



Environmental
Protection Authority
Te Mana Rauhi Taiao

Summary of HS application **APP203816** and Submission guidance

Date Submissions Open:	19 June 2019
Date Submissions Close:	31 July 2019
Application number:	APP203816
Purpose:	To import or manufacture Method® 240 SL Herbicide for release
Applicant:	Bayer CropScience Pty Ltd
Application Lead:	Régis Lapage

Purpose of this document

On 5 June 2019, the Environmental Protection Authority (EPA) received an application from Bayer CropScience Pty Ltd to import for release Method® 240 SL Herbicide. This product is intended to be used a herbicide for the control of wilding conifers and other woody weeds on non-crop farm land and conservation land such as native bush, recreational and tourist areas and on industrial sites such as railways, roadways and utility rights-of-way. Method® 240 SL Herbicide contains aminocyclopyrachlor, which is a new active ingredient to New Zealand. The herbicide is envisioned for broadcast spraying to target plants via either ground-based or aerial application methods. Method 240 SL is also proposed to be used for individual plant treatment methods such as spot spraying, cut stump and stem treatment, trunk injection or basal bark treatment.

This application is being publicly notified to enable the public to comment and to put all relevant information before the decision makers.

The purpose of this document is to summarise the application and to provide guidance on the submission process.

Application summary

This document has been prepared by EPA staff as a summary of the information provided in the application only, to aid submitters in preparing a submission. It is not the risk assessment produced by EPA staff. The EPA staff risk assessment will be completed at a later date using information from the application, submissions and other relevant sources.

Submission process

This document also provides guidance to the submission process. The EPA encourages all submissions. The submission period for this application will start on 19 June 2019 and will end on 31 July 2019 at 5pm.

In a submission you can provide information, make comments and raise issues. In this way, you contribute to the EPA decision making process on specific applications. We are particularly interested in hearing from you on the following matters:

- Adverse effects, especially adverse effects not identified in the application¹; and
- Positive effects, especially positive effects not identified in the application².

Further information on the purpose of submissions is available from the EPA website using the link below:

<https://www.epa.govt.nz/public-consultations/open-consultations/>

If you have any questions, you can contact:

- The applicant directly for any question you may have on the technical information in the application or the information provided to the EPA.

¹ Adverse effects can include any risks and costs associated with release of the substance.

² Positive effects can include any benefits associated with release of the substance.

The applicant representative, Margaret Fitzgerald, can be contacted by e-mail (margaret.fitzgerald@bayer.com) or by phone (+61 3 9248 6612).

- The EPA for any question on the application and/or submission process. The Application Lead, Régis Lapage, can be contacted by e-mail (Regis.Lapage@epa.govt.nz) or by phone (+64 4 474 5511).

Application summary

1. Bayer New Zealand Limited applied to import for release Method® 240 SL Herbicide, a soluble concentrate (SL) formulation containing 240 g/L aminocyclopyrachlor for the control of wilding conifers and other woody weeds on non-crop farm land and conservation land such as native bush, recreational and tourist areas and on industrial sites such as railways, roadways and utility rights-of-way.
2. Bayer New Zealand Limited intends to import Method® 240 SL Herbicide in New Zealand.

Intended uses

3. Method® 240 SL Herbicide is intended to be applied by aerial and ground-based broadcast applications methods and by individual plant treatment. Method® 240 SL Herbicide is designed to control wilding conifers, broadleaf weeds and vines and other woody weeds such as gorse, broom, blackberry and thistles. Method® 240 SL Herbicide is intended to be applied once per year, any time of year.
4. This product is intended for professional use.
5. The intended application rate is 0.3 – 1.3 L of Method® 240 SL Herbicide per hectare (ha) when the application method is ground-based or aerially or for some individual plant treatments (eg spot spraying; cut stubble). This corresponds to 0.072 – 0.312 kg aminocyclopyrachlor/ha.
6. The intended application rate is 5 – 10 L of Method® 240 SL Herbicide per 100 L of basal oil adjuvant when the application method is via cut stump and stem treatments. This corresponds to 1.2 – 2.4 kg aminocyclopyrachlor/100 L of basal oil adjuvant.
7. The intended application rate is 10 – 20 L of Method® 240 SL Herbicide per 100 L of basal oil adjuvant when the application method is via basal bark treatment. This corresponds to 2.4 – 4.8 kg aminocyclopyrachlor/100 L of basal oil adjuvant.
8. The intended application rate is 0.5 – 1 mL undiluted Method® 240 SL Herbicide per cut when the application method is via trunk injection. This corresponds to 0.00012 – 0.00024 kg aminocyclopyrachlor/cut.

