Recommendation: Te Runanga o Ngāi Tahu supports the application
EXECUTIVE SUMMARY

Te Rūnanga o Ngāi Tahu supports New Zealand’s position on the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) and the decision by the Government to phase out the use of methyl bromide, an ozone-depleting gas, by 2020. We accept that if the country is to maintain the major earnings from the export of sawn timber and logs post-2020, an industry in which Ngāi Tahu has a major stake, an alternative to methyl bromide must be found. The present application is for the introduction and deployment of such a product – we support the application.

TE RŪNANGA O 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:

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

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

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

Te Rūnanga o Ngāi Tahu constitutes 18 Rūnanga representing geographical areas, generally based around traditional settlements.

Ngāi Tahu Values which dictate its approach to all issues are as follows:

a) Whanaungatanga (family)
Respect, foster and maintain important relationships within the organisation, within the iwi and within the community.

b) Manaakitanga (looking after our people)
Respect each other, iwi members and all others in accordance with our tikanga (customs).

c) Tohungatanga (expertise)
Pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.

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

e) Tikanga (appropriate action)
Strive to ensure that Ngāi Tahu tikanga of is actioned and acknowledged in all of our outcomes.

f) **Rangatiratanga (leadership)**

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

2.4 Te Rūnanga respectfully requests that this response is accorded the status and weight due to the mana whenua status of the tribal collective, Ngāi Tahu Whānui.

3 **TE RŪNANGA STATEMENT OF POSITION ON APP202804**

3.1 **Background**

The majority of New Zealand’s export logs must be treated to ensure they are pest-free before they arrive in market. Methyl bromide is the principal fumigant used to rid export logs of fungal and insect pests, prior to shipment overseas (mainly to China). As a signatory to the *Montreal Protocol on Substances that Deplete the Ozone Layer 1987*, New Zealand has an urgent need to phase out the use of methyl bromide by 2020. In order to maintain the export log industry, particularly to China, New Zealand must find and deploy an alternative non-carbon depleting fumigant. The Stakeholders in Methyl Bromide Reduction Inc. (STMBR) was established in 2008 by the forestry industry to undertake this task. STMBR has identified ethanedinitrile (EDN), a cyanide-based gas, as a potential fumigant and, after several years’ evaluation, has requested the manufacturer of the compound (Draslovka a.s., Czech Republic) to register EDN as a replacement for methyl bromide. One component of this evaluation, the benefits and risks to Māori, was addressed by (i) the establishment of a Māori Reference Group (MRG) and (ii) direct dialogue of the applicant with iwi, particularly those with log-exporting ports in their takiwā (Whangarei, Tauranga, Gisborne).

EDN has not as yet been registered in any other country, although an approval for use as a soil fumigant is underway in Australia. It is intended that EDN be deployed in tarpaulin-covered stacks, in containers, and in a ship hold in a boat tied up at the wharf. This is precisely how methyl bromide is currently deployed. Most fumigations (90+%) undertaken at New Zealand ports are performed by Genera, a Tauranga-based company. The total volume of logs exported in 2015/16 was 15.4 million cubic metres. [This equates to a truck and trailer load of logs being delivered every 1 ½ minutes 365 days of the year].

Whangarei, Tauranga and Gisborne export 63% of all sawn timber and logs and of these Tauranga exports twice as much as either of the other two. All three ports fumigate with methyl bromide. Other North Island ports, as well as Nelson, Picton, Lyttelton, Timaru, Dunedin and Invercargill export far smaller tonnages and ship their logs to Tauranga, Whangarei or Napier where they may be unloaded for fumigation, or left in the hold and treated with phosphine before shipping overseas.

3.2 **Te Rūnanga o Ngāi Tahu position on APP202804**

3.2.1 **Relevance to Ngāi Tahu**

Ngāi Tahu HSNO Committee was fortunate in having one of its members (the author) on the Māori Reference Group. This provided valuable insights into the forestry industry, the port export arrangements (Tauranga was visited), the risks and benefits of EDN, as well as an opportunity to meet with representatives of Draslovka a.s. the
manufacturer of EDN and the applicant. The replacement of methyl bromide with EDN is not of immediate or direct concern to Ngāi Tahu. Little or no fumigation of export logs is undertaken in the takiwā. Three South Island locations report the use of methyl bromide in the years 2011 – 2015: Southport (Timaru), Dunedin, and Invercargill. These locations have used relatively little per year – roughly 500 – 1000kg/yr at each location. By comparison, the Port of Tauranga uses vastly more – about 250,000kg/yr.

So it seems that the issue of the use of methyl bromide and its replacement with EDN is not one of direct major significance to Ngāi Tahu. However our iwi has a major stake in the forestry sector. Ngāi Tahu Forestry conducted log export sales of $12.7m in 2017. In addition, the forest sector is an important part of the economic, social and cultural fabric of the Ngāi Tahu takiwā. In that regard, Ngāi Tahu is certainly interested in the issue. The tribe shares national concerns over the effects on climate change due to compounds such as methyl bromide and so would want to see the Government’s goal of phasing it out by 2020 achieved: EDN is the only option for consideration.

3.2.2 A wider iwi perspective: risks and benefits

New Zealand is now the fifth largest user of methyl bromide globally. The applicant states that ‘without EDN in the phytosanitary toolbox the value of forestry exports will drop by as much as $1.05 billion annually’. As a significant player in the forestry sector, and as an iwi with strong environmental principles, Ngāi Tahu believes it can and should contribute to the dialogue regarding the phasing out of methyl bromide and so has analysed the risks and benefits to the wider community. EDN triggers two toxicity classifications: (1) acute toxicity (inhalation) and (2) aquatic ecotoxicity. The former of these is a risk to workers and bystanders from the use of EDN. Such a toxic effect could occur if the gas escaped during use; but given that there will be a 50m exclusion zone around the stack, workers will use full protective equipment and the gas disperses very quickly, we accept that this risk is negligible. However the possibility of rupture of gas cylinders in a traffic accident is conceivable and in our view is dealt with rather unsatisfactorily in the risk analysis – the application merely says that ‘drivers would carry protective equipment…and required product documentation’ (p. 28). It is hard to see how this would protect a bystander in the immediate vicinity of a traffic accident rupturing a cylinder of EDN. We believe tight controls are needed to address this risk.

The second risk is that to aquatic organisms. EDN is a volatile gas when released and is not expected to move to water; negligible amounts have been found to be transported to water and then on to soil/sediments. As the gas will be used in industrial settings with a lack of any growing plants, we accept that the risks to bees, other pollinators and taonga insect species will be negligible. Given the strict containment of the structures in which logs will be treated, and the fast dispersal of the gas once these are opened, any impacts on passing birds would be negligible.

3.2.3 Consultation

1 EPA website
2 Data courtesy of Ngāi Tahu Forestry
The Māori Reference Group reached the conclusion that ‘the use of EDN is not likely to raise serious concerns regarding potential risks and impacts on Māori interests. The MRG has a positive view of Draslovka’s proposal to import EDN’. Similarly, as the applicant states, ‘the majority of iwi in the rohe where fumigations are undertaken would consider that the use of EDN would create less impact on kaitiakitanga, mauri, taha tinana, taha hinengaro, taha oranga, taha ohanga and manaakitanga than methyl bromide’. [One of the iwi consulted was opposed to forestry as a land use option regardless of the fumigant].

4 RECOMMENDATION ON APP202804
Te Rūnanga o Ngāi Tahu supports the application.

5 HEARING
We do not wish to be heard although may do should a hearing be held.