



DRAFT COUNCIL SUPPORTING POLICY

POLICY TITLE: USE OF TOXIC AGRICHEMICALS FOR VEGETATION MANAGEMENT

Lead Policy: Vegetation and Tree Management

Minute Ref:

Date of Adoption

1. POLICY OBJECTIVES

To protect both public health and the wider environment from undue harm while providing for effective vegetation management on Council-maintained land.

2. PRINCIPLES

Council recognises that some toxic agrichemicals have a significant adverse affect on some people within the community.

Council also recognises that some toxic agrichemicals may have a significant impact on the wider environment.

Council's preference is to use non-chemical methods of vegetation control whenever practical.

Council has responsibilities for the management of plant pests on Council-maintained property. Council also has responsibilities to allow fit-for-purpose use of land that it maintains.

To meet these responsibilities, Council accepts that some use of toxic agrichemicals for vegetation management will be necessary.

3. DEFINITIONS

Agrichemicals are any substance, whether inorganic or organic, man-made or naturally occurring, modified or in their original state, that are used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. For the purposes of this policy, this definition excludes any fertiliser.¹

Council means the Tauranga City Council.

Council-maintained land means land that is maintained by, or on behalf of, Council. It does not include land that is owned by Council but which has been leased to another organisation.

¹ Source: Bay of Plenty Regional Air Plan.

Strategy and Policy Committee means the Strategy and Policy Committee of the Tauranga City Council or another Committee of Council with similar terms of reference.

Toxic means capable of causing ill-health in, or injury to, human beings.²

Toxic Agrichemicals Advisory Forum is as established in section 5.4 of this policy.

4. BACKGROUND

The Health Act 1956 states that it is “...*the duty of every local authority to promote and conserve the public health within its district...*”.

The Health and Safety in Employment Act 1992, the Hazardous Substances and New Organisms Act 1996, the Regional Air Plan and the Regional Water and Land Plan all include requirements that relate to the safe use of toxic chemicals.

The Biosecurity Act 1996, the National Plant Pest Accord and the Regional Pest Management Strategy detail Council’s responsibilities regarding the management of plant pests.

5. POLICY STATEMENT

5.1 Scope

This policy applies to all Council-maintained land. It does not apply to land that is owned by Council but leased to another organisation.

Where a piece of land is maintained jointly with another local authority (for example, sub-regional parks), the policy approach to vegetation management and the use of toxic agrichemicals shall be that of the lead agency.

Those applying toxic agrichemicals on behalf of Council are bound by this policy.

5.2 Use of toxic agrichemicals

Council’s preference is to not use toxic agrichemicals for the purposes of vegetation management.

However, in order to carry out effective vegetation management Council recognises that the use of toxic agrichemicals will occur in some circumstances.

5.3 Determining acceptable toxic agrichemicals and circumstances of use

Toxic agrichemicals that Council has approved for use on Council-maintained land are listed in Schedule 1 to this policy.

Amendments to Schedule 1 will be made by resolution of the Strategy and Policy Committee following consideration of information from staff and from the Toxic Agrichemicals Advisory Forum.

In considering potential amendments to Schedule 1, the Strategy and Policy Committee may consider any or all of the following:

² Source: Hazardous Substances and New Organisms Act 1996

- The toxicity of the agrichemical and the potential for harm to public health (with preference given to lower toxicity agrichemicals)
- The potential effects on the wider environment both negative and positive (for example the removal of invasive weeds)
- The intended use of the chemical (for example, general vegetation management, as a precursor to restoration projects, specific removal of plant pests, etc)
- The intended location of that use (for example, close to playgrounds, on sportsfields, in hard-to-get-to gullies, etc)
- The way the chemical is to be used (for example, spraying, swabbing, drill-and-pour, etc)
- The effectiveness of the agrichemical, particularly as compared to alternative approaches
- The cost of the agrichemical, particularly as compared to alternative approaches.

The above considerations and any subsequent amendments to Schedule 1 may result in a toxic agrichemical being approved for use:

- On an individual job-by-job or project-by-project basis, and/or
- On a particular type of land, for example for use on sports fields, and/or
- For a particular intended use, for example for the removal of a specific plant pest, and/or
- For a combination of land-type and use, or
- For general use, or
- For general use with specific restrictions, for example a restriction on use near waterways, or
- With any other specifications or restrictions as determined by the Strategy and Policy Committee.

