

Application for approval to import EDN for release APP202804 October 2019

Request to the Decision-making Committee

Seeking agreement to submit new information in response to the Addendum to the Staff report to inform the decision-making process

1. Background

- 1.1. On the 9th October 2019 the EPA released an Addendum [Addendum] to the EPA Staff Report [Report]¹. The EPA produced the Addendum following review of the additional information [Information] provided to the EPA since August 2018.
- 1.2. The Addendum reviews key components of the Report and considers the risks identified in the Report and how they may be affected by Information supplied by the applicant, Worksafe and other submitters since August 2018. The Addendum identifies where it considers gaps in the Information impact on the assessment of risk and specifies a number of areas where new information/modelling would enable staff to potentially re-evaluate the risks and/or change the controls.
- 1.3. In its conclusion the EPA States; “ *In the event of new modelling being provided to the EPA, findings of EPA Staff Report and Science Memorandum could have the potential to be impacted by the new data.*”
- 1.4. Consequently; Draslovka wishes to formally request that the DMC accepts our offer to provide further information which addresses the identified information gaps which have been developed based on the requests from the DMC. Acceptance of this offer will allow the DMC to make a better-informed decision on the registration of EDN and the controls required to manage risks.

2. Additional information offered

- 2.1. The specific areas for which Draslovka can provide additional relevant information are as follows:

¹ [APP202804 Addendum to Staff Report 07Oct2019](#)

Maximum application rate

- 2.2. Section 3.5 of the Report comments that Draslovka;
- 2.2.1. *“has confirmed they are now requesting a maximum rate of 120 g/m³ instead of the 150 g/m³ initially requested”*; and,
- 2.2.2. *“The EPA have not received a revised application form stating the change in application rates.”*; commenting further that;
- 2.2.3. *“Without additional modelling the EPA are unable to fully assess the risk of a change in application rate.”*
- 2.3. Prior to the Addendum being released Draslovka was preparing a communication to the EPA requesting a decrease in the rate of EDN being applied for from 150 gm/ m³ to 120 gm/m³. The manuscripts reporting on the efficacy and confirmatory tests² had been provided to the EPA. The EPA was advised at the outset that the application rate for EDN may be decreased once the outcome of efficacy and confirmatory tests was known. MPI has recommended treatment rates lower than 120g/m³ to trading partners. The proposals are being considered by the Chinese and Indian National Plant Protections Organisations.
- 2.4. Further, recognising that the under-tarpaulin concentration at the time of ventilation is seen to affect the level of risk, Draslovka would recommend that concentration at the end of fumigation be set within the range of 700 - 1000ppm.
- 2.5. Draslovka was unaware that a change to the maximum rate would require a revised application but is prepared to provide such an application.

Modelling

- 2.6. Draslovka is prepared to support this request for a change with remodelling. If the DMC is prepared to accept both the revised application rate and the additional modelling, Draslovka requests that a reconfirmation of appropriate modelling parameters are agreed between STIMBR (as the Industry representative) and representatives of the DMC to ensure the model is fit for purpose.

² https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP202804/d36c434dd5/Further_information_Efficacy_Data_June_2019.pdf

- 2.7. Draslovka recognises that Dr Graham provided advice on modelling to the EPA following expert conferencing on EDN air concentration dispersion modelling³. Since that time the EDN confirmatory tests conducted in Tokoroa have provided data which could be considered relevant to any remodelling. In addition, Draslovka believes that Worksafe is considering including an end point concentration in its Safe Work Instrument.
- 2.8. Draslovka would welcome the opportunity to provide modelling that takes these developments into account.

Ship holds

- 2.9. In its original application Draslovka requested EDN use for ship hold, log stack and container application.
- 2.10. STIMBR both during the hearings in August 2018 and in its submission dated 12th February 2019⁴ noted; “*AERMOD modelling that considers both stacks and ship holds is available should the DMC wish to consider it.*” The modelling was not provided to the EPA because at no time in its’ Directions did the DMC include this in the information it specifically requested.
- 2.11. Draslovka would welcome the opportunity to provide this modelling. Note; modelling at the maximum treatment rate of 150g/m³ is available immediately. Remodelling can be made available if requested at 120g/m³ with a set of agreed parameters.

Review of monitoring data

- 2.12. In section 3.15 of the addendum the EPA suggests that; “a control could be included that prohibits use without specified actions occurring”. Draslovka would be interested in offering the EPA such a control to deal with areas where uncertainty could be perceived to exist.

Environmental controls

- 2.13. Section 3.39 of the staff report notes; “*No additional information or new modelling has been submitted to the EPA since August 2018 that would change the environmental risk assessment in its current form in the EPA Staff Advice.*” (i.e. the control requiring that fumigators apply for a permission to fumigate and must prove that there are no nearby sea bird colonies remains).

³ <https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP202804/52e74b9ffd/APP202804-Graham-EDN-advice-after-expert-conferencing-2018-11-02.pdf>

⁴ <https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP202804/6edc4a2897/Response-STIMBR.pdf>

- 2.14. As noted above since the August 2018 hearings Draslovka like STIMBR, has been uncertain about its' ability to provide information to the EPA other than that specified in the DMC's Directions
- 2.15. Draslovka would welcome the ability to provide additional information with regard to seas bird colonies.

Information from other jurisdictions

- 2.16. Draslovka had previously informed the DMC that data was being produced on Worker safety in USDA approved trials in the USA. This data was unfortunately not in a form where it could be provided to the EPA by June 2019 as the laboratory conducting the tests was flooded in a mishap. This data will now be available in a report in November 2019 . Draslovka would welcome the opportunity to provide this report to the EPA when it is available.
- 2.17. Draslovka has provided the EPA with evidence of EDN's registration for use in Korea. The buffer distances in relation to both ship holds and log stack fumigations are due for notification in November 2019. Draslovka would appreciate being able to provide this information to the EPA once it becomes available.

Areas of concern that Draslovka requests that EPA staff reconsider if the additional information is accepted

- 2.18. The current buffer zone proposed by the EPA for members of the public and bystanders is 120m. Draslovka requests this buffer is reassessed should remodelling at the lower application rate be accepted.
- 2.19. A control has been proposed "Atmospheric conditions must be monitored and EDN must not be vented under very low wind speed conditions (less than 5 km/h) or under inversion conditions " Recognising the volatility of EDN, the data presented from the field trials and the potential remodelling Draslovka requests that this control be reassessed to half the wind speed below which venting cannot take place.

3. Request

- 3.1. Draslovka seeks the agreement of the DMC to provide the following information to EPA for inclusion in the information being considered for the registration of EDN in New Zealand.

- i. An official request to reduce the application rate from 150 gm/m³ to 120 gm/m³ with a specified end-point.
- ii. Re modelling at the new application rate and end-point concentration; and including,
- iii. Ship hold modelling
- iv. A control that will allow uncertainty to be dealt with
- v. Information on seabird colonies
- vi. The US report on the trial undertaken to assess worker safety
- vii. Confirmed buffer zones approved in Korea for the use of EDN.

In doing so Draslovka notes that it will take some time to complete the remodelling but that it is confident it can supply all such information prior to the completion of the safe work instrument process being undertaken by Worksafe New Zealand.