aqua has kept on our family, along with our own medical records from our doctor and the letters that we have personally sent to different authorities in regards to the poor treatment we were given during this difficult time.

We will briefly outline a few of the problems we suffered, but the full details can be seen on our files that we have attached for your information.

Our names are Raymond and Sandie MacKay and we have three sons: Jo, Sam and Chris. Every family member was affected by the spray in many different ways.

Raymond was the first to be affected, so badly that he could not walk 20 paces from the doorstep of his clinic to the back door of our home. He was completely drained of energy, had very bad breathing difficulties, and then he was told by his doctor he was having transitional mini strokes after he kept losing the use of his right arm for approximately 20 - 60 minutes at a time, he had many other health problems you can see on the file. He has been tested thoroughly by many specialists, including allergy, heart and brain specialists. No tests have been able to reveal a problem with anything other than a reaction to "something". To date Ray is still having breathing problems of which he never experienced until the spray and the outcome seems to be now because he is a smoker and his age.

Sandie had similar physical reactions, however, on spray days including the days that ground sprays happened which no one advised us of, she would not be able to concentrate which got to the point that she would try and read a simple sentence in the paper and she could not understand the sentence. Also she could not understand simple questions she had been asked. After one visit back to Auckland she had a very bad liver reaction which showed typical signs of toxic poisoning. (Our doctor stated she was suffering hepatitis of a non specific type?)

The three boys reacted with breathing problems, persistent coughs, blood noses, vomiting, lethargy, headaches, etc. Sam required urgent treatment at our doctor's office on a ventilator and he had many nose bleeds, vomiting and diarrhea. Jo who was only 3 years old at the time, he had behaviour problems to the point that he appeared unable to cope with simple tasks and he was producing 4-7 filthy nappies per day at his age which is unusual, when removed from the area the bowels and behaviour settled back down. He had to visit hospital and emergency doctors on a number of occasions with vomiting and diarrhea which resulted in dehydration.

Chris was 15 and felt so weak that he could not cope with physical activities at school and he felt tired all the time with the classic breathing problems, headaches, sore throats, etc.

We advised MAF of our concerns and were referred to a doctor working for Aer'aqua. From the very first visit with her she made us feel that because one person felt sick we were all becoming psychological and creating the symptoms we all felt in our heads. I would like to ask how a child of 3 years and 8 years old could be called psychological with the physical symptoms they were having? From the very beginning we became angry with the lack of understanding or caring from this person. She said if we had any problems

any time to contact her. We would contact the phone number given regularly when Ray was too sick to stand, only to be told that the surgery closed at 5 p.m. so go to your own GP who also closes at the same time. Sometimes we were advised we would be given the chance to go to one of their medical practitioners but would have to wait for days or weeks or months to be seen – not while the symptoms were at their worst.

Many times the [MAF] doctor would say she would arrange for doctors files etc to be located and then nothing would happen. She said she would make appointments and would not. In fact as you will see on file she said Sandie had an appointment with Dr Ameratunga and on the day we travelled from Thames in the Coromandel to Auckland for the appointment to be told by the receptionist that no such appointment was on record. We laid a complaint against the MAF doctor and this was one of the points we made about her lack of follow up. She then said she had arranged another appointment when in fact Sandie had personally made the appointment under question.

Ray was referred to a GP in Pt Chevalier by the MAF doctor, we again had to travel from Kerikeri for the appointment. We kept the appointment but no follow up was ever given to us.

We lodged three separate complaints about the lack of caring as doctors against the MAF doctor [..], a second MAF doctor [..] and Dr F Kelly with the Medical Council of New Zealand who referred it on to the Health and Disability Commissioner. The protocol for this process is that no lawyers are used as Health and Disability are considered a mediation service. The two cases against the second MAF doctor [..] and Dr Kelly were dropped. However the [first] MAF doctor tried to have her lawyer with her during a meeting, as this was not the normal procedure for the process we made the decision that if she was permitted a lawyer she was turning the mediation into a legal process, which we had personally been advised against by [..] at the Health and Disability Commission. This decision seemed to stand against us and not the MAF doctor who was breaking the very advise we had been given.

When Ray's health deteriorated so much he lost the ability to operate his client base as he was an osteopath. He lost his business of 30 years that sustained the family. Initially he fought to be there for his clients, but slowly he had to refer them to colleagues as he could not maintain their best interests when he felt so ill.

Many Aer'aqua questioned why we did not settle in one area outside of Auckland, the reason was we went to the Waikato area for a while when we found work there, however the Hamilton area was sprayed during this time and we were not advised by Aer'aqua. We were staying very close to the airport where the plane took off – the result Sandie awoke with a really bad blood nose and then we had to go into Hamilton not knowing the spray had been used that morning and then Samuel and Sandie had immediate blood noses after arriving in town and a shop keeper in Dick Smiths advised us they had sprayed that morning, Ray also reacted badly throughout the day.

