*caring about you & your environment*

**Report 02.189**
4 April 2002
File: Y/4/7

Report to the Rural Services and Wairarapa Committee
from Wayne O'Donnell, Manager, Biosecurity

# Vertebrate Pesticides – Transfers and Reviews

## 1. Purpose

To inform the Committee of recent developments regarding the transfer of vertebrate pesticides from the transitional provisions of the Hazardous Substances and New Organisms Act 1996 to the new regulatory control framework.

## 2. Background

The Hazardous Substances and New Organisms Act (HSNO Act) commenced for hazardous substances in July 2001. The transitional provisions of the HSNO Act allow registered pesticides that are lawfully used in New Zealand at this date to continue to be used until the expiry of the transitional provisions. The transitional provisions also allow for the substances to be transferred to the new regulatory framework before the end of the transitional period.

The pesticides that will be transferred are those lawfully in use and registered under Section 21 of the Pesticides Act 1979, or subject to an experimental use permit under Section 25 of the Pesticides Act 1979.

As there is a large group of pesticides requiring transfer (approximately 1200) the Environmental Risk Management Agency (ERMA) has decided that priority will be given to those pesticides listed in the 1st Schedule of the Pesticides Act, a group commonly known as the 'controlled vertebrate poisons'. These pesticides include sodium monofluoroacetate (1080), phosphorus, sodium and potassium cyanide, and DRC 1339.

Note that the transfer of substances by regulation is a separate process to that of reassessment of substances under the HSNO Act. The transfer process is

largely a translation of the old controls to the new management system. Substances may be flagged for future reassessment as a result of the transfer process.

## 3. The Transfer Process

Each substance to be transferred is investigated to identify existing data. The substance is then assigned a HSNO Act classification on the basis of criteria specified in the Hazardous Substances (Classification) Regulations 2001. The default HSNO Act controls are derived directly from the classifications of the substance. These controls cover the full lifecycle of the substance from import/ manufacture to final disposal. Matters controlled include labelling, packaging, emergency management, tracking, disposal and test certificates for approved handlers.

The transfer process also involves comparison of the default controls with controls that applied under previous legislation (e.g. the Pesticides Act or the Toxic Substances Act). ERMA can vary the default controls where appropriate, for the purpose of continuing the requirements that existed under the previous legislation, if they are still considered best practice.

Hazardous substances that are also agricultural compounds or veterinary medicines will need to be transferred by MAF from the old Pesticides and Animal Remedies Acts to the new Agricultural Compounds and Veterinary Medicines Act (ACVM) 1997. MAF manages the risks to trade, animal welfare and agricultural security from these substances and is responsible for ensuring there are no breaches of the domestic food standards. ERMA manages the risks to public health and the environment. The 'controlled vertebrate poisons' fall under the description of a veterinary medicine in the ACVM Act and, therefore, will need to be transferred to that Act as well as HSNO. There will be co-ordination between MAF and ERMA to ensure there is no duplication.

Note that in terms of discharges to the environment under Section 15 of the Resource Management Act, existing resource consents remain unaffected by the HSNO Act until the conditions of the consent are reviewed in accordance with section 128 of the RMA. New consents, where relevant, would need to comply with any Environmental Exposure Limits set by ERMA, unless the Council chose to impose a more stringent exposure limit.

## 4. Approved Handler Regime

Currently, licences to use controlled vertebrate pesticides are issued by MAF and are valid for an unlimited period, i.e. 'lifetime licences'. Once these poisons have been transferred, licences will be replaced with HSNO ' test certificates'.

Under HSNO, the transferred poisons will need to be under the control of an approved handler at all times. This person must hold a current test certificate

certifying that they have met HSNO competency requirements. A test certificate as an approved handler is valid for a five year period. Existing licences held by Council staff will be valid for a two year period after the transfer process has been completed.

ERMA is responsible for setting up the approved handler regime. ERMA is working closely with training providers to ensure a workable system is in place prior to transfer of the affected substances. There is a proposal to develop unit standards through the NZQA framework.

## 5. Review of the Pesticide Brodifacoum

Brodifacoum is a 'non-controlled vertebrate pesticide'. It will be transferred by ERMA at a later date. However, concern has been expressed for some years about brodifacoum residues occurring in non-target animals (particularly feral pigs) from either eating carcasses poisoned with brodifacoum or the baits themselves. There is potential for such animals to enter the domestic or export food chain. The Pesticides Board and Ministry of Agriculture and Forestry (MAF) have been reviewing the situation over the past two to three years. Following a recent report to the ACVM Group (MAF Food Assurance Authority) that there are continuing residue violations in feral game destined for local and export markets, a further in-depth review for the future use of Brodifacoum has been initiated. The residue violations relate almost exclusively to feral pigs sourced and presented to game meat packinghouses in the top of the South Island.

Brodifacoum is an anticoagulant toxin that has been widely used in New Zealand for possum control since the early 1990's. Although aerial application is used for possum and rodent control on some islands, its use on the mainland is exclusively via cereal pellet baits in bait stations. The use of bait stations is a condition of use to circumvent access to the toxin by wildlife and livestock. Once ingested, Brodifacoum residues can persist in the liver and kidneys of sub-lethally poisoned wildlife or livestock for at least nine months. It is therefore important that the product is used carefully to minimise non-target contamination.

A meeting of representatives from thirteen stakeholder groups (including National Possum Control Agencies and Regional Councils) was held on 26 March 2002 in Wellington to discuss the issues and try to come up with short and long-term solutions.

Nominations have been called to form an 'expert' group (representing the major stakeholders) to progress the matter with some haste. No doubt consideration will be given to a range of options from banning the substance, tightening up the conditions of use and stopping the packaging and sale of feral animals.

Brodifacoum will also undergo further scrutiny as part of the transfer to HSNO and ACVM in the status of a non-controlled pesticide.

This issue is of significant importance to the Council as our use of Brodifacoum has steadily increased in recent years, particularly for Bovine Tb vector control and KNE operations in and around urban areas.

## 6. Communication

ERMA has been proactive in seeking the views of stakeholders prior to commencing the transfer of the 'controlled vertebrate pesticides'. Meetings with stakeholders took place in December 2001 following the development of a discussion document on the proposed transfer process. Written submissions have been forwarded to ERMA for consideration. ERMA has established a newsletter on the transfer process that is sent to all stakeholders who have registered an interest in the process. The ERMA website also provides further details and opportunities for input.

## 7. Recommendation

*That the report be received and its contents noted.*

Report prepared by:

Wayne O'Donnell
Manager, Biosecurity

Approved for submission by:

Colin Wright
Divisional Manager, Wairarapa