

AUSTRALIAN WINE INDUSTRY SPRAY RISK

**An article written by Mark Hamilton for Australia & New Zealand
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Incidences of damage to vineyards from herbicide spraying carried out on nearby farms are increasing alarmingly in Australia's expanding winegrowing regions with estimated crop losses in some instances reaching hundreds of thousands of dollars.

Apart from the direct financial loss which grape growers face, this is potentially putting Australia's annual billion and a half dollar wine exports at risk.

With the dramatic increase in vineyard plantings in Australia in the last five years there is an increasing problem caused by farmers using highly volatile chemical sprays to eliminate weed growth in paddocks adjacent to or in the vicinity of vineyards. This has, in particular, been caused by farmers using Ester 2 4-D to suppress weed growth in paddocks prior to cropping activities.

In the last 12 months an increasing number of incidents have been reported including in the southern Riverland and in the south-east of South Australia. During the last 12 months I have obtained separate injunctions from the Supreme Court of South Australia for a group of 21 southern Riverland grape growers and for a vine nursery operator in the south-east of South Australia restraining local farmers from breaching governmental spraying guidelines in their future spraying activities. Any future breach of the injunctive orders would be potentially punishable as a contempt of court.

The governmental guidelines represent a voluntary code of practice prepared by the Department of Primary Industry of South Australia in consultation with local interest groups and organisations. They represent minimum standards for general application. It may be, therefore, that to spray in accordance with the guidelines would nonetheless be negligent in particular situations.

Anecdotal evidence suggests that many farmers are proceeding with spraying practices which do not reflect the changed circumstances in which they are operating. This appears to be based, at least in part, upon a view that they are entitled to continue spraying practices which predate the establishment of vineyards in their area.

There is accordingly some resentment and anger concerning the issue given the perception that cropping yields which farmers can otherwise expect can be adversely affected if the optimum spraying programme needs to be modified because of the risk of spray drift to neighbouring vineyard properties.

Of crucial importance to vineyard operators is the need to carry out immediate, exhaustive, documented enquiries to reliably identify the source of spray drift immediately spray drift is suspected, rather than waiting for damage to become apparent.

In the case of the Riverland grape grower clients, it was only immediate detective work by several of them which enabled them to source the spray drift to a farm more than 10km away. Diary notes and photographs secured sufficient evidence to enable the matter to be further investigated when spray damage to the vineyard subsequently became apparent.

Apart from the economic impact of grape crop loss, it is vital that there be no suggestion, justified or otherwise, that there could be chemical residue present in Australian wines. To avoid chemical contamination, the grape growing industry is already subject to chemical withholding protocols in the period leading up to harvest. It would be most unfortunate if anything happened to adversely affect the "green" image which the Australian wine industry enjoys and upon which in part the unprecedented growth of Australian wine exports is based.

Apart from potentially recovering damages for any loss caused by spray damage, a major advantage to local grape growers in taking immediate action to obtain injunctive relief (to restrain repetitive conduct) is the message which this sends to farmers in the local community who have not yet adapted to their changed circumstances.

Prevention is better than cure. Last September I also prepared a "circular" letter for a grape grower in the Wrattenbully interim area outlining the general obligations which farmers owe to grape growers when carrying out their spraying programme. The client had smelt chemical drift in his vineyard and wanted to visit farmers in the locality to alert them to the problem and to their obligations.

Even though there has been a slowing in vineyard development in the last two years it is likely that there will be further significant vineyard development in Australia during the next few decades, meaning that the conflict between intensive horticultural and traditional land use will only become more acute over time.