

## Appendix L: Current Controls

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### **L1 Hazardous Substances and New Organisms Act (HSNO) controls**

#### **L1.1 Hazardous property and lifecycle controls**

Table L1 lists the existing HSNO Act property controls and provides a detailed explanation of each control. Table L2 lists the existing HSNO Act lifecycle controls. In both tables any variations made to the controls (as indicated by an asterisk (\*) in Tables 6.2 and 6.3) are detailed.

**Table L1:** Hazardous property controls applied to 1080 and substances containing 1080

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
<b>Toxic</b>	<b>Classes 6, 8 and 9 Controls</b>	
T1	Regs 11–27	<p><b>Limiting exposure to toxic substances</b></p> <p>This control relates to limiting peoples exposure to toxic substances through the setting of tolerable exposure limits (TELs). A TEL represents the maximum concentration of a substance legally allowable in a particular environmental medium. TELs are established by the Authority and are enforceable under the HSNO Act.</p> <p><b>Tolerable exposure limit for sodium fluoroacetate</b></p> <p>The following TEL is set for sodium fluoroacetate and each product containing sodium fluoroacetate. The limit is for sodium fluoroacetate when it is a component of a substance, and is expressed as an amount of sodium fluoroacetate per unit volume of water.</p> <p><math>TEL_{\text{water}} = 0.0035 \text{ mg/litre}</math></p>
T2	Regs 29, 30	<p><b>Controlling exposure in places of work</b></p> <p>This control relates to the setting of workplace exposure standards (WES).</p> <p><b>Workplace Exposure Standards</b></p> <p>Under Regulation 29(2) of the Hazardous Substance (Classes 6, 8, and 9 Controls) Regulations 2001, the Authority adopts as a workplace exposure standard for this substance, and each component of this substance, the value or values specified in the document described in “Workplace Exposure Standards”, published by the Occupational Safety and Health Service, Department of Labour, January 2002, ISBN 0-477-03660-0. Also available at <a href="http://www.osh.govt.nz/order/catalogue/pdf/wes2002.pdf">www.osh.govt.nz/order/catalogue/pdf/wes2002.pdf</a>.</p> <p><b>Workplace Exposure Standard for sodium fluoroacetate</b></p> <p>The New Zealand Workplace Exposure Standard listed in the document “Workplace Exposure Standards” published by the Department of Labour, January 2002, has been adopted by the Authority:</p> <p>8-hour TWA for 1080 = 0.05 mg/m<sup>3</sup> (skin)</p>
T3	Regs 5(1), 6	<p><b>Requirements for keeping records of use</b></p> <p>A written record must be kept each time the substance is used in an area where members of the public may be present, or where the substance may enter air or water. The record must be kept for a minimum of 3 years following the use and must be made available to an enforcement officer on request</p>
T4	Reg 7	<p><b>Requirements for equipment used to handle substances</b></p> <p>Any equipment used to handle hazardous substances must retain and/or dispense the substance in the manner intended, ie, without leakage, and must be accompanied by sufficient information so that this can be achieved.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
T5	Reg 8	<p><b>Requirements for protective clothing and equipment</b></p> <p>Protective clothing/equipment must be used whenever hazardous substances are being handled. The clothing/equipment must be designed, constructed and operated to ensure that the person does not come into contact with the substance.</p> <p>People using protective clothing/equipment must have access to information specifying how the clothing or equipment may be used, and the requirements for maintaining the clothing/equipment.</p>
T6*	Reg 9 (Gazette Notice, Schedule 2,) and Reg 9A (subsequent Amendment to Gazette Notice, Schedule 2)	<p><b>Approved handler requirements</b></p> <p>Substances classified as 6.1A, B or C acutely toxic; 6.7A carcinogens; 8.2A skin corrosives; and any Class 9A are generally required to be under the personal control of an approved handler at all times, or locked up. However, these substances may be handled by a person who is not an approved handler if:</p> <ul style="list-style-type: none"> <li>• an approved handler is present at the place where the substance is being handled, and</li> <li>• the approved handler has provided guidance to the person in respect of handling, and</li> <li>• the approved handler is available at all times to provide assistance if necessary.</li> </ul> <p>Regulation 9A of Schedule 2 of the Gazette Notice applies:</p> <p><b>9A Exception to approved handler requirements for transportation of packaged substances</b></p> <p>(1) Regulation 9 is deemed complied with if—</p> <p>(a) in the case of a hazardous substance being transported on land—</p> <p>(i) in the case of a hazardous substance that is being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and</p> <p>(ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—</p> <p>(A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or</p> <p>(B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 is complied with; or</p> <p>(b) in the case of a hazardous substance being transported by sea, one of the following is complied with:</p> <p>(i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A);</p> <p>(ii) International Maritime Dangerous Goods Code; or</p> <p>(c) in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
		<p>(2) Subclause (1)(a)—</p> <p>(a) does not apply to a tank wagon or transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but</p> <p>(b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.</p> <p>(3) Subclause (1)(c)—</p> <p>(a) applies to—</p> <p>(i) pilots, aircrew, and airline ground personnel loading and handling hazardous substances within an aerodrome; or</p> <p>(ii) pilots for the purpose of aerial spraying and dropping; but</p> <p>(b) does not apply to—</p> <p>(i) the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel; or</p> <p>(ii) the loading and handling of any hazardous substance for the purpose of aerial spraying or dropping.</p> <p>(4) In this regulation, UN Model Regulations means the 14th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2005 by the United Nations.</p>
T7	Reg 10	<p><b>Restrictions on the carriage of toxic substances on passenger service vehicles</b></p> <p>No substance with a classification of 6.1A may be carried on public transport.</p> <p>The maximum quantity (per package) of other hazardous substances include:</p> <p>6.1B 0.5 kg.          6.1C 3 kg solid, 1 L liquid          6.1D 10 kg solid, 10 L liquid</p>
T8*	Reg 28	<p><b>Controls for vertebrate poisons</b></p> <p><b>Regulation 28 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001</b></p> <p>Subclauses (2), (3)(d), (4) and (5) are replaced with:</p> <p>(2) A person in charge of the substance must ensure that signs are erected at every normal point of entry to the place where the substance is to be applied or laid before the substance is applied or laid.</p> <p>(3) ...</p> <p>(d) [The signs must] comply with Regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, except that Regulation 35 applies as follows:</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
		<ul style="list-style-type: none"> <li>(i) in relation to the information required to be included on the signs by paragraphs 28(3)(a) and (c) [of the Classes 6, 8, and 9 Controls Regulations], as if the distances referred to in Regulation 35(3)(c) of the Identification Regulations were a distance of not less than 2 metres, and:</li> <li>(ii) in relation to the information required to be included on the signs by paragraph 28(3)(b) [of the Classes 6, 8, and 9 Controls Regulations] as if the distances referred to in Regulation 35(3)(c) of the Identification Regulations were a distance of not less than 10 metres.</li> </ul> <p>(4) The signs must remain until the earlier of—</p> <ul style="list-style-type: none"> <li>(a) when the substance is no longer toxic; or</li> <li>(b) when the substance has been retrieved from the place; or</li> </ul> <p>(5) Signs must be removed at the later of—</p> <ul style="list-style-type: none"> <li>(a) when they are no longer required to remain under subclause (4); or</li> <li>(b) in the case of signs that include information to which a legal obligation applies that requires the signs to remain in place for a longer period of time, the expiry of that longer period of time.</li> </ul>
<b>Ecotoxic</b>	<b>Classes 6, 8 and 9 Controls</b>	
E1	Regs 32–45	<p><b>Limiting exposure to ecotoxic substances</b></p> <p>This control relates to the setting of environmental exposure limits (EELs). An EEL establishes the maximum concentration of an ecotoxic substance legally allowable in a particular environmental medium (eg, soil or water), including deposition of a substance onto surfaces eg, as in spray drift deposition.</p> <p>No environmental exposure limits have been set for these substances at this time and the default EELs given under Regulation 32 have been deleted</p>
E2*	Regs 46–48	<p><b>Restrictions on use within application area</b></p> <p>Regulation 46 defines what “application area” means. An application area in relation to a substance designed for biocidal action means:</p> <ul style="list-style-type: none"> <li>(a) an area of land owned or occupied by the person applying the substance; or</li> <li>(b) air or water above the ground within the boundaries of land owned or occupied by the person applying the substance for the period of time that the air or water remains within the boundaries of the land; or</li> <li>(c) any land, air or water within an area that a person is authorised, under any enactment, to apply the substance to.</li> </ul> <p>Regulation 47 indicates that an EEL does not apply within an application area where the application rate is not exceeded</p> <p>Regulations 46–47 apply to all substances</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
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Regulation 48 (as amended in the Gazette Notice) states that the Authority may set an application rate for a substance that is designed for biocidal action if an EEL has been set for the substance. This change gives the Authority discretion on whether or not to set an application rate. No application rate is set for the ground-based application of substances containing sodium fluoroacetate.

#### Interpretation

**application** means dropping, spreading, spraying, laying as bait, dusting, sprinkling, wiping, placing, or pouring the substance on ground or vegetation, and apply has a corresponding meaning.

**contained ground-based application** means application of a hazardous substance—

- (a) in a bait station, or bait bag, or other container that is fixed to an object; or
- (b) so that it is contained in some other way, such as in a pipe or burrow.

**ground-based application** means application from the ground, and includes contained ground-based application

#### Application rates for aerial application

The following table specifies the application rate for aerial application of the substances specified in column 1. The application rate specified in column 2 is for each substance specified in column 1.

Column 1	Column 2
Substance	Application rate
Pellets containing 0.4–0.8 g/kg sodium fluoroacetate Pellets containing 1.5–2.0 g/kg sodium fluoroacetate Soluble concentrate containing 200 g/litre sodium fluoroacetate (when mixed with food bait)	For aerial application only: Not exceeding 30 g sodium fluoroacetate/hectare

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
E3	Reg 49	<p><b>Controls relating to protection of terrestrial invertebrates</b></p> <p>This control relates to restricting the use of a substance so that it is not used in situations where it poses a high risk to terrestrial invertebrates.</p> <p>Consequently, substances which have a classification of 9.4 toxic to terrestrial invertebrates must not be used -</p> <ul style="list-style-type: none"> <li>• in an area where bees are foraging and the substance is in a form in which bees are likely to be exposed to it; or</li> <li>• on specific plants likely to be visited by bees if the plant is in open flower or part bloom, or is likely to flower within a specified period of time following application of the substance (not longer than 10 days).</li> </ul> <p><i>The Authority considers that while the current products are not formulated in such a way that bees are likely to be exposed to the substance, the regulation still applies, ie, should not be deleted. The intent is that if formulations were changed to include substance attractive to bees, then the regulation would take effect.</i></p>
E4*	Regs 50, 51	<p><b>Controls relating to protection of terrestrial vertebrates</b></p> <p>Regulation 50 applies to Class 9.3 substances in granular form or coated on seed and has been deleted for 1080.</p> <p>Regulation 51 applies to the use of Class 9.3 substances as baits for vertebrate control when used outdoors and allows the Authority to specify one or more of: the colour of the bait, method of application; repellents or attractants.</p> <p><b>Schedule 6 of the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005 also applies:</b></p> <p><b>Methods of release and colours</b></p> <p>The following table specifies for each substance specified in column 1—</p> <ol style="list-style-type: none"> <li>(a) the method or methods of release specified in column 2 for the substance; and</li> <li>(b) a colour specified in column 3 for the substance.</li> </ol>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>																						
		<table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> </tr> <tr> <th>Substance</th> <th>Method(s) of release</th> <th>Colours</th> </tr> </thead> <tbody> <tr> <td>Pellets containing 0.4–0.8 g/kg sodium fluoroacetate</td> <td rowspan="3">Aerial application or ground-based application</td> <td rowspan="3">Blue or green</td> </tr> <tr> <td>Pellets containing 1.5–2.0 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Soluble concentrate containing 200 g/litre sodium fluoroacetate (when mixed with food bait)</td> </tr> <tr> <td>Paste containing 0.6–0.8 g/kg sodium fluoroacetate</td> <td rowspan="6">Ground-based application</td> <td rowspan="6">Blue or green</td> </tr> <tr> <td>Paste containing 1.5 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Pellets containing 1.0 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Paste containing 10 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Gel containing 1.5 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Gel containing 50 g/kg sodium fluoroacetate</td> </tr> <tr> <td>Gel containing 100 g/kg sodium fluoroacetate</td> <td></td> <td></td> </tr> </tbody> </table>	Column 1	Column 2	Column 3	Substance	Method(s) of release	Colours	Pellets containing 0.4–0.8 g/kg sodium fluoroacetate	Aerial application or ground-based application	Blue or green	Pellets containing 1.5–2.0 g/kg sodium fluoroacetate	Soluble concentrate containing 200 g/litre sodium fluoroacetate (when mixed with food bait)	Paste containing 0.6–0.8 g/kg sodium fluoroacetate	Ground-based application	Blue or green	Paste containing 1.5 g/kg sodium fluoroacetate	Pellets containing 1.0 g/kg sodium fluoroacetate	Paste containing 10 g/kg sodium fluoroacetate	Gel containing 1.5 g/kg sodium fluoroacetate	Gel containing 50 g/kg sodium fluoroacetate	Gel containing 100 g/kg sodium fluoroacetate		
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E5 same as T3	Regs 5(2), 6	<p><b>Requirements for keeping records of use</b></p> <p>(see section L1.2 of this appendix for further details)</p>																						
E6 same as T4	Reg 7	<p><b>Requirements for equipment used to handle substances</b></p> <p>Any equipment used to handle substances containing 1080 must retain and/or dispense the substances in the manner intended, ie, without leakage, and must be accompanied by sufficient information so that this can be achieved.</p>																						
E7* same as T6	Reg 9	<p><b>Approved handler requirements</b></p> <p>(see section L1.2 of this appendix for further details)</p>																						
E8 same as T7	Reg 10	<p>Restrictions on the carriage of ecotoxic substances on passenger service vehicles</p> <p>The applicant has included this control in their list of applicable controls, however, amendments to the Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001 mean that these requirements for ecotoxic substances are no longer in place.</p>																						



#### Notes

- 1 The numbering system used in this column relates to the coding system used in the ERMA New Zealand Controls Matrix. This links the hazard classification categories to the regulatory controls triggered by each category. It is available from ERMA New Zealand and is also contained in the ERMA New Zealand *User Guide to the Controls Regulations*.
- 2 These regulations outline the controls applicable to controlled vertebrate poisons, and should be referred to for the formal specification, definitions and exemptions.
- 3 These explanations are for guidance only. Refer to the cited regulations for the formal specification, and for definitions and exemptions.

