

He tono nā



Te Rūnanga o NGĀI TAHU

ki te

ENVIRONMENTAL PROTECTION AUTHORITY

e pā ana ki te

**SUBMISSION ON APP203816 – To import or manufacture
Method 240 SL Herbicide for release**

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1 Tāhuhu Korero (Introduction)

Moemoea (Lament)

Mātakitaki au ki te takutai o te raki
 ki te pōkaikura e tauawhitia mai.
 Ko Uenuku e tīwhanawhana ai ki runga
 ko te Rau o Tītapu ki mua.
 Ka whakapiki te hā ki te taumata kōrero
 kia whakapuakiakihia mai ngā maunga pepeha.
 Ko tōku maunga Kākāpō e tū ake rā.
 ko ahau te tangata e whakatika ki runga
 Tū te ihiihi
 Tū te wanawana
 Tū te mauri ki waho
 Tū te mauri ki roto.
 Tāpuketia au kia mārama ai taku titiro
 Ki aku umu tangata.
 Puritia, tāwhia kia ita
 Te mana tīpuna
 Te mana whenua
 Te mana tangata
 Kia tūturu
 Āwhiti whakamaui
 Kia tina
 Tina !
 Hui eee Tāiki ee!

Look to the north where the coast
 that embraces us glows a sacred red.
 'Tis Uenuku that arches on high
 and our leaders who move to the fore.
 The essence of our ancestors rises up to the
 pinnacle of oratory
 as our mountains are recalled to remind us of
 whence we came.
 There stands the mountain of the treasured
 Kākāpō
 'tis I who can stand and claim my place.
 I feel the dread
 I feel the awesome prestige
 As the life force is established
 from within and without.
 Bury me there so that I may gaze upon those
 lands
 Through the strength of my people.
 Hold fast and firm
 To my inherited authority
 To my rights to this land
 To my rights as a person

Whakatauki (Proverb)

"Te Toto o te tangata, he kai; te oranga o te tangata e whenua"

While food provides the blood in our veins, our health is drawn from the land

Ngāi Tahu HSNO Kōmiti

The Te Rūnanga o Ngāi Tahu HSNO Committee is mandated by Te Rūnanga o Ngāi Tahu. The members of the committee are appointed by Te Rūnanga based on their knowledge and expertise in the areas of hazardous substances and new organisms.

Ngāi Tahu Values

All Te Runanga o Ngai Tahu activities are informed by the following values:

Whanaungatanga (family)

Respect, foster and maintain important relationships within the organisation, within the iwi and within the community.

Manaakitanga (looking after our people)

Respect each other, iwi members and all others in accordance with our tikanga (customs).

Tohungatanga (expertise)

Pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.

Kaitiakitanga (stewardship)

Work actively to protect the people, environment, knowledge, culture, language and resources important to Ngāi Tahu for future generations.

Tikanga (appropriate action)

Strive to ensure that Ngāi Tahu tikanga of is actioned and acknowledged in all of our outcomes.

Rangatiratanga (leadership)

Strive to maintain a high degree of personal integrity and ethical behaviour in all actions and decisions we undertake.

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2 Statutory obligations to Ngāi Tahu

This response is made on behalf of Te Rūnanga o Ngāi Tahu (Te Rūnanga). Te Rūnanga is statutorily recognised as the representative tribal body of Ngāi Tahu Whānui and was established as a body corporate on 24th April 1996, under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act). We note the following relevant provisions of our constitutional documents:

Section 3 of the Act: This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.

Section 15(1) of the Act: Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

The Charter of Te Rūnanga o Ngāi Tahu (1993, as amended) constitutes Te Rūnanga as the kaitiaki of the tribal interest.

Te Rūnanga respectfully requests that this response is accorded the status and weight due to the tribal collective, Ngāi Tahu Whānui, currently comprising over 70,000 members registered in accordance with section 8 of the Act.

