

Friday, 25 January 2008200801250500

Compo over vineyard spray

A brain-damaged Marlborough man has won his battle for compensation for harm caused by wine industry herbicides.

Seddon motorcamp owner Pete Kiley has lived next to vineyards since buying the camping ground near Blenheim in 1993.

Kiley, 60, filed a claim with the Accident Compensation Corporation (ACC) in 2005 over brain damage he believed was caused by chemicals blowing over the fence from vineyards.

The ACC has approved his claim after a neuropsychologist confirmed Kiley had dementia caused by exposure to agricultural chemicals.

Kiley's claim is one of a few involving long-term herbicide exposure approved because of the difficulty in proving damage was from herbicides.

Kiley was thrilled about the ACC decision, which vindicated his claims of poisoning.

"I feel like I've been fighting for so long and nobody believed me," he said. "The sad thing is that I wish I was believed years ago and I wouldn't have gotten so sick or lost my marriage and possibly my home over it."

Kiley said his marriage broke up several years ago as a result of his sickness, as well as his determination to have his poisoning claim acknowledged.

One of his two teenage daughters also had health problems, which he attributed to exposure to chemicals.

Kiley said he closed his business several years ago because of poor health, and visitors were complaining about smelling chemicals at the holiday retreat.

An ACC spokesman confirmed Kiley's claim had been accepted, and the corporation was now working through compensation details.

The ACC letter sent to Kiley approving his claim said it could "contribute towards the cost of your medical treatment and other entitlements you may need".

Wellington lawyer and ACC expert John Miller said that as well as payment of medical expenses, Kiley could be eligible for up to \$100,000 in compensation for the loss of some of his functions.

ACC-approved doctor Toni Marks, who assessed Kiley's health for the government body, said in his report that it was likely Kiley suffered neurotoxic brain damage from "agricultural chemicals present in vineyard sprays".

Kiley blamed the chemicals Paraquat and glyphosate-trimesium for his illness.

Marks' report said that within months of Kiley buying the camping ground, vineyards were planted around it and his family's health was affected.

Since then, Kiley's medical problems included a change in his gait, where he missed steps, nausea, headaches, persistent tiredness and conjunctivitis, the report said.

A neuropsychological assessment by another physician found Kiley had "impaired intellectual functioning", said the report.

An ACC spokesman said it dealt with about 10 to 15 claims of agricultural poisoning a year, of which about two were related to the wine industry.

New Zealand Winegrowers sustainable wine growing co-ordinator, Sally van der Zijpp, said the industry was rapidly moving towards the use of less toxic herbicides.

She said winegrowers signed up to the sustainable growing scheme - about 70 per cent of the total - were banned from using Paraquat because it was extremely toxic to humans.

Roundup was still used by most winegrowers.