Regulatory history

9. The active ingredient aminocyclopyrachlor is a new active ingredient in New Zealand. It is approved in Australia, Canada and USA.
10. The Method® 240 SL Herbicide formulation is registered in Canada and USA.

Hazardous properties

11. The applicant has submitted more than 150 studies and documents to support their application, which will be evaluated by the EPA in preparing the Staff Assessment Report for this application. The applicant proposes that Method® 240 SL Herbicide be assigned the following hazard classifications:

Hazard class/subclass	HSNO Classification
Aquatic ecotoxicity	9.1D

12. The submitted application form is available on the link below:

<https://www.epa.govt.nz/database-search/hsno-application-register/view/APP203816>

Adverse and beneficial effects

Risks

13. The following is a summary of the applicant's overall evaluation of the risk associated with release of the substance. For greater detail, please refer to the application form.

Receptor	Magnitude of effect	Comment
Human health	Minor	<p>Method® 240 SL Herbicide does not trigger any human health classification. It is highly unlikely that people become exposed to the product during transport or storage and risks are negligible.</p> <p>Method® 240 SL Herbicide is intended for professional use. Application will be made by trained personnel used to wearing personal protective equipment (PPE) during spraying operations. Based on its favourable toxicity profile, Method 240 SL Herbicide is a low risk product for the end-user.</p> <p>Given the hazard profile of Method® 240 SL Herbicide, low risks are anticipated for residents, bystanders or the environment from application of this product.</p>
Environmental	Minor to moderate	<p>The likelihood of the packaging breaking under normal transport and storage is very low. Personnel involved in the handling of Method® 240 SL Herbicide during transport and storage will have information on emergency management. Aminocyclopyrachlor has a very favourable ecotoxicology profile. Chances of spillage during transport or storage resulting in environmental exposure are highly unlikely and the risks are negligible.</p>

		<p>Method® 240 SL Herbicide will be applied by personnel who are competent and experienced in handling agricultural chemicals and who have an economic incentive to use the correct amount of product. Chances of errors during mixing and loading resulting in excessive application are unlikely and the risks are low.</p> <p>Method® 240 SL Herbicide has a favourable ecotoxicology profile. The product is practically non-toxic to a representative pollinator, the honey bee. Ecotoxicology studies show that aminocyclopyrachlor is practically non-toxic to slightly toxic in all ecotoxicology studies except for plants. Aminocyclopyrachlor is toxic to terrestrial plants and practically non-toxic to moderately toxic to aquatic plants. Low use-rates, however, result in no levels of concern being exceeded for all non-target species with the exception of terrestrial plants. The proposed product label will include mitigation measures to minimise potential adverse effects on non-target plants and aquatic life. Aminocyclopyrachlor has low acute and chronic toxicity to mammals, birds, fish and aquatic invertebrates and non-target insects. The risks to organisms are low to negligible.</p> <p>Appropriate recommendations to mitigate the risk of ground water contamination will be provided on the label and in product stewardship information. Chances of exposure to ground water are unlikely and risks are low.</p>
Māori and relationship to environment	Not provided	<p>Bayer undertook Maori consultation in November 2018. A summary of the application was sent to the Te Herenga Network via the EPA on 21 November 2018. Bayer also directly contacted Ngai Tahu on 22 November 2018. At the time of completing this application in February 2019, two responses had been received in support of the application.</p> <p>Bayer considers Method® 240 SL Herbicide will help in restoring the native flora and fauna that has been displaced by wilding pines and in restoring the aesthetic characteristics of New Zealand's landscape and wāhi taonga or wāhi tapu. Restoration of New Zealand's native flora, fauna and wāhi tapu is of immense spiritual and cultural significance.</p>

New Zealand's international obligations	Not provided	Approval of Method® 240 SL Herbicide will not impact upon New Zealand's international obligations.
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Costs

14. The importation, distribution and use of Method® 240 SL Herbicide do not impose monetary costs on any individuals other than the parties involved in the business transactions. The costs of shipping and distribution will be borne by Bayer and its trading partners, whereas the costs of purchasing, application, container disposal and any other associated activities will be borne by the end users.