Table L2: Lifecycle controls applied to 1080 and substances containing 1080

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
Identification	Identification	
I1	Regs 6, 7, 32–35, 36(1)–(7)	<p>These controls prescribe the requirements with regard to identification of hazardous substances in terms of information that must be “immediately available” with the substance (this is generally provided by way of the product label), documentation on the substance that must be available in the workplace, and signage at places where there is large quantities of the substance.</p> <p>There are specific requirements relating to the duties of suppliers and in the persons in charge of hazardous substances with respect to identification (essentially labelling) (Regulations 6 and 7), accessibility of the required information (Regulation 33) and presentation of the required information with respect to comprehensibility, clarity and durability (Regulations 34, 35, 36(1)–(7)).</p> <p><b>Regulation 6 – Identification duties of suppliers</b></p> <p>Suppliers of a substance must ensure it is identified (eg, by a label) as required by Regulations 9 and 14 (priority identifiers for ecotoxic and toxic substances), and Regulations 18, 20 and 25 (secondary identifiers for ecotoxic and toxic substances) of the Identification Regulations (see below) before supplying it to any other person (see below).</p> <p><b>Regulation 7 – Identification duties of persons in charge</b></p> <p>Any persons in charge of a substance must ensure that it is labelled as required by Regulations 9 and 14 (priority identifiers for ecotoxic and toxic substances), and Regulations 18, 20 and 25 (secondary identifiers for ecotoxic and toxic substances) of the Identification Regulations (see below). This includes ensuring that the priority identifier information is available to any person handling the substance within two seconds (Regulation 32), and the secondary identifier information is available within 10 seconds (Regulation 33).</p> <p><b>Regulations 32 and 33 – Accessibility of priority and secondary identifiers</b></p> <p>Information required by Regulations 9 and 14 (priority identifiers) must be available within two seconds, eg, on the label Information required by 18, 20 and 25 (secondary identifiers) must be available within ten seconds, eg, on the label.</p> <p><b>Regulations 34, 35, 36(1)–(7) – Comprehensibility, Clarity and Durability of information</b></p> <p>All required priority and secondary identifiers must be presented in a way that meets the performance standards in these Regulations. In summary:</p> <ul style="list-style-type: none"> <li>• any information provided (either written or oral) must be readily understandable and in English;</li> <li>• any information provided in written or pictorial form must be able to be easily read or perceived by a person with average eyesight under normal lighting conditions;</li> <li>• any information provided in an audible form must be able to be easily heard by a person with average hearing;</li> <li>• any information provided must be in a durable format ie, the information requirements with respect to clarity must be able to be met throughout the lifetime of the (packaged) substance under the normal conditions of storage, handling and use.</li> </ul>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
I3	Reg 9	<p><b>Priority identifiers for ecotoxic substances</b></p> <p>This requirement specifies that ecotoxic substances must be prominently identified as being ecotoxic. This information must be available to any person handling the substance within two seconds and can be provided by way of signal headings or commonly understood pictograms on the label.</p>
I8	Reg 14	<p><b>Priority identifiers for toxic substances</b></p> <p>This requirement specifies that toxic substances must be prominently identified as being toxic. In addition, information must be provided on the general degree and type of hazard of the substance (eg, highly poisonous), and the need to restrict access to children. This information must be available to any person handling the substance within two seconds and can be provided by way of signal headings or commonly understood pictograms on the label.</p>
I9	Reg 18	<p><b>Secondary identifiers for all hazardous substance</b></p> <p>This control relates to detail required on the product label of a substance. This is information that must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The required information in the case of this substance would be:</p> <ul style="list-style-type: none"> <li>• an indication (which may include its common name, chemical name, or registered trade name) that unequivocally identifies it, and</li> <li>• enough information to enable its New Zealand importer, supplier, or manufacturer to be contacted, either in person or by telephone.</li> </ul>
I11	Reg 20	<p><b>Secondary identifiers for ecotoxic substances</b></p> <p>This control relates to the additional label detail required for ecotoxic substances. This is information that must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The required information is:</p> <ul style="list-style-type: none"> <li>• an indication of the circumstances in which it may harm living organisms</li> <li>• an indication of the kind and extent of the harm it is likely to cause to living organisms</li> <li>• an indication of the steps to be taken to prevent harm to living organisms</li> <li>• an indication of the substance's toxicity to: aquatic life (9.1); the soil environment (9.2); terrestrial vertebrates (9.3A and B); and terrestrial invertebrates (9.4) as appropriate to the substance.</li> </ul> <p>These requirements could be addressed by statements on the label with respect to its action against both target and non-target organisms and the method of application used to avoid exposure to non-target organisms. A statement should be included warning against incorrect disposal of substances.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
I16	Reg 25	<p><b>Secondary identifiers for toxic substances</b></p> <p>This control relates to the additional label detail required for toxic substances. This is information that must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The required information is:</p> <ul style="list-style-type: none"> <li>• an indication of its general degree and type of (toxic) hazard</li> <li>• an indication of the circumstances in which it may harm human beings</li> <li>• an indication of the kinds of harm it may cause to human beings, and the likely extent of each kind of harm</li> <li>• an indication of the steps to be taken to prevent harm to human beings</li> <li>• the common/chemical name “[...]”, along with its concentration, must appear on the label - need to include specific ingredients that would independently trigger a threshold.</li> </ul>
I17	Reg 26	<p><b>Use of generic names</b></p> <p>This control provides the option of using a generic name to identify groups of ingredients where such ingredients are required to be listed on the product label for substances containing 1080, as specified by Regulations 25(e) and (f).</p>
I18	Reg 27	<p><b>Use of concentration ranges</b></p> <p>This control provides the option of providing concentration ranges for those ingredients in substances containing 1080 that are required to be listed on the product label as specified by Regulations 25(e) and (f).</p>
I19	Regs 29–31	<p><b>Additional information requirements, including situations where substances are in multiple packaging</b></p> <p>Alternative information in certain cases</p> <p>This control permits the information required by Regulations 9, 14, 18, 20 and 25 to be presented in alternative ways when substances are contained in fixed bulk containers or bulk transport containers. It is therefore, an alternative control.</p> <p>In the case of multiple packaging, where some or all of the required information on the substance packaging is obscured by outer packaging, the outer packaging must have a label that identifies the substance as toxic and ecotoxic. Regulation 30(2) provides various means of complying with this requirement eg, to indicate ecotoxicity, the EU pictogram “Dangerous to the Environment” pictogram (‘dead fish and tree’ on orange background) can be used.</p>
I20	Reg 36(8)	<p><b>Durability of information for class 6.1 substances</b></p> <p>There is a requirement that any packaging that comes into direct contact with the substances must be permanently identified as having contained a toxic substance unless the substance as packaged is restricted to places of work (ie not sold for domestic use).</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
I21	Regs 37-39, 47-50	<p><b>Documentation required in places of work</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to documentation (essentially Safety Data Sheets) (Regulations 37, 38 and 50); the general content requirements of the documentation (Regulations 39 and 47); the accessibility and presentation of the required documentation in respect of comprehensibility and clarity (Regulation 48). These controls are triggered by quantities of substances of specific hazard classifications.</p> <p><b>Regulation 37 – Documentation duties of suppliers</b></p> <p>A supplier must provide documentation containing the information required by Regulation 39, 41, 46, 47 and 48 when selling or supplying to another person a quantity of a substance specified in Schedule 2 if the substance is to be used in a place of work and the supplier has not previously provided the documentation to that person.</p> <p>For example:</p> <p>6.1A, 6.1B Any quantity  6.1C 0.5 kg solid 0.1L liquid  6.1D 3 kg solid 1 L liquid  Any class 9, except 9.1D and 9.2D, 5 kg solid 5 L liquid  9.1 D, 9.2D 50 kg solid 50 L liquid</p> <p><b>Regulation 38 – Documentation duties of persons in charge of places of work</b></p> <p>The person in charge of any place of work where hazardous substances are present (in the quantities specified in Regulation 38 (and with reference to Schedule 2 of the Identification Regulations)), must ensure that every person handling the substance has access to the documentation containing the information required by Regulation 39 (ie, SDS available within 10 minutes). The person in charge must also ensure that the documentation does not contain any information that suggests that the substance belongs to a class or subclass it does not in fact belong to.</p> <p><b>Regulation 39 – General content requirements for documentation</b></p> <p>The information required in the documentation provided with a hazardous substance includes:</p> <ul style="list-style-type: none"> <li>• the unequivocal identity of the substance (eg, the chemical name, common name, registered trade name(s), including the CAS number of specific toxic ingredients (as required by Regulation 39(5))</li> <li>• description of the physical state, colour and odour of the substance</li> <li>• contact details for the New Zealand supplier/manufacturer/importer</li> <li>• all emergency management and disposal information required for the substance (see below)</li> <li>• the date on which the documentation was prepared</li> </ul> <p><b>Regulation 47 – Information not included in approval</b></p> <p>If any information relating to any matter that is required by Regulations 39 to 46 was not included in the information used for the approval of the substance, the requirements of that regulation are met by stating the matter and indicating that no information relating to it is applicable.</p> <p><b>Regulation 48 – Location and presentation requirements for documentation</b></p> <p>The documentation required by Regulation 38 and 39 must be available to a person handling the substance in a place of work within 10 minutes. The documentation must be readily understandable by any fully-trained worker required to have access to it and must be easily read, under normal lighting conditions, at a distance of not less than 0.3m.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
		<p><b>Regulation 49 Documentation requirements for vehicles</b></p> <p>While a substance is being transported by land, sea or it does not have to comply with Regulations 39 to 46 or 48 if there is in the vehicle documentation complying with the Land Transport Rule 45001: Dangerous Goods 1999, Maritime Rule 24A Carriage of Cargoes-Dangerous Goods 1999 or Civil Aviation Rule 92 – Carriage of Dangerous Goods, as appropriate</p> <p><b>Regulation 50 – Documentation to be supplied on request</b></p> <p>Notwithstanding Regulation 37 above, a supplier must provide the required documentation to any person in charge of a place of work (where a hazardous substance is present) if asked to do so by that person.</p>
I23	Reg 41	<p><b>Specific documentation requirements for ecotoxic substances</b></p> <p>With regards to its ecotoxicity, the documentation provided with a hazardous substance must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of (ecotoxic) hazard</li> <li>• a full description of the circumstances in which it may harm living organisms and extent of that harm</li> <li>• a full description of the steps to be taken to prevent harm to living organisms</li> <li>• a summary of the available (ecotoxic) acute and chronic data used to define the (ecotoxic) subclass or subclasses in which it is classified</li> <li>• its bio-concentration factor or octanol-water partition coefficient</li> <li>• its expected soil or water degradation rate</li> </ul> <p>The EELs for the substance set by the Authority</p>
I28	Reg 46	<p><b>Specific documentation requirements for toxic substances</b></p> <p>With regards to its toxicity, the documentation provided with the substance must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of (toxic) hazard</li> <li>• a full description of the circumstances in which it may harm human beings</li> <li>• the kinds of harm it may cause to human beings</li> <li>• a full description of the steps to be taken to prevent harm to human beings</li> <li>• the percentage of volatile substance in the liquid formulation, and the temperature at which the percentages were measured</li> <li>• a summary of the available (toxic) acute and chronic data used to define the (toxic) subclass or subclasses in which it is classified</li> <li>• the symptoms or signs of injury or ill health associated with each route of exposure</li> <li>• the dose, concentration, or conditions of exposure likely to cause injury or ill health</li> </ul> <p>The TELs and WES for the substance set by the Authority</p>
I29	Regs 51, 52	<p><b>Duties of persons in charge of places in respect of signage</b></p> <p>These controls specify the requirements for signage, in terms of content, presentation and positioning at places where hazardous substances exceed certain quantities specified in Schedule 3 of this regulation. The most stringent quantity applies.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
		6.1A 50 kg solid 50 L liquid 6.1B 250 kg solid 250 L liquid 6.1C 1000 kg solid 1000 L liquid 9.1, 9.2, 9.3, 9.4 A 100 kg solid 100 kg liquid
I30	Reg 53	<p><b>Advertising corrosive and toxic substances</b></p> <p>Any advertisements for the substances must provide information identifying that it is toxic and specify the degree of toxicity and the need to restrict access by children.</p>
Packaging	Packaging Regulations	
P1	Regs 5, 6, 7(1), 8	<p><b>General packaging requirements</b></p> <p>These controls relate to the ability of the packaging to retain its contents, allowable packaging markings in respect of design approvals, factors affecting choice of suitable packaging, and compatibility of the substance with any previous contents of the packaging.</p> <p><b>Regulation 5 – Ability to retain contents</b></p> <p>Packaging for the substance must ensure that, when the package is closed, there is no visible release of the substance, and that it maintains its ability to retain its contents in temperatures from –10°C to +50°C. The packaging must also maintain its ability to retain its remaining contents if part of the contents is removed from the package and the packaging is then re-closed. The packaging in direct contact with the substance must not be significantly affected or weakened by contact with the substance such that the foregoing requirements cannot be met.</p> <p><b>Regulation 6 – Packaging markings</b></p> <p>A package containing substance must not be marked in accordance with the UN Model Regulations unless the markings comply with the relevant provisions of that document and the packaging complies with the tests set out in Schedule 1, 2 or 3 (Packaging Regulations), as applicable, and the design of the packaging has been test certified as complying with those tests.</p> <p><b>Regulation 7(1) – Requirements when packing hazardous substance</b></p> <p>When packing substance, account must be taken of its physical state and properties, and packaging must be selected that complies with the requirements of Regulation 5 above and Regulations 9 and 19 below.</p> <p><b>Regulation 8 – Compatibility</b></p> <p>Hazardous substances must not be packed in packaging that has previously contained a substance with which it is incompatible.</p> <p><b>Regulations 9A and 9B – Large Packaging</b></p> <p>Large packaging may be used to contain hazardous substances in New Zealand if it has been constructed, marked and tested as a large package as provided in Chapter 6.6 of the 13th revised edition of the UNRTDG, 2003.</p> <p>“Large Packaging” does not include:</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
P3	Reg 9	<ul style="list-style-type: none"> <li>• a tank, tank wagon or transportable container (as defined in the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; or</li> <li>• a stationary container system, a stationary tank or a tank (as defined in the Hazardous substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.</li> </ul> <p><b>Requirement for substances packed in limited quantities</b></p> <p>Certain classes of substance listed in Schedule 5 of the packaging regulations may be packaged in packages containing less than a trigger quantity (per package) provided that the packaging complies with the tests set out in Schedule 4. eg,</p> <p>6.1 B 0.5 kg solid or 0.1 L liquid          6.1C, 6.1D 3 kg solid or 1 L liquid          9.1 A or B 5 kg solid or 5 L liquid.</p>
P13*	Reg 19	<p><b>Packaging requirements for toxic substances</b></p> <p>Packaging for the following substances must comply with the tests set out in Schedule 1 (UN PGI):</p> <ul style="list-style-type: none"> <li>• Sodium fluoroacetate CAS number 62-74-8</li> <li>• Soluble concentrate containing 200 g/litre sodium fluoroacetate</li> <li>• Gel containing 50 g/kg sodium fluoroacetate</li> <li>• Gel containing 100 g/kg sodium fluoroacetate.</li> </ul> <p>Packaging for the following substance must comply with the tests set out in Schedule 2 (UN PGII):</p> <ul style="list-style-type: none"> <li>• Paste containing 10 g/kg sodium fluoroacetate.</li> </ul> <p>Packaging for the following substances must comply with the tests set out in Schedule 3 (UN PGIII):</p> <ul style="list-style-type: none"> <li>• Paste containing 1.5 g/kg sodium fluoroacetate</li> <li>• Pellets containing 1.5–2.0 g/kg sodium fluoroacetate</li> <li>• Gel containing 1.5 g/kg sodium fluoroacetate.</li> <li>• Paste containing 0.6–0.8 g/kg sodium fluoroacetate</li> <li>• Pellets containing 0.4–0.8 g/kg sodium fluoroacetate</li> <li>• Pellets containing 1.0 g/kg sodium fluoroacetate.</li> </ul>
PG1	Schedule 1	<p><b>Packaging requirements equivalent to UN Packing Group I</b></p> <p>This schedule describes the (minimum) packaging requirements that must be complied with for:</p> <ul style="list-style-type: none"> <li>• Sodium fluoroacetate CAS number 62-74-8</li> <li>• Soluble concentrate containing 200 g/litre sodium fluoroacetate</li> <li>• Gel containing 50 g/kg sodium fluoroacetate</li> <li>• Gel containing 100 g/kg sodium fluoroacetate.</li> </ul>



