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# DECISION

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04 September 2019

## Summary

Substance	Soluble concentrate containing 520 to 540 g/L hydrogen cyanamide
Application code	APP203865
Application type	To decide whether there are grounds for reassessment under the Hazardous Substances and New Organisms (HSNO) Act 1996 ("the Act")
Applicant	Mr John Levers
Purpose of the application	To determine if there are grounds to reassess soluble concentrate containing 520 to 540 g/L hydrogen cyanamide
Date application received	15 July 2019
Consideration Date	02-04 September 2019
Considered by	A Decision-Making Committee of the Environmental Protection Authority ("EPA")
Decision	Grounds exist for the reassessment of soluble concentrate containing 520 to 540 g/L hydrogen cyanamide

Application to decide whether there are grounds for the reassessment of soluble concentrate containing 520 to 540 g/L hydrogen cyanamide (APP203865)

## 1. Background

- 1.1. The hazardous substance, soluble concentrate containing 520 to 540 g/L hydrogen cyanamide (“the substance”) was the subject of reassessment application HRC05001 and was approved under the HSNO Act on 01 August 2006 with the HSNO Approval Number HRC000001.
- 1.2. The substance is a plant growth regulator, used to promote uniform and increased bud break and flowering of kiwifruit and earlier concentrated flowering of apples, being applied at a particular stage of the growing cycle to overcome the effects of mild or variable winter temperatures.
- 1.3. Six trade name products registered with the Agricultural compounds and veterinary medicines group (ACVM) are covered by this HSNO approval. Their registration details are shown in Table 1.

**Table 1 ACVM registered products for the substance**

Trade name	Registrant	ACVM Registration Number	Registration Date	HSNO Approval Number
Hi-Cane	Nufarm Limited	P003566	01 June 1988	HRC000001
Treestart	Agrinova NZ Limited (trading as Grochem)	P007333	12 July 2005	HRC000001
Hortcare Hi-break	Grosafe Chemicals Ltd	P007018	29 July 2002	HRC000001
Synergy HC	Agsin PTE Ltd	P007840	05 May 2008	HRC000001
Gro-Chem HC-50	Agrinova NZ Limited (trading as Grochem)	P005858	29 November 2001	HRC000001
Cyan	Agrinova NZ Limited (trading as Grochem)	P007190	15 September 2004	HRC000001

- 1.4. The applicant has applied for grounds to reassess Hi-Cane, which is a trade name of soluble concentrate containing 520 to 540 g/L hydrogen cyanamide, in order to get the toxicological and ecotoxicological risks assessed again, and to revise the controls.
- 1.5. The substance is classified as follows:
  - 6.1C (All), 6.1C (O), 6.1D (D), 6.1D (I), 6.3A, 6.4A, 6.5B, 6.8B, 6.9A (All), 6.9A (O), 9.1D (All), 9.1D (F), 9.1D (A), 9.1D (C), 9.3B, 9.4C.
- 1.6. The substance is subject to controls applicable to a substance having these hazard classifications, as well as a number of additional or varied controls.
- 1.7. The purpose of this application is to decide whether there are grounds for the reassessment of the substance.

## 2. Application process

- 2.1. The application was formally received by the EPA on 15 July 2019 and the information supplied evaluated by EPA staff.

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- 2.2. The application was considered on 02-04 September 2019 by a decision-making committee of the EPA.

### 3. Evaluation against the criteria in the Act

- 3.1. The Act specifies a number of factors that the EPA has to take into account when considering whether grounds exist for a reassessment. At least one of these factors must be present before the EPA can use its discretion to determine whether there are grounds for a reassessment.

#### Significant new information relating to the effects of the substance has become available (section 62(2)(a))

- 3.2. The applicant has provided information about the effects of the substance, in particular on its impact on bystanders and operator, its impact on birds and on the groundwater exposure.
- 3.3. The information is contained in the report “Conclusion on the peer review of the pesticide risk assessment of the active substance cyanamide”, published by the European Food Safety Authority in 2010.
- 3.4. The report points out that a Commission Decision of 18 September 2008 removed cyanamide from the Annex I to Council Directive 91/414/EEC leading to the withdrawal of authorisations for plant protection products containing that active ingredient in the European Union. It indicates as well that the critical areas of concerns for the substance are the operator and bystander exposure estimates which exceed the Acceptable Operator Exposure Level as well as the potential for groundwater exposure. A high risk to birds was also identified but the risk assessment could not be finalised on the basis of the available data.
- 3.5. The Committee considered that the information provided is “significant” because it provides justification for revising the hazard classification, and accordingly the controls on the substance.
- 3.6. The Committee also noted that the information supplied was published in 2010, and the European Commission Decision was made in 2008. This information was therefore not available during the 2006 reassessment decision on the substance. The Committee considered it to be “new” information.

#### A change in controls under the Health and Safety at Work Act 2015 (section 62(2)(aa))

- 3.7. This factor is not relevant to this application.

#### Another substance with similar or improved beneficial effects and reduced adverse effects has become available (section 62(2)(b))

- 3.8. The applicant indicated in the application form that there are alternative options, and that the New Zealand Kiwifruit Growers Incorporated do not consider them to be as good as the substance. The Committee decided there was not sufficient information to consider this factor as relevant to this application.

#### Information showing a significant change of use, or a significant change in the quantity manufactured, imported, or developed has become available (section 62(2)(c))

- 3.9. The applicant indicated in the application form that there has been significant change in the chemical's use and quantity, stating the kiwifruit industry is planning to triple its production in the next ten years

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and pointing out what it seems to be a compliance issue. As the change in the quantity used has not already occurred, the Committee considered this factor as not relevant to this application.

## Other reasons for requesting a reassessment under section 62(2)

3.10. This factor is not relevant to this application.

## 4. Issues and concerns to Māori

- 4.1. The Committee has considered Māori perspectives regarding the applicant's wish to determine whether there are grounds for the reassessment of the substance. The Committee noted that, if this application is approved and a subsequent reassessment applied for, wider public notification and/or consultation will be undertaken, including with Iwi/Māori.
- 4.2. The Committee considered that there were no issues related to the principles of the Treaty of Waitangi to be addressed in the context of this application. The Committee noted that these principles will be considered if a subsequent reassessment application is received.

## 5. International obligations

- 5.1. The Committee has considered New Zealand's international obligations regarding the applicant's wish to determine whether there are grounds for the reassessment of the substance.
- 5.2. The Committee noted that these international obligations will be considered if a subsequent reassessment application is received.

## 6. Consideration

- 6.1. The Committee considered that there is no new information relating to the volume of the substance previously used or imported, or relating to alternatives to the substance.
- 6.2. The Committee considered that there is significant new information relating to the hazards and risks (that is, adverse effects) effects of the substance.
- 6.3. Accordingly, the Committee considered that grounds exist under section 62 of the Act for the reassessment of soluble concentrate containing 520 to 540 g/L hydrogen cyanamide, on the basis that significant new information about the effects of the substance has become available (section 62(2)(a)).



Signed by: *Dr Louise Malone*

Date: 04 September 2019

**Chair, Decision Making Committee**  
**Environmental Protection Authority**