FORM section 63A
(Modified Reassessment)

Application for a Modified Reassessment under section 63A of the Hazardous Substances and New Organisms Act 1996

Name of Substance(s): Taskforce Herbicide

Applicant: Ben Minehan

Signed: _________________ Date: 24/1/12

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<th>Application Checklist</th>
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<td>Mandatory sections filled out:</td>
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<td>All Attachments enclosed:</td>
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<td>Application signed and dated:</td>
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<td>Date received:</td>
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<td>Application Code:</td>
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<td>ERMA NZ Contact:</td>
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SECTION ONE – APPLICANT DETAILS

1.1 Name and postal address in New Zealand of the organisation making the application

Name: Ben Minehan
Address: Marlborough District Council, PO Box 443, Blenheim 7201
Phone: (03) 520 7400
Mobile: 021 344045
Fax: (03) 520 7496

1.2 The applicant’s location address in New Zealand (if different from above)

Address: Marlborough District Council, 15 Seymour Street, Blenheim 7201

1.3 Name of the contact person for the application

Name: Ben Minehan
Position: Senior Biosecurity Officer (Plants)
Phone: (03) 520 7400
Fax: (03) 520 7496
Email: bmi@marlborough.govt.nz
SECTION TWO – APPLICATION TYPE

2.1 The approvals being reassessed

HSR 100390 – Application of Taskforce Herbicide by ground only. Registered pursuant to ACVM 1997, No. P.8355.

2.2 Specific aspect of the approval being reassessed

Ground Application.

2.3 Grounds for the reassessment

Aerial application of Taskforce Herbicide.

Application of Taskforce Herbicide for the control of Kangaroo Grass (*Themeda australis*).

Application of Taskforce Herbicide to control Chilean Needlegrass, Nassella Tussock and Kangaroo Grass in vineyards.

2.4 Consultation

A market survey for Taskforce Herbicide was carried out by Agresearch using funding from the Sustainable Farming Fund in 2007. The result of this survey showed there was a small but viable market for the product in New Zealand.

The submission phase of the original application HSR100390 to import Taskforce Herbicide resulted in 154 submissions from landowners and regional authorities. 151 of these submissions supported the proposal, 2 opposed the proposal and 1 was neutral.

Five field days were held following the registration of Taskforce Herbicide in Early November. The product was not offered for sale until these field days had taken place to ensure landowners, Regional Council staff and PGG Wrightsons representatives knew how to use the product safely and effectively. Bill Dobbie, the manufacturer, attended these field days. Bill farms in New South Wales and has extensive infestations of Nassella Tussock and Chilean Needlegrass in his area. Farmers that attended these field days indicated that they need to be able to apply Taskforce Herbicide by air and vineyard owners questioned why they were not able to use Taskforce Herbicide in vineyards. One landowner in the Hawke’s Bay was concerned about the drift of pesticides in general onto apple orchards.
SECTION THREE – INFORMATION ON THE SUBSTANCES

3.1 The unequivocal identification of the substance

<table>
<thead>
<tr>
<th>Property</th>
<th>Release specifications</th>
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<tbody>
<tr>
<td>Appearance</td>
<td>Pale yellow to straw-method, visual</td>
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<tr>
<td>Active Content</td>
<td>Flupropanate sodium. 745g/L± 25g/L± - method</td>
</tr>
<tr>
<td></td>
<td>“Quantitative NMR” provided pH 8-10 – pH meter, Method MT 75.3</td>
</tr>
<tr>
<td></td>
<td>Viscosity @ 20ºC</td>
</tr>
<tr>
<td></td>
<td>8 – 11cst – OECD method 114</td>
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</table>

Refer to NZFSA Certificate of Registration and accompanying label.

3.2 Information on the chemical, physical and hazardous properties of the substance

Refer to NZFSA Certificate of Registration and accompanying label.