<b>Control Codes<sup>1</sup></b>	<b>Regulation<sup>2</sup></b>	<b>Explanation<sup>3</sup></b>
PG2	Schedule 2	<p><b>Packaging requirements equivalent to UN Packing Group II</b></p> <p>This schedule describes the (minimum) packaging requirements that must be complied with for:</p> <ul style="list-style-type: none"> <li>• Paste containing 10 g/kg sodium fluoroacetate.</li> </ul>
PG3	Schedule 3	<p><b>Packaging requirements equivalent to UN Packing Group III</b></p> <p>This schedule describes the (minimum) packaging requirements that must be complied with for:</p> <ul style="list-style-type: none"> <li>• Paste containing 1.5 g/kg sodium fluoroacetate</li> <li>• Pellets containing 1.5–2.0 g/kg sodium fluoroacetate</li> <li>• Gel containing 1.5 g/kg sodium fluoroacetate.</li> <li>• Paste containing 0.6–0.8 g/kg sodium fluoroacetate</li> <li>• Pellets containing 0.4–0.8 g/kg sodium fluoroacetate</li> <li>• Pellets containing 1.0 g/kg sodium fluoroacetate.</li> </ul>
PS4	Schedule 4	<b>Packaging requirements for substances packaged in limited quantities</b> [see Regulation 9]
P15	Reg 21	<p><b>Packaging requirements for ecotoxic substances</b></p> <p>Although triggered for sodium fluoroacetate, soluble concentrate containing 200 g/litre sodium fluoroacetate and the gel containing 100 g/kg sodium fluoroacetate, the packaging requirements to manage the toxicity controls on these substances take precedence because they are more stringent [see Regulation 19]</p>
<b>Disposal</b>	<b>Disposal Regulations</b>	
D4/D5	Regs 8 and 9	<p><b>Disposal requirements of toxic and ecotoxic substances</b></p> <p>When disposing of hazardous substances, it is necessary to comply with the requirements of the Regulations with regards to the disposal of toxic and ecotoxic substances. These substances must be disposed of by:</p> <ul style="list-style-type: none"> <li>• treating the substance so that it is no longer a hazardous substance, including depositing the substance in a landfill, incinerator or sewage facility. However, this does not include dilution of the substance with any other substance prior to discharge to the environment, or</li> <li>• discharging the substance to the environment provided that after reasonable mixing, the concentration of the substance in any part of the environment outside the mixing zone does not exceed any TEL (tolerable exposure limit) or EEL (environmental exposure limit) set by the Authority for that substance, or</li> <li>• exporting the substance from New Zealand as a hazardous waste</li> </ul>
D6	Reg 10	<p><b>Disposal requirements for packages</b></p> <p>This control gives the disposal requirements for packages that contained a hazardous substance and are no longer to be used for that purpose. Such packages must be either decontaminated/treated or rendered incapable of containing any substance (hazardous or otherwise) and then disposed of in a manner that is consistent with the disposal requirements for the substance.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
D7	Regs 11, 12	<p><b>Information requirements</b></p> <p>These controls relate to the provision of information concerning disposal (essentially on the label) that must be provided with specified quantities of substances (Schedule 1 to the Disposal Regulations).</p> <p>For example:          6.1A, B or C any amount          6.1D 0.1 kg solid, 0.1 L liquid          9.1A, 9.2A, 9.3A, 9.4A 0.1 kg solid, 0.1 L liquid          9.1B, 9.2B, 9.3B, 9.4B 0.2 kg solid, 0.2 L liquid          9.1C or D; 9.2C or D, 9.3C or 9.4C 1.0 kg solid, 1.0 L liquid</p> <p>The performance standards for presentation and accessibility of the information are as described above for secondary identifiers under the identification regulations (code I1).</p>
D8	Regs 13, 14	<p><b>Disposal documentation requirements</b></p> <p>These controls relate to the provision of documentation concerning disposal (essentially in a MSDS) that must be provided with specified quantities (Schedule 2 of the Disposal Regulations) of substances</p> <p>For example:          6.1A , 6.1B any amount          6.1C 0.5 kg solid, 0.1 L liquid          6.1D 3.0 kg solid, 1.0 L</p> <p>Any class 9, except 9.1D and 9.2D, 5.0 kg solid, 5.0 L liquid          9.1D, 9..2D 50.0 kg solid, 50.0 L liquid</p> <p>The performance standards for presentation and accessibility of the documentation are as described above for documentation under the Identification Regulations (code I21).</p>
<b>Emergency Management</b>	<b>Emergency Management Regulations</b>	
EM1	Regs 6, 7, 9–11	<p><b>Level 1 emergency management information: General requirements</b></p> <p>These controls relate to the provision of emergency management information (essentially on the label) that must be provided with any quantity of substances</p> <p>Regulation 6 gives duties of a supplier, Regulation 7 gives duties of persons in charge of places, Regulation 9 gives the requirement for the availability of the information (10 seconds) and Regulation 10 gives the requirements relating to the presentation of the information. Regulation 11 gives the option of complying with the information requirements of the transport rules when the substance is being transported. These requirements correspond with those relating to secondary identifiers required by the Identification Regulations as discussed above (code I1).</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
EM6	Reg 8(e)	<p><b>Additional information requirements for toxic substances</b></p> <p>With regards to its toxicity, the following information must be provided with substances classified as 6.1 acutely toxic, 6.3 skin irritant, 6.4 eye irritant or 6.5 sensitiser:</p> <ul style="list-style-type: none"> <li>• a description of the usual symptoms of exposure</li> <li>• a description of the first aid to be given to a person exposed to it</li> <li>• a 24-hour emergency service telephone number</li> </ul>
EM7	Reg 8(f)	<p><b>Additional information requirements for ecotoxic substances</b></p> <p>With regards to its ecotoxicity, the following information must be provided with any class 9 substance:</p> <ul style="list-style-type: none"> <li>• a description of the parts of the environment likely to be immediately affected by it</li> <li>• a description of its typical effects on those parts of the environment</li> <li>• a statement of any immediate actions that may be taken to prevent the substance from entering or affecting those parts of the environment</li> </ul>
EM8	Regs 12-16, 18-20	<p><b>Level 2 emergency management information requirements</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to the provision of emergency management documentation (essentially SDS) that must be provided with specific quantities of certain hazardous substances (Schedule 2)</p> <p>For example:          6.1A, B any quantity          6.1C 0.5 kg solid, 0.1 L liquid          6.1D 3 kg solid, 1.0 L liquid          Any class 9 except 9.1D or 9.2D 5.0 kg solid or 5.0 L liquid          9.1D, 9.2D 50 kg solid or 50 L liquid</p> <p>Regulation 16 specifies requirements for general contents of the documentation, Regulation 18 provides accessibility requirements and Regulation 19 provides requirements for presentation in respect of comprehensibility and clarity. These requirements correspond with those relating to documentation required by the identification Regulations, discussed above (code I21).</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
EM11	Regs 25–34	<p><b>Level 3 emergency management requirements – emergency response plans</b></p> <p>These regulations relate to the requirement for an emergency response plan for any place where more a certain quantity of substances are stored (Schedule 4)</p> <p>For example:          6.1A, B or C 100 kg solid, 100 L liquid          6.1D 1000 kg solid, 1000 L liquid          9.1A 100 kg solid, 100 L liquid          9.1B, 9.1C 1000 kg solid, 1000 L liquid          9.1D 10 000 kg solid, 10 000 L liquid.</p> <p>The emergency response plan must describe all of the likely emergencies that may arise from the breach or failure of controls. The type of information that is required to be included in the plan is specified in Regulations 29–30. Requirements relating to the availability of equipment, materials and people are provided in Regulation 31, requirements regarding the availability of the plan are provided in Regulation 32 and requirements for testing the plan are described in Regulation 33.</p>
EM12	Regs 35–41	<p><b>Level 3 emergency management requirements – secondary containment</b></p> <p>This control is only relevant to liquids or substances that are likely to liquefy in a fire called “pooling substances” in Regulation 35. The only 1080 substance that meets the criteria for a “pooling substance” is the soluble concentrate containing 200g/L sodium fluoroacetate.</p> <p>The trigger quantity for secondary containment systems for the soluble concentrate containing 200g/L sodium fluoroacetate is 100 L liquid.</p> <p>Regulations 37-39 state the requirements for containment subject to the size of the above ground containers in which the substance in kept.</p> <p>Regulation 40 addresses underground storage containers.</p> <p>Regulation 41 relates to ensuring that people will not be exposed to the contained substance and prevents contamination with incompatible substances and materials.</p>
EM13	Reg 42	<p><b>Level 3 emergency management requirements – signage</b></p> <p>These controls relate to the provision of emergency management information on signage at places where hazardous substances exceed certain quantities specified in Schedule 5 of the Emergency Management Regulations.</p> <p>It corresponds to the provisions for signage in the identification regulations discussed above (I29) and the same requirements for content and presentation apply.</p>

Control Codes <sup>1</sup>	Regulation <sup>2</sup>	Explanation <sup>3</sup>
<b>Tracking</b>	<b>Tracking Regulations</b>	
TR1	Regs 4(1), 5, 6	<p><b>General tracking requirements</b></p> <p>A record must be kept of the location and movement of each substance at each stage of its lifecycle. The record must meet the location and presentation requirements of the identification regulations and must be kept for a period of 12 months after the substance has been transferred to someone else. If the substance is discharged into the environment or disposed of, the record must be kept for 3 years. The tracking information to be recorded is:</p> <ul style="list-style-type: none"> <li>• The identity of the approved handler (name, position, address, approved handler details)</li> <li>• Substance information (identification and amount)</li> <li>• Location of the tracked substance</li> <li>• Details of transfer to another place (identification and amount being transferred), address of the place, identity of the approved handler (name, position, address), date of transfer</li> <li>• Disposal of tracked substance (manner of disposal, date, amount and location of disposal)</li> </ul> <p>The amendment to the Hazardous Substances (Tracking) Regulations 2001 adds to clauses 2 (substance information), 5 (details of transfer to another place), and 6 (disposal of tracked substance), the requirement to record the unique identifier for the container that contains the tracked substance.</p>
<b>Approved handlers</b>	<b>Personnel Qualification Regulations</b>	
AH1	Regs 4–6	<p><b>Approved handler requirements (including test certificate and qualification requirements)</b></p> <p>The substances are required to be under the control of an approved handler at all times ie, the person must hold a current test certificate certifying that they have met the competency requirements specified by the Personnel Qualification Regulations in relation to handling specific hazardous substances.</p> <p>Regulation 5 describes the qualification (competency and skill) requirements for approved handlers and Regulation 6 describes those situations where transitional qualifications for approved handler apply.</p>

#### Notes

- 1 The numbering system used in this column relates to the coding system used in the ERMA New Zealand Controls Matrix. This links the hazard classification categories to the regulatory controls triggered by each category. It is available from ERMA New Zealand and is also contained in the ERMA New Zealand User Guide to the Controls Regulations.
- 2 These regulations outline the controls applicable to controlled vertebrate poisons, and should be referred to for the formal specification, definitions and exemptions.
- 3 These explanations are for guidance only. Refer to the cited regulations for the formal specification, and for definitions and exemptions.

## **L1.2 Further explanation of HSNO Act controls**

The Agency considers that some HSNO Act controls require a more detailed explanation than that which has been provided in Tables L1 and L2 and section 6. These detailed explanations are provided in the sections below.

### **L1.2.1 Approved handler requirements (control codes T6, E7 and AH1)**

The HSNO approvals for substances containing 1080 require these substances to be under the control of an approved handler unless the requirements of clause 9A of Schedule 2 of the Hazardous Substance (Sodium Fluoroacetate) Transfer Notice 2005 are met. Approved handler certificates are issued by test certifiers, who are individuals approved by ERMA New Zealand to issue certificates in their area of competency (in this case the management and handling of vertebrate toxic agents).

