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Further submission on modified reassessment of certain OPC substances - APP202142

INTRODUCTION

My name is Malibu Hamilton. I am a Tangata Whenua environmental practitioner and have participated in the resource management arena for many years. I have a Bachelor's Degree in Iwi Environmental Management. Today I represent my own views. This further submission is supplementary to and extends my original submission.

I have undertaken resource consent processing for Te Kotuku Whenua, one of the environmental groups of the Ngati Wairere Hapu and have participated in the HSNO management team in the process of AgResearch Human in to Cow experiments for many years. I am a member of Te Herenga the National Maori network and it was through that process I became aware of the current reassessment.

I thank the EPA for undertaking this reassessment and the Beekeepers Association for providing information that resulted in this current hearing. I support the reassessment and have general support for the proposed controls but do seek further extended changes.

FURTHER SUBMISSION

It is somewhat alarming that the non contact period controls that were in place previously were removed because the industry alone stated that they were not necessary and impractical and that staff made the decision that the greatest risk was from direct contact with the insecticide spray only. Also of concern; the decision to remove those controls was also based on no opposition to the proposal to remove the NCPs during the hearing process. I find it concerning that the risk assessment process and procedures and regulations have allowed that to happen.

While there is legislative provision in Section 6 (e) of the HSNO Act 1996 on the economic benefits and costs of using a particular hazardous substance, that provision does not outweigh other relevant provisions such as s4,5,6,7.

The industry does have a right to carry on business activities that not only benefit shareholders and also their customers. But, that right should not be at the expense of species that connect to and provide for an intrinsic value of the wider ecosystems that benefit our wider society.

Compounding the issue is the supposed lack of data and information relating to the extended residual toxicity (ERT)

Certainly, the recent invalid study by Arysta Lifescience does not show the industry in its best light. It is not surprising that again the industry has made several submissions pertaining to the chemicals safety, however several submitters have raised valid reasons for tightening those proposed controls.

While the scope of the reassessment is to amend the controls and review appropriate NCPs or restrictions to protect bees from ERT risks, Mr. Visser from Key Industries Ltd does make a valid statement that the EPA should also review the two neonicotinoids for ant control as they could/ do cause bees deaths and decline in numbers.

It is widely known that the neonicotinoids are causing substantial damage globally and therefore stronger controls should be undertaken

Te Runanga o Ngai Tahu has also made valid statements relating to the information from the studies that form part of the reassessment as being potentially flawed and seeks that the EPA adopt a precautionary approach as allowed for in Section 7 of the HSNO Act. Additionally Te Runanga o Ngai Tahu makes a strong case for native species to be given greater consideration along with their cultural concerns. Furthermore, Te Runanga o Ngai Tahu recommends extended non contact period controls and seeks active protection of their cultural interests.

The EPA has an established set of 2011 protocols 1 Incorporating Maori perspectives into decision making that is relevant to this application in light of the cultural concerns from Te Runanga o Ngai Tahu. Within those protocols are the principles of the Treaty of Waitangi and in particular the need to actively protect Maori interests as portrayed by Cooke P, New Zealand Māori Council, p664]

a. 'Actively protecting Māori interests'

"The duty of the Crown is not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable". [Cooke P, New Zealand Māori Council, p664]

CONCLUSION

Te Runanga o Ngai Tahu has an established HSNO committee with considerable scientific expertise and on the basis of their submission and valid arguments I support their recommendations.

¹ Incorporating Māori Perspectives in Part 5 Decision Making SEPTEMBER 2011

RECOMMENDATIONS

I seek that the EPA apply tighter controls and set in place a process that will phase out the organophosphate and carbamate-containing insecticide substances.