



Proposal for EPA Notices for Hazardous Property Controls

Please submit your comments to hsnotices@epa.govt.nz on this form in Word document format or mail to Private Bag 63002, Wellington 6140.

Submission on	Proposal for EPA Notices for Hazardous Property Controls
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- I would like my submission (or specified parts of my submission) to be kept confidential, and attach my reasons for this consideration by the EPA.
- I would like my submission reported anonymously (i.e. without my name attached) by the EPA.

Proposals and submission form

The EPA is seeking your views as interested parties on the proposals presented in the consultation document *Proposal for an EPA Notice for Hazardous Property Controls*.

The consultation document presents a number of proposals and poses a series of questions to help you frame your comments. Your feedback is important as it will enable the EPA to make more informed decisions on the content of the proposed notices. Please take this opportunity to have your say.

Please use this form to submit your written comments and send it to hsnotices@epa.govt.nz (in Word document format) no later than 5.00 p.m. Monday, 21 November 2016.

The submission form brings together all of the proposals and questions asked throughout the consultation document in table format. Page references are provided to help you locate the relevant discussion as necessary.

When providing your comments, please provide your rationale and any information about the relative costs and benefits (financial or otherwise), and any other impacts of these proposals on businesses, workers or other stakeholders. This information will help us more fully understand the effects the notices would have if introduced as proposed.

Question #	Proposal / Question	Pg Ref
<i>Proposal 1 - Qualification requirements for users of highly ecotoxic agrichemicals in certain situations</i>		
Question 3	<p>Do you believe that the proposed list of required qualifications will provide users with the required knowledge and competency to protect the environment? Are there any other qualifications or requirements that are relevant that should be included as well? If yes, please provide details.</p>	20-28
<p><i>The following response is in support of the submission from Hawke's Bay District Health Board Population Health:</i></p> <p>With regard to the Proposed Notice Provisions, number 76 (page 22) potential wording for the proposed controls - "Qualifications needed for certain uses of ecotoxic agrichemicals...</p> <p>(3) However, a person other than a qualified person may apply the substance if a qualified person for the relevant application method:</p> <p>(a) is present at the place where the person is applying the substance; and"</p> <p>The wording of this HPC Notice has been adapted from the existing Regulation 9 (2) (a) of the HSNO (Classes 6, 8, and 9 Controls) Regulations for the issuing of Vertebrate Toxic Agent (VTA) Permits. Public Health Units issue VTA Permits and had previously noted that there was no definition of what constituted a qualified person being "...present at the place where the person is applying the substance". This was subsequently defined by the EPA as "within 'eye and ear shot' - at all times" ("Working Safely in Animal Pest Control –Working with Vertebrate Toxic Agents", EPA booklet, April 2014, page 8).</p> <p>Regional Public Health (RPH) recommends that this definition for Regulation 9(2) (a) is incorporated into this HPC Notice to avoid confusion and non-compliance and to provide clarity.</p>		
Question 6 (cont)	<p>Do you think urban pest management commercial contractors should be subject to qualification controls similar to agrichemical contractors? The EPA has identified that there is a national certificate for urban pest management. Do you think this is this relevant?</p>	20-28
<p><i>The following response is in support of the submission from Hawke's Bay District Health Board Population Health:</i></p> <p>RPH considers that Urban Pest Management commercial contractors should be subject to qualification controls similar to agrichemical contractors. These contractors are often applying pesticides in domestic houses, and some workplaces, where people spend considerable time. Some sections of the general population are more vulnerable to health effects, such as those under two years who are in more frequent contact with household surfaces, have a low body weight, and hand-to-mouth behaviour.</p> <p>The incorrect use of specific pesticides, application method, or application rate to domestic and workplace surfaces, could result in adverse health effects.</p>		

<i>Proposal 8 - Consolidation of controls to better off-target effects from hazardous substances</i>		
<i>Question 28</i>	Do you support the proposal for the consolidation of application parameter restrictions and spray drift management controls into the HPC Notice? Why/why not?	54-63
	<p><i>The following response is in support of the submission from Hawke's Bay District Health Board Population Health:</i></p> <p>RPH supports the Proposed Control 3 – Requirements for Buffer Zones. Spray drift occurring on those Identified Sensitive Areas defined in the Consultation Document could likely cause a public health risk.</p>	
<i>Proposal 11 - Restriction on supply and use of certain highly hazardous substances to non-workplaces</i>		
<i>Question 36</i>	Do you believe that it is appropriate for the supply of highly hazardous substances to be restricted to workplaces?	70-77
	RPH supports the proposal that it is appropriate for the supply of highly hazardous substances to be restricted to workplaces. However, we note a potential for gaps in the legislative framework when a highly hazardous substance is applied in a domestic home or other public place with the potential to persist and cause public exposure at a later date when this is no longer considered a workplace. There is a need for regulations to acknowledge such gaps and for Worksafe NZ and other regulatory agencies to work together to respond to such public health risks.	
<i>Question 37</i>	Do you agree with the proposed list of hazards classifications that the EPA intends to place this restriction on? Refer Table 3.	70-77
	<p><i>The following response is in support of the submission from Hawke's Bay District Health Board Population Health:</i></p> <p>RPH recommends that Class 6.6A known or presumed human mutagens, 6.8A known human reproductive toxicants, and 6.9A toxic to target organs or systems, are also added to Table 3, given the potential health risks of handling and use of these products.</p>	
<i>Question 40</i>	Do you agree with the requirement to place a duty on users to ensure that they do not use highly hazardous substances outside of the workplace?	70-77
	RPH agrees with this requirement as one method of decreasing the likelihood of public exposure to these substances.	
<i>Question 41</i>	Do you agree with the requirement that a supplier should keep a written record of transfers of the restricted substances?	70-77
	RPH agrees with this requirement as one method of decreasing the likelihood of public exposure to these substances.	
<i>Proposal 12 - Restriction on quantity of hazardous substances stored in non-workplace situations</i>		
<i>Question 43</i>	Do you agree with the proposal that the HPC Notice includes generic controls on the safe use and storage of hazardous substances?	78-83

	RPH agrees with the proposal that the HPC Notice includes generic controls on the safe use and storage of hazardous substances. In particular, storage controls are often overlooked and have the potential for unintentional exposures, for example, stored agrichemicals and dispersion via flooding, or fires that involve unidentified chemicals in storage.	
Question 45	Do you have any thoughts on what controls should be placed on the storage of hazardous substances in non-workplaces to ensure no harm occurs to people, communities and the environment?	78-83
	<p><i>The following response is in support of the submission from Hawke's Bay District Health Board Population Health:</i></p> <p>As per the answer to Question 37 it is recommended that Class 6.6A known or presumed human mutagens; 6.8A known human reproductive toxicants; and 6.9A toxic to target organ or systems, are also added to Table 3, page 72 of the EPA 2016 document "Proposal for EPA Notices for Hazardous Property Controls". If that occurs then substances with these classifications would be restricted to workplace use only. If they are not added to Table 3 then we recommend they should, at a minimum, be added to proposed Table 5 and maximum quantities allocated over which the Health and Safety at Work Hazardous Substances Regulations will need to be complied with.</p>	