The purpose of the approved handler certificate is to ensure that a person handling a hazardous substance is trained in how to use or manage the hazardous substance safely and understands the laws and controls (rules) under the HSNO Act 1996. To become an approved handler for a vertebrate toxic agent a person must demonstrate:

- knowledge in handling the substance they wish to use:
  - the hazards of the substances and how to prevent harm to people and damage to the environment,
  - what to do in an emergency.
- practical experience and knowledge of:
  - handling the substance and operating equipment,
  - protective clothing and safety equipment required.
- knowledge of the HSNO legislation:
  - enforcement issues and what the law is trying to achieve,
  - the HSNO Act classifications and regulations that apply to the substances.

### **L1.2.2 Controlled substance licence requirements (Schedule 3 of the Hazardous Substance (Sodium Fluoroacetate) Transfer Notice 2005)**

In addition to holding an approved handler certificate, the additional controls applied to substances containing 1080 in Schedule 3 of the Hazardous Substance (Sodium Fluoroacetate) Transfer Notice 2005 specify that no person may possess these substances unless they have a licence (Controlled Substance Licence) under section 95B of the HSNO Act 1996 that is obtained from the Authority before the person takes possession of the substance. Exceptions to this requirement are if the person is under the immediate supervision of a person who has a licence or the person is deemed to comply with regulation 9 of the Hazardous

Substances (Classes 6, 8, and 9 Controls) Regulations 2001 by regulation 9A of those regulations.

Controlled substances licences are used to ensure that high risk substances are only possessed by fit and proper persons. Under the HSNO Act 1996 controlled substances licences are issued by test certifiers under delegation from the Authority (section 19 of the HSNO Act 1996). A licence holder must:

- be 17 years of age or older
- need the licence for their work
- be a fit and proper person (ie, have no serious convictions)
- be trained adequately to use the substance (ie, be an approved handler).

Additionally, the Agricultural Compounds and Veterinary Medicines (ACVM) Group requires that, as part of the approval under the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM Act), certain vertebrate toxic agents may only be sold to and used by persons holding controlled substances licences. Where the product label of a substance containing 1080 indicates the product can only be sold to and/or used by a person holding a controlled substances licence then:

- the product must be sold only to a person holding a controlled substances licence issued by a test certifier who has been approved by the ACVM Group
- any advertisement or promotion for this product must clearly state that it can only be sold to a person who holds a controlled substances licence
- the product must not be displayed for the general public to see. It must be kept secure from unauthorised persons and individual containers marked for trace back purposes. A register of sales must be kept (minimum of three years), recording who the product was sold to (controlled substances licence reference) and the container(s) serial identity
- the product must be used only by a person either holding a controlled substances licence issued by a test certifier who has been approved by the ACVM Group, or by a person under the direct supervision of a person holding a controlled substances licence
- signs must be posted in prominent places around the perimeter of the treated area. The signs must remain in place until monitoring confirms that the product is no longer present
- security, identity and application of the product must be under the control of a specified person who also holds a controlled substances licence from a test certifier approved by the ACVM Group

Controlled substances licences are obtained from test certifiers through a process administered by ERMA New Zealand, which covers both ERMA New Zealand and ACVM Group requirements. In addition to considering the risk management areas of the HSNO Act 1996 when issuing a

controlled substances licence, the issuing test certifier must also be satisfied that the person to whom the licence is being issued understands the ACVM Act legislative requirements for the control of use of the substance including offences under the ACVM Act.

### **L1.2.3 Availability of the approved handler and controlled substance licence holder**

A person wishing to be in possession of, and/or use, substances containing 1080 must be both an approved handler and hold a controlled substance licence. The only time that substances containing 1080 can be handled by persons, who do not have a controlled substance licence (regardless of whether or not they are an approved handlers) is if the persons is under the immediate supervision of a person who has a Controlled Substance Licence. ‘Immediate supervision’ has been interpreted by the Agency to mean within eye and ear shot at all times.

### **L1.2.4 Tracking requirements (control code TR1)**

Tracking requirements are triggered for 1080 and substances containing 1080. Tracking is the recording of what happens to these substances throughout their lifecycle from importation or manufacture in New Zealand, to the point of use and/or disposal. The requirements placed on tracked substances are specified in the Hazardous Substances (Tracking) Regulations 2001.

The purpose of tracking requirements is to ensure appropriately trained and licensed people (ie, approved handlers) are responsible for the hazardous substances throughout their lifecycle in New Zealand. Tracking requirements also ensure that information is available for managing emergencies involving a hazardous substance and enables enforcement agencies to have the ability to track back who has and who should be responsible for the hazardous substance.

Tracking commences at the site of manufacture for a substance that is manufactured in New Zealand. For an imported substance tracking starts at the port. United Nations (UN) or International Civil Aviation Organisation (ICAO) transport documentation relating to each shipment is considered acceptable records up to the importers premises or person storing the substance on behalf of the importer. The responsibility for keeping records lies with the person in charge<sup>1</sup> of the site where the substance is kept.

The Hazardous Substances (Tracking) Regulations 2001 specify that the following records are kept.

- The identity of the approved handler in control of the substance, including the:

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<sup>1</sup> The definition of “person in charge” is given in the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.



- person's name, position within the workplace and physical address of the person's place of work
- hazard classifications and phases of the lifecycle for which the person is approved
- date on which the test certificate lapses or must be reviewed.
- Substance information, including the:
  - unequivocal identification of the tracked substance (eg, the trade name, common name, ERMA New Zealand approval name or number)
  - total amount of tracked substance that is under the control of the approved handler at anyone time (amounts may vary on a daily basis depending on quantities received or dispatched)
  - location of the tracked substance
  - batch or package number (where required).
- Transfer to another place, including the:
  - unequivocal identification of the substance and the amount transferred
  - address of the place and the identity of the controlled substance licence holder (including controlled substance licence registration number if available) to whom the substance is being sent
  - position of the controlled substance licence holder within their organisation
  - date on which transfer occurred.
- Transport of the tracked substance, including:
  - requirements as per the land transport rules or Maritime or Civil Aviation rules.
- Disposal or use of the tracked substance, including the:
  - manner of disposal (ie, how the substance was used, consumed or released etc)
  - amount of substance disposed of and the date of disposal
  - location where the substance was disposed of.

#### **L1.2.5 Permissions (Schedule 3 of the Hazardous Substance (Sodium Fluoroacetate) Transfer Notice 2005)**

Clause 3 of Schedule 3 of the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005 specifies that no person may apply or otherwise use substances containing 1080 on land managed by the Department of Conservation unless the person first obtains a permission under section 95A of the HSNO Act 1996 from the Authority. Additionally, no person may apply or otherwise use these substances in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created if the substance

is applied or used unless the person first obtains a permission under section 95A of the HSNO Act 1996 from the Authority.

Section 95A of the HSNO Act 1996 specifies the following:

- (1) This section applies if the Authority approves a substance subject to an obligation referred to in section 77A(2)(a) (namely that, before using the substance, a person must obtain a prior permission under this section for the general or particular use of the substance).
- (2) An application for a permission under this section must be made in a form approved by the Authority, and must be accompanied by the appropriate charge (if any) fixed under section 21.
- (3) In considering an application, the Authority must consider—
  - (a) the adverse effects involved in the use or uses of the substance to which the application relates; and
  - (b) the conditions (if any) that it thinks should be imposed as part of the permission.
- (4) The Authority may grant a permission subject to any conditions it may specify in the permission that are consistent with the approval of the substance.
- (5) The holder of a permission granted under this section is authorised to use the substance specified in the permission in accordance with the approval of the substance and the holder's permission.
- (6) A permission granted under this section must be in writing and in a form approved by the Authority.
- (7) The Authority may, at any time by notice in writing to the holder of a permission granted under this section,—
  - (a) add or delete any conditions, or otherwise vary any conditions:
  - (b) revoke a permission granted to the holder under this section.

Under section 19(2)(h) of the Act, the Authority has delegated the power to decide any application for permissions for substances containing 1080 to the Department of Conservation and to the Ministry of Health depending on where the operation is to take place.

The requirement to obtain a permission prior to an application operation of substances containing 1080 ensures that the risks associated with a specific operation (ie, risks arising due to the intended location of the operation) are considered and any additional controls required to manage the risks applied. Delegation by the Authority to the Department of Conservation (DoC) and the Ministry of Health provides for consideration of the

proposed 1080 operation by a decision-maker with local knowledge of the intended application site.

DoC is delegated to issues permission when:

- substances containing 1080 are to be applied or otherwise used on land managed by DoC.

The Ministry of Health is delegated to issue permissions when:

- substances containing 1080 are to be applied or otherwise used in a catchment area from which water is drawn for human consumption
- substances containing 1080 are to be applied or otherwise used in any other area where a risk to public health may be created if the substance is applied or used

In situations where substances containing 1080 are to be used on DoC land that is a catchment area from which water is drawn for human consumption or is any other area where a risk to public health may be created a permission is required from both DoC and the Ministry of Health. Applications of substances containing 1080 made to non-DoC managed land do not require a permission from DoC but do require a permission from the Ministry of Health if made in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created.

The processes in place, through which these agencies address the requirements of section 95A are detailed below.

### ***Department of Conservation***

The power to decide an application for permission to apply or otherwise use substances containing 1080 has been delegated to DoC land. DoC has a standard operating procedure (SOP) which covers the processing of permission applications. The process involves the submission of an application form containing an assessment of environmental effects and requires a thorough assessment of risks and adverse effects associated with application of the substance. The risk assessment includes consideration of the fate of the substance in the environment, effects on non-target native species, effects on non-target domestic and feral species, human health and operational issues (animal welfare and efficacy).

The application is considered by designated DoC staff. Consideration is specifically given to whether the risks and adverse effects will be managed to an acceptable level and whether any additional conditions are appropriate. The conditions that a permission is granted subject to, must be consistent with the HSNO Act approval of the substance. The party applying for the permission is advised in writing of the outcome of the permission application and the conditions that the permission is subject to. The power to add, delete, or otherwise vary any conditions set (section 95A(7)) is also delegated to DoC, but conditions specified must be consistent with the original HSNO Act approval for the substance.

The standard conditions applied by DoC in permissions for 1080 operations are detailed in DoC performance standards. A series of DoC performance standards exist covering each type of substance containing 1080, the intended method of application and the target pest (for example there is a specific performance standard for the *hand-laying* of 1.5 g/kg 1080 cereal pellet for the purpose of targeting possums and a separate performance standard for the *aerial* application of 1.5 g/kg 1080 cereal pellet for the purpose of targeting possum).

The Agency notes that the performance standards detail standard operating procedures (SOPs) and policies that must be followed for a specific operation and list a series of compulsory performance standards that must be adhered to. Additionally, the performance standards specify information needs for the operation and provide for optional and additional standards (conditions) to be applied to the permission. The requirements to adhere to DoC SOPs and policies specified in a performance standard are dependent on which organisation is applying the substance. Where DoC are applying 1080 on DoC land, a greater number of SOPs and policies must be followed than when a contractor working on behalf of the Animal Health Board (AHB) apply 1080 on DoC land. The Agency assumes that one of the reasons for this is that the contractor will have its own SOPs which employees will follow during operations.

DoC SOPs detailing consultation, notification and identification of operational area boundaries apply to both DoC and AHB operations on DoC land. The applicants have supplied copies of 43 performance standards covering the various combinations of 1080 formulation type, application method and pest species. Recognising the number of standards available, the Agency has selected a few examples of the performance standards covering aerial, hand-laying and bait stations operations as representative of the types of conditions DoC apply to permissions. These examples are presented in Table L3.

**Table L3:** Examples of standard conditions placed on permissions issued by the Department of Conservation for 1080 operations

Condition of permission	Scope of performance standard			
	Aerial application of 1.5 g/kg 1080 carrots for control of possums and wallabies	Hand-laying of 100 g/kg gel for control of deer	Bait station presentation of 1.5 g/kg 1080 apple for control of possums	Bait bag presentation of 1.5 g/kg 1080 cereal pellets for control of possums
<b>DoC standard operating procedures (SOPs) and policies that must be followed</b>				
Consultation and Notification of Pesticide Operations SOP, including Warning Signs	X	X	X	X
Safe Handling of Pesticides SOP	X	X	X	X
Storage and Disposal of Hazardous Substances SOP	X	X	X	X
Standard for the Transportation of Hazardous Substances	X	X	X	X
Operational Reporting SOP	X	X	X	X
Identifying Boundaries for Pesticide Operations SOP	X	X	X	X
Field Trial SOP	-	X	X	-
<b>Performance standards – compulsory for all operations</b>				
Provide independent verification (of contractor undertaking operation) of bait quality to DoC consent provider in operational report	X	-	-	-
This pesticide must not be used, stored or prepared, with any prefer, bait or attractant which is likely to lead any person to believe that the substance is intended for human consumption.	X	X	X	X
Unless in approved container supplied by the manufacturer, this pesticide must not be used in any culinary utensil or other container which is likely to lead any person to believe that the substance is intended for human consumption, regardless of any modification or other warning labels attached.	X	X	X	X
Consent providers must be given at least 24 hours notice before the pesticide is applied and a close liaison will be maintained through the operation.	X	X	X	X
Chaff (pieces of carrot less than 0.5 g) shall make up less than 1.5 % by of useable bait. Carrot baits shall have a mean weight of 6 g and 95 % of baits by weight should weight between 3 and 10 g.	X	-	-	-

Condition of permission	Scope of performance standard			
	Aerial application of 1.5 g/kg 1080 carrots for control of possums and wallabies	Hand-laying of 100 g/kg gel for control of deer	Bait station presentation of 1.5 g/kg 1080 apple for control of possums	Bait bag presentation of 1.5 g/kg 1080 cereal pellets for control of possums
Consent providers will be notified as soon as possible in case of any accidental discharge into a surface water body.	X	-	-	-
Flight paths to and from the bait loading zones by aircraft equipped with loaded or uncleaned bait sowing equipment must avoid: stocked paddocks, residential dwellings, and other 'no fly zones' specified by the consent providers.	X	-	-	-
An aircraft must not, when flying to or from the treatment area, fly over a public drinking water supply or waterway that is less than 100 metres upstream of a point of extraction from a water source for drinking water supply (not being a water supply exclusively for stock).	X	-	-	-
The baits must be dyed green or blue.	X	X	X	X
Contaminated safety equipment, machinery and any other equipment that has been in contact with the pesticide are washed at a location where runoff is unlikely to enter any natural water body.	X	X	X	X
All pesticide not legally applied and all pesticide packaging is removed from DoC administered land and disposed of in a way that meets all legal requirements.	X	X	X	X
Bait stations must be prefed before using toxic bait.	-	-	X	
Bait bags must be prefed before using toxic bait.	-	-		X
Bait stations will be removed or made pesticide-free at the completion of the operation.	-	-	X	
<b>Performance standards – optional – may be applied to an operation</b>				
Bait sowing rate must be no greater than 5 kg/ha for 6 g baits (or equivalent bait density per hectare for other bait sizes).	X	-	-	-
DoC consent provider (or delegate) shall be present where bait is manufactured with authority to prevent bait which appears below quality standards from being aerially sown.	X	-	-	-
Use bait sowing buckets with retractable legs.	X	-	-	-

