Draslovka response to 28th January Direction associated with Application APP202804

This document sets out Draslovka's response to the directions issued by the Decision-Making Committee on 28 January 2019 in relation to application APP202804

Draslovka would prefer that the DMC have sufficient information with which to make an informed decision on this application. With the passage of time since the application was submitted in July 2017 Draslovka has been made aware of a range of data that provides some insight into environmental EDN levels associated with log stack fumigations. This data has been collected both by Draslovka and by third parties in response to the requirements of regulatory authorities in several different countries.

However, the fumigation parameters used to produce the data vary considerably in each trial. For example, the 2017 paper by Lee (referred to in the DMC Direction) was accepted by the Korean regulatory authorities, yet parameters are not consistent within the paper. To expand on this example, the data is produced from 24-hour duration fumigations but provides data from 3 single treatments using stacks of different sizes, 3 different dosage rates, at 3 different temperatures.

Draslovka is collecting data from efficacy confirmatory trials currently underway in the Waikato using commercial scale stacks and a fumigation rate of 120gm/m^3. The primary purpose of these trials is to confirm that the treatment rate identified in laboratory testing is efficacious against the target insects.

To inform what environmental data can be practically collected, in conjunction with the efficacy trials, Draslovka has engaged a consulting occupational hygienist to provide advice to ensure the data collected will be useful in worker exposure calculations.

Draslovka can provide the international data that is available to it, but is concerned about the range of approaches and variation in the parameters. The international data may be useful for demonstrating a number of consistent trends when considered alongside the data from the confirmnatory trials.

Some of this data has already been supplied to the EPA and some is new. The data records that the EDN concentration under the tarpaulin decreases in line with the laboratory work produced by Plant and Food Research. Across the trials the end point concentration is below that used to inform the AERMOD modelling at 24 hours application.

Draslovka can provide the data collected from the confirmatory trials [along with the other available international data] once the current work in the Waikato has been documented. It is anticipated that this will be available in early to mid-April. The data provided at that time will include data on EDN levels:

- Under the tarpaulin throughout the fumigation and immediately before ventilation,
- Present in the breathing zone of workers who undertake tasks associated with fumigation and ventilation, and
- In the atmosphere at set distances from the log stack throughout the fumigation and ventilation period.

Draslovka is also undertaking a dedicated worker exposure trial in the USA once it has US EPA sign off of the protocol. This sign off was expected in early January 2019 but has been delayed due to the US Governmental, and subsequent EPA, shut down. With the current uncertainty in the USA we no longer have a time frame by which this trial will be completed. In addition, due to the US EPA and local regulatory requirements the stack size being used in the trial will be one tenth the size of New Zealand stacks. The proposed fumigation rate and dosage is in line with that being requested in New Zealand

The New Zealand forest industry continues to seek reassurance from Draslovka that it is doing everything it can to enable the use of EDN from October 2020 since the industry has very significant commercial and investment decisions to make over the next few months so that the continuity of log exports beyond October 2020 is assured. Draslovka is concerned that the US data may not be available within reasonable time frames

Accordingly, Draslovka seeks guidance whether the DMC wishes to receive any or all of the information described above.

Draslovka is however prepared to do all things within its power to avoid delays in progressing the approval of APP202804.If the information to hand (including any described above that the DMC wishes to receive) is insufficient to address the issues the DMC has described, and if there is sufficient clarity about the nature and scope of the field work needed to address the issues, then Draslovka is prepared to undertake a comprehensive trial in New Zealand and provide the results to WorkSafe and to the DMC.

A comprehensive trial will be very expensive and will take considerable time and effort to design, authorise and implement. If a trial is required it will therefore be important that the DMC and WorkSafe as well as Draslovka have confidence that the data the trial is designed to produce is of a nature and scope that will inform the DMC's assessment of the issues it has outlined.

Draslovka does not seek to constrain the DMC's ultimate discretion as to the outcome of the application, but rather seeks to ensure that the expectations of the DMC as to the nature and scope of a New Zealand trial are clear before such a trial proceeds.

Accordingly, Draslovka respectfully proposes that if the DMC considers the data from other sources outlined above is insufficient to address the issues, then Draslovka will prepare (within two months or less) a draft protocol for a comprehensive New Zealand trial, and submit that draft to the DMC and WorkSafe for consideration.

In that event, Draslovka commits to engage with the DMC — formally, transparently, and with due regard to any input needed from other participants in this process — to ensure the protocol is refined so as to be appropriate to the DMC's expectations before the trial proceeds.