3.3 Identification of the controls on the substances

<table>
<thead>
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<th>Hazardous Property</th>
<th>Classification</th>
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<tr>
<td>Acute Toxicity</td>
<td>6.1D</td>
</tr>
<tr>
<td>Skin Irritancy</td>
<td>6.3B</td>
</tr>
<tr>
<td>Eye Irritancy</td>
<td>6.4A</td>
</tr>
<tr>
<td>Target Organ Toxicity</td>
<td>6.9B</td>
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Refer to Environmental Risk Management Authority Decision - September 2010
3.4 The proposal to modify the approval of the substances

Flupropanate (the active ingredient of Taskforce Herbicide) has been registered for ground and aerial application in Australia since 1972. The Marlborough District Council requests that Approval HSR 100390 be modified to include the application of Taskforce Herbicide by aerial application. Taskforce Herbicide is applied by both helicopter and aeroplane in Australia. Extensive spraying of Serrated Tussock (Nassella Tussock in New Zealand) has been carried out for 39 years using Taskforce Herbicide and there have been no recorded adverse effects to human health or the environment in Australia. As part of this re-assessment, the Marlborough District Council also requests that this approval be modified to allow the application of Taskforce Herbicide to control Nassella Tussock and Chilean Needlegrass in vineyards and to control Kangaroo Grass, another invasive weed, in pasture and in vineyards in New Zealand.

3.5 Commercial sensitivity

Taskforce Herbicide is the only herbicide in New Zealand that contains the active ingredient flupropanate sodium.

It took nearly 6 years to register the product in New Zealand. This was because the original registration in Australia was granted in 1972 and the data package used to register the product is old when compared with modern standards. The market for the Herbicide in New Zealand is relatively small. It is only been because of the co-operation of the manufacturer based in New South Wales that Regional Councils, Biosecurity New Zealand and PGG Wrightsons were able to gain registration for this product. If the details of the registration could be kept confidential, it would be much appreciated by all those parties that funded the original registration process for Taskforce Herbicide. We understand that data protection is granted for 5 years following the registration of a new active.
SECTION FOUR: RISKS, COSTS AND BENEFITS

4.1 Identification of all the effects associated with the reassessment proposal (section 63A(6)(a))

1. Effects of applying Taskforce Herbicide by aerial application:
   - The effect of Taskforce Herbicide when applied by aircraft onto flying insects between the aircraft and the ground.
   - The effect of Taskforce Herbicide being applied from the air drifting onto a property adjacent to an area being treated to control the target weeds.
   - The effect of Taskforce Herbicide drifting into a waterway adjacent to an area being treated to control the target weeds.
   - The effect of the bio-accumulation of Flupropanate in the soil where Taskforce Herbicide is applied by aircraft a number of times.

2. Effects of the application of Taskforce Herbicide in vineyards:
   - The effect of potential Flupropanate residue in wine made from grape plants which have absorbed Taskforce Herbicide applied in a vineyard to control the target weeds growing in the vineyard.

3. Effects of the application of Taskforce Herbicide to control Kangaroo Grass:
   - The same effects would apply as for 1 and 2 above when carrying out the control of Kangaroo Grass using Taskforce Herbicide.
4.2 Assessment of the risks associated with the reassessment proposal

Flupropanate (the active ingredient of Taskforce Herbicide) is a dense chemical with a specific gravity of 2.1. It does not drift, even when applied in hot conditions, where the water in a spray mix could potentially evaporate. Because of this high specific gravity, when applied from the air, it will fall straight to the ground. Taskforce Herbicide is also a unique herbicide in that it is not absorbed by the foliage of plants. No surfactant is added to the spray mix as the surfactant will actually cause damage to the desirable pasture species that the application seeks to promote. Taskforce is washed into the soil by rain and absorbed through the roots of the target weeds. When applying Taskforce by aircraft, the concentration of the spray mix is the same as the spray mix being applied by a ground based applicator. This is 2L per hectare for Nassella Tussock and 3L per hectare for Chilean Needlegrass and Kangaroo Grass. This is not the case with the majority of other herbicides such as Tordon Brushkiller. Their labels require an aerial application of a more concentrated spray mix to ensure the target weed is controlled when such a small amount of spray mix is applied per square metre from an aircraft. The water rate used when applying Taskforce in Australia by aerial operators is 70L per hectare. The New Zealand label currently states 150-300L per hectare for ground based application. The lower water rate used by aerial operators is effective because this product is washed into the soil by rain and does not need to be absorbed by the target weeds foliage. Ensuring thorough coverage of the treatment area is essential for good control. The risks associated with the proposal are that the aerial application of Taskforce Herbicide or the application of this herbicide in a vineyard situation could result in one or more of the effects outlined in 4.1. A number of suggested controls that could be considered to minimise any risk associated with the aerial application of Taskforce Herbicide and the application of Taskforce Herbicide in a vineyard situation are included in a report which accompanies this application.

