



APICULTURE

NEW ZEALAND

SUBMISSION

TO: Ministry for the Environment

FROM: Apiculture New Zealand

SUBMISSION ON: Submission on Hazardous Substances Assessments: Improving Decision Making

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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 New Zealand Science and Research Focus Group** include:

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1. Apiculture NZ represents 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. The industry also plays a critical role in providing pollination services to the New Zealand Horticulture and arable seeds sector. It is therefore very important that New Zealand protects this resource by ensuring the safety and health of the honey bees.
2. The Apiculture New Zealand Science and Research Focus Group has been an active participant in the EPA approval process for a number of years. We believe this experience allows us to offer constructive suggestions for improving the EPA decision-making process.
3. Our purpose is to ensure that the New Zealand apiculture industry benefits from relevant research undertaken both in New Zealand and overseas.ⁱ
4. We strongly believe that Health Safety and Environmental data should be treated by the EPA and others as publicly accessible and non-proprietary. The reasoning is that for a hazardous substance used in our environment, our social licence to operate requires full disclosure of all Health Safety and Environmental testing and those results. We fully support the actions of Bayer Crop Science with their transparency projectⁱⁱ and we note many other manufacturers are disclosing product ingredients on their websites such as Colgate Palmolive laundry detergent productsⁱⁱⁱ
5. We use overseas data sources to prepare submissions on hazardous substances that present risks to foraging honey bees.
6. **Use of International Information:** We support the proposal for the EPA to make better use of international information during assessments and reassessments where it is appropriate.

Example:

Under the EPA decision on application APP203558, the New Zealand label permits any surfactant to be used, despite our submission at the hearing for this application that the product was tested on honey bees with only a canola oil surfactant added. In three jurisdictions Australia, Canada and USA the label specified a canola oil surfactant, but the EPA decision for New Zealand did not specify what had been tested. If the EPA had followed overseas regulators' decisions it could have limited the type of added surfactant to canola oil-based product as the overseas' regulators had done.

It would be inappropriate in the following situations:

 - a. Making assessments on the effects of pesticides on native flora and fauna.
 - b. Making decisions which are important to New Zealand interests. We believe that the use of Group Standards to manage surfactants and penetrants and foliar fertilisers, is not in New Zealand's long-term interests.
7. **Trusted or not trusted:** We would like clarity on how EPA will manage reports from trusted regulators, which reference non-trusted regulators.

Example: Based on indications from the consultation meeting hosted by the Ministry for the Environment in Auckland, NICNAS (National Industrial Chemicals Notification and Assessment Scheme) will most likely be a trusted regulator. A review of the NICNAS report on nonyl phenol ethoxylates – *Nonylphenols: Environment Tier II Assessment*^{iv} dated 6 February 2016 shows that it clearly references other regulators. It is noted that in this report that NICNAS quotes information received from the US EPA, which to date has not been indicated as a trusted regulator.

8. **Transparency:** We wish to see much more transparency with the assessment and reassessment processes.
- a. The HSNO approval process permits the New Zealand public to participate in the approval process, so therefore the New Zealand public should be able to access the data used by trusted overseas regulators.
 - b. Data presented to the EPA must be complete and accessible by everyone in the process. Trusted information must be supported by data that is accessible to all who take part in the assessment process.

Examples:

We attended a pre-hearing meeting for application ERMA200886 for the approval of the insecticide containing the active ingredient sulfoxaflor. The applicant withheld all the information presented. We saw the data but could not take it for further study.

In application APP202774 the applicant presented a six-page photocopy to the hearing of a 198-page aerial spray drift study with no title, no researchers named and no data to analyse. There was no way to verify the accuracy of this data.

9. **Scientific and technical uncertainty:** The HSNO Act requires “*the EPA to take into account; the need for caution in managing adverse effects where there is scientific and technical uncertainty*”. (Reference: page nine of the discussion document).