3 Description of Application APP203620

Application APP203816 was submitted by Bayer Crop Science Pty Ltd to import the Herbicide Method 240 SL, containing 240 g/L aminocyclopyrachlor. This active ingredient is new to New Zealand and is used in the control of wildling conifers and other woody weeds on non-crop farmland and conservation land. Aminocyclopyrachlor has been approved for use in Australia, Canada and USA. The minimum purity of the active ingredient is listed as 88.7%. Method 240 SL Herbicide will be applied through a variety of methods depending on site location and density; including broadcast aerial application and broadcast ground application.

4 Position of Te Rūnanga o Ngāi Tahu on Application APP203620

Te Rūnanga o Ngāi Tahu holds concerns over an already widespread and extensive use of toxic agrichemicals in the horticultural and agricultural sectors. The burden that they and their breakdown products place on the terrestrial and aquatic environments is unacceptable. The benefits supporting the introduction of any new agrichemicals must therefore be clearly and explicitly spelt out. At the same time, the risks must be fully documented, and measures taken to mitigate their impact.

The application provides a persuasive case for the use of Method 240 SL Herbicide to control wildling pines and other woody weeds. The reduction of biodiversity through the increasing spread of wildling conifers is of significant concern to Ngāi Tahu, particularly in sensitive habitats such as the high-country grasslands surrounding Aoraki National Park. Many of the current methods utilised to control the spread of wildling conifers are extremely ecotoxic,

triggering HSNO Classification 9.1A. Additionally, they need to be applied at a significantly higher rate than that proposed for Method 240 SL.

For these reasons, we support the introduction of the herbicide Method 240 SL. We wish to be heard in support of our application.

5 Reasons for position on application APP203620

We approach this application under a Kaupapa Māori lens, that includes assessment of the effects of “the substance” on six key areas. These include Te Aō Tūroa, Ōhanga, Hauora, He Tāngata, Tikanga ā iwi, Te Tiriti o Waitangi.

Te Ao Tūroa (Environment)

Te Ao Tūroa refers to the natural world, encompassing taonga species, te mana o te wai (all water bodies; ie: sea, freshwater, wetlands, estuaries), ngahere (native forest, bush), ecosystems and biodiversity. There are a significant number of fragile taonga species, and their habitats located in waterways and surrounding areas, which must be protected.

Method 240 SL has an extremely low toxicity, to aquatic organisms, bird life, soil microbes and invertebrates. This compares favourably to currently utilised products that have high aquatic, soil and terrestrial vertebrate ecotoxicity.

As the formulation is a herbicide, Method 240 SL is moderately toxic to terrestrial plants and aquatic plants. The submitter therefore states that to minimise product runoff and off-target effects, the droplet size must be greater than 350 µm and spray must not be released “at a height greater than 3m above the ground or canopy unless required for aircraft safety.” We support helicopter only application where aerial spraying is deemed necessary, due to the precision that this method offers. As this product will be utilised in environmentally sensitive areas, where fixed wing aircraft may not be able to apply at less than 3m from the ground we therefore request that aerial application be restricted to helicopter application only.

Ōhanga (Economy)

The Ngāi Tahu economy allows for self-determination of Papatipu Rūnanga in the realisation of their aspirations. Te Runanga o Ngai Tahu has investments in tourism and are a significant landholder in the agricultural farming and forestry industries - from the high country of the Hurunui-Kaikoura ranges, through to the mid Canterbury region and down to the Southlands and Westcoast regions. The ongoing management in the eradication of wilding conifers will require various strategies which Ngai Tahu in particular, will be seeking to utilise and support.

Hauora (Public Health)

The health and wellbeing of Ngāi Tahu whanau is interconnected with the health of the environment, in that mahinga kai (traditional food), and rongoa (traditional medicine) sources need to be free of toxins.

The high-water solubility and half-life of >100 days does make Method 240 SL mobile and unlikely to bind to soil. While Aminocyclopyrachlor has low human and environmental toxicity, the detrimental effects on rongoa plants needs to be considered when spraying sites are selected and we request that buffer or exclusion zones are enforced near identified mahinga kai sites. Additionally, public notification is needed when spraying occurs on public land especially if near mahinga kai sites to ensure whanau are not collecting contaminated material.

Taonga – tuku – iho are prized resources passed down through the generations which Nga Papatipu Runanga in particular, continue to access and utilise for mahinga kai, medicinal purposes, for producing woven products and other uses. The invasive wilding conifers is a threat to taonga species habitats and capacity to flourish and grow and must be eradicated.

