



Hon David Parker
Minister for the Environment
Parliament Buildings
Private Bag 18041
Wellington 6160

22 May 2023

Dear David,

Issues with how air quality regulations deal with volatile organic compounds (VOCs) came to my attention when questions were raised about the Agrecovery site in Fairlie. This media article <https://www.stuff.co.nz/timaru-herald/news/129977658/chemical-container-collection-bins-moved-following-concerns> provides a good overview of the particular concerns.

The specific problem of the Agrecovery container in Fairlie has now been solved by Agrecovery moving the container to the nearby resource recovery park – although only after the passage of 10 months from the time the concern was raised.

The seemingly dilatory handling of the problem led me to ask some broader questions, namely:

1. Is the accreditation and oversight of used chemical containers, including by Agrecovery, appropriate?
2. Do New Zealand air quality regulations adequately cover emissions of VOCs?

To assist my enquiries, my team has talked to Environment Canterbury and Ministry for the Environment (MfE) staff.

The Agrecovery programme was accredited by MfE. My team was briefed on the conversations MfE had had with Agrecovery. According to officials, adequate steps have now been taken by Agrecovery to assess the extent of the problem elsewhere in New Zealand and to address any issues.

I am surprised that it took MfE so long to find and implement such a simple solution. Given that it had oversight of the programme, there was nothing to stop it acting without delay to address the Fairlie situation and head off future problems by changing its approvals to stipulate that the storage of containers should not be close to human habitation.

To a degree the issue has been overtaken by events. Since the problem came to my attention, agricultural waste has been made a priority product under the Waste Minimisation Act 2008. That gives the ministry new powers to ensure appropriate handling and treatment of used agricultural containers. What the Fairlie situation demonstrates is that the requirement to rinse containers was not sufficient to manage the odour nuisance.

*I recommend MfE consider both the health **and** nuisance impact of fumes from containers as part of its priority product regulation.*

In seeking to answer question two, the conversations with officials revealed a number of issues:

- New Zealand's current air quality regulations were set in 2004 and are now woefully out of date.¹ You will recall I wrote to you about this in December 2021.²

My recommendation to update the NES-AQ is yet to be actioned. This should be progressed as a matter of priority.

- Even if the NES was updated to meet current World Health Organization guidelines, those guidelines would be unlikely to adequately cover VOCs, particularly from a smell and nuisance perspective. Other countries are looking at ways to address this gap.

I recommend that New Zealand do the same and include appropriate measures in updates to the NES-AQ and the Ambient Air Quality Guidelines as appropriate.³

- Regardless of the exact regulatory requirements, regional councils face challenges in monitoring and compliance of air issues given the sporadic nature of many discharges to air. The issue is compounded in rural areas where it is difficult to respond to complaints in time to 'catch' the discharge before environmental conditions change. It is difficult practically to demonstrate adverse effects on either human health or the environment for these nuisance issues. Part of the problem is a combination of the cost of monitoring air quality, the availability of suitably trained staff and the requisite technical expertise. I accept that these challenges will not be easily solved.

I recommend that MfE and the Environmental Protection Authority work with regional councils to identify solutions to these challenges.

Overall, I am left with the impression that air quality issues are not given much priority.

The member of the public who tried to contact MfE to discuss the issue in Fairlie was unable to get a response, let alone arrange an opportunity to talk to someone. While my team *was* able to arrange an appropriate meeting to discuss the matter, we were surprised to discover that oversight for air quality rests with a single person for whom it is not even their sole responsibility. That person is, oddly, located in a resource management implementation team dedicated to land use and freshwater issues.

While resourcing is within the purview of the Secretary for the Environment, its level seems remarkably low for what is a major environmental domain under current legislation and the proposed Natural and Built Environment Bill. I suggest that you invite the new Secretary for the Environment to review the situation. As things stand, it appears that the ministry does not view air quality as an important environmental issue. I can assure you that is not a view shared by the public at large.

¹ Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ).

² <https://pce.parliament.nz/publications/letter-to-ministers-about-nes-for-air-quality>.

³ <https://environment.govt.nz/publications/ambient-air-quality-guidelines-2002-update>

While I appreciate that both you and the ministry are grappling with some very big challenges at the moment, I would urge you not to allow the development and implementation of improved air quality management to become a neglected backwater.

Yours sincerely,

A handwritten signature in black ink, consisting of a long, sweeping horizontal line that curves upwards at the end, followed by a vertical line that descends from the peak of the curve.

Simon Upton

**Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata**