

Tauranga Moana Fumigant Action Group

submission on:

Proposed Plan Change 13 (Air quality) to the Regional
Natural Resources Plan.

To: Chief Executive
Bay of Plenty Regional Council
PO Box 364
WHAKATANE 3158

By email: air@boprc.govt.nz

Submitter: Tauranga Moana Fumigant Action Group.

Address for service: c/o PO Box 5426
Mount Maunganui 3150
Attn: Kate Barry-Piceno
fumigantactiongroup@gmail.com

1. OVERVIEW OF TMFAG

1. Tauranga Moana Fumigant Action Group ('TMFAG') is a registered incorporated society, concerned with the environmentally harmful levels, and human health effects of commercial fumigants being used in the Bay of Plenty Region..
2. TMFAG mission is 'kia hiwa nga tuku' ('to be vigilant on all sides') and it aims to:
 - Seek to ensure the full recapture of fumigant gases that are used at the Port of Tauranga. For methyl bromide, the existing resource consent requires 100% of container fumigations 30 April 2018 and 100% of log and timber fumigations by 30 April 2019,
 - That the Environmental Protection Authority's 2020 100% recapture deadline is adhered to and enforced by the relevant regulatory authorities,
 - Educate and advocate for safe and legal regulated use of all fumigants for workers for the benefits of the community health and wellbeing and to protect both the local and global environment
 - Promote regulatory frameworks that will avoid significant adverse effects from continued use of methyl bromide or alternative fumigants.
 - Support regulatory changes to ensure urgency is given to promote and progress towards a more sustainable forestry and export sector,
 - Promote and support alternatives within the Industry, away from the use of fumigant gases (such as market negotiations, debarking etc) and/or the establishment of a purpose-built recapture facility, regardless of the fumigant type used.

2. SCOPE AND NATURE OF SUBMISSION

- 2.1 This submission relates to the specific provisions of Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan ('the Plan change') identified in the below table.
- 2.2 TMFAG generally support more stringent air quality controls as outlined in the proposed Plan. TMFAG oppose some of the plan change objectives, policies and rule in their current form, and seek further amendments in order to ensure those provisions will:
 - promote the sustainable management of resources and achieve the purpose of the RMA.
 - will meet the reasonable foreseeable needs of future generations; and
 - represent the most appropriate means of exercising the Councils functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

3. SUBMISSION

- 3.1 The following table the submission points, reason, and proposed relief sought.
- 3.2 TMFAG as a registered not for profit incorporated society with a specific interest in the use of fumigants in the Bay of Plenty such as at the Port of Tauranga, and it has an interest that is greater than that of public generally. TMFAG will not gain any advantage in trade competition through this submission.
- 3.3 TMFAG wishes to be heard in support of its submission.

Signed: Kate Barry-Piceno (for Tauranga Moana Fumigant Action Group)
Date: 12 April 2018

Submission Point	Section/Provision	Position	Reasons	Relief Sought
	Objectives			
1	<p>AQ O1 Protect Air from Adverse effects</p> <p>Protect the mauri of air and human health from adverse effects of anthropogenic contaminant discharges to air, and enhance air quality where degraded.</p>	Support	The Objective as proposed is an appropriate approach to achieving the purpose of the Act, in the context of the Region.	Retain the provision as proposed.
2	<p>AQ O2 Ambient air quality</p> <p>The region's ambient air quality meets the National Environmental Standards for Air Quality (2004) and the Ambient Air Quality Guidelines (2002).</p>	Support	The Objective as proposed is an appropriate approach to achieving the purpose of the Act, in the context of the Region.	Retain the provision as proposed.
3	<p>AQ O3 Local air quality</p> <p>Manage discharges of contaminants to air according to their adverse effects on human health, cultural values, amenity values and the environment.</p>	Support	The Objective as proposed is an appropriate approach to achieving the purpose of the Act, in the context of the Region.	Retain the provision as proposed.
	Policies			