5.4 Toxic Agrichemicals Advisory Forum

The Toxic Agrichemicals Advisory Forum (the Forum) is a forum of interested and knowledgeable people who can assist the Strategy and Policy Committee in its determination of acceptable toxic agrichemicals and their circumstances of use.

Where appropriate the Forum will raise issues of concern or respond to issues raised by other parties (for example a proposal to add or delete a toxic agrichemical from Schedule 1).

The Forum is not a formally-constituted committee of Council and there will be no Councillor membership on the Forum.

[Details regarding the establishment and operation of the Forum are included in Schedule 2]

5.5 Operational procedures

5.5.1 Standards

All applications of toxic agrichemicals on Council-maintained land by or on behalf of Council will comply with New Zealand Standard 8409 : 2004 Management of Agrichemicals (or subsequent updates).

5.5.2 Spray-free register

Council will maintain a spray-free register of individuals or organisations who wish not to have toxic agrichemicals used by or on behalf of Council close to their property.

With regards to the application of toxic agrichemicals to a property's street frontage, registration of that property on the spray-free register means that toxic agrichemicals will not be used by or on behalf of Council on that street frontage.

With regards to the application of toxic agrichemicals on other Council-maintained land adjacent to, or in the vicinity of, a particular property, registration of that property on the spray-free register means that registered individuals or organisations will be specifically informed in advance of the application of any toxic agrichemicals taking place if requested

Individuals and organisations who are included on the register will be informed by email of all proposed spraying in the city.

5.5.3 Notification of the application of agrichemicals

Council will comply with the specific notification requirements included in the operative Regional Air Plan.

Compliance with these requirements will occur through public notices in the Bay of Plenty Times.

Additional notification may also occur in free newspapers, on Council's website, and in Council's own publications.

5.5.4 Signage

Council will comply with the specific signage requirements included in the operative Regional Air Plan.

In addition to those requirements, Council will ensure that signs stating that toxic agrichemicals have been applied will remain in place for 48 hours after the time of application.

Such signs will be erected at all reasonably-identifiable entrances to the location³ where the toxic agrichemicals have been applied.

5.6 Monitoring and reporting

Council will collect, collate, monitor and report information on the use of toxic agrichemicals on Council-maintained land. This information will be made publicly available in appropriate formats.

³ For small reserves, the "location" will be the entire reserve. However, for large reserves such as Kopurererua Valley or Carmichael Reserve, "location" is the part of the reserve where agrichemicals have been applied.

6. RELEVANT DELEGATIONS

The Chief Executive has delegated authority and the authority to sub-delegate in respect to all other provisions within this policy.

7. REFERENCES AND RELEVANT LEGISLATION

Biosecurity Act 1993

Hazardous Substances and New Organisms Act 1996

Health and Safety in Employment Act 1992

Health Act 1956

Local Government Act 2002

National Plant Pest Accord

NZS 8409:2004 Management of Agrichemicals

Regional Air Plan – Environment Bay of Plenty

Regional Pest Management Strategy – Environment Bay of Plenty

Regional Water and Land Plan – Environment Bay of Plenty

Growing Tauranga Green - Vegetation Strategy – Tauranga City Council

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Schedule 1

List of toxic agrichemicals approved for use

Effective date: *per adoption of final policy*

Product name ⁴	Active Ingredient(s) ⁵	Notes (in accordance with Section 5.3 of the policy)
AGPRO BIO-Safe	Fatty acids	For control of weeds in the road corridor
Activated Amitrole	Amitrole Ammonium thiocyanate Sulphamic acid	For bamboo control
Biobit	Bacillus thuringiensis ⁶	For control of fungus on annuals
Codacide oil	Emulsifiable vegetable oils Polyethoxylated esters	Used in conjunction with other toxic agrichemicals to reduce spray drift
Confidor	Imidacloprid	For control of fungus on annuals
Copper hydroxide	Copper	For control of fungus
Eco-Oil	Canola oil	For control of black spot and viruses on roses
Escort	Metsulfuron-methyl ester	For use on wild ginger and gorse
Gallant	Haloxfop Diethylene glycole	For use on pest grass species such as kikuyu and African feather grass
Grazon	Triclopyr	For use on climbing plant pests including, but not restricted to, blackberry, honeysuckle, convolvulus
Kerb-Flo	Propyzamide Ethylene glycol	For control of weeds in couch grass turf
Pasture-Kleen	2,4-D ethylhexyl ester	For control of thistles and broadleaf weeds in large pastures
Pulse Penetrant	Organo-silicone modified polydimethylsiloxane	Used in conjunction with other toxic agrichemicals to enhance penetration
RoundUp	Glyphosate	For general maintenance use
Saprol	Triforine ⁷	For control of rust on roses

