

# PESTICIDE EXPOSURE



## YOU'VE BEEN SPRAYED... *What Can You Do?*

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**P**ESTICIDE EXPOSURE INCIDENTS ARE OFTEN FRIGHTENING SITUATIONS.

The process of gathering information, reporting the incident, and changing the situation may not be easy. By following the suggestions below, we hope you will be able to minimize your own health effects and bring about change which may help others in your situation in the future.

If you have been exposed to or poisoned by pesticides, your personal safety is most important. If possible, find someone who can assist you in taking care of yourself and keeping track of the incident. Good record keeping is essential in this situation.

### IMMEDIATE RESPONSE

Time is critical with any pesticide exposure or poisoning. Leave the area as soon as possible and remove all contaminated clothing. Get immediate medical help from a physician, a local hospital, or a poison control center. Shower and shampoo in the nearest clean water and change into clean clothes. Don't eat food or drink water that has been sprayed.

### GETTING MEDICAL HELP

Be aware that there are a wide range of symptoms of pesticide poisoning. Even if you have no immediate symptoms, if you are at all concerned about your health, it is important to have a medical examination as soon as possible. You may go to an emergency room, your primary care provider, or your family physician.

If you think that you may take legal action in the future, it will be to your benefit to have an examination by a physician with experience in this area. A clear diagnosis of pesticide poisoning will be necessary for successful legal action. The sooner you can have this examination, the more likely the physician will be able to make an accurate diagnosis. You can contact NCAP for physician referrals.



*Photo: USDA*

### WHAT TO BRING WITH YOU WHEN VISITING A DOCTOR

If possible, bring labels from the containers of all pesticides to which you may have been exposed. Find out the active ingredient, product name or registration number if possible. Bring a list of your symptoms, including their severity and pattern of occurrence. Provide a list of prescription medications you are taking. If you have had previous occupational exposure to chemicals, provide the dates of your exposure and a list of chemicals involved.

The Environmental Protection Agency (EPA) has published a resource for physicians treating pesticide poisonings. The book "Recognition and Management of Pesticide Poisoning" is available from the EPA and is also published on their web page at: [www.epa.gov/pesticides/safety/healthcare/handbook/handbook.htm](http://www.epa.gov/pesticides/safety/healthcare/handbook/handbook.htm).

At least six states have surveillance systems for pesticide poisonings, according to EPA. In three northwest states (Oregon,

Washington, and California) pesticide illness reporting is legally mandated.

### REPORT THE INCIDENT

The process of gathering information, reporting, and following up after an incident can be frustrating. Open disclosure and enforcement by investigating agencies is rare. Unfortunately, the burden of proof is on the person who experienced the exposure.

Reporting the incident is important for a number of reasons. Pesticide users and manufacturers often claim that pesticide poisonings are infrequent. Accurate information will be available only if incidents are reported. Reporting your exposure is an opportunity to make change in current practices and policies. Also, if you report your incident to a state agency, the agency may collect samples and analyze them.

These tests carry more weight in legal cases than tests by private labs.

The name of the appropriate agency and its contact information will be different for each state. The National Pesticide Telecommunications Network (NPTN) at 1-800- 858-7378 has information about state regulatory agencies. NPTN's website is <http://nptn.orst.edu/state1.htm>.

If the incident happened on the job, report the incident to your supervisor. File a written incident report and keep a copy for yourself. In addition, contact your state's department of occupational safety and health. If you feel that reporting the incident may put your job at risk and you belong to a union, consider contacting them for advocacy. Your employer should arrange a medical examination that should be paid for by workers compensation insurance or your employer.

### KEEPING TRACK OF THE SPRAYING INCIDENT

When you report the spray incident to a state agency, keeping track of the incident will be important.

- Save all contaminated clothes by storing in double or triple plastic bags where they will not contaminate other clothes. Keep them out of direct sun.

- Find out what was sprayed and get a copy of the label.
- Take photographs of the spray area. (See *Journal of Pesticide Reform*, Vol. 21(1):23 "Photographing a Spray Incident.") Take precautions to avoid exposure. This may be a good job for a friend or relative.
- Keep a journal of the incident and subsequent events. Record all physical and behavioral symptoms, including the dates and times.
- Write down the names of everyone you contact (with date and time). Note what you said and his or her reply and actions. Make sure all contacts with agencies are documented.
- After a conversation by phone or at a meeting, write a confirming letter to the other party. Summarize major points of your discussion and request a response within five days if the other person disagrees with your summary.

#### TAKING ACTION

- Encourage others who were exposed or affected to report the incident.
- Consider relating the incident to local newspapers as well as television and radio stations. Write a letter to the editor of your local paper. Share your story, how the situation has impacted you, and what kind of outcome you'd like to see. You may want to explain how others in the community can get involved.
- Contact those at the appropriate level of government (city, county, state, federal) who are responsible for responding to this incident. Ask others to do the same. Again, share your story, how it has impacted you, and what kind of changes you'd like.
- Call your neighbors or co-workers who were affected. Arrange a meeting at your home or elsewhere.
- There may be a group in your community already working on this issue. They may be able to provide information, staff or volunteer time, or other assistance.

#### LABORATORY TESTING

There are a couple of reasons you may choose to have a lab analysis. You may need testing for medical reasons, for evidence in a legal case, or for your own personal use.

If you are analyzing samples for medical reasons, follow your doctor's recommendations for tests and labs. If you are obtaining lab results for a legal case bring a credible witness, such as a sheriff, pastor, or city council member when you collect samples, or have this person take the samples in your presence. The sample should not leave the custody of your witness until it is delivered or sent to the lab.

If you've reported your incident to a state regulatory agency, the agency may be able to take samples and arrange for lab testing. This should be your first choice. Testing by a private lab is expensive and less useful legally. Contact NCAP for lab referrals in the Northwest.

#### DECIDING ABOUT LEGAL ACTION

Be aware that lawsuits are only successful in well-documented cases. Going through the legal process will require a great deal of work on your part. The attorney will not be able to do all of the footwork involved. You, as a client, will likely need to gather most of the information for the case. The process can be extremely intrusive.

It is likely that your privacy will be violated and that the defense may publicly attack your character or personal history.

#### CHOOSING AN ATTORNEY

Most attorneys will take cases on a contingency basis, meaning the attorney takes a percentage of any sum that is recovered in your suit. However, attorneys will only accept cases which they feel are winnable. You'll most likely need an attorney who specializes in personal injury suits.


Some important questions to consider when choosing an attorney are:

- Does the attorney have experience working in the courtroom or with a jury?

- What is the attorney's track record working in personal injury, chemical trespass, negligence, and strict liability cases?
- Does the firm have the resources to win a pesticide case?

Contact NCAP for names of attorneys who are knowledgeable or experienced with pesticide cases.

#### CONCLUSION

Your persistence and follow-through after a pesticide incident can make an important difference. Don't give up! Although the process may be frustrating or overwhelming at times, remember that you are helping to create a world free of pesticides. 



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