He Tāngata (People and Communities)

The broader social influences on a community which might include; recreational spaces, employment, housing, land usage, and other areas.

Land remediation through wildling conifer removal will increase the ability of whanau to utilise the whenua more fully. This includes access to and restoration of nohoanga sites, some of which suffer from wildling conifer invasion.

Nga papatipu rūnanga are responsible for the manaakitanga – support of their members in meeting their social needs in particular which is broad ranging, multi-faceted and complex. Ngai Tahu in an era of post- Treaty settlement will be seeking to maximise on the opportunities to fulfil their obligations, aspirations and vision. Method 240 SL will have a positive influence on the ability of Nga papatipu rūnanga to clear their land of the invasive wilding conifer and to enable development of papakainga into kaumatua housing and other dwellings.

Kaitiakitanga (Guardianship)

Kāitiakitanga is about our responsibility as Te Rūnanga o Ngāi Tahu, both tribally and in our communities, to assess the cultural acceptability of a proposed activity. We are a part of the landscape and therefore have a responsibility to ensure its sustenance for this generation and for those to come.

The relationship between kaitiaki and taonga can be layered and complex. Different kaitiaki have different degrees of responsibility for taonga such as the kaitiaki of plants and mātauranga associated with them. The kaitiaki relationship can relate to the sustainability of the taonga itself, or its components within the taonga that make it up, or to species, biota and environment surrounding the taonga.

Any potential threat to the survival of taonga species, habitats and environments will require several strategies to ensure their ongoing protection and sustainability. We view Method 240 SL herbicide as one such potential strategy.

Bayer Crop sciences has provided a high-quality level of information within their application which has ensured we as the kaitiaki are able to be informed in order to understand both the benefits and potential risks involved in the application.

Te Tiriti o Waitangi (Treaty Principles)

The Crown has an obligation to honour the Waitangi Treaty principles of Partnership, Participation and Protection.

The Ngai Tahu Settlement Act explicitly lists flora and fauna that are considered taonga to the iwi. This is not an intended to be an exhaustive list, as any organism sourced within Ngai Tahu takiwā may be considered taonga, and at a minimum require some level of consultation.

Consultation with Treaty partner TRONT/ nga papatipu rūnanga, in relation to their taonga and the proposed application, requires contact in the earliest stages of the application process through to its submission and, if approved, mutual agreement on conditions and ongoing monitoring mechanisms to ensure beneficial outcomes are achieved.

We acknowledge the efforts Bayer Crop Services have taken to consult with both the Ngai Tahu HSNO Komiti and other mana whenua through the Te Herenga network.

Bayer Crop Services have not been able to articulate very well how they were able to address the concerns raised by mana whenua which is reflected in the lack of detail, analysis and rigor provided in the application.

By not addressing these concerns in their application, we feel that Bayer Crop Sciences has misunderstood our position and approval of this application is conditional and ensures that;

- 1) there is restriction to helicopter aerial application,
- 2) there is public notification of spraying activities, and,
- 3) the exclusion/ buffer zones are clearly identified to protect mahinga kai sites, habitats and surrounding environments.

6 Conclusions

The applicant provides a persuasive case for the use of Method 240 SL to control wildling conifers in New Zealand. We are pleased that this formulation has the potential to replace older more toxic methods, reducing the chemical burden on the environment. We have stated our preference for helicopter aerial spraying in previous applications and feel that given the terrain Method 240 SL will be used across, this restriction is necessary. While we understand that Method 240 SL has a low direct risk to human health, we ask that the public be notified when spraying operations occur on public land to prevent the harvesting of contaminated plant

materials. We also ask that identified mahinga kai sites have buffer zones established to protect plants used in rongoa and mahinga kai.

7 Recommendation

The application be approved with the following controls;

Restriction to helicopter only aerial spraying

Public notification when spraying activities are undertaken on public and conservation land

Buffer or exclusion zones around identified mahinga kai sites, habitats and surrounding environments.

The Ngāi Tahu HSNO Kōmiti wishes to be heard in support of this application