4.3 Assessment of the costs associated with the reassessment proposal

Potential costs that could be associated with the reassessment proposal include the impact on flying insects or aquatic species which make contact with Taskforce Herbicide although all indications are that Flupropanate has a relatively low toxicity. There are no adverse reports of Flupropanate impacts on non-target species in Australia after 39 years of extensive use. The widespread use of Taskforce Herbicide in vineyards in Australia to control the target weeds would suggest that Flupropanate residue in wine is not an issue but MAL residues in wine do need to be avoided to ensure our export market is not compromised.
4.4 Assessment of the benefits associated with the reassessment proposal

Nassella Tussock, Chilean Needlegrass and Kangaroo Grass are three of New Zealand’s most invasive pastoral weeds. They are a direct threat to New Zealand’s pastoral farming industry. Every year a million dollars is spent controlling Nassella Tussock just in the Marlborough region alone. Infestations of these weeds on pastoral farms reduces their stock carrying capacity, in the case of Chilean Needlegrass it reduces animal welfare, and the time and money spent by farmers and vineyard owners controlling them could be better spent on developing and enhancing their farm or vineyards profitability. Aerial spraying of Taskforce Herbicide will give landowners another control option for severe infestations of these invasive weeds. Councils across the country have carried out Section 72 cost/benefit analysis under the Biosecurity Act 1993 to justify the inclusion of Nassella Tussock and Chilean Needlegrass in their Regional Pest Management Strategies. The Marlborough District Council also included Kangaroo Grass in its Section 72 cost/benefit analysis in 2001. A copy of this 2001 Section 72 cost/benefit analysis carried out by Simon Harris is attached. There is currently only 442 hectares infested with Kangaroo Grass in Marlborough and one small infestation on Browns Island in the Hauraki Gulf. At present, these are the only known infestations in New Zealand. An interesting point to note is that MAF are currently carrying out a cost/benefit analysis for Chilean Needlegrass to ascertain if national intervention is warranted. Landowners in New Zealand and therefore our economy in general will benefit financially from being able to control Nassella Tussock, Chilean Needlegrass and Kangaroo Grass using Taskforce applied from the air and in a vineyard situation.

4.5 Assessment of any particular risks, costs and benefits which arise from the relationship of Māori and their culture and traditions with their taonga, or which are, for other reasons, of particular relevance to Māori

During consultation, iwi representatives have indicated that the control of Chilean Needlegrass, Nassella Tussock and Kangaroo Grass all introduced weed species is of benefit to Māori.
SECTION FIVE – INTERNATIONAL CONSIDERATIONS

5.1 The best international practices and standards for the safe management of the substance (section 63A(6)(b))

Taskforce Herbicide has been registered in Australia since 1972. It is classified as a ‘poison’ by the Australian Pesticide and Veterinary Medicines Authority (APVMA). It has similar controls to those imposed in New Zealand.

5.2 International obligations and treaties

Not Applicable.
SECTION SIX – MISCELLANEOUS

6.1 A glossary of scientific and technical terms used in the application

Kangaroo Grass (*Themeda australis*) – An invasive grass species originating from Australia: It forms dense swards on dry, pastoral hill country which are unpalatable to grazing stock when mature

Australian Pesticide and Veterinary Medicines Authority (APVMA) – The regulatory authority responsible for pesticides and veterinary medicines in Australia

6.2 Other information considered relevant to this application not already included

Agrivet Services Report – Taskforce herbicide for the control of Kangaroo Grass after a late summer/early autumn application under Marlborough conditions.
SECTION SEVEN – SUMMARY OF PUBLIC INFORMATION

7.1 Name of the substance for the public register

Taskforce Herbicide.

7.2 Purpose of the application for the public register

- The aerial application of Taskforce Herbicide.
- The application of Taskforce Herbicide in a vineyard.
- The application of Taskforce Herbicide to control Kangaroo Grass.

7.3 Executive summary

The Marlborough District Council requests that the approval HSR100390 be reassessed to include the aerial application of Taskforce Herbicide, the use of Taskforce Herbicide in vineyards and to include Kangaroo Grass on the label. Infestations of Chilean Needlegrass, Nassella Tussock and Kangaroo Grass exist in areas of New Zealand inaccessible to ground based boom spraying equipment and in vineyards. Allowing the application of Taskforce from the air and its use in vineyards will further reduce the infestations of these invasive weeds. The outcome will be an increase in the profitability of New Zealand’s pastoral farming industry. A range of controls to reduce the risks associated with the application of Taskforce Herbicide from the air and its use in vineyards has been recommended and could be included on the label. These include ensuring that only Aircare Accredited aerial operators can apply Taskforce Herbicide. Aerial operators must also obtain a permit to apply Taskforce Herbicide from their local regional council before they can make an application of Taskforce. In vineyards, the label could stipulate that Taskforce can only be applied immediately after harvest through to the end of July to control the target weeds. To significantly reduce the infestations of Chilean Needlegrass, Nassella Tussock and Kangaroo Grass in New Zealand, a re-assessment of HSR 100390 is requested.
Controls that could be considered to minimise any potential effects associated with the reassessment proposal for Taskforce Herbicide - HSR 100390