4	<p>AQ P3 (a) Management of Discharges</p> <p>Activities that discharge contaminants to air must be managed, including by use of the best practicable option to:</p> <p>(a) safeguard the life supporting capacity of the air, avoid adverse effects on human health, and manage adverse effects on cultural values, amenity values, and the environment</p> <p>...</p> <p>(e) <u>minimise</u> the discharge of contaminants into areas beyond the boundary of the subject property where it may cause adverse effects on human health, cultural values, amenity values, or the environment</p>	Support	<p>The policy as proposed is appropriate in the context of the Region.</p>	<p>Retain the provision as proposed, specifically (a) and (e).</p>
5	<p>AQ P4 Matters to consider</p> <p>When considering the acceptability of any discharge of contaminants to air, regional plan users must have particular regard to the following matters:</p> <p>...</p> <p>(c) Adverse effects on air quality values identified in the relevant iwi and hapu resource management plans.</p> <p>(d) The effect of the prevailing weather conditions, including rainfall, wind speed and wind direction.</p> <p>(f) Cumulative effects</p>	Support	<p>The use of fumigants in the Region can be complicated by multiple parties operating in close vicinity. Cumulative effects of fumigant gases are particularly important component of any assessment, and should be forefront within the policy considerations.</p> <p>Iwi and hapu management plans have been carefully developed in various parts of the region, in particular the Tauranga Moana Iwi Management Plan 2016, and it is appropriate that these are given particular consideration.</p>	<p>Retain the provision as proposed.</p>

6	AQ P9 Fumigation for quarantine application or pre-shipment application	Oppose	<p>It is appropriate that the relevant EPA requirements relating to recapture are incorporated into this plan change to address fumigation at the Port of Tauranga.</p> <p>There are alternative methods to mass fumigation that should be actively investigated and encouraged through policy direction.</p> <p>The regional council have a regulatory function which includes enforcement of compliance, therefore the more appropriate wording can be adopted within the policy.</p> <p>TMFAG is concerned with the health of persons within and beyond the subject site. It is appropriate to also have particular regard in the policy direction.</p> <p>The RMA refers to the 'health and safety of people', and in our view this means regardless of location (onsite/offsite). The Port of Tauranga for example, has people who visit the Port, along with workers.</p>	<p>Amend as follows:</p> <ul style="list-style-type: none"> (a) enforcing best practicable option for the use of the fumigant, including via the use of re-capture technology of fumigant gases or safer alternative methods. (b) Ensuring enforcing compliance with relevant exposure levels and management regime set by the New Zealand Environmental Protection Authority to protect human health (c) Having particular regard to protecting the health of persons in sensitive activities, and both within and beyond the subject site from fumigant exposure. <p>Any similar or consequential amendments that result from the relief sought.</p>
	Rules			

7	AQ R20 Fumigation for quarantine application or pre-shipment application – Discretionary or Non-complying	Oppose	<p>TMGAG considers that the requirement for full recapture follows the direction set by EMRA (now EPA) when it considered the reassessment methyl bromide as a fumigant. The EPA set a deadline of 2020 for fumigant users to implement recapture methods or alternative processes or technology.</p> <p>The Taonga Moana (Iwi Management Plan 2016) requests a preference for the use of methyl bromide to be prohibited. Policy 12 notes the purpose of prohibited for the health of the environment, the community and staff involved in the fumigation process.</p> <p>Alternative fumigants that may be suitable for the purpose of pre-shipment or quarantine treatment, are likely to be of a similar or worse toxicity to methyl bromide. This is due to the fact that fumigants must eliminant pests within the subject export, in a short timeframe and on a commercial scale.</p> <p>As such, any new fumigant proposed should be treated with a precautionary approach and classified as a prohibited activity. It is appropriate that a plan change process is required to fully assess and manage the associated risks.</p>	<p>Amend as follows:</p> <ul style="list-style-type: none"> (a) Using fumigants other than methyl bromide is a discretionary activity (b) Using methyl bromide <u>fumigants</u> with recapture, is a discretionary activity. (c) Using methyl bromide <u>fumigants</u> without recapture, is a non-complying <u>prohibited</u> activity. <p>Any similar or consequential amendments that result from the relief sought.</p>
Definitions				

8	Definition – Recapture	Support with amendments	Methyl Bromide is only one type of fumigant that can be used for commercial biosecurity purposes. This plan should be future proofed by referring to 'fumigants' generically.	<p>Amend as follows:</p> <p>Recapture in relation to fumigation means a process that eliminates methyl bromide fumigant emissions from fumigation encloses such as buildings, shipping containers or gas proof sheets used to cover target product, by</p> <ul style="list-style-type: none"> (a) Capturing methyl bromide fumigant (not absorbed by the target product) on activated carbon other medium so that it is not released into the atmosphere when the fumigation enclosure is ventilated or any time after, or (b) Destroying the methyl bromide fumigant (not absorbed by the target product) before a fumigation enclosure is ventilated. <p>Any similar or consequential amendments that result from the relief sought.</p>
9	Definition – Sensitive Activity	Support	The definition as proposed is appropriate in the context of the Region.	Retain as proposed.
10	Definition – Pre-shipment application	Support	The definition as proposed is appropriate in the context of the Region.	Retain as proposed
11	Definition – Quarantine application	Support	The definition as proposed is appropriate in the context of the Region.	Retain as proposed.

