

NGATI KUKU / WHAREROA MARAE

May 13, 2021

Tēnā koe

Please see below the submission of Ngāti Kuku and Whareroa marae with respect to the ongoing directions regarding the use of methyl bromide at the Port of Tauranga. We note that the port and its activities, including the use of methyl bromide, is sited on top of our ancestral whenua and waterways. We, Ngāti Kuku, Whareroa marae and our people are mana whenua and ahi kā of this area.

Direction & Minute WGT034 of the Decision-making Committee (DMC) – 6 May 2021

In WGT034, the DMC directed that feedback from all parties on the “additional information discussed in WGT033 and above” is due by 13th May 2021.

Ngāti Kuku and Whareroa marae remain steadfast in our position against any further use of Methyl Bromide at the Port of Tauranga without 100% recapture. The applicant should be held to the 2010 decision made by the EPA then and accepted in good faith by the community and industry.

Ngāti Kuku and Whareroa marae supports the comments made on 12th April 2021 by Bay of Plenty Regional Council when expressing that the reports commissioned by WorkSafeNZ lack any real-world analysis as to how Methyl Bromide is applied by operators such as Genera or how Ports operate:

“The size of the log fumigation events summarised in the AirMatters’ report which were reported separately as AirMatters interim reports 12-20 are relatively small compared to normal practice, with six single log row events and one double log row ventilation monitored. This also calls into question just how representative of typical fumigation practice the results are.”

Ngāti Kuku and Whareroa marae supports the Tauranga Moana Fumigation Action Groups submission, while also sharing the concerns which have raised. It is our firm position that further delays are continuing to support economic drivers of big business, regardless of the risk this has to the health of our fellow residents throughout the wider Mount Maunganui area. This also includes tourists who frequent our rohe and the scores of tamariki whom use the adjacent sports fields every week, and the thousands who arrive for events such as AIMS Games. Furthermore, we will not sit idle if the health of tangata whenua is pushed behind the wants of industry. The days of government, regional and local councils hiding behind preconstructed frames and manipulated systems to support a status quo to the health detriment of our tamariki, kaumātua and whānau is over. Therefore, the use of Methyl Bromide cannot continue to be used in our region without immediate 100% recapture.

It is obvious when reading the report that is an attempt to minimise the alarming criticism within the peer review on the lack of proper probative sampling and monitoring data. Despite lacking in detail, the monitoring samples still prove that Methyl Bromide has been applied unsafely outside of the recommended quantities and outside the recommended buffer distances, and it is clear that this has been the case at the Port of Tauranga for at least the past decade. The SEC January 2021 Report suggests

restrictions on levels of log stacks, and restrictions on Methyl Bromide use to certain times of day and subject to prevailing winds. At the same time, the size of fumigation events, speed of release, and timings of ventilation are still areas of uncertainty, without proper data or suggested controls.

We support Bay of Plenty Regional Councils view that some of the types of mitigation suggested by STIMBR such as in the SEC January 2021 Report, will also practicably be impossible to monitor and enforce for Regulatory Authorities. The proposal for timing and log stack size restrictions ignores the time pressures for cargo handling on the Port docks and narrow window of time for ships to enter and exit ports, with loading completed. Efficiency and time restrictions were also discussed by logging Industry submitters at the EPA hearing. It is also inconsistent with the pattern of behaviors of how operators at the Ports managed application of Methyl Bromide in the past have, including where consent condition statutory compliance obligations have been ignored by operators and their workers in the 'real time' context.

While this process keeps getting delayed, the use of Methyl Bromide at the Port of Tauranga and elsewhere continues, unabated, in breach of the requirements in the 2010 EPA Reassessment (with the obligation to comply with that decision being suspended time and again).

All of the modelling makes it clear that the Tauranga Port is a wholly unsuitable location for Methyl Bromide fumigation of log stacks or ship holds. The EPA must not allow this practice to continue without requiring recapture of 100% to the level of 5ppm as was the direction in the 2010 Reassessment.

We look forward to your decision.

Ngāti Kuku & Whareroa Marae