



MANAGEMENT OF AGRICHEMICAL SPRAY DRIFT

Control of off-target spray drift is at present scattered through different pieces of legislation. There is a clearly identified need to consolidate and simplify provisions. This investigation by the Parliamentary Commissioner for the Environment has involved consultation with public authorities, growers, the chemical industry, spray contractors and similar organisations in Australia. Recommendations have been made to improve the present system for managing agrichemical sprays. This pamphlet provides a summary of the main recommendations from the investigation.

Office of the
PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT
Te Kaitiaki Taiao a Te Whare Pāremata

SUMMARY OF FINDINGS

Recommendations have been italicised, and their recipients noted in bold type.

Public Concerns

- Over the last seven years complaints to the Commissioner about agrichemical spray drift have included:
 - No clear requirement for a person applying agrichemical sprays to supply information to neighbours or the community;
 - No one clearly identified agency concerned individuals exposed to off-target spraying activity should contact;
 - Uncertainty about which agency should hold data bases of information on health and environmental effects associated with the use of agrichemicals;
 - Ineffective legislation to either manage off-target spray drift or readily compensate those affected by off-target spray drift;
 - Lack of effective sanctions to ensure compliance with existing regulations governing the application of agrichemical sprays;
 - Inadequately resourced enforcement agencies, such as MAF, to enforce the regulations;
 - Lack of recognition by health providers of potential agrichemical exposure symptoms in people.

Improvements to Legislation

- The present system of agrichemical spray drift control is primarily through the Pesticides Act 1979, the Health Act 1956, the Civil Aviation Act 1990 and the Resource Management Act 1991.
- Consolidation and simplification of the legislation is required. The proposed Hazardous Substances and New Organisms (HSNO) legislation should be the vehicle to give a clearer legislative framework to manage spray drift.
- **The Minister for the Environment** needs to ensure that the proposed Hazardous Substances and New Organisms (HSNO) legislation includes controls on the safe use of hazardous substances in agriculture by:
 - establishing a compulsory system of registration and training with a five year review for both ground and aerial commercial agrichemical spray operators;*
 - ensuring that aerial operators obtain their chemical rating through the proposed Environmental Risk Management Authority (ERMA);*
 - assuming responsibility to register agrichemicals;*
 - ensuring that provision is made for the promulgation of performance and maintenance standards for equipment;*
 - allowing for the recognition of industry developed codes of practice which include acceptable standards for agrichemical spraying operations;*

providing sanctions in legislation such as licence forfeiture if operators fail to conform with codes of practice when using agrichemicals;

ensuring sanctions can be linked to enforcement, offence and penalty provisions of the Resource Management Act 1991.

- **The Minister for the Environment and the Minister of Agriculture should, given the desirability of consistency and simplification of administration:**

review the necessity to separate the administration of hazardous agrichemicals (using the HSNO legislation) from that of agricultural compounds proposed under the Agricultural Compounds legislation;

review the roles and functions of the Pesticides Board, the Animal Remedies Board and the Agricultural Compounds Unit in light of proposals for ERMA.

- **Local government authorities have the principal responsibility to use preventive measures to mitigate the effects of off-target spray drift.**

Regional councils should:

be the lead agency to which the public applies for advice, investigates complaints and prosecutes, if necessary, under the Resource Management Act 1991;

identify areas of high risk where off-target spray drift may affect humans, crops, water supplies or other sensitive environments;

prepare air quality plans where the impacts of agrichemical use have potential for significant adverse health and/or environmental effects;

consider adopting the relevant parts of industry-developed codes of practice by way of rules in regional plans or through the resource consent regime;

consider restricting the use of plant growth regulator herbicides to periods of the year when specified 'at risk' crops are less vulnerable;

consider requiring alternative, less hazardous sprays to be used in sensitive or risky locations and creating zones in which specified agrichemicals shall not be used.

- **Territorial authorities should consider using the following measures as a condition of approval of rural-residential subdivisions in areas where intensive horticulture has been established and agrichemical sprays will be used:**

using buffer zones, establishing boundary shelter belts and providing information on adjacent land uses to prospective purchasers;

**Local
Government
Authorities**

ensuring district plans allow within rural-residential subdivisions for larger block sizes to be adjacent to any rural activity which may include agrichemical spraying;

promulgating district rules so that the building line in such rural areas should be sited an appropriate distance from a neighbouring boundary;

instituting a council staff reporting requirement in terms of section 23(b) of the Health Act 1956 on the potential for nuisance from the off-target drift of agrichemical sprays;

developing and regularly updating a geographical register of the activities in their district so that the potential effects of existing land uses (eg agrichemical applications) on new land uses and vice versa is available to the public.

Grower Organisations and Spray Contractors

- It has been suggested to the New Zealand Agrichemical Education Trust (NZAET) that when revising the NZ Agrichemical Users Code of Practice they should:

allow for regular updating;

include a requirement for a property protocol that identifies susceptible crops, animals and neighbours sensitive to the use of agrichemicals;

include procedures for notifying neighbours of agrichemical spray intentions;

require users to regularly upgrade their knowledge and skills.

- It has been suggested to the Aviation Industry Association that in revising their code of practice, in association with the NZAET, more emphasis be placed on the identification of the target areas and the application of agrichemical sprays onto the target crops.

Public Information

- Comprehensive information on the different agrichemicals, their characteristics and any environmental or health effects that may arise from use should be made available by the industry to the public, to health professionals and to responsible authorities.
- The Minister for the Environment should provide for integration of the proposed Environmental Risk Management Authority (ERMA) information data base and the National Poisons and Hazardous Chemicals Information Centre data base on environmental and health effects of chemicals including agrichemicals.
- The possible health effects from exposure to spray drift remain largely unknown. Recommendations have been made to public health administrators to give this issue further consideration.

The full report is available on request from:

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