Condition of permission	Scope of performance standard			
	Aerial application of 1.5 g/kg 1080 carrots for control of possums and wallabies	Hand-laying of 100 g/kg gel for control of deer	Bait station presentation of 1.5 g/kg 1080 apple for control of possums	Bait bag presentation of 1.5 g/kg 1080 cereal pellets for control of possums
Foliage baits must be presented as cut branched pushed into the ground, not tied or bent down from existing trees.	-	X	-	-
Remove bait bags and residual bait at the end of the operation.	-	-	-	X
Retrieve and safely dispose of baits at the end of the operation.	-	X	-	-
<b>Information needs – compulsory for all operations</b>				
Caution period monitoring: Monitoring physical breakdown of bait and carcasses is required.	X	X	-	X
Caution period monitoring: Monitoring physical breakdown of carcasses is required	-	-	X	-
Field trial: Pre-post bird monitoring as part of operations. Where kaka or kokako are present, monitor individual birds through operation.	-	X	-	-
Field trial: Design field trial to test efficacy (percentage kill) of pesticide use. Consider pre and post control monitoring and treatment/non-treatment blocks.	-	-	X	-
<b>Information needs – optional – may be applied to an operation</b>				
Monitoring: Follow best practice for pre- and post-control result monitoring to estimate percentage kill and report results in operational report.	X	-	-	X
Monitoring: monitor for native non-target animals in operational area, send samples for testing and report search effort and results in operational report.	-	-	-	X
<b>Operational planning and design considerations</b>				
Apply bait in coldest months of the year	X	-	-	-
Do not repeat aerial operations within 4 years using the same bait.	X	-	-	-
Do not use where vulnerable species are present eg, kaka and short-tailed bats.	-	-	X	-
Consider bird repellent additives.	-	-	X	-
Remove old bait from bait stations before it becomes unpalatable.	-	-	X	-

### ***Ministry of Health***

The power to decide an application for permission to apply or otherwise use substances containing 1080 has been delegated to the Ministry of Health. The Ministry of Health is delegated to issue permissions when 1080 is to be applied or otherwise used in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created. As noted for permissions delegated to DoC, the delegation to the Ministry of Health includes the power to add, delete, or otherwise vary any conditions set.

Applications for a permission require identification and consideration of potential sources of risk public health related to the application of the substance. Specific areas to be addressed in the form are:

- transport, storage and disposal of the toxin
- drinking water supply catchments
- adjacent residents and landowners
- accessibility of the treatment area to the general public
- the location of public facilities (eg, tramping huts, picnic areas and camping sites)
- the location of walking tracks and roads
- the location of schools, kindergartens and early childhood centres
- the location of warning notices and information boards.

The delegation from the Authority to the Ministry of Health of the power to decide and application for a permission and to revoke a permission has been given to medical officers of health and health protection officers who are considered to have relevant experience. These individuals must also be warranted HSNO Act enforcement officers who have obtained a certificate of completion of a Ministry of Health risk management course.

The Ministry of Health has a standard set of conditions that are adopted for permissions for use of vertebrate toxic agents. The standard set of conditions includes general conditions that would be applicable to all operations using vertebrate toxic agents, conditions that are only relevant to aerial operations and, conditions that are relevant only when the substance is to be applied in a drinking water catchment area. In addition to the standard set of controls, non-standard controls may be applied to the permission issued by the Ministry of Health. The standard set of conditions that are adopted by the Ministry of Health for each permission are detailed in Table L4.



**Table L4: Standard conditions applied by the Ministry of Health to permissions issued for use of vertebrate toxic agents**

Condition number	Description
1	The person acting under the delegation from the Authority is to be notified by telephone, if required, or in all instances confirmed in writing before the vertebrate toxic agent(s) phase of the operation begins
2	All complaints relating to the operation that may impact on public health shall be documented and notified to the person acting under the delegation from the Authority (excluding lost, spilt, or unintended application of vertebrate toxic agent(s) as these are required under the HSNO Act 1996).
3	The applicant must indicate the total toxic loading to be applied within the operational area and application frequency, (ie, whether the vertebrate toxic agent(s) will be applied in a staggered, intermittent fashion, or a single dose).
4	The applicant must specify the maximum and minimum time period during which the majority of the bait may be toxic, after application. The person acting under the delegation from the Authority [insert name] must be advised in writing, when baits have ceased to be toxic.
5	Any work vehicle used to transport vertebrate toxic agent(s) or its wastes shall be operated according to statutory requirements and kept locked when the applicant is away from the vehicle.
6	If any circumstances relating to the application or the operation change, [insert name of the person acting under the delegation from the Authority] shall be informed immediately and retains the right to withdraw permission
7	No vertebrate toxic agent is to be applied where it is accessible to grazing stock
8	Vertebrate toxic agent(s) shall not be laid/applied within 20 metres of waterways including intakes and feeder water sources. Waterways include springs, streams, rivers, lakes, ponds and reservoirs.
9	The agency conducting the poisoning operation shall gain written permission from the authorities that operate the public drinking water supplies listed (provide list) before applying vertebrate toxic agent(s) in the water supply catchments.
10	Persons who take drinking-water from immediately downstream of the poison zone (ie, water supplies with intakes inside the poison area or on adjoining properties) shall be notified of the planned operation and its duration.
11	All necessary and practicable steps shall be taken to prevent contamination with the vertebrate toxic agent(s) of all areas within 150 metres (or within a distance mutually agreed in writing with occupiers) of the dwellings identified.
12	Adjacent residents and landowners shall be identified by the applicant and shall be provided with information on safety and precautions with respect to the vertebrate toxic agent(s) being used.
13	No vertebrate toxic agent(s) shall be applied to land that receives high public use (whether it is public or privately owned) during school holidays or public holidays unless that area can be effectively closed to the public.
14	Any such area shall be made safe from vertebrate toxic agent(s) before the beginning of such holiday periods unless the area is effectively closed to the public.
15	For areas that receive high public use, a mid-week vertebrate toxic agent baiting strategy shall be used, unless limited use is expected due to seasonal or climatic conditions, or due to closure of the area.
16	All tramping huts, shelters/bivvies, tent camping sites, picnic areas, public road lay-bys and watercraft landing points shall be excluded from the operation.
17	All necessary and practicable steps shall be taken to prevent contamination with the vertebrate toxic agent(s) of all areas within 50 metres of the tramping huts, bivvies/shelters, tent camping sites, picnic areas, public road lay-bys and watercraft landing points identified.
18	The agency conducting the operation shall notify local health services of the poisoning operation and also provide appropriate safety information. Local health services include: general practitioners, ambulance services, police, hospitals and emergency clinics, eg, accident and emergency departments, and veterinary clinics in the operational area.
19	For ground applications, the public may be given sufficient notice prior to the proposed application of a vertebrate toxic agent, at the discretion of the person acting under a delegation from the Authority [insert name].

Condition number	Description
20	The types of groups and agencies (supply a list) below shall be provided with information on safety and precautions with respect to the vertebrate toxic agent(s) being used.
21	Warning notices shall be in a fixed position, be checked at regular intervals, and must be repaired/replaced within 24 hours of discovery or notification of damage or theft. Notices positioned at distance from the operational zone shall have posted with them a map indicating the operational zone in relation to the signs located.
22	International symbols for toxic substances, such as the skull and crossbones may be used at the discretion of the person acting under a delegation from the Authority [insert name].
<b>For aerial operations using VTAs</b>	
23	All toxic baits must be cleared from the walking tracks and roads listed within 48 hours of the operation unless the tracks or roads are effectively closed to the public.
24	High use tracks must be checked and cleared of baits within 24 hours.
25	If such a track or road is effectively closed to the public it must be scrutinised for baits and cleared before re-opening
26	Following initial clearance, walking tracks and roads are to be regularly inspected for toxic baits that may have fallen from the tree canopy (for high use tracks this will be on daily basis).
27	Where vertebrate toxic agent is applied by hand, the bait is not to be laid within sight of walking tracks and roads.
28	In no case shall vertebrate toxic agent(s) be laid in or within sight of any areas used by the public (lay-bys, parks etc).
29	A log ( <i>report</i> ) must be compiled of activities associated with aerial application of vertebrate toxic agent(s).
30	A copy of the operators' log is to be forwarded to the person acting under a delegation from the Authority [insert name] within four weeks of the date of the vertebrate toxic agent being laid. The log shall as a minimum include: <ul style="list-style-type: none"> <li>• time, date and place</li> <li>• amount of vertebrate toxic agent applied and formulation</li> <li>• list of supervising operators</li> <li>• names of subcontractors with services provided</li> <li>• name, address and rating number of pilot(s)</li> <li>• any incidents that occurred and problems that arose during the operation including the investigation undertaken and where necessary the remedial action</li> <li>• any involuntary compliance transgressions of conditions in this approval, including reason for transgression and remedial action taken</li> <li>• a completed copy of the Aerial Operation Form (<i>if applicable</i>).</li> </ul>
31	When the vertebrate toxic agent is being applied, excluded areas and areas outside the approved operational boundary must be excluded from baiting (list excluded areas).
32	Differential global positioning system (DGPS) shall be used at all times for aircraft carrying bait-sowing equipment ( <i>a special dispensation will be required for aircraft that do not have DGPS</i> ).
33	Adequate precautions shall be taken to prevent accidental spillage of the vertebrate toxic agent from the aircraft.
34	Aircraft carrying vertebrate toxic agent for aerial application or equipment for the sowing of a vertebrate toxic agent shall not fly in transit over the drinking water supply reservoirs, treatment plants or storage facilities or waterways used as source for drinking-water supply.
35	After aerial application of a vertebrate toxic agent the areas to be inspected listed below shall be inspected (eg, any boundaries which adjoin the land of a different tenure, or, any nearby areas in which aerial application of the vertebrate toxic agent is not permitted).

Condition number	Description
<b>For operations (aerial and hand-laid) where 1080 is laid in a drinking water catchment</b>	
36	<p>An alternative drinking water supply shall be provided and water testing shall be carried out to show that the supply contains less than 2 ppb 1080, before the reopening of the water supply except when one or more of the following applies:</p> <ul style="list-style-type: none"> <li>(a) Where test results gathered from previous operations, covering the same catchment or groundwater supply and at the same or greater application dose, show that the 2 ppb level was not exceeded in any test.</li> <li>(b) Where drinking-water comes from a secure bore supply (hydrogeological report).</li> <li>(c) Where the water from the water catchment in the treatment area is sufficiently diluted by other water sources (hydrological report).</li> <li>(d) Where there is sufficient distance between the 1080 treatment area and the draw-off point for the water supply from that water catchment (in most cases 3 km).</li> <li>(e) Where another source of water is available (such as a separate catchment, roof tank or reservoir) that is not subject to possible 1080 contamination and the consumer is advised in writing to use that alternative supply.</li> <li>(f) Where baits are not laid in any place where they can fall or be washed into water sources or drinking-water supplies.</li> <li>(g) Where the 1080 is applied using bait stations.</li> <li>(h) Where consumers state in writing that they do not want an alternative drinking-water supply and that the operator has advised them of the risks in writing.</li> </ul> <p>If any of exceptions (a) to (h) apply, relevant documents should be provided by the applicant to demonstrate that this is the case.</p>
37	Water testing is required for all public water supplies and, at the discretion of the person acting under a delegation from the Authority, for private supplies.
38	Water sampling shall be undertaken within 5-8 hours after a poison operation.
39	Buffers are not required around large tributaries at the discretion of the person acting under a delegation from the Authority.

Source: Ministry of Health, 2006.

## L2 Non-HSNO Act controls

### L2.1 Resource Management Act 1991 requirements

The Agency notes that application of conditions on 1080 use under the Resource Management Act 1991 varies on a regional basis. The Agency's understanding of the regional requirements is presented in Table L5.

**Table L5:** Agency's understanding of regional resource consent requirements for application of substances containing 1080

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>AUCKLAND REGIONAL COUNCIL</b>				
Ground based application by handheld methods	Permitted	No	<p>Rule 4A.5.1 of the Proposed Auckland Regional Plan; Air, Land and Water Plan provides for application of agrichemicals by ground based methods as a permitted activity. This permitted activity is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• beyond the boundary of the premises where the activity is being undertaken there shall be no noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke or ash; and</li> <li>• there shall be no noxious, dangerous, offensive or objectionable visible emissions; and</li> <li>• beyond the boundary of the premises where the activity is being undertaken there shall be no discharge into air of hazardous air pollutants that does, or is likely to, cause adverse effects on human health, ecosystems or property; and</li> <li>• beyond the boundary of the premises where the discharge into air of agrichemicals is being undertaken there shall be no drift or overspray from the application.; and</li> <li>• the application shall be undertaken in accordance with all relevant mandatory requirements set out in NZS 8409:1999 Code of Practice for the Management of Agrichemicals and in accordance with the manufacturer's label recommendations; and</li> <li>• where the discharge of baits onto or into land occurs in public areas, signs shall be erected prior to the application commencing, and maintained until the application has ceased and all baits removed or have become non-toxic. Signs shall be erected at every point where people normally obtain access to the land and include the name of the person or body applying the bait, the name and nature of the pesticide, the word poison, the date of application and appropriate cautions regarding drinking water, domestic animals and the taking of animals for meat.</li> </ul>	Proposed Auckland Regional Plan; Air, Land and Water Plan, Incorporating Variation 1, Highlighted to Indicate Provisions Appealed, Auckland Regional Council, June 2005.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Ground based application (other than handheld application) and aerial application	Permitted	No	<p>Rule 4A.5.4 of the Proposed Auckland Regional Plan; Air, Land and Water Plan provides for the discharge of agrichemicals into air, or onto or into land, or into water by any method other than handheld application including those required for pest control by local authorities for the purposes of biosecurity, is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• beyond the boundary of the premises where the activity is being undertaken there shall be no noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke or ash; and</li> <li>• there shall be no noxious, dangerous, offensive or objectionable visible emissions; and</li> <li>• beyond the boundary of the premises where the activity is being undertaken there shall be no discharge into air of hazardous air pollutants that does, or is likely to, cause adverse effects on human health, ecosystems or property; and</li> <li>• beyond the boundary of the premises where the discharge into air of agrichemicals is being undertaken there shall be no drift or overspray from the application ; and</li> <li>• the application shall be undertaken in accordance with all relevant mandatory requirements set out in NZS 8409:1999 Code of Practice for the Management of Agrichemicals and in accordance with the manufacturer's label recommendations; and</li> <li>• the discharge is not by aerial application in an Urban Air Quality Management Area.</li> </ul> <p>Training</p> <ul style="list-style-type: none"> <li>• any ground applicator shall hold, as a minimum, a current GROWSAFE® Introductory Certificate or be under the direct supervision of a person holding the GROWSAFE® Applied Certificate or a GROWSAFE® Registered Chemical Applicator's Certificate; and</li> <li>• any ground contractor, those registered for aquatic weed control in water and those required for pest control by statutory agencies for the purposes of biosecurity shall hold, as a minimum, either a GROWSAFE® Registered Chemical Applicator's Certificate; or a GROWSAFE® Introductory Certificate and be under the direct supervision of a person holding a GROWSAFE® Registered Chemical Applicator's Certificate.; and</li> <li>• any pilot undertaking aerial application shall hold as a minimum, a GROWSAFE® Pilot's Agrichemical Rating Certificate or equivalent qualification.</li> </ul>	Proposed Auckland Regional Plan; Air, Land and Water Plan, Incorporating Variation 1, Highlighted to Indicate Provisions Appealed, Auckland Regional Council, June 2005.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>Spray Plan</p> <ul style="list-style-type: none"> <li>• the applicator shall prepare a spray plan and notify adjoining neighbours at least 7 days prior to the first application. If the application is in public amenity areas or places of public assembly then notification of the preparation of the spray plan to adjoining neighbours is not required; and</li> <li>• upon the request of any potentially affected party, the applicator shall supply them with a copy of the spray plan within seven days.</li> </ul> <p>General Notification</p> <ul style="list-style-type: none"> <li>• upon the request of any potentially affected party to be advised of spraying occurring, the applicator shall either: <ul style="list-style-type: none"> <li>(i) Provide written, telephone, or e-mail notification of the intent to spray at least 24 hours prior to the proposed application, or within a timeframe or method agreed between the parties;</li> <li>(ii) Provide verbal notification of the intent to spray as soon as practicable prior to the proposed application/discharge, or within a timeframe agreed between the parties; or</li> <li>(iii) Provide notice publicly through recognised methods, such as notice in the local newspaper, a letter drop, or web site. Details of the notification method used to advise potentially affected parties shall be included in the spray plan, and public notice shall occur at least seven days prior to the proposed application/discharge.</li> </ul> </li> <li>• for discharges into water the applicator shall notify: <ul style="list-style-type: none"> <li>(i) every person taking water for potable supply within 1 km downstream of the proposed discharge, at least 12 hours prior to the discharge occurring; and</li> <li>(ii) every holder of a resource consent for the taking of water for public potable water supply purposes downstream of the proposed discharge, at least 1 week before commencing the discharge.</li> </ul> </li> </ul> <p>Notification Public Places</p> <p>When spraying public amenity areas or places of public assembly the applicator shall provide a public notice in a local newspaper or a letter drop in the area to be sprayed at least seven days before the proposed application.</p>	

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Aerial and ground based application	Permitted	No	<p>The discharge of any agrichemicals into air, into water, or onto or into land pursuant to Section 7A(1)–(8) (relationship with the RMA) and Part 7 (use in the management or eradication of unwanted organisms if a biosecurity emergency or other exigency occurs) of the Biosecurity Act 1993, is a Permitted Activity subject to the following conditions:</p> <p>A copy of the public notice or declaration given by the responsible Minister; and details of the following shall be provided to the Auckland Regional Council 48 hours prior to the spraying occurring:</p> <ul style="list-style-type: none"> <li>(i) The organism to be eradicated,</li> <li>(ii) The principal actions that are to be taken in the attempt to eradicate the organism,</li> <li>(iii) The geographical area of the intended spraying,</li> <li>(iv) The duration of the discharge, the name of the agrichemical to be used, the rate and method of application, and the name and contact details of the applicator.</li> </ul>	Proposed Auckland Regional Plan; Air, Land and Water Plan, Incorporating Variation 1, Highlighted to Indicate Provisions Appealed, Auckland Regional Council, June 2005.
<b>ENVIRONMENT BAY OF PLENTY</b>				
Aerial and ground based application	Discretionary	Yes	Environment Bay of Plenty advise that Rule 37.3 of the Proposed Regional Water and Land Plan specifies that discharge of any contaminant onto or into land in circumstances which may result in the contaminant (or any other contaminant emanating as a result of the natural processes from that contaminant) entering water is a discretionary activity.	Environmental Consents Officer (Environment Bay of Plenty, February 2007, written communication)
<b>ENVIRONMENT CANTERBURY</b>				
Aerial based application	Discretionary	Yes	The Proposed Canterbury Natural Resources Regional Plan (which is not yet operational) addresses discharge of an agrichemical into or over water in a surface water body as a permitted activity in Rule WQL16. The Agency's understanding of this Rule is that the term 'agrchemical' includes vertebrate toxic agents; however, 1080 may not be applied directly to surface water but may be used in river beds. The Agency considers that aerial application of 1080 where it may enter surface water, therefore, falls outside the scope of the permitted activity in the Canterbury region and is a Discretionary Activity requiring resource consent.	Proposed Canterbury Natural Resources Regional Plan, Environment Canterbury, June 2002.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>CHATHAM ISLANDS COUNCIL</b>				
Ground-based and aerial application	Permitted	No	<p>The Chatham Islands Resource management Document indicates that the use, storage and transportation of hazardous substance is a permitted activity provided the following conditions are adhered to:</p> <ul style="list-style-type: none"> <li>• all legislation and regulation requirements of the HSNO Act are complied with,</li> <li>• no hazardous substance is discharged or dumped into any water body, watercourse of storm water system, and</li> <li>• any hazardous substance that is to be dumped on land is sealed or contained in a manner that does not allow any discharge or escape.</li> </ul>	General Manager (Chatham Islands Council, January 2007, written communication)
<b>GISBORNE DISTRICT COUNCIL</b>				
Ground based application	Permitted	No	<p>The definition of an agrichemical provided in the Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances is such that vertebrate toxic agents will be included.</p> <p>Rule 13 of this plan provides for discharge of an agrichemical using handheld methods as a permitted activity. the conditions that this permitted activity is subject to, are as follows:</p> <ul style="list-style-type: none"> <li>• any discharge shall not occur directly above a permanently flowing river, lake, wetland or other surface water body, including any drain or, any opening to a drain, or any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation or farm drainage canals) which is discharging to a surface water body, unless the chemical is registered for use over water bodies; and</li> <li>• the discharge shall not result in the deposition of noxious or dangerous levels of agrichemicals or hazardous contaminants onto water bodies specifically managed for public water supply purposes, unless the discharge is a chemical registered for use over water bodies; and</li> <li>• the discharge shall not result in the deposition of any agrichemical onto any roof or other structure used as a collection for water supply or onto any residential or school vegetable garden that could reasonably be expected to cause any significant adverse effect; and</li> <li>• the application shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement specified in the agrichemical manufacturers instructions</li> <li>• for commercial applications the agrichemical shall be used in a manner consistent with NZS8409:1999 The Code of Practice for the Management of Agrichemicals.</li> <li>• the council shall be notified immediately in the case of unintended discharge resulting in contamination occurring beyond the boundary of the target property.</li> </ul>	Proposed Regional Plan for Air Quality Management, Gisborne District Council, August 2000.



Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Aerial application	Permitted	No	<p>The definition of an agrichemical provided in the Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances is such that vertebrate toxic agents will be included.</p> <p>Rule 14 of this plan provides for the widespread application of agrichemicals as a permitted activity. The general conditions that must be adhered to for this permitted activity are detailed below. The Agency is unaware of whether aerial discharge where it may enter waterways would be considered by Gisborne District Council to be a 'direct' discharge into water or whether it would be considered incidental to the intended operation.</p> <p>General requirements</p> <ul style="list-style-type: none"> <li>• any discharge shall not occur directly above a permanently flowing river, lake, wetland or other surface water body, including any drain or, any opening to a drain, or any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation or farm drainage canals) which is discharging to a surface water body, unless the chemical is registered for use over water bodies; and</li> <li>• the discharge shall not result in the deposition of noxious or dangerous levels of agrichemicals or hazardous contaminants onto water bodies specifically managed for public water supply purposes, unless the discharge is a chemical registered for use over water bodies; and</li> <li>• the discharge shall not result in the deposition of any agrichemical onto any roof or other structure used as a collection for water supply or onto any residential or school vegetable garden that could reasonably be expected to cause any significant adverse effect; and</li> <li>• the application shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement specified in the agrichemical manufacturer's instructions</li> <li>• except for applications of agrichemicals within the road and railway reserves for the purpose of maintenance and public safety, the application shall not occur on or over a Protection Management Area, or a Riparian Management Area as identified and/or mapped in the Proposed Gisborne District Combined Regional Land and District Plan, 1997, or the landward area within 200m of Mean High Water Springs unless authorised in accordance with the provisions of Chapter 4 of that Plan</li> <li>• the application of agrichemicals shall not occur in winds greater than 15km/hr over the target area</li> <li>• the agrichemical shall be used in a manner consistent with NZS8409: 1999 The Code of Practice for the Management of Agrichemicals.</li> </ul>	Proposed Regional Plan for Air Quality Management, Gisborne District Council, August 2000.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>Record keeping</p> <ul style="list-style-type: none"> <li>• the property, part of property, or properties sprayed</li> <li>• the day(s), date(s) and time(s) when the agrichemical was applied</li> <li>• the crops to be sprayed and a list of the chemicals (with brand names) used during the year or the season</li> <li>• a list of addresses for those neighbours who have been notified</li> <li>• the equipment and method of application used, concentration and volume of spray used</li> <li>• weather conditions at the time of spraying</li> <li>• how notification requirements have been met</li> <li>• details of any abnormal situation or incident, and any action taken, including any variations to the notice of intention</li> <li>• identification of sensitive areas and the strategies employed to avoid contamination of those areas</li> </ul> <p>These records shall be kept for at least 2 years and shall be made available to the Council on request.</p> <p>Conditions addressing user training, notification and signage requirements are also addressed in detail by Rule 14.</p>	
<b>HAWKES BAY REGIONAL COUNCIL</b>				
Ground and aerial based application	Permitted	No	<p>Rule 10 of the regional plan provides for widespread application of agrichemicals as a permitted activity. the conditions on this permitted activity that the Agency considers to be relevant to 1080 applications are as follows:</p> <ul style="list-style-type: none"> <li>• the discharge shall be undertaken in accordance with requirements specified in the agrichemical manufacturer's instructions.</li> <li>• the discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004).</li> <li>• for the ground based application the following qualifications shall be held at all times: <ul style="list-style-type: none"> <li>(i) Every commercial user shall hold a qualification that meets the requirements of Schedule XI of the Resource Management Plan (Performance requirements for qualifications to apply agrichemicals) or be under direct supervision of a person holding the qualification.</li> <li>(ii) Every contractor shall be a GROWSAFE® Registered Chemical Applicator.</li> </ul> </li> </ul>	Regional Resource Management Plan 2006, Hawkes Bay Regional Council

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>(iii) Every employee of a contractor shall hold or be under training for a valid qualification that meets the requirements of Schedule XI for contractor employees.</p> <p>(iv) Every pilot undertaking the aerial application shall hold a GROWSAFE® Pilot Agrichemical Rating Certificate.</p> <ul style="list-style-type: none"> <li>• the discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water supply</li> <li>• for aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals within 20 m of any continually flowing river which has a bed width of 3 m or more, and any lake or wetland.</li> <li>• aerial and ground based discharges shall be notified by the property owner, manager or contractor in accordance with the following requirements: <ul style="list-style-type: none"> <li>• where the application is on private land, occurs on any land within 50 m of an adjacent property twice in any 12 month period, and occurs in circumstances where spray drift beyond the property boundary cannot be avoided, a property spray plan shall be prepared at the beginning of each year, or spray season, in accordance with Appendix M4 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). The plan shall be given upon request to the owner or occupier of any adjacent property, or to a Council officer.</li> <li>• where the application is on private land, signs shall be used to clearly indicate the use of any agrichemicals: <ul style="list-style-type: none"> <li>(i) within 10m of public land where there is a shelter belt giving effective protection between the application and the public land, or</li> <li>(ii) within 30m of public land where there is no shelter belt giving effective protection between the application and the public land.</li> </ul> </li> <li>• where the application is on public land notification shall be given in newspapers or by door-to-door advice to land occupiers adjacent to the intended application at the beginning of the spray season, not more than six months prior to application and in any case not less than one month prior to application; and signs shall be used to clearly indicate the agrichemical use.</li> </ul> </li> <li>• where the application may affect bee keeping, prior notification shall be given to the affected parties.</li> </ul>	

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>HORIZONS REGIONAL COUNCIL</b>				
Aerial application	Permitted	No	<p>The Land and Water Regional Plan directly address aerial application of 1080. DL Rule 11 specifies that any aerial discharge of 1080 impregnated bait onto land is a permitted activity provided that the following conditions are complied with:</p> <ul style="list-style-type: none"> <li>the average toxic load of the bait does not exceed 0.15 % weight for weight, where a single random sample contains the specified loading within a tolerance of not more than <math>\pm 25\%</math>, and the means of ten or more such samples lies within 5% of the specified loading; and</li> <li>the maximum application rate of the bait is no more than 15 kilograms per hectare; and</li> <li>there shall be no bait discharged onto the rooftop of any dwelling; and</li> <li>permission has been obtained from affected landowners.</li> </ul> <p>Horizons Regional council advises that they are currently reviewing all their Regional Plans.</p>	<p>DL Rule 11</p> <p>Land and Water Regional Plan, Horizons Regional Council, 30 September 2003.</p> <p>Group Manager Environmental Management (Horizons Regional Council, 15 January 2007, in litt.).</p>
<b>MARLBOROUGH DISTRICT COUNCIL</b>				
			<p>Two regional plans are in operation under the management of Marlborough District Council: the Marlborough Sounds Regional Plan covering the Marlborough Sounds and the Proposed Wairau/Awatere Resource Management Plan covering the Wairau and Awatere areas. The Marlborough Sounds Regional Plan is operative in parts. The Proposed Wairau/Awatere Resource Management Plan is not yet operative.</p> <p>In both plans, application of 1080 is covered by rules governing the application of agrichemicals that are deadly poisons. Rules are prescribed for rural and conservation zones within the areas covered by the plans.</p>	
Ground and aerial based	Permitted	No	<p><i>Marlborough Sounds conservation zone</i></p> <p>Rule 38.1.4.1 of the Marlborough Sounds Regional Plan provides for hand application of 1080 to all land and aerial based application on private land in circumstances where it may enter water as a permitted activity. The following conditions must be adhered to:</p> <ul style="list-style-type: none"> <li>the application must be carried out in accordance with all requirements specified on the manufacturer's instructions and any instructions attached to the enclosed product.</li> <li>the application must be for the purpose of eradicating, modifying or controlling vertebrate animals and must not include disposal onto or into land.</li> <li>a written record of the location, timing and amount of 1080 applied, and how the requirements of Rule 38.1.4.1 have been met shall be kept by the applicator.</li> </ul>	<p>Marlborough Sounds Resource Management Plan, Marlborough District Council 2003.</p> <p>Proposed Wairau/Awatere Resource Management Plan, Marlborough District Council.</p>