While the aerial sprays were happening we fought for compensation to survive, none was ever given. Eventually they agreed to pay us \$120 per day for the spray day and three days after the spray for accommodation only, there was never any compensation or allowance for the loss of income, food or petrol money required to survive. Nothing was given to cover the substantial loss we had incurred. The \$120 per day was for a bach we found through a friend at a reduced rate to Aer'aqua, initially they did not want to pay this fee and haggled over \$10. The \$120 per night was to cover 5 people (3 adults and 2 children). Initially they classed Chris as a child even though he had turned 16. No motel in New Zealand would class a 16 year old as a child rate. Also further on Aer'aqua tried to class their payment as a "Koha" which was totally unacceptable under these circumstances to us. A Koha means "in appreciation" of something freely given, such as a gift. And compensation for the basic accommodation fee is not a gift to us under any of the circumstances we were forced to live.

Initially Aer'aqua tried to make us evacuate for the day of the spray only, which involved leaving the area about 4-5 a.m. with two small children and to stay away until late in the evening. How ridiculous was this in treating small children in this way; and not forgetting it costs money to leave town with petrol and food. This used to make our blood boil because feeling as ill as we often did from being in such an unhealthy environment then having to endure such long periods away from our home. We did do this on a number of occasions because we couldn't afford any other way of helping the situation and we would be so tired by the

time we had travelled for hours out of the Auckland area that we all ended up sleeping in the motor vehicle for the day. What a life! In fact Ray phoned to complain to Mr [...] of MAF of this situation and he stated "that it wasn't such a hardship as he had had to do the very same thing when he was a child and his mother was giving birth" Ray's response was that "she wasn't doing that every few weeks".

You will note from our file, of all the letters we wrote to Aer'aqua complaining about the lack of service they gave us there is very little written contact from them, other than "Practical Support Plan" letters that every other Aucklander would have received.

The letter from Dr Wilsher who Christopher was referred to for his breathing difficulties states "without seeing Chris during such an episode it is impossible to offer an alternative explanation" that was in August 2003. We initially reported Christopher's problems to the MAF doctor in December 2002. It took the same length of time for Joseph and Samuel to be seen by Dr Watts due to the MAF doctor's lack of follow through on any appointments and problems we had. Why does this the MAF doctor continue to practice when she takes so long to "get around" to doing a job. In fact she only went ahead with the appointments for the boys after we lodged the complaint against her.

While we battled with Aer'aqua about leaving the Auckland area our own doctor advised us both to leave town "immediately" during an appointment with him and so we did, two days later we left our home with a 4 berth caravan and a hi ace vehicle to try and find work elsewhere. Aer'aqua then blatantly said they did not recognise the caravan as a healthy environment to raise children and so would no longer pay us an allowance to be out of our home. So the MAF doctor was implying to us that it was healthier to stay in the spray zone that made us feel so ill. What logic is this? After a number of months (6 months approx) we were able to arrange completion of a bus to a standard of living that provided a toilet, shower and kitchen which was an added expense to us.

We have a very strong belief in family unity and as such we pulled our 15 year old son out of school. We kept him with us; we kept the two small children with their big brother and toured the north island of New Zealand for two and a half years, looking for work as we travelled. Fighting Aer'aqua the entire time to be compensated for the exorbitant fees we had to pay for camp grounds and petrol. This was all fruitless. Initially the MAF doctor tried to send Ray away during aerial sprays on his own, which could last for anything up to 14 days at a time if the spray was delayed as happened on occasions. What sort of a way is this to keep a family together when they are already struggling to survive under such terrible conditions everyday for 2 years.

To this moment in time we still feel very angry and betrayed that our government, Aer'aqua and the medical services have completely ruined us financially and medically while Sandie is still to this day undergoing tests for neurological problems which only occurred since the spray began.

We would not like to see any other country in the world or town within New Zealand be subjected to a population blanket spray such as we endured. No one in authority has listened to the people nor have they considered the peoples rights and the protection of the individuals' homes and even threatened that if the houses were washed after a spray "offenders" would be fined. We feel totally raped by the system.

If we can provide you with any further details please do not hesitate to contact us.

We would like to thank you for providing the people with a voice to people who are prepared to listen and possible help us. We would also like to take this opportunity to thank the many volunteers who have steered the proceedings to date while we have had to take a back step and simple try to survive. Thank you.

