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BEES GIVING LIFE

APICULTURE
NEW ZEALAND

SUBMISSION

TO:	The Environmental Protection Agency
FROM:	Apiculture New Zealand
SUBMISSION ON:	Application to introduce Method 240 SL Herbicide APP203604
DATE:	31 July 2019
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The following submission is presented by Apiculture New Zealand on behalf of its Science and Research Focus Group. Members of the **Apiculture NZ Science and Research Focus Group** include:

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Dr Oksana Borowik
Dr Mark Goodwin
Martin Laas
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1. Apiculture NZ is the largest organisation representing the interests of beekeepers and honey bees in New Zealand. Beekeeping in New Zealand is now one of New Zealand's fastest growing export enterprises and presently supplying the world with very high value honey products. It is therefore very important that New Zealand protects this resource by ensuring the safety and health of the honey bee.

2. The herbicide Method SL 240 is to be used for "the control of wilding conifers and woody weeds on non-crop farm land and conservation land such as native bush, recreational and tourist areas and on industrial sites such as railways, roadways and utility rights of way." Quote from Section 2.1, Page 5 of the Application.

3. Apiculture NZ has no objection to the control of exotic and invasive plants that can change our surviving indigenous flora and landscape. We do however, wish to ensure that any product is applied safely and does not harm bees.

4. In the Checklist, Section 9, it states that a draft label is included. We note that there is no draft label with the application documents on the EPA website. Accordingly, we have accessed the US Approved Label[i] for Method SL 240 and used that as a reference document.

5. The Apiculture NZ Science and Research Focus Group would like to advise the EPA that the proposed use areas of "non-crop farm land and conservation land such as native bush, recreational and tourist areas and on industrial sites such as railways, roadways and utility rights of way" are important foraging areas for honey bees. Beekeepers have used many of these areas because of the wide diversity of plants providing pollen and nectar for their bees. They are therefore important for food production – honey and pollen. Roadside verges and utility rights of way provide a range of flowering plants not common on pasture for year-round supply of nectar and pollen to honey bees.

6. "Non-crop farm land and conservation land such as native bush provide New Zealand's highest value honey – Mānuka Honey which is subject to worldwide demand. This land plus "industrial sites such as railways, roadways and utility rights of way" also grow gorse and broom which in flower provides a valuable source of pollen for honey bees. Beekeepers value these areas for their bees and the honey they produce and place their apiary sites scattered amongst them. It is important for the EPA to understand that the proposed use areas for Method SL 240 are important food producing areas for beekeepers and for other New Zealanders, such as gatherers of Mahinga Kai and hunters.

   It is noted that Maximum Residue Limits (mg/kg) for aminocyclopyrachlor have been published by the Australia New Zealand Food Standards Code Schedule 20 for Edible Offal, Mammalian fats and Milks but not for honey. Reference Section 3.2 of this application.

7. Beekeepers have experienced a number of bee kills caused by the use of brush weed herbicides mixed with surfactants killing bees when sprayed during the day when those brush weeds are in full flower. The brush weed herbicide is not the cause of the bee losses, it is the surfactant added to the spray tank. Recent events have been reported to the EPA. For these incidents the main cause of death to the bee is the surfactant added to the spray tank many of which are toxic to bees and have no Class 9.4 classification.

Our concern is that the EPA Hearing Committee considering this application will likely direct the hearing that they are there to consider the application for the use of Method SL240 herbicide only. This is based on previous experience and hearings we have attended. We strongly urge EPA to reconsider this stance – the one cannot be considered without the other because once and if approved this product will be used with surfactants and therefore present a significant risk to foraging bees, especially with aerial application. The Apiculture NZ Science and Research Focus Group calls on the EPA to urgently follow through on their own recommendation to reassess surfactants in the Decision for application APP201365.

It is acknowledged that the data supplied in Section 6 for honey bee acute oral and contact toxicity for both Method SL 240 and the active ingredient does not trigger the thresholds for Hazard Class 9.4. It is of concern that no data is submitted on the effects to brood and larvae in the hive. There is also no field test data in tunnel houses. And no data has been submitted on the effects of Method SL 240 plus spray tank adjuvants. It therefore cannot be said unequivocally that Method SL 240 is safe to all pollinators.

It is noted that the Bayer US Label for Method SL 240 refers to the use of methylated seed oils or vegetable oils or 70% non-ionic surfactants to be used in the spray tank.

This application in Section 5.1' Remarks' only refers to the use of 'an adjuvant maybe added to aid uptake' for individual plant treatment (spot spraying, spraying cut stubble).

It is noted that the application is clear that cut stem or stump treatments do not require any surfactant added and no spray tank adjuvants are required for aerial or broadcast spraying.

The Apiculture NZ Science and Research Focus Group asks that the EPA considers clear labelling instructions, that **this product does not require spray tank adjuvants to be used (in order to protect honey bees)**. Our concern is that spray tank adjuvants are oversold to agri-chemical users and that manufacturers need to make it clear that these products are not to be used, given they are ecotoxic to honey bees.

8. It is also noted that in Section 5.1 that this product can be applied year-round – "Apply any time of year at time of active growth". There is no warning to protect honey bees or native pollinators at time of flowering – when pollinators are at their greatest risk, especially to Method SL 240 mixed with surfactants. Problem target species include gorse, broom, blackberry, thistles, and other woody plants, broadleaf weeds and vines many of which have attractive flowers to honey bees.

   The Apiculture NZ Science and Research Focus Group asks the EPA to add the following warnings to the label from the Bee Protection programme run by Agcarm and Apiculture NZ - http://agcarm.co.nz/wp-content/uploads/Bee-Tri-Fold-Brochure-web.pdf Recommendations 4, 5 and 6 should be mandatory on the Method SL 240 label. They read as follows;

   4. Never treat crops in flower. (This would include gorse, broom, thistles etc)
   5. Check nearby for foraging bees on flowering weeds – eliminate weeds by mowing or tillage. (Note it is acknowledged in the areas where Method SL240 will be used mowing or tillage may not be possible).
   6. Never apply pesticides during daylight hours where bees are foraging.

9. The Risk Analysis in Table 7.2B of the application for "Exposure of beneficial insects during application" is inadequate and there has been no consultation with our industry on this point, by the applicant.

   Our submission shows that the occurrence is more likely than unlikely as beekeepers place large numbers of hives "on non-crop farm land and conservation land such as native bush, recreational and tourist areas and on industrial sites such as railways, roadways and utility rights of way".

   The magnitude of effect for a beekeeper is large (not minor) if the Method 240SL spray tank mixture kills his foraging bees and or hives. Commercial beehives and apiary sites have a significant value to the beekeeper. The Note on Bee Safety is not sufficient to ensure their protection. The EPA is requested to apply the conditions raised in Sections 7 & 8 of this submission.

10. The Apiculture NZ Science and Research Focus Group is not in favour of the release of Method SL 240 without the EPA undertaking a review of surfactants and their ecotoxic effects in the NZ environment, especially the indigenous environment.

11. Apiculture NZ Science and Research Focus Group would like to reserve the right to be heard at a Public Hearing for the consideration of this substance as described in APP203816. We will confirm our attendance after our consideration of the EPA's Evaluation and Review Report for this application.

[i] https://www.backedbybayer.com/-/media/prfunitedstates/documents/resource-library/product-labels/method-240sl.ashx