

Guide to agrichemical use in Resource Management Plans

Auckland Region

As at January 2023

STATUS

The Auckland Unitary Plan is Operative in Part. All parts relating to agrichemicals are Operative meaning that the current version cannot be changed except through a publicly notified Plan Change.

NZS8409:2004

Rule E34.6.1.2 of the Unitary Plan lists specific sections of NZS8409 which must be complied with. Additionally, NZS8409 is used as the basis of defining required training and qualifications.

UNITARY PLAN RULES¹

E34.6.1.1. General standards for all permitted activities that discharge agrichemicals into the air, onto or into land and/or into water

- (1) *The following standards apply to all permitted activities that discharge agrichemicals to air and land and including circumstances when it may enter water or water.*
- (2) *The discharge must not result in:*
 - (a) *any concentration of agrichemical beyond the boundary of the site or into water that is likely to cause, significant adverse effects on human health, ecosystems or property; or*
 - (b) *any offensive or objectionable odour, dust, vapour, droplets, visible emissions or particulate beyond the boundary of the site.*
- (3) *All necessary steps are taken to avoid, remedy, or mitigate any possible adverse effects beyond the boundary of the site.*
- (4) *The discharge is not directly into water, including the coastal marine area or a freshwater body, unless the chemical is approved by the Environmental Protection Authority for use over or into water bodies.*
- (5) *The discharge is not directly onto or into water used for a potable water supply including roofs used for water collection.*
- (6) *There is no aerial spraying in urban areas.*
- (7) *The agrichemical is used according to controls imposed by the Environmental Protection Authority.*
- (8) *The application rate is in accordance with the product label, manufacturer's recommendations, safety data sheets or a maximum application rate approved by the Environmental Protection Authority.*
- (9) *Applicators must keep all GPS records of aerial applications of agrichemicals for at least three years and provide these to the Council on request. The records must include the spray swaths and secondary flight paths.*

¹ Text in italics is extract from relevant Plan and includes key information from plan but is not the full contents of the plan. Highlights and text colour added.

E34.6.1.2. The discharge from *non-domestic applications* of agrichemicals onto or into land

- (1) **Industry best practice must be used**, including:
 - (a) the application of agrichemicals for non-domestic uses must **comply with all of the following sections of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004)**:
 - (i) Safe Storage of Agrichemicals (Users) in Appendix L4;
 - (ii) Safe Use of Agrichemical Compounds and Plant Protection Products in Section 5.3;
 - (iii) Disposal of Agrichemicals and Containers