

Environmental Protection Authority,
Private Bag 63002, Wellington 6140
submissions@epa.govt.nz



PO Box 557 • WHANGAREI

• E-Mail: admin@patuharakeke.maori.nz

28 August 2019

Tena Koe

RE: Submission: Application (APP203660) Methyl Bromide Seeking A Reassessment Of Certain Controls

Ko Manaia te Maunga

Ko Whangarei Terenga Paraoa te Moana

Ko Ngāti Wai, Ngapuhi, Ngāti Whatua nga Iwi

Ko Patuharakeke te Hapū

Ko Takahiwai te Marae

1. This submission is from Patuharakeke Te Iwi Trust Board Inc (PTB) on behalf of Patuharakeke Hapū, tangata whenua of the Rohe o Patuharakeke with respect to mana whenua, mana moana, mana takutaimoana. Patuharakeke Rohe is located on the south side of the Whangarei harbour and includes our marae at Takahiwai. Our rohe stretches on the seaward side, including the foreshore and seabed, from a point at the north of Mangawhai Heads to the entrance of the Mangapai River just south of Whangarei. Our area of interest includes the offshore islands of Marotiri and Tawhitirahi and Taranga. The boundary extends inland to include the Brynderwyn and Kakanui Ranges. Patuharakeke have a special and enduring relationship as kaitiaki with the coastline in this area.
2. Northport is located in this area, adjacent to sites of significance including mahinga mataitai and recreational areas. Some of our whanau are also employees of Northport and associated businesses. Therefore we have a significant interest in this application.

Position:

3. PTB's submission on this application is **neutral**. To qualify this statement however, PTB do not support the use of methyl bromide as it is an ozone depleting substance, is toxic to humans and ecotoxic. We also consider it to be contrary to the provisions of our Patuharakeke Hapū Environmental Management Plan (HEMP).¹ PTB's HEMP includes a chapter titled "Ranginui"

¹ <https://patuharakeke.maori.nz/te-taiao-environment/hemp/>

which sets out our policy on Discharges to Air and also Climate Change. Relevant provisions of this section are replicated below:

Issue/s:

- a) The discharge of contaminants-to-air can have adverse effects on Patuharakeke values such as mauri, mahinga kai, waahi tapu, and marae, and the health of our people and communities.*
- b) Climate Change will impact the cultural, economic, social, and environmental wellbeing of Patuharakeke.*
- c) The magnitude, nature and timing of these effects on Patuharakeke and our taonga tuku iho have not been assessed.*
- d) There is a failure by the Northland Regional Council (NRC) to proactively lead mitigation of carbon emissions within Northland.*
- e) There is a lack of preparedness planning for adaptation to the effects of climate change within Tai Tokerau and Aotearoa as a whole.*

Objectives:

- a) To protect the mauri of air from adverse effects related to the discharge of contaminants to air.*
- b) Patuharakeke are involved in regional decision making on air quality issues.*
- c) PTB maintain close relationships and dialogue with the air polluting industries in our rohe.*

Policies:

- a) To protect the mauri of air from adverse effects associated with discharge to air activities.*
- b) To require that the regional council recognise and provide for the relationship of Patuharakeke with air, and the specific cultural considerations for air quality, including the effects of discharge to air activities on sites and resources of significance to tāngata whenua and the protection of cultural amenity values.*

Methods:

- a) PTB require input into any resource consent applications seeking to discharge contaminants to air within our rohe.*
- b) PTB will work with industry to develop cultural monitoring methodologies to complement the existing monitoring regime relating to discharges to air.*
- c) PTB to work with industry and other relevant stakeholders to consider funding research on the impacts of air discharges at Poupouwhenua to human health.*
- d) PTB will work with industry and other relevant stakeholders, academic institutions and other interested parties, to fund research to assess the health impacts of activities on Patuharakeke whanau.*

Recapture Technology:

4. The 2010 ERMA decision requires the use of recapture technologies with all methyl bromide fumigations and almost 100% recapture of the fumigant remaining in the headspace at the end of fumigation by October 2020. We have met with STIMBR and reviewed the application documentation and been advised there was a likelihood there would be no alternative fumigant or a suitable recapture system available by October 2020.
5. At present the technology being developed by Genera is currently only capable of consistently recapturing ~80% of the methyl bromide remaining in the headspace at the end of container and log stack fumigation prior to venting. Therefore, industry proposes that the use of recapture technology be mandatory for all on-port stack and shipping container fumigations and enclosed fumigations in approved fumigation facilities, with the definition of recapture amended to specify the recapture of 80% of the methyl bromide remaining in the headspace at the end of fumigation prior to venting.
6. While continuing to develop technology for recapture from ship holds after fumigation, industry recognises that there is currently no suitable technology available that allows the applicator to efficiently recapture methyl bromide from ship holds. Therefore, the industry proposes that ship hold fumigations be excluded from the requirement for recapture for a further 10-year period, to provide more time for the development of appropriate and effective technologies.
7. While this is not ideal, we accept that under the present requirements of the 2010 ERMA decision, the industry and New Zealand economy may be severely impacted should the criteria for recapture be unable to be met.
8. However, through engagement with STIMBR and perusal of the provided documentation, we understand that an alternative treatment option, Ethanedinitrile (EDN) is a viable replacement for methyl bromide treatment of logs and processed timber with much improved environmental outcomes. Namely EDN;
 - Does not bio-accumulate.
 - Is self-scrubbing when used on forest products breaking down to ammonia and its derivatives within the logs and processed timber.
 - Less than 1% of the applied quantity remains in the headspace following fumigation.
 - Is approved for use in Australia as a soil fumigant; and, in Korea and Malaysia as an import treatment for forest products with registrations in other countries in progress.
 - Being used under critical use exemption in the Czech Republic in a biosecurity response against bark beetle spp on Norway spruce.
9. As mentioned PTB are principally opposed to the use of Methyl Bromide, and alarmed at the significant increase in its use in New Zealand. Notwithstanding this, we are also not convinced that recapture is the answer in any event.
10. Perusal of the technical documentation also indicates the management and application of MB (ie. by Local Authorities) is not consistent across Aoteroa New Zealand. PTB are extremely concerned about externalities or adverse flow on effects potentially associated with MB

recapture technology. The technical documents provide little detail on the disposal process for the saturated carbon or liquid scrubber materials once they have been utilized. It appears that this material is ultimately ending up in landfills or effluent pathways² the majority of which are in coastal areas, often in significant cultural landscapes and in close proximity to mahinga mataitai. These disposal sites may not have leachate recovery systems in place, or if entering wastewater systems will eventually reach the sea in any case. Leaching or contamination of ecosystems in the future, particularly in light of climate change induced sea level rise, is a major concern for us. Our question is, are we simply shifting the problem somewhere else for our tamariki and mokopuna to have to deal with?

11. As such, we suggest the below amendments to the changes to the regulations proposed by the applicant as a means of encouraging a complete switch (at least for log fumigation which accounts for about 95% of MB use) to an alternate as soon as an alternative fumigant is available.

Conditions – Table C 2 changes proposed by the applicant clause 13

12. The amendments proposed by the applicant are duplicated below with PTB's suggested alternate/additional wording highlighted in red.

(2) A person must not apply methyl bromide for container or on-port (sheet) fumigations unless recapture technology is used, from October 2020.

(3) Ship hold fumigations with methyl bromide are exempt from the use of recapture / destruction technologies for 10 years while suitable effective technologies are explored.

Notwithstanding this exemption the EPA requires;

(a) fumigators to continue with the research and development of technologies to address the challenges of recapturing methyl bromide from ship holds after fumigation

*(b) an annual report detailing progress **with the research and development set out in (a) above** is to be provided by 30 June of each year*

*(c) the introduction by **October 2025** of at least one prototype system **suitable for ship holds** to be used for testing, evaluation and enhancement at the Port of Tauranga **or Northport**.*

PTB consider an additional clause be included to require immediate discontinuation of Methyl Bromide fumigation of export logs whether within a cargo hold or container or under tarpoulin as soon as EDN (or another viable option) is approved for use by EPA and associated MPI/MFAT trade agreements are resolved for its use.

² see 13.2.16. <https://www.epa.govt.nz/assets/FileAPI/hsno-ar/HRC08002/456cc7b04f/HRC08002-Update-Paper.pdf>

Hearing

13. As a voluntary hapū charitable trust, the cost of attending hearings to speak to our submissions in person is often prohibitive. We therefore ask that the EPA give consideration to hold hearings at the three locations where methyl bromide fumigations occur regularly. If a hearing is held in Whangarei we wish to be heard. In the event that hearings are not held in Whangarei we will not be able to attend.

Heoi ano ra



Juliane Chetham (Trustee and Convenor Patuharakeke Taiao Unit)

For Patuharakeke Hapū