Our experience is that the EPA does not take this into account. Even when the delegated decision-making committee of the Authority points out this uncertainty in their decision making (see example below)

Example:

In the APP201365 Decision dated 2012, section 6.18 the decision-making committee recommends that herbicides containing nonyl phenol ethoxylates should not be applied over water - “*A person who applies the substance onto or into water must ensure that the substances covered by this approval are not applied onto or into water if they contain nonyl phenol ethoxylates as a component of their formulation.*”

This was based on decisions made by overseas regulators. The EU went on to ban the use of nonyl phenol ethoxylates, however this change was not taken up by the EPA and to date it is still permissible to import and use nonyl phenol ethoxylate formulations in New Zealand, and it is possible it can still enter waterways. The EPA has not added this decision to their controls for nonyl phenol ethoxylate in the past seven years.

In the same decision, in Section 7.1 it was recommended that the EPA undertake a reassessment of surfactants. The decision-making committee has recommended that the EPA should reassess surfactants. This recommendation has still not been taken up by the EPA. It is our belief that the Ministry for the Environment needs to take a more active role in monitoring the work of the EPA to ensure that Authority decisions are taken up and become part of the work process.

10. **New and Novel products:** It should be noted that in recent months there have been two pesticide applications, where the application has been lodged in New Zealand ahead of any overseas regulator. This has meant that there is a scarcity of data and reports about the product in the scientific literature. There were no Safety Data Sheets, or draft labels in the application. The discussion document does not discuss how these applications will be handled in future.

Would it be a lower cost option for a New Zealand developed product to be approved by a trusted regulator overseas before being approved by the EPA?

Examples: In application APP203604 and APP203605 no Safety Data Sheets were available for scrutiny.

11. **Immediate Suspension:** The EPA has done no monitoring and measuring of hazardous substance environmental effects, except for sodium fluoroacetate, 1080. This makes any decision about suspension of a substance based on trusted information almost irrelevant. New Zealand-use data is required.

The EPA has set Environmental Exposure Limits (EELs) for many products, but there has been no monitoring and measuring of these limits. Before considering suspension, the EPA should have New Zealand monitoring data to back up their decision.

Example: Three neonicotinoids have EELs, set by the EPA. We are only aware of one researcher who has measured residues in New Zealand soils. We have expressed concern to the EPA, that the Authority had to go to industry to determine what and where the products had been used to conduct their present review of the use of neonicotinoids.^v

12. **New Zealand Research:** New Zealand researched data should be recognised by the EPA under the HSNO Act of having more significance than overseas data when used in an assessment or reassessment.
 - a. This would encourage New Zealand researchers to undertake this work on behalf of overseas applicants. We note the pharmaceutical industry carries out drug testing in New Zealand. Equally environmental testing of hazardous substance could be encouraged.
 - b. This would provide information on the true effects on our environment, for example; the effects on our waterways, soils, native flora and fauna.
 - c. The EPA should be able to review monitoring data by any party, including citizen scientists, and use that data to initiate a reassessment if the data is deemed suitable.

Currently, the EPA reviews pesticide soil residue data that has been conducted in laboratories overseas with soil compositions that maybe different to ours.

Example: In the application APP203816, the soil work was conducted overseas, which raises questions over whether such data is relevant for a product that will be used to control weeds such as wildling pines and gorse in New Zealand conservation areas.

13. We believe that the EPA is being under resourced by the Ministry for the Environment. This comment maybe out of scope of this consultation, but with more staff and resources the EPA should be able to be more effective.
14. We support the focus of the discussion document to recognise trusted regulator decisions when the EPA makes their decisions.
15. We wish to retain the public participation (submissions and hearing) in the assessment and reassessment process.

ⁱ <https://apiNew Zealand.org.New Zealand/our-work/science-and-research/>

ⁱⁱ www.cropscience-transparency.bayer.com

ⁱⁱⁱ <https://www.colgate.com.au/app/CP/AU/HC/Products/Product-Ingredients.cvsp>

^{iv} <https://www.nicnas.gov.au/chemical-information/imap-assessments/imap-assessments/tier-ii-environment-assessments/nonylphenols>

^v Apiculture New Zealand Submission on Neonicotinoids dated 20/12/2018