The Aerial Application of Taskforce Herbicide

Aircare Accreditation

Councils across the country have resource management plans that have rules stating that pilots applying agrichemicals must have a Growsafe Agrichemical Rating. A copy of this requirement from the Marlborough District Councils Wairau Resource Management Plan is attached. Pilots must attend a comprehensive course run by the New Zealand Agrichemical Education Trust to gain this qualification. The qualification has significant theoretical and practical components. The qualification is valid for 3 years, after which a re-validation course is required to ensure the pilot remains competent. Aviation companies also have the option of applying for ‘Aircare Accreditation’. Aviation companies apply to the ‘New Zealand Aviation Industry Association’, or AIA, the parent body of the Agricultural Aviation Association, or NZAAA, to gain Aircare Accreditation. To gain Aircare Accreditation, the company must satisfy the audit requirement for the Aircare codes of practice for noise abatement and have a safety management system. It must also satisfy the audit requirements for each activity it undertakes including spraying, fertiliser application, spreading vertabrate toxic agents, flight training and air rescue/ambulance services. The full details for how the Aircare Accreditation System works can be found on www.aia.org.nz/aircare. A code of practice must be adopted for each activity. For the application of agrichemicals, companies must carry out regular pattern testing of spraying equipment, have GPS technology so they can prove where the agrichemical is placed (proof of placement) and keep written documentation of spraying operations. These records must be retained for the period required by the NZS:8409 (the New Zealand standard for agrichemicals). Aircare is independently audited. These audits are not carried out by the NZAAA. Auditors audit to the Codes of Practise embodied in the Aircare environmental management system. There are currently 10 aviation companies that are Aircare Accredited across New Zealand.

The Environmental Protection Agency could consider making it a requirement that only aviation companies that are Aircare Accredited can apply Taskforce Herbicide. This control could be put on the Taskforce label. This would minimise any potential risks of the effects identified in 4.1.1.
**Regional Council Permit**

I have included an example of an application form for a permit to apply Taskforce Herbicide from the air and the proposed permit itself. This would allow regional councils to regulate the aerial application of Taskforce and to ensure aerial applications were carried out using the right rates of herbicide, by Aircare Accredited operators only and in the right weather conditions to minimise any potential drift. It would also ensure records of Taskforce Herbicide applications made from the air are kept. Reference to this permit would be stipulated on the herbicide label. This would also minimise the risk of the bio-accumulation of Flupropanate in the soil from repeated aerial applications as a council would not allow a second aerial application of Taskforce to an area already treated within the last 5 years. Because of the residual activity of Taskforce Herbicide, this situation is probably unlikely anyway and landowners will be encouraged to vary their control techniques to minimise any potential for resistance. In Australia, 4-5 years after Taskforce Herbicide is applied aerially to control Nassella Tussock the seedbank is exhausted. Landowners only need to spot spray or grub the scattered Nassella Tussock plants as they emerge and another aerial application of Taskforce Herbicide is not required.

**Applying Taskforce Herbicide in a Vineyard**

Chilean Needlegrass and Nassella Tussock infestations exist in New Zealand vineyards where the application of Taskforce Herbicide has the potential to result in residues of Flupropanate in the grapes. Taskforce Herbicide is used extensively in Australian vineyards for 39 years to control Nassella Tussock and Chilean Needlegrass and Flupropanate residues have not proved to be an issue there. Grapes in New Zealand are harvested during April every year and juiced to make wine. A control could be applied to specify that Taskforce is only applied in a vineyard after harvest has taken place until the end of July. This would give vineyard owners 3 months to apply Taskforce Herbicide and allow 8 months to pass before any further harvest of fruit takes place. May – June is actually the best time of the year to identify Nassella Tussock in a vineyard and Taskforce will control Nassella Tussock, Chilean Needlegrass and Kangaroo Grass before it seeds if applied before the end of July. This requirement could be specified on the label and would minimise any potential residue issues.