⁴ For ease of comprehension, agrichemicals are listed by their most popular trade names. Similar products with different trade names but the same active ingredients may be used if operational circumstances require it.

⁵ Source: New Zealand Agrichemical Field Handbook 2007 (published by Agri Media Ltd) unless otherwise stated.

⁶ Source: www.greenbook.net (product label)

⁷ Source: www.ermanz.govt.nz

Schedule 1

Product name ⁴	Active Ingredient(s) ⁵	Notes (in accordance with Section 5.3 of the policy)
Super Shield	Myclobutanil Tau-fluvalinate ⁷	For use in controlling black spot, aphids and other insect pests
Suscon Green	Chlorpyrifos	For control of beetles in turf
Tordon Brush Killer	Picloram Triclopyr Diethylene glycole	For gorse and honeysuckle control, and for stump-swabbing of hard-to-kill plant pests such as morning glory
Tordon Gold	Picloram Triclopyr	For use on turf to kill Onehunga weed
Velpar Granules	Hexazinone	For use in controlling pampas in estuarine areas
Versatil	Clopyralid	For use on turf to kill Onehunga weed and other broad-leaved weeds
Vigilant	Picloram	For stump-swabbing of hard-to-kill plant pests

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Schedule 2

Toxic Agrichemicals Advisory Forum

Establishment

The Toxic Agrichemicals Advisory Forum (the Forum) will be established in a manner that is consistent with the process set down in Council's policy on the *Appointment of Directors to Council Organisations*⁸. For purposes of clarity, it should be noted that the Forum is not a council organisation.

Selected aspects of that policy which are relevant to the establishment of the Forum include:

- Principles
 - Appointment of (Forum members) should be based on merit.
 - (Forum members) should possess the appropriate levels of skills. Knowledge and/or experience to guide the (Forum) and contribute to the achievement of its objectives.
 - (Forum members) should be appointed:
 - On the basis of the contribution they can make to the organisation, and not on the basis of representation;
 - Through a formal, objective and transparent process.
- Appointment Panel
 - An appointment panel will be established. The panel will be:
 - Comprised of no more than one third Council elected member representation; and
 - Comprised of at least two thirds of people who are not elected members who bring particular knowledge or skills that can add value to the process, selected jointly by the Chief Executive and Mayor; and
 - Chaired by the Mayor, or a person nominated by the Mayor.
- Advertisement for Forum members
 - Council will seek expressions of interest in the positions by way of public advertisement.
- Responsibilities of Appointment Panel
 - The appointment panel will be responsible for:
 - Approving the list of skills, knowledge and/or experience and any other attributes required; and
 - Approving the criteria against which applications will be assessed; and
 - Interviewing the short-listed candidates and evaluating them against the approved criteria; and
 - Reporting on its assessment of each candidate against its criteria and recommending appointments of (Forum members) to Council.

⁸ Available at www.tauranga.govt.nz

Schedule 2

- Appointment
 - Council will make the final decision on Forum membership.
- Remuneration
 - Council has decided that Forum members will not be remunerated.

The above approach has previously been used for the establishment of the Elders' Forum and of the Museum Steering Group.

Objective of the Forum

The objective of the Forum is:

- To assist Council (as required) in its determination of acceptable toxic agrichemicals and the conditions (if any) of their use.

In doing this, the Forum may be expected to:

- Raise issues for Council's consideration regarding toxic agrichemicals whether or not those toxic agrichemicals are currently on the acceptable list and/or
- Respond to issues raised by others regarding toxic agrichemicals whether or not those toxic agrichemicals are currently on the acceptable list.

Operation of the Forum

Council will provide basic administrative support to the Forum, including the use of meeting rooms as required.

Other than the above, Council will have no involvement in the operation of the Forum.