



Soil & Health Association

Healthy Soil, Healthy Food, Healthy People

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Environmental Protection Authority
Private Bag 63002
Wellington 6140
New Zealand

Submission on application APP202804

Introduction

1. The Soil & Health Association of New Zealand Inc. (“Soil & Health”) is a charitable society registered under the Incorporated Societies Act 1908. It is the largest membership organization supporting organic food and farming in New Zealand and is one of the oldest organic organisations in the world, established in 1941. Soil & Health’s objectives are to promote sustainable organic agricultural practices and the principles of good health based on sound nutrition and the maxim: “Healthy soil, healthy food, healthy people”. Its membership is chiefly composed of home gardeners and consumers, organic farmers and growers, secondary producers, retailers and restaurateurs. Soil & Health publishes the bi-monthly ‘Organic NZ’ magazine – New Zealand’s leading organics magazine.
2. Soil & Health makes this submission on the application to import ethanedinitrile (EDN), a fumigant for use on timber/logs under commercial conditions, requesting that the application be declined.
3. Soil & Health submitted to the Environmental Risk Management Authority (ERMA) for the reassessment of methyl bromide and has campaigned to have that fumigant better contained and recaptured or stopped. Our then spokesperson Steffan Browning, has later in another role as a Section 274 Party, won an Environment Court case Envirofume

Limited vs Bay of Plenty Regional Council [2017] NZEnv 12. That case, contested for the applicant Envirofume by legal counsel Helen Atkins (Chairperson of the 2010 ERMA methyl bromide re-assessment), exposed significant risks of methyl bromide fumigations for the health and safety of workers and nearby communities. We consider that due to its known toxicity EDN would be no better for those people potentially exposed, both at the fumigation workplace and further away.

Detailed submission

4. Safeguards to protect people and the environment are becoming more important and need greater attention as increasing development and the presence of toxins and fumigants in the environment become more common.
5. We are aware that EDN is promoted as a 'new' fumigant showing great potential as a replacement for the ozone-depleting fumigant methyl bromide, and that an extensive review of scientific literature commissioned by Stakeholders in Methyl Bromide Reduction (STIMBR) in 2014 found EDN was the only potential fumigant alternative to methyl bromide as a phytosanitary treatment for forest products. Research conducted by Plant and Food Research has also confirmed that EDN is an effective phytosanitary treatment for insects associated with New Zealand forest products.
6. In Australia, EDN can ONLY be used with scrubbing (a recapture) technology as part of its label use after being assessed by the national regulatory body Australian Pesticides and Veterinary Medicines Authority (APVMA). It is our understanding however that Draslovka are trying to register the product in New Zealand, without liquid scrubbing or another recapture method.
7. Attached to this submission is the public release summary from the APVMA on the evaluation of EDN. Refer to page 26, under critical comments: "Residual gas must be scrubbed for a minimum of 4 hours using a liquid scrubbing system at the completion of the fumigation period, followed by a further 24 hours of ventilation prior to clearance."

8. EDN is not ozone depleting, unlike methyl bromide. Regardless, if this application for EDN importation and use is granted, EDN will still need containment and recapture, like any of these noxious gases, rather than being released into the wider environment.
9. EDN, just as with methyl bromide, will be a risk well beyond fumigation areas due to drift, inversion layers, and the inability for its whereabouts to be adequately monitored by those responsible. Boundary monitoring is ineffective if at head height, when a fumigant plume passes above it and then descends or drifts into other areas.
10. EDN is highly toxic and fumigation workers may be exposed to the highly toxic product just as with methyl bromide when:
 - opening fumigant cylinder valves,
 - removing tarp covers for ventilation,
 - opening and entering shipping containers,
 - leakage from damaged (leaking) fumigant delivery lines, or when handling fumigated timber.
11. Other port workers, not involved in fumigation but working nearby, may also be exposed to the EDN, particularly when the EDN is released into the atmosphere following fumigation, but also during accidental and spontaneous release, as happens with methyl bromide most years, at most log stack fumigating ports. Log stack fumigations under tarpaulins are subject to strong wind events and accidental tarpaulin puncturing. Both Genera and Envirofume fumigation operators have had log stack tarpaulins rent, resulting in the spontaneous release of methyl bromide.
12. In the Environment Court decision *Envirofume Limited vs Bay of Plenty Regional Council* [2017] NZEnv 12, the court observed the large range of port users who may be exposed inadvertently to the methyl bromide fumigant. EDN will have the same risks of exposure for workers and passersby.
13. That Court found significant shortcomings in the current methyl bromide fumigations. EPA and Work Safe requirements are either impractical or are frequently breached.

14. EDN gives no better assurance of safety than methyl bromide.
15. Whatever toxic fumigant is used for log, timber and other fumigations, it must be in a dedicated facility with recapture of remnant fumigant, such as is used at Port Nelson. Methyl bromide was linked at that port with the deaths of six men from motor neurone disease. EDN has its own array of serious health risks. Recapture technology exists but industry individually and collectively has mostly avoided its use for economic reasons.
16. Responsibility for dedicated containment and recapture facilities was considered by the Court to require an integrated approach:

[130] Overall, our view is that this matter requires an integrated approach from the Port of Tauranga, the marshalling/stevedoring companies, the forestry industry and the fumigators to adopt an approach for the safe application of methyl bromide and the recapture of all reasonable emissions. This would probably require a dedicated area for fumigation, and may involve a building or other system that seeks to encapsulate and recapture gas. We are not satisfied that the introduction of another company into the Tauranga market is going to bring about those changes. In our view, the advance towards reduction of emissions has seen little progress since the 1990s, and the Court is surprised to see that there is approximately ten times as much methyl bromide being applied in Tauranga as there was in the 1990s.

17. The ERMA 2010 methyl bromide reassessment inappropriately, and possibly illegally, set a very late 2020 date for recapture of that fumigant to meet Montreal Protocol requirements of phasing out methyl bromide emissions. Should the application for EDN use be granted, the EPA must insist on dedicated fumigation facilities and recapture always, if the EPA is to meet its statutory requirements.

Conclusions

18. Soil & Health seek that the application be declined.

19. Should the application be granted, dedicated fumigation facilities and recapture must be required.

20. Soil & Health wish to be heard in support of our submission.

Yours sincerely

Name: Mischa Davis

Position: Policy Advisor

The Soil & Health Association

PO Box 9693

Marion Square

Wellington, 6141

Website: www.organicnz.org.nz