

## **Langons Win Pesticide Case**

By: Unattributed

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"It has reached the point of insanity" That's how Dorothy Langon, an organic farmer, describes the indiscriminate spraying of herbicides and pesticides in the Yakima Valley. "During the month of June, July, and August," she said, "anyone can drive down this valley early any morning and see what utter disregard the crop dusters have for one and all. Now, thanks to a suit filed by Dorothy and her husband Patrick, sprayers of deadly chemicals will have to be more careful before continuing to poison the countryside.

. On June 3, 1973 a helicopter, swept across a neighbor's potato field and then over the Langon's certified organic farm, spraying Thiodan, a toxic insecticide, all the way. This wasn't the first time that they had been threatened by chemical sprays, but this was the first time that they'd gotten a direct hit. And, to make matters worse, Pat was out irrigating at the time of the incident and was sprayed with Thiodan from head to toe.

. Pat Langon, who has served as President of the Northwest Organic Food Producers Association for several years, simply wouldn't stand for any more. The Langons decided to take the case to court, suing not only the helicopter pilot and his company, but also the chemical company which supplied the pesticide and the neighboring farmer who had hired the crop duster. In the first suit in the country brought by organic farmers against a pesticide company, the Langons claimed damages because pesticide residues invalidated the organic certification for their crop of beans and tomatoes and as a result they lost a contract to sell their crop.

. On October 6, 1975 a jury in Yakima County Superior Court voted overwhelmingly to award \$5,500 for damages to the Langons, marking the first time that organic farmers have won a victory over crop dusters and chemical companies. The defendants in the case have now chosen to appeal to a higher court, so it will be some time yet before there is a definitive ruling in the case. It may go directly to the State Supreme Court. No hearing dates have been set.

. The case was significant because the Langons did not have to prove negligence on the part of the spray applicator. Douglas Peters of Selah, lawyer for the Langons, was quoted in the Yakima Herald-Republic as interpreting the court's decision as saying that "crop spraying is a hazardous, dangerous activity, therefore no matter whether careless or not, you are responsible if you damage the property of your neighbor". In addition, the Langons didn't have to prove physical damage to their crops.

. Their 2½ acre farm near Toppenish had been certified organic under the stringent guidelines of the Northwest Organic Food Producers Association Tests following the spraying incident showed 1.4 parts per million Thiodan on the Langon's crops, while the US Food and Drug Administration allows tolerances of up to 2.0 parts per million. However, since organic certification requires the presence of no more than .2 parts per million Thiodan, the Langon's crop was no longer marketable as organic food. Because of this trace of pesticide contamination, the Langons lost their organic certification for 1973. They then chose not to re-enter the commercial organic market the next two seasons because, as Dorothy explained "we were fearful of promising we would produce organic food when in fact we could get wiped out in 30 seconds flat. The Langons were awarded damages for loss of their 1973 crop because they proved they were unable to meet the tolerances set for organic certification due to the spraying.

. As might be expected, the court decision has caused quite an uproar among the pesticide companies and chemical farmers in the Yakima Valley. Because of their strict liability (under Washington law plaintiffs only have to show that their land has been hit with pesticides, whether there was any damage or not), pesticide companies already have trouble getting full coverage insurance. Vane Woods, manager of Crop King Chemicals of Yakima even went so far as to say that, if the decision becomes law, the cost of insurance alone "would drive the chemical companies out of business or they would have to pass the cost on to the user) Chemical farming certainly is getting harder and harder, and more and more expensive.

. Pat and Dorothy said that, "to them, the importance of their victory was that it would insure them the right "to farm our own property the way we want." "It boils down to a simple thing of property rights", Dorothy said, whether you are an organic farmer or not)" Dorothy said that the best solution to the problem would be for anyone planning to use a chemical spray to be required to go around to all of their neighbors and inform them of their plans. In this way, they would learn about how their neighboring organic farmers and gardeners feel about their use of poison sprays, as well as learn about the feelings of those suffering from allergies, heart troubles, and respiratory diseases. Then, maybe they would decide not to use their sprays after all or at least be much, much more careful for fear of being sued.

. In the meantime, the Langons have sacrificed a great deal in the past few years fighting this case, and they will continue to do so as it goes through appeals. In response, the Northwest Organic Food Producers Association has established a Legal Fund to help the Langons with their legal expenses and defend other organic farmers in the future. Donations to the Legal Fund of any amount would be greatly appreciated. The court award didn't compensate the Langons for all of their losses (they were asking for \$40,700) and your support is needed. Write to Dorothy and Pat Langon, Northwest Organic Food Producers Route 2, Box 2152, Toppenish, Washington 98948..