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## DECISION

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20 February 2019

### Summary

Substance Name	Yates Bug Oil Conqueror Oil Insect Spray
Application code	APP203740
Application type	To import or manufacture for release any hazardous substance under Section 28 of the Hazardous Substances and New Organisms Act 1996 (“the Act”)
Application sub-type	Section 28A(2)(b) – least degree of hazard – the substance has one or more hazardous properties and each hazardous property has the least degree of hazard for that property
Applicant	Yates New Zealand Limited
Purpose of the application	To import Yates Bug Oil Conqueror Oil Insect Spray for release
Date application formally received	11 February 2019
Consideration date	20 February 2019
Considered by	The General Manager <sup>1</sup> of the Hazardous Substances and New Organisms group of the Environmental Protection Authority (“the EPA”)
Decision	<b>Approved with controls</b>
Approval code	<b>HSR101338</b>
Hazard classifications	9.1D (biocidal)

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<sup>1</sup> The General Manager of the HSNO group of the EPA has made the decision on this application under delegated authority in accordance with section 19 of the Act.

## 1. Substance

- 1.1. Yates Bug Oil Conqueror Oil Insect Spray is a pesticide containing 20 g/L of the active ingredient paraffinic oil. It is intended to be imported and applied as spot treatment against scale insects, European red mites, aphids, whitefly and mealybugs on roses, ornamentals and indoor plants in domestic setting.

## 2. Process and consultation

### Application receipt

- 2.1. The application, including the statutory declaration, was formally received on 4 February 2019 under section 28 of the Act.

### Information available for consideration

- 2.2. The information available for the consideration comprised:
- the application form
  - the confidential appendices to the application
  - the EPA staff advice memorandum.
- 2.3. There was sufficient information to assess the application.

### Legislative criteria for the application

- 2.1. This application meets the criteria for rapid assessment under section 28A(2)(b) of the Act, as the substance has one or more hazardous properties and each hazardous property has the least degree of hazard for that property.
- 2.2. In considering this application, the relevant provisions of the Act, the EPA Notices, the Health and Safety at Work Act 2015 (HSW Act), the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSW (HS) Regulations) and the HSNO (Methodology) Order 1998 were taken into account.

## 3. Hazardous properties of Yates Bug Oil Conqueror Oil Insect Spray

- 3.1. The hazard classifications of Yates Bug Oil Conqueror Oil Insect Spray were determined based on the information provided by the applicant and other available information. The hazard classifications are shown in Table 1 alongside those of the reference substance.

**Table 1: Hazard classifications of Yates Bug Oil Conqueror Oil Insect Spray**

Hazard	Yates Bug Oil Conqueror Oil Insect Spray
Biocidal action	9.1D

## 4. Rapid assessment of adverse effects

4.1. The rapid risk assessment of adverse effects has taken into account the hazardous properties of the substance, the considerations under Part 2 of the Act, the prescribed controls under the Act and the requirements under other relevant legislation such as the HSW Act 2015, Land Transport Rule 45001, Civil Aviation Act 1990 and Maritime Transport Act 1994.

4.2. The assessment:

- considered the risks posed by Yates Bug Oil Conqueror Oil Insect Spray
- determined whether any variations or additions to the prescribed controls are required to manage the risks of this substance, and identifies controls that may not be applicable or necessary that can, therefore, be deleted.

### Assessment of risks to human health

4.3. There are no adverse effects to human health associated with Yates Bug Oil Conqueror Oil Insect Spray such that the risks are considered negligible.

### Assessment of risks to the environment

4.4. The risks to the environment are low due to the least degree of hazard of Yates Bug Oil Conqueror Oil Insect Spray and as such are managed by the suite of controls.

### Assessment of risks to Māori and their relationship to the environment

4.5. The risks to Maori and their relationship to the environment from this substance are low and as such are managed by the suite of controls.

### Assessment of risks to society, the community and the market economy

4.6. No risks to society, communities or the market economy from the approval of Yates Bug Oil Conqueror Oil Insect Spray have been identified.

### New Zealand's international obligations

4.7. No international obligations that may be impacted by the approval of Yates Bug Oil Conqueror Oil Insect Spray have been identified.

### Summary of assessment

4.8. The risks associated with Yates Bug Oil Conqueror Oil Insect Spray arise from its hazardous properties and its proposed use pattern. These risks are low and the suite of prescribed and varied controls applied to Yates Bug Oil Conqueror Oil Insect Spray will mitigate the risks to human health and the environment, so that these are negligible.

## 5. Prescribed controls

- 5.1. The hazard classifications of Yates Bug Oil Conqueror Oil Insect Spray determine a set of prescribed controls specified by the EPA Notices<sup>2</sup> under section 77 of the HSNO Act. There are also requirements in the HSW (HS) Regulations. Note: the HSW (HS) requirements are not set for the substance under this approval but apply in their own right.
- 5.2. The prescribed controls set the baseline for how the substance must be managed and include specifications on how the substance is to be packaged, labelled, stored, disposed, transported, handled and used. The prescribed controls also set information requirements (e.g. Safety Data Sheets), signage and emergency management. These controls form the basis of the controls specified in Appendix A.