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Submission to People's Inquiry – 49

Exposure: lived in spray zone

Dominique Hardisty Oral testimony: Yes

Written Testimony

I would like to express my concerns, as I am one of the many victims who was subjected to the BTK Foray 48B spraying. I am writing to inform you about the affects that both my daughter and I have experienced from the aerial spray and ground spray that was done in West Auckland for the eradication of the Painted Apple Moth over the past few years.

I am a 32 year old asthmatic and have been for most of my life. The affects on my breathing from the spray has been nothing short of disastrous. I feel there was absolutely no thought given at all for the people who already had existing health problems, let alone the ones who have now developed health problems because of this spray. At first I thought I was just having a run of bad luck with breathing problems, but it did not take long to realise that the attacks were happening the same days as the spray was being done. I visited my GP and voiced my concern, his advice was to leave the area if possible while the spraying was being done, not only did I have difficulty in breathing, but I also experienced, stinging eyes, sore throats, dizziness, nausea & had the inability to think clearly, this in turn interrupted my daily work chores. My 15 year old daughter Samantha also suffered affects from the spray, she experienced frequent sore throats, flu-like symptoms & rashes on her body. My daughter and I had no choice but to leave the area for at least 1 week with the MacKay family whom I was working with, while the spraying was being done.

I have lived in Auckland most of my life and know that it is not the best place for asthmatics, however I noticed a significant difference in how much more severe the asthma became after aerial spraying commenced and therefore I had to increase the intake of asthma preventive medication to it's limit.

I am also a recovering Agoraphobic and until the commencement of the spray program was doing exceptionally well with progressing back to a normal life, but with the deterioration of my health it was not long before I started to experience stress, anxiety and panic attacks again, due to way I was feeling with my health. This made me feel so angry because all of that good progress that had been made was being ruined due to the stress of this situation.

On 21 July 2003, we visited Dr [..] one of the appointed MAF doctors and the outcome of the appointment was this - because the asthma was a pre-existing condition I was not acknowledged as being a suitable candidate for relocation, in fact I was told that because I was leaving my house unattended and locked up for up to a week while spraying was being done, this was the cause of my breathing problems because of the dust I encountered upon my return. This was not true as I was living with my Father and his wife at the time, so the house was not always locked up. I was also told to wear a mask on my face on spray days & that they were available from Mitre 10 for \$1 - \$2 each. How insulting and ridiculous, would the doctor herself wear a mask over her face and walk out in the streets, looking like a person with a dreaded contagious disease, I think not. Samantha was also dismissed as having just a run of bad luck with catching the flu's and viruses that were about at the time. Samantha did not have any pre-existing conditions but was also ignored. I was even seen on a television program that was screened at one of the Stop Aerial Spraying protests, wearing a mask to show how unrealistic and pathetic the whole concept was.

We had no choice but to leave the area and left Auckland in 2003, with the MacKay family where we lived in a house bus and caravan for two and half years, making a living by traveling from town to town obtaining Karaoke gigs at the local pubs in the area & providing entertainment. I feel that I had no choice and was driven away from my family and my home. Not long after leaving Auckland my breathing problems started to ease, but the mental and emotional scars still remain, as I am still experiencing memory problems and have real trouble retaining information, which makes it difficult to hold down a full time job. I feel that this is a result from the aerial spray, as I did not have any of these problems even when I was in a bad Agoraphobic state, although it is easy for health professionals to use this as a good excuse for the cause. I still feel emotionally and physically drained from this ordeal.

I conclude this by stating, I feel angry and disgusted with being subjected to this spray program which I had no control over and further very angry that Aer Aqua made me feel like a psychosomatic person with a pre-existing condition, yet I know many of the symptoms I had I have never ever experienced with asthma before even as a child. I feel that my daughter and I have become one of the many that MAF and Aer Aqua have shunted and chose to ignore.

End						

Submission to People's Inquiry – 50 Exposure: lived in spray zone Oral testimony: No

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Dear Hanna

25 April 2003 I send a letter to Max Wilde, Waitakere City Council, about my experience, I'll re-type it for you and fill in the last 2 years. I do not wish to speak in the inquiry but I wish that my concern is made known.

To Max Wilde

Re: Complaint Painted Apple Moth Aerial/Ground Spraying 25.4.2003

I'm 39-year old and have always been very proud of my good health.

Beginning of last year (2002) I noticed ever so often a sore throat, but it would never come to flu, or muscle pain or anything else. In April I started to cough. It was a dry irritation cough. After 20 year of not needing any antibiotic my doctor advised me, even though my lungs were fine, to take one because I could not get rid of it for months. By July running nose with nosebleed started and a chronic fatigue. If I would work in the garden, the next day I felt nauseous and sick. Burning eyes and burning skin with change of breathing and thinking difficulties were other symptoms. I went again to my doctor; I had blood tests and allergy tests. Everything was fine nothing showed up. He recommended seeing one of the MAF doctors.