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>Rule 38.1.4.2 of the Marlborough Sounds Regional Plan provides for aerial application of 1080 on publicly owned land as a permitted activity. The following condition must be adhered to:</p> <ul style="list-style-type: none"> <li>• the concentration of 1080 in the baits must not exceed 0.15 5 w/w.</li> <li>• the application rate of coated carrot based must not exceed 15 kg/ha at 0.15 % w/w 1080 concentration bait.</li> <li>• the application rate of cereal based must not exceed 6 kg/ha at 0.15 % w/w 1080 concentration.</li> <li>• baits must only be applied subject to conditions specified by the Medical Officer of Health.</li> </ul> <p><i>Wairau/Awatere conservation zone</i></p> <p>Rule 1.3.5 of the Proposed Wairau/Awatere Resource Management Plan provides for hand application of 1080 as a permitted activity. The conditions that must be adhered to for this activity to be considered permitted are the same as though specified in Rule 38.1.4.1 of the Marlborough Sounds Regional Plan (see above).</p> <p>Rule 1.3.6 provides for the aerial application of 1080 onto publicly owned land as a permitted activity. The following conditions must be adhered to:</p> <ul style="list-style-type: none"> <li>• The concentration of 1080 in the baits must not exceed 0.15 5 w/w.</li> <li>• The application rate of the baits must not exceed 6 kg/ha at 0.15 % w/w 1080 concentration.</li> </ul> <p><i>Marlborough Sounds rural zones</i></p> <p>The Marlborough Sounds Regional Plan provides for application of agrichemical in rural zones one and two as a Permitted Activity. The Agency notes that Rule 36.1.7.9.3 of the plan details the conditions placed spray applications of agrichemicals but does not consider that these conditions are relevant to ground or aerial based applications of 1080 which are not carried out as 'spray' applications. The Agency has been unable to identify the specific conditions which application of 1080 as a permitted activity is subject to.</p>	

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p><i>Wairau/Awatere rural zones</i></p> <p>Rule 1.8.8 of the Proposed Wairau/Awatere Resource Management Plan provides for application of deadly poisons by ground and aerial based methods in rural zones three and four as a Permitted Activity. This permitted activity is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• application to be carried out in accordance with label requirements,</li> <li>• application shall be for the purpose of eradicating, modifying or controlling, vertebrate animals only and shall not include disposal of the poison onto or into land.</li> <li>• the applicator shall keep a written record of use detailing the location, timing and amount of poison applied and how the requirements of rule 1.8.8 have been met.</li> </ul>	
<b>NELSON CITY COUNCIL</b>				
Ground-based application	Permitted	No	<p>Rule FWr.23 of the Freshwater Plan Change addresses discharge of agrichemicals in and near water bodies. For this to be a permitted activity under the plan (Rule FWr.23.1) provided the following conditions must be complied with:</p> <ul style="list-style-type: none"> <li>• the agrichemical is not discharge directly into a water body, and</li> <li>• the discharge complies with the mandatory requirements of NZS8049:2004.</li> </ul> <p>The Agency considers that ground based application of 1080 may be carried out in such a way as to meet the criteria of this rule.</p>	Amended Freshwater Change Plan, Nelson City Council, June 2006
Aerial application	Discretionary	Yes	<p>Rule FW23.3 addresses applications of agrichemicals where they may directly enter water and would therefore be considered relevant to aerial application. This type of application is considered to be discretionary and requires resource consent.</p> <p>Nelson City Council has advised the Agency that they have not considered any applications to discharge 1080.</p>	<p>Amended Freshwater Change Plan, Nelson City Council, June 2006.</p> <p>Senior Policy Planner (Nelson City Council, January 2007, in litt.).</p>

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>NORTHLAND REGIONAL COUNCIL</b>				
Ground and aerial based application	Permitted	No	<p>The definition of the agrichemical given in the Regional Air Quality Plan is such that vertebrate toxic agents are included.</p> <p>Rule 9.1.9 of the Regional Air quality Plan (Section 9 - Rules for Industrial or Trade Premises) provides for discharge of contaminants to air from agrichemicals application by commercial users or contractors from industrial or trade premises as a permitted activity. Conditions covering the following matters are prescribed for this permitted activity:</p> <ul style="list-style-type: none"> <li>• user qualifications</li> <li>• application in accordance with label directions</li> <li>• application in accordance with relevant sections of NZS8409:1999, Code of Practice for the Management of Agrichemicals</li> <li>• keeping records of use</li> <li>• notification requirements</li> <li>• preparation of spray plans</li> </ul> <p>Rules 10.1.5 (Section 10 -Rules for Any Other Place or Source) provides for discharge of contaminants to air from agrichemicals application by commercial users or contractors from any place that is not an industrial or trade premises as a permitted activity. The condition prescribed for this permitted activity address the same matters as identified in Rule 9.1.9.</p>	Regional Air Quality Plan for Northland, Northland Regional Council, August 2005.
<b>OTAGO REGIONAL COUNCIL</b>				
Ground-based application	Permitted	No	<p>Rule 12.7.1.2 of the Regional Plan specifies that the land-based discharge of any pesticide, onto land is a permitted activity, providing:</p> <ul style="list-style-type: none"> <li>• the pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and</li> <li>• the discharge is carried out in accordance with any manufacturers' directions; and</li> <li>• the discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and</li> <li>• there is no direct discharge of the pesticide to water in any water body, drain, water race or the coastal marine area.</li> </ul>	Regional Plan: Water for Otago, Otago Regional Council, 1 January 2004.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Aerial application	Permitted	No	<p>Rule 12.7.1.4 of the Regional Plan provides for aerial discharge of a pesticide (excluding herbicides) onto land in circumstances where it, or any contaminant associated with its breakdown, may enter water, as a permitted activity, providing:</p> <ul style="list-style-type: none"> <li>the pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and</li> <li>the discharge is carried out in accordance with any manufacturers' directions, by a person who holds a Growsafe Pilots' Agrichemical Rating Certificate of Qualification; and</li> <li>the discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and</li> <li>all reasonable measures are taken to prevent any discharge of the pesticide within 20 metres of water in any water body, drain or water race, or of the coastal marine area.</li> </ul>	Regional Plan: Water for Otago, Otago Regional Council, 1 January 2004.
Aerial and ground based application	Discretionary	Yes	<p>Rule 12.7.2.1 of the Regional Plan specifies that "except as provided for by Rules 12.7.1.1 to 12.7.1.4, the discharge of any pesticide to water, land, or to air or land in circumstances where it may, or will, enter water, is a discretionary activity."</p> <p>Otago Regional Council advises the Agency that the Council has not received any resource consent applications from DoC for the discharge of pesticides since 1999 (before the regional plan became operative) and therefore could not provide recent examples of consent conditions, however, the Council advises that it would be strongly recommended, where ever possible, that the application of the poison be kept as far away from surface water bodies as possible.</p>	<p>Regional Plan: Water for Otago, Otago Regional Council, 1 January 2004.</p> <p>Resource Officer (Otago Regional Council, 12 January 2007, in litt.).</p>
<b>SOUTHLAND REGIONAL COUNCIL</b>				
Ground-based application	Permitted	No	<p>Rule 6 of the Proposed Regional Fresh Water Plan provides for land based application of agrichemicals as a permitted activity. The conditions that must be complied with for this permitted activity are as follows:</p> <ul style="list-style-type: none"> <li>the pesticide is approved for use under the Hazardous Substances and New Organisms Act 1996.</li> <li>the discharger shall avoid any pesticide entering surface water.</li> <li>the discharger shall at all times adopt the best practicable option to prevent or minimise any adverse effects beyond the boundary of the target property or other non-target areas within the boundary of the property.</li> <li>the discharge shall be for the purpose of eradicating, modifying or controlling vegetation.</li> <li>the owner and/or occupier of any adjacent land within 2kms of the discharge shall be notified at least 24 hours but not more than 30 days before commencing the discharge.</li> </ul>	Proposed Regional Fresh Water Plan, Environment Southland, 2000
Aerial	Controlled	Yes	At present Rule 7 of the Proposed Regional Fresh Water Plan provides for aerial application of	Proposed Regional



Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Application			<p>agr chemicals as a Permitted Activity. However, one of the conditions that must be complied with for the activity to be permitted is that the substance may not enter surface water. For aerial application of 1080 baits in situations where they may enter surface water, Rule 8 (discharge of pesticides as a discretionary activity) of the Regional Plan is applicable and resource consent is required.</p> <p>The Regional Council are currently working on a proposed variation to the Regional Fresh Water Plan. Under this variation, it is proposed that Rule 7 is varied to provide for the aerial discharge of 1080 into or onto land where it may enter water as a controlled activity. Under the proposal the Regional Council will restrict the exercise of its control to the following matters:</p> <ul style="list-style-type: none"> <li>• the concentration and application rate per hectare</li> <li>• the form (pellet etc)</li> <li>• the proximity of the discharge to surface water bodies, coastal marine areas and sites of cultural significance</li> <li>• appropriate buffer zones</li> <li>• signage requirements</li> <li>• information and monitoring requirements</li> <li>• the duration of the activity</li> </ul> <p>An application for resource consent under this rule will not need to be notified and will not need to be served on persons who may be adversely affected by the activity unless the applicant requests notification or the council considers special circumstances exist that warrant notification of the application.</p> <p>Environment Southland advises that the rules and policies in Variation No. 4 of the Proposed Regional Fresh Water Plan are still subject to submissions and may change. The Council also advises that ground based application of 1080 baits does not require resource consent in Southland provided that the baits are placed such that they will not fall into water.</p> <p>Environment Southland have provided the Agency with examples of recent resource consents for aerial 1080 applications. The Council advises, however, there are no 'typical' consent conditions for two specific reasons:</p> <p>The application specifics – applications are often for aerial application of 1080 to sites that are of recreation or conversational value. Additionally application areas may be adjacent to production areas or dwellings. The factors result in site specific conditions being required.</p>	<p>Fresh Water Plan, Environment Southland, 2000.</p> <p>Report on Variation No.4 (Water Quality and Silent Files) Proposed Regional Fresh Water Plan for Southland, Environment Southland 2005.</p> <p>Consents Officer (Environment Southland, 12 January 2007, in litt.).</p>

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			The decision pathway – submissions received on notified applications may affect the conditions imposed. Additionally, the councils own Biodiversity Division often is involved in work on behalf of AHB and consequently applications are considered by commissioners. It is not always possible for the council to use the same commissioner and each commissioner has an individual method for drafting conditions.	
<b>TARANAKI REGIONAL COUNCIL</b>				
Ground-based application	Permitted	No	<p>Vertebrate toxic agents are included in the definition of an agrichemical in the Regional Fresh Water Plan for Taranaki.</p> <p>Ground based application of 1080 baits is a permitted activity under Rule 33 of the plan provided the following conditions are adhered to:</p> <ul style="list-style-type: none"> <li>the agrichemical is approved for use under the HSNO Act.</li> <li>the discharger shall avoid the contaminant entering surface water.</li> <li>discharger shall at all times adopt the best practicable option to prevent or minimise any adverse effects beyond the boundary of the target property or other non-target areas within the boundary of the property;</li> <li>the discharger shall notify the regional council as soon as practical in the event of accidental or unintended discharge to surface water.</li> </ul>	Regional Fresh Water Plan for Taranaki, Taranaki Regional Council, October 2001.
Aerial application	Permitted	No	<p>Vertebrate toxic agents are included in the definition of an agrichemical in the Regional Fresh Water Plan for Taranaki.</p> <p>Aerial application of 1080 baits is a permitted activity under Rule 34 of the plan provided that the following conditions are adhered to:</p> <ul style="list-style-type: none"> <li>the agrichemical is approved for use under the HSNO Act.</li> <li>discharger shall at all times adopt the best practicable option to prevent or minimise any adverse effects beyond the boundary of the target property or other non-target areas within the boundary of the property;</li> <li>discharge shall be undertaken in accordance with manufacturer's instructions and any relevant regulations;</li> <li>a method for positional navigation shall be used;</li> <li>discharger shall notify the Taranaki Regional Council as soon as practicable in the event of accidental or unintended discharge of agrichemicals to surface water.</li> </ul>	Regional Fresh Water Plan for Taranaki, Taranaki Regional Council, October 2001.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>TASMAN DISTRICT COUNCIL</b>				
Ground-based application	Permitted	No	<p>The term 'pesticide' is defined in the Tasman Resource Management Plan such that it includes vertebrate toxic agents. The Agency considers that Rule 36.6.2 of this plan addresses the ground based application of 1080 baits. This type of application is a permitted activity that may be undertaken without resource consent if it complies with the following conditions:</p> <p>Label Directions</p> <ul style="list-style-type: none"> <li>• the pesticide is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare), or contravene any other requirement specified on the product label.</li> </ul> <p>Location of the Discharge</p> <ul style="list-style-type: none"> <li>• the pesticide is not discharged onto any land open for lawful public access, including any road, public park or reserve, except: <ul style="list-style-type: none"> <li>(i) where an owner or occupier of any property adjoining the land discharges or causes the discharge to be undertaken by hand-held method onto any of the land at any point adjacent to the boundary with the property; and</li> <li>(ii) for the hand placement of pesticides for vertebrate pest control.</li> </ul> </li> <li>• the pesticide is not: <ul style="list-style-type: none"> <li>(i) discharged onto the bed of any river or lake, or into the coastal marine area; or</li> <li>(ii) discharged onto or into a water body or coastal water; or</li> <li>(iii) applied in such a way as to form run-off or drift into a water body or coastal water; unless the product label specifically states that the application can be made directly into or onto fresh water or coastal water.</li> </ul> </li> <li>• the pesticide is not discharged onto an urban or community water supply catchment area, or any roof, or other water collection structure.</li> </ul>	Tasman Resource Management Plan, Chapter 36 Rules for contaminant discharge. Tasman District Council May 2003.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>User Training</p> <ul style="list-style-type: none"> <li>• any contractor who discharges or who causes the discharge of any pesticide from 1 January 2000, either: <ul style="list-style-type: none"> <li>(i) is a registered chemical applicator; or</li> <li>(ii) holds a current Growsafe Agrichemical Rating; or</li> <li>(iii) holds a similar qualification; or</li> <li>(iv) is under the direct supervision of a person holding any of those qualifications.</li> </ul> </li> </ul> <p>Written Records</p> <ul style="list-style-type: none"> <li>• where the discharge of pesticide is by other than hand-held or wick boom equipment, the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying: <ul style="list-style-type: none"> <li>(i) target pest(s);</li> <li>(ii) type of pesticide used;</li> <li>(iii) volume and concentration discharged;</li> <li>(iv) location of the discharge and area of land over which the pesticide is sprayed;</li> <li>(v) method of discharge;</li> <li>(vi) date and time of discharge;</li> <li>(vii) weather conditions during spray operation;</li> <li>(viii) any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary; and such records must be kept for a minimum of 12 months and supplied to the Council on request.</li> </ul> </li> </ul> <p>Note: Records kept as compliance with Growsafe standards will be accepted as means of compliance with this condition" (Tasman Resource Management Plan, 2003).</p>	