### Exposure limits

- 5.3. Under s77B of the Act, the EPA may set a Tolerable Exposure Limit (TEL) and/or an Environmental Exposure Limit (EEL) for a substance with toxic or ecotoxic properties.
- Regulation 13.17 of the HSW (HS) Regulations prohibits the use of a class 6 substance in excess of a TEL
  - Clause 49 of the HPC Notice prohibits use of a class 9 substance in excess of an EEL
- 5.4. No TEL values have been set previously for the active ingredients in Yates Bug Oil Conqueror Oil Insect Spray because it is considered that exposure to this substance is not likely to result in an appreciable toxic effect to people, provided controls on use are followed.
- 5.5. No EEL values are set at this time, or have been set previously for the active ingredients in Yates Bug Oil Conqueror Oil Insect Spray, as the level of risk of adverse effects to the environment has been qualitatively assessed as being negligible, with controls in place.
- 5.6. There are no Workplace Exposure Standard (WES) nor Prescribed Exposure Standard (PES) values currently set for any components of Yates Bug Oil Conqueror Oil Insect Spray.

## 6. Changes to prescribed controls

- 6.1. The following additional HSNO controls apply to Yates Bug Oil Conqueror Oil Insect Spray under section 77A of the Act, as set out in Table 3:

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<sup>2</sup> There may also be default controls in regulations made under the Act for certain hazardous substances such as fireworks.

Table 3: Justification for s77A additional controls (see Appendix A for the control wordings)

Control	Justification
Restriction on impurity	The active ingredient in Yates Bug Oil Conqueror Oil Insect Spray, paraffinic oil, is associated with a toxicologically significant impurity. When present in high enough concentrations, this impurity can cause adverse effects to people and/or the environment. Imposing a restriction on the maximum amount of impurity, Yates Bug Oil Conqueror Oil Insect Spray will prevent it from occurring in concentrations sufficient to cause adverse effects to people or the environment. Accordingly, it is considered that the application of an additional control to address this concern will be more effective than the prescribed controls with respect to its effect on the management, use and risks of the substance.

### Assessment of changes to controls

- 6.2. The change to the prescribed controls in the above section under section 77A of the Act fulfil the legislative criteria.
- 6.3. This control has been incorporated into Appendix A of this document.

## 7. Decision

- 7.1. Having considered the composition, hazardous properties and use of Yates Bug Oil Conqueror Oil Insect Spray, I am satisfied that it meets the criteria for rapid assessment under section 28A(2)(b) in that it has one or more hazardous properties and each hazardous property has the least degree of hazard for that property. I consider that there are no other effects of Yates Bug Oil Conqueror Oil Insect Spray that would prevent this application for Yates Bug Oil Conqueror Oil Insect Spray being approved under section 28A of the Act.
- 7.2. I am satisfied with the hazard classifications identified in Table 1 and have applied this classification to Yates Bug Oil Conqueror Oil Insect Spray.
- 7.3. I consider that applying the suite of controls to Yates Bug Oil Conqueror Oil Insect Spray set out in Appendix A will ensure adequate management of the adverse effects of Yates Bug Oil Conqueror Oil Insect Spray.
- 7.4. Therefore, the import or manufacture of Yates Bug Oil Conqueror Oil Insect Spray is approved with controls as listed in Appendix A.



Environmental Protection Authority  
Te Mana Rauhi Taiao

Dr Fiona Thomson-Carter

Date: 20 February 2019

**General Manager, HSNO, EPA**

## Appendix A: Controls applying to Yates Bug Oil Conqueror Oil Insect Spray

### EPA Controls

Control code	EPA Notice	Control description
LAB	EPA Labelling Notice 2017	<a href="#">Requirements for labelling of hazardous substances</a>
PKG	EPA Packaging Notice 2017	<a href="#">Requirements for packaging of hazardous substances</a>
SDS	EPA Safety Data Sheet Notice 2017	<a href="#">Requirements for safety data sheets for hazardous substances</a>
DIS	EPA Disposal Notice 2017	<a href="#">Requirements for disposal of hazardous substances</a>
HPC-1	EPA Hazardous Property Controls Notice 2017 Part 1	<a href="#">Hazardous Property Controls preliminary provisions</a>
HPC-3	EPA Hazardous Property Controls Notice 2017 Part 3	<a href="#">Hazardous substances in a place other than a workplace</a>
HPC-4A	EPA Hazardous Property Controls Notice 2017 Part 4A	<a href="#">Site and storage controls for class 9 substances</a>
HPC-4B	EPA Hazardous Property Controls Notice 2017 Part 4B	<a href="#">Use of class 9 substances</a>

### HSNO Additional Controls and Modifications to Controls

Control code	HSNO Act	Control
Max impurity	Section 77A	The following limits are set for toxicologically relevant impurities in the active ingredients used to manufacture this substance: less than 3% (m/m) dimethyl sulfoxide (DMSO) extract as measured by IP346.