

Nicaragua banana workers may sue international firms for years of poisoning

EL VIEJO, Nicaragua (Reuters) - Francisca Picado claims her son Juan Carlos is 23.

You would be hard pressed to place his age at more than 13 or 14 because of the mysterious illnesses that have deformed his limbs and left him looking like little more than skin and bone.

Picado says her son is just another victim of DBCP, or dibromochloropropane, one of the pesticides used on Nicaragua's banana plantations in the 1970s. Workers say it has affected 22,000 people, directly or indirectly, and that DBCP-related illnesses have already killed at least 83 of their comrades.

In the nation's capital, Managua, some 90 miles (144 km) away, nearly 100 banana workers camped out in front of the national parliament this month to demand legislative help.

They want to sue companies like the Royal Dutch/Shell Group RD.AS SHEL.L, for producing the DBCP, and companies like Standard Fruit Company, Chiquita Brands International Inc. CQB.N and Dole Food Co Inc. DOL.N, for using it, said Victorino Espinales, leader of the Association of Banana Workers and former Banana Workers.

Picado is a member of that group, although the need to care for her son kept her from joining her comrades at the doors of Nicaragua's Congress.

CLASS-ACTION LAWSUITS DEBATED

Nicaragua's banana industry is one of the poor nation's most important. It employs about 5,000 workers directly and is a top hard-currency earner with exports in 1999 of \$13.6 million.

As a result of the pressure, Nicaraguan legislators in September began debating a law proposed by banana workers in 1996 that would allow Picado and other alleged victims of DBCP to bring a class-action lawsuit against the companies.

If passed, the law would be the first of its kind in the nation's history.

In the 1960s, plantations owned by local producers were leased to Standard Fruit Company, which produced and marketed the bananas overseas until 1979. A leftist government then took over and returned the lands to the people.

More than 20 years later, men and women like Picado say they are the victims of pesticides that growers used on their banana plantations even though their harmful effects were known.

"The doctors said he (Juan Carlos) was damaged," Picado, 45, said in this small town in northeastern Nicaragua. "They said that I had passed on the disease that his father had caught (from the pesticide)."

Picado, who quit the plantations after about 12 years of labour, says her husband died of DBCP, also known as "nemagoon," just before Juan Carlos was born.

Now she too suffers from DBCP-related symptoms, including daily fevers and shooting pains in her bones.

Even if they get to sue, however, the plantation workers may have some difficulty proving that all of their afflictions were the result of DBCP exposure, said Charles Siegel, a Texas lawyer who specialises in environmental lawsuits.

The easiest case may be linking sterility to the pesticide because of precedence, he said.

"The sterility claim is a very strong claim," Siegel told Reuters. "But claims beyond that are more difficult to prove."

In the 1980s Siegel successfully represented Costa Rican banana workers who said the DBCP pesticide made them sterile. Each was awarded "a couple of thousand dollars."

DISRUPT CENTRAL NERVOUS SYSTEM

By definition, organochlorine pesticides, including DBCP, interfere with transmissions of nerve impulses across axons and disrupt the central nervous system.

The immediate effects include hypersensitivity of the skin or face and extremities, headache, dizziness, nausea, muscle weakness and skin rash, among other symptoms.

Long-term effects include sterility, testicular damage, eye damage, bladder, kidney, liver, lung and thyroid damage, anaemia, recurrent asthma, atrophy of the adrenal cortex and increased mortality in the young, according to the Rachel Carson Council's Basic Guide to Pesticides.

The pesticide also carries suspect mutagens when transferred from mother to unborn child.

Sandinista Deputy Victor Hugo Tinoco said he expects lawmakers to approve the law allowing the lawsuits because, "there is a desire in parliament to find a way to help the banana workers."

The International Action Network Against the Use of Pesticides in 1984 condemned the utilization of the DBCP, which has long-term effects across generations.

In a letter to parliament, Walter Gutierrez, the lawyer for the workers, said the pesticide remained in the environment for many years, as it is not biodegradable, and is transferred to humans through drinking water from rivers and wells.

Nicaraguan producers say that workers' welfare is now a high priority, even though some workers reject that claim and say producers are still using DBCP. Human rights officials are examining those allegations. (Additional reporting by Pav Jordan in Mexico City)

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