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Aerial Application	Controlled	Yes	<p>Rule 36.1.13 of the Tasman Resource Management Plan specifically deals with aerial application of 1080 baits and specifies that this is a controlled activity provided a navigational guidance system is used to ensure the discharge is within defined areas and to reduce risks of application to surface water.</p> <p>A resource consent is required and may include conditions on the following matters over which the Council has reserved control:</p> <ul style="list-style-type: none"> <li>(i) Approval from landowners on whose land the activity is to take place.</li> <li>(ii) Environmental monitoring before and after the application of compound 1080.</li> <li>(iii) Notification requirements for the public, interest groups and for neighbouring landowners.</li> <li>(iv) Contingency planning.</li> <li>(v) Amounts and concentration of 1080 to be used.</li> <li>(vi) Type of baits to be used and need for screening to avoid chaff.</li> <li>(vii) Areas over which 1080 is to be applied.</li> <li>(viii) Methods and times of application.</li> <li>(ix) Review of conditions.</li> <li>(x) Expiry date of the consent.</li> </ul>	Tasman Resource Management Plan, Chapter 36 Rules for contaminant discharge. Tasman District Council December 2005.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>ENVIRONMENT WAIKATO</b>				
Ground and aerial application	Permitted Activity	No	<p>Rule 6.2.4.9 of the Waikato Regional plan provides for widespread application of agrichemicals into air, onto water and into or onto land as a permitted activity. Conditions are specified for this permitted activity that cover:</p> <p>Discharge of the agrichemical in accordance with the manufacturer's instructions.</p> <p>Discharge of the agrichemical in such a way that no significant adverse effect of off-target drift shall occur beyond the boundary of the property being sprayed.</p> <p>Application of the agrichemical to vegetation on the banks and bed of water bodies in such a way as to avoid contamination of domestic or commercial water supplies, death of fauna or detectable residues in fish. Notification of downstream water takes prior to discharge.</p> <p>Personal qualification requirements for persons undertaking the application, contractors and contractor employees undertaking an application and pilots undertaking aerial applications.</p> <p>Application of the agrichemical in accordance with the New Zealand Standard 8409:2004, Management of Agrichemicals.</p> <p>Requirements for the preparation of a spray plan.</p> <p>Requirements for records of agrichemical use to be maintained.</p> <p>Notification requirements (including notification of adjoining property owners, signage requirements, notification when the application is made to a public amenity area, place of public assembly or as part of a community based spray programme).</p> <p>Environment Waikato advises that at present the definition of an agrichemical in the Waikato Regional Plan excludes 1080 (and other vertebrate poisons). The Council advises that this exclusion was not intended and a memorandum is to be filed with the Environment Court during the week of 5 February 2007 seeking that this error be rectified. Following this amendment to the definition of an agrichemical in the Plan, the provisions of Rule 6.2.4.89 will apply to 1080.</p>	<p>Proposed Waikato Regional Plan, Appeals Version, Environment Waikato, November 2006.</p> <p>Project Manager – Waikato Regional Plan References, Policy and Strategy (Environment Waikato, 2 February 2007, in litt.).</p>

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Ground and aerial application	Controlled Activity	Yes	<p>Rule 6.2.4.10 provides for the application of agrichemicals where the conditions specified for the Permitted Activity (Rule 6.2.4.9) cannot be complied with. In these circumstances, the application is a controlled activity, for which conditions covering the following matters are specified:</p> <ul style="list-style-type: none"> <li>• discharge of the agrichemical in accordance with the manufacturer's instructions.</li> <li>• discharge of the agrichemical in such a way that no significant adverse effect of off-target drift shall occur beyond the boundary of the property being sprayed.</li> </ul> <p>Additionally, Environment Waikato reserves control over the following matters:</p> <ul style="list-style-type: none"> <li>(i) the preparation and distribution of a spray plan,</li> <li>(ii) the qualifications of the person discharging the agrichemicals,</li> <li>(iii) the provision of the New Zealand Standard 8409:2004, Management of Agrichemicals, shall be adhered to,</li> <li>(iv) requirements to keep and maintain records,</li> <li>(v) requirements for notification.</li> <li>(vi) signage requirements</li> <li>(vii) location or areas at which the activity will occur</li> <li>(viii) duration of the consent</li> <li>(ix) maintenance of water quality and aquatic habitat</li> <li>(x) timing of application to minimise adverse effects on indigenous fish and fish spawning and habitat.</li> </ul> <p>As noted for the permitted activity listed above, the current definition of an agrichemical in the Waikato Regional Plan does not include 1080. However, it is intended that this is rectified through the Environment Court and the provisions of rule 6.2.4.10 will then apply to 1080.</p>	<p>Proposed Waikato Regional Plan, Appeals Version, Environment Waikato, November 2006.</p> <p>Project Manager – Waikato Regional Plan References, Policy and Strategy (Environment Waikato, 2 February 2007, in litt.).</p>

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>GREATER WELLINGTON REGIONAL COUNCIL</b>				
Ground-based application	Permitted	No	<p>Rule 16 of the Regional Plan for Discharges to Land provides for the discharge to land of pesticides in prill, pellet, granule, paste, or prepared bait form as a permitted activity. The conditions on this permitted activity considered by the Agency to be relevant to 1080 are:</p> <ul style="list-style-type: none"> <li>• no pesticide shall enter water in any water body, either directly or indirectly;</li> <li>• the pesticide shall be applied in accordance with the manufacturer's instructions;</li> <li>• signs shall be placed at all normal lines of approach to the discharge site when the pesticide has been applied to public land and on all other land identifying the pesticide that has been applied, the date of application and the precautions, if any, that people using the site should take. Additionally, for pesticides for vertebrate pest control, such signs shall be in place for the duration of any residual effects of the pesticide; for all other pesticides, such signs shall be in place until the pesticide has been fully incorporated into the soil;</li> <li>• the Wellington Regional Council shall be notified as soon as possible in the case of any accidental discharge into a surface water body;</li> <li>• there shall be no discharge of any pesticide:</li> <li>• within 10m of any surface water body or the coastal marine area; or</li> <li>• in any dry drain, dry ditch, dry irrigation channel or similar area if the pesticide is identified (on the label or on the materials safety data sheet) as being "toxic to fish" or having aquatic acute toxicity (96hr LC 50fish) at concentrations of 10.0 mg/l or less.</li> </ul>	Regional Plan for Discharges to Land for the Wellington Region, Wellington Regional Council, December 1999.



Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
Aerial application	Controlled	Yes	<p>Rule 17 of the Regional Plan for Discharges to Land provides for the aerial application of 1080. This activity is a controlled activity for which the following standards and terms are prescribed:</p> <ul style="list-style-type: none"> <li>• there shall be no application of pesticides into open surface water bodies or onto any roof or other structures used as a catchment for water supply;</li> <li>• a navigational guidance system shall be used to ensure application is within the defined areas, and records of flight paths shall be made available for public viewing;</li> <li>• the authority responsible for the operation shall maintain a register of landowners/occupiers who object to the flight paths of aircraft involved in pest control operations passing over their properties. All practicable steps shall be taken to avoid the use of flight paths over such properties during an operation;</li> <li>• approval of all landowners where the activity is to take place shall be obtained, and alternative means of achieving an equivalent degree of control of the targeted pest shall be offered to landowners who do not wish the pesticide to be applied on their land;</li> <li>• all practicable steps shall be taken to ensure that there is no dust drift, as a result of the discharge, beyond the boundary of the target properties;</li> <li>• the Wellington Regional Council shall be notified as soon as possible in the case of any accidental discharge into a surface water body;</li> <li>• the operator shall ensure that the bucket distributing the bait is covered when flying to the extent necessary to minimise the risk of bait spilling from the top due to air currents.</li> <li>• there shall be no discharge of any pesticide:</li> <li>• within 10m of any surface water body or the coastal marine area; or</li> <li>• in any dry drain, dry ditch, dry irrigation channel or similar area if the pesticide is identified (on the label or on the materials safety data sheet) as being “toxic to fish” or having aquatic acute toxicity (96hr LC 50fish) at concentrations of 10.0 mg/l or less.</li> </ul> <p>The Wellington Regional Council will exercise control over:</p> <ul style="list-style-type: none"> <li>• the rate of pesticide application;</li> <li>• monitoring requirements;</li> <li>• the duration of the consent;</li> <li>• administrative charges.</li> </ul>	Regional Plan for Discharges to Land for the Wellington Region, Wellington Regional Council, December 1999.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
<b>WEST COAST REGIONAL COUNCIL</b>				
Ground-based application	Permitted	No	<p>Rule 11 of the Regional Plan for Discharges to Land provides for application of agrichemicals as a permitted activity (excluding the aerial application of vertebrate toxic agents). The permitted activity is subject to series of conditions which are specified in Rule 11. The Agency considers that the following conditions are relevant to the ground based application of bait, gel and paste 1080 formulations:</p> <ul style="list-style-type: none"> <li>• the mixing and application of the agrichemical is undertaken in accordance with the manufacturer's instructions, at concentrations not exceeding manufacturers label recommendations;</li> <li>• the application is undertaken in accordance with Part 5 of the "Agrichemical Users' Code of Practice" (New Zealand Standard 8409:1995, New Zealand Agrichemical Education Trust, 1995);</li> <li>• any agrichemical spray drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment;</li> <li>• the following effects do not arise in any surface water body, groundwater or coastal water: <ul style="list-style-type: none"> <li>(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</li> <li>(ii) any conspicuous change in the colour or visual clarity;</li> <li>(iii) any emission of objectionable odour;</li> <li>(iv) the rendering of fresh water unsuitable for consumption by farm animals;</li> <li>(v) any significant adverse effects on aquatic life.</li> </ul> </li> <li>• the discharger immediately notifies the Regional Council in the event of any accidental discharge of any agrichemical;</li> <li>• the following additional conditions apply to ground-based application on public amenity areas (not applicable where the application is made less than one kilometre length of public road):</li> </ul>	Regional Plan for Discharges to Land, The West Coast Regional Council, 2002.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<ul style="list-style-type: none"> <li>• public notice is given of the intention to apply agrichemicals prior to carrying out the application. Public notice is to take place not greater than 12 months and at least one week prior to application, and is to state:               <ul style="list-style-type: none"> <li>(i) the areas to be sprayed;</li> <li>(ii) the approximate dates and times of spraying;</li> <li>(iii) the agrichemical(s) to be used;</li> <li>(iv) where or how further information about the application of the agrichemical can be obtained;</li> <li>(v) A record of this public notice is to be kept and made available to the West Coast Regional Council on request.</li> </ul> </li> <li>• signage is used to clearly indicate agrichemical use.</li> </ul>	
Aerial application	Controlled	Yes	<p>Rule 15 of the Regional Plan for Discharges to Land specifies that aerial discharge onto land of 1080 is a controlled activity, and shall comply with the following standards and terms:</p> <ul style="list-style-type: none"> <li>• all residents and occupiers of school buildings within the application area or immediately adjoining the application area are notified at least 48 hours prior to the commencement of the aerial operation;</li> <li>• the discharger immediately notifies the Regional Council in the event of any accidental discharge;</li> <li>• a 100 metre buffer is maintained between the area of application and the boundary of the subject property and between the area of application and any house site;</li> <li>• notification of the aerial operation in the local paper occurs at least 14 days prior to the work commencing;</li> <li>• signs are posted notifying the public of the application of agrichemicals in public access areas including roads, walking tracks and access along creeks and rivers;</li> <li>• the applicator holds a current Growsafe® Agrichemical Pilots Rating Certificate issued by the New Zealand Agrichemical Education Trust, and a copy of that current Growsafe certificate is produced to an enforcement officer of the Council on request;</li> <li>• the application is undertaken in accordance with Part 5 of the “Agrichemical Users’ Code of Practice” (New Zealand Standard 8409:1995, New Zealand Agrichemical Education Trust, 1995).</li> <li>• any agrichemical spray drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment.</li> </ul>	Regional Plan for Discharges to Land, The West Coast Regional Council, 2002.

Application method	Permitted, controlled or discretionary activity	Resource consent required?	Comments	Reference
			<p>The Regional Council has reserved control over the following matters:</p> <ul style="list-style-type: none"><li>• the nature of the chemical to be applied;</li><li>• method, rate and concentration of application;</li><li>• buffer zones;</li><li>• form and content of notification;</li><li>• timing of operations in relation to weather conditions;</li><li>• location of signs;</li><li>• monitoring requirements;</li><li>• the duration of the resource consent;</li><li>• review conditions of the resource consent.</li></ul>	