Benefits

15. The applicant identified the following benefits for Method® 240 SL Herbicide:
- Method® 240 SL Herbicide will constitute economic activity that will benefit the parties involved (importation, distribution and sale).
 - Method® 240 SL Herbicide will contribute to the protection of indigenous land and ecosystems from invasive wilding conifers and other woody weed species. It will contribute to the restoration of native flora, fauna and wāhi tapu.
 - Method® 240 SL Herbicide will provide control of the target weeds using a single product, containing a new active ingredient, with a low toxicity and ecotoxicity profile and a low dose of active ingredient relative to current chemical control standards.
 - Aminocyclopyrachlor provides effective, broad spectrum activity on difficult-to-control species such as ALS (enzyme acetolactase synthase) and glyphosate resistant weeds as well as control of invasive weeds and brushes at lower use rates with less number of applications than most of the currently registered alternatives. Aminocyclopyrachlor is a candidate for Integrated Pest Management (IPM) and Integrated Resistance Management (IRM) programs.
 - User-friendly water-based formulation which does not have to be mixed with other herbicides to achieve the required level of efficacy against target weeds.

Please let us know whether you consider that there are additional adverse effects that we should be aware of or additional information related to the described effects.

When identifying adverse effects it is important that you provide us with reasons as to:

- What other adverse effects are **likely** to be caused by the use of Method® 240 SL Herbicide
- How **likely** these adverse effects are and their potential scale
- How you think the adverse effects could happen (i.e. the series of events that would have to happen for the adverse effects to occur)
- Options and proposals for managing the adverse effects
- Any uncertainty you have on the scope of the information we will use to assess the adverse effects.

Please let us know whether you consider that there are additional positive/beneficial effects that we should be aware of or additional information related to the described effects.

When identifying positive/beneficial effects, it is important that you provide us with information on:

- Other positive effects **likely** to be caused by the use of Method® 240 SL Herbicide
- How **likely** these positive/beneficial effects are and their potential scale
- How you think the positive/beneficial effects could happen (i.e. the series of events that would have to happen for the positive/beneficial effects to occur)
- Options and proposals for ensuring the positive/beneficial effects occur, and
- Any uncertainty you have on the scope of the information used to assess the positive/beneficial effects.

Other information

If there is other information you wish us to be aware of, please also include this in your submission.

Making a submission

What is a submission?

We encourage anyone to make a submission, regardless of how much detail you are able to put in to it. In your submission, you can also request a hearing if you would like to strengthen your views in person before the Decision-making Committee. Further information on submissions for a hazardous substance application is available from the EPA website using the link below:

<https://www.epa.govt.nz/public-consultations/how-to-make-a-submission/>

Submissions are publicly available and will be displayed on the application web page after submissions close. If you have confidential information you wish to provide, please contact the Application Lead, Régis Lapage, by e-mail (Regis.Lapage@epa.govt.nz) or by phone (+64 4 474 5511).

How to make a submission?

The EPA website provides guidance on how to make a submission. This is preferably done via the EPA submission form but may be sent as a letter or email to the EPA. This information and the submission form can be accessed from the EPA website using the link below:

<https://www.epa.govt.nz/assets/Uploads/Documents/New-Organisms/Forms/Submission-form-for-HSNO-applications.doc>

What happens after you make a submission?

When the submission period closes, all submissions will be summarised and made available to the Decision-Making Committee together with the EPA Staff Assessment Report.

You are entitled to bring witnesses who may speak to your submission at a hearing. If you choose this option, you should provide the EPA with a list of the witnesses, their areas of expertise, and the elements of the submission or application they will talk to.

You are also entitled to speak at the hearing in one of the three official languages of New Zealand: English, Māori or New Zealand Sign Language. Please advise the Application Lead at least two weeks prior the hearing in order for the EPA to organise for an interpreter. The Application Lead, Régis Lapage, can be contacted by e-mail (Regis.Lapage@epa.govt.nz) or by phone (+64 4 474 5511).

At least two weeks prior to the hearing, both the applicant and submitter(s) need to provide the EPA with copies of any information they intend to present at the hearing.

A decision will be made by the Decision-making Committee at the end of the consideration period. This will be made public on the EPA website.