I went to see MAF doctor [..]. I felt very much insulted when she suggested my symptoms could be my age because I have absolutely no pre-existing condition like asthma, allergy etc. The answer to my questions about long term health effects was: there is a lot of rubbish on the Internet. She verbally gave me 100% assurance that the spray has no long-term effects, but when I asked for a written statement, she could not do it. She did offer me the free breakfast and I should walk around with a mask.

I have been leaving the area, while aerial spraying and hot spot spraying (Waikumete Cemetery, less then 1 km away from me). When I come back in the evening within 1/2hour I get a headache burning throat and the next day diarrhoea for a few days.

This nuisance is interrupting my life and my work. I can't book in clients or I have to reschedule them and I lose clients because we never know how long it will take.

The spray also affects my cats badly, I keep them inside during spraying, the next day they won't even eat, they only sleep, they vomit and got chronic diarrhoea so bad they soil in the house because there is no time to run outside. Then it settles after a few days and it starts up again by the next spray.

I'm very frustrated, angry and concerned about my health my financial situation and my cats. I never gave any approval (verbal or written) to spray any substance over my home or section. My family and friends overseas are absolutely shocked what is happening here, they can not believe it, because NZ supposed to be a green clean country.

Our hopes and health lies in you hands, I ask you to stop this nuisance under the Health act and protect us and our environment from long term effects and special the young generation from leukaemia and cancer.

22.1.2006 - Update

I'm still very angry, my health never came right. I now have blemishes over my once perfect clear skin, my emotional abilities have been wrecked after my family the MacKay's had to move away because of their

health problems. Over the 2 ½ years they have been away I developed anxiety and panic attacks in trying to deal with the situation on my own.

I did go to the free breakfast but MAF did not assist my health when coming back into the area.

Because of my physical fatigue, I found it harder and harder to work as a Therapeutic Massage Therapist in our Health Clinic. After one client (1 hour) I was exhausted and at times felt I couldn't even finish. Before the Painted Apple Moth spraying I was able to massage 3-4 hours at the time with a small break and to continue for another 2-3 hours. My concern grew that my clients wouldn't get the full benefit anymore because of my physical weakness.

I'm also a Reg. Clin. Dip. Hypnotherapist and my mental thinking started to be affected I was not able to think clear and straight, I found it hard to do simple things, or couldn't remember what I had just done or if I even done it right. I found it hard to organise my days and I lost my confidence with dealing with my clients. This put me into financial strife and a once good running and financial business died.

Last year I had to take employment on, just to pay the bills and overdrafts that have been created through this time. Because of my mental and emotional state I had to choose a low paid job as a home-helper mainly cleaning for the company [...].

I was once a confident successful and highly paid medical assistant in Switzerland, run my own successful businesses (Tourist lodge in Parnell) and Health Clinic in Remuera and since 1999 in West Auckland.

I now have a nervous disposition that I have to watch very carefully, my thinking is still not what it was, my memory lets me down quite often. I'm concerned about my future and also my long-term health.

I moved to NZ 1990, all this years I had so many compliments about my flawless beautiful skin, I always looked after and protected my skin with sun lotion, hat and covered my skin against the harsh sun here. Over the last 2 ½ years my skin on my face has become very blemished, I lost my beautiful flawless skin I believe because of the chemical spray exposure. I have noticed, my sister 44 years old who is visiting me at the moment, still has absolutely flawless skin and even my mother at 72 has hardly any blemishes.

So you can see I'm very, very angry, I feel abused, let down by the government, nobody took any notice and we were just ignored regarding our health. Our human rights were taken away while we were just walked all over. My most important asset in my life my health (without good health you have nothing), I feel has been jeopardised and taken away from me.

I now realise I have been financial ruined and physical, mentally and emotional affected, and so has many in the West Auckland region after this escapade of aeraqua, it is my ardent desire that anything like this will never be placed again upon another living human.

I am now trying to put things behind me and recover from my health problems and financial strife.

I finish this by reiterating how angry I feel that such an atrocity could be placed upon myself and the people of the west. Done by so called experts of the Government and the medical fields who cannot bring one scientifically proved document to the totally safety of the spray they used in population spraying to eradicate a pest they allowed entry to this country themselves.

I further ask how on earth could **Doctors** who took a democratic oath to safe and look after life, could allow spraying to take place when there is no scientific study done world wide to guarantee human safety in using such a product.

Yours faithfully

End		