

Chemical Trespass

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If a man were to walk onto private property unwelcome, he would be trespassing under a law enacted to afford a remedy for injury to property. Yet, each day, hundreds of common, yet unwelcome and potentially toxic, chemicals drift through the air onto private property and little concern for injury to health is expressed. Chemical trespass is the involuntary deposition of toxic or potentially toxic chemicals within a human body.¹

Corporate chemical contamination of air, food, and water supplies, including pesticides, herbicides, industrial byproducts, and many other potentially toxic substances, are obvious sources of trespass. However, chemical bodily trespass is also occurring as a result of neighbors who smoke cigarettes, use lawn chemicals, building materials, pesti-

cides, and fragranced laundry products. All of these potentially toxic chemicals drift through the neighborhood airspace and involuntarily enter the human body. Within the last year, media reports confirmed pesticide drift from a nearby strawberry field entered a school yard, causing students to collapse and become ill. Pesticide drift has been shown to volatilize into a gaseous state and travel quite long distances through wind and rain.³

Current laws for many of these products take a sell now and test later approach under post-market laws.² Cranor, a University of California researcher, states that products come under scrutiny only when they are suspected of contributing to harm.² Over 80% of products on the market have not been pre-market tested and are only tested after adverse effects occur.² Though many Americans believe everything that is sold is tested and safe, this is unfortunately not the case.

Cranor recently published a paper presenting a precautionary law in place of existing laws.² The proposed law would treat chemical bodily invasions as trespasses.² Cranor believes that pre-market testing and approval laws, similar to US drug and pesticide laws, would offer a better approach for identifying and eliminating toxicants before they result in harm.²



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The European Union (EU) recently enacted Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) legislation, which holds great promise for the identification of new or existing toxicants. Halifax Town Council (Canada) has a Corporate Mining and Chemical and Radioactive Bodily Trespass ordinance as well.⁴ Tasmania introduced a bill known as the Chemical Trespass Bill 2004.⁵

The US has not yet enacted such legislation on a federal level, though it is direly needed. A few towns and cities have enacted their own ordinances. Liberty Township has already instituted an ordinance known as its Corporate Chemical Trespass Ordinance.¹ Such ordinances are needed to protect individual community members from undesired chemical exposure.

These laws not only need to take into account agricultural pesticides and industry byproducts which contaminate the air, food, and water supply, but also fragrances, cigarette smoke, wood smoke, and other toxicants which have an effect on the human body.

Harm from chemical exposure may

come in the form of cancer, infertility, miscarriage, endometriosis, thyroid disease, immune disorders, diabetes, fibromyalgia, autism, Alzheimer's, Parkinson's, multiple chemical sensitivity, chronic fatigue, depression, and hyperactivity. It is of paramount importance that chemical trespass be contained and the right to control what goes into an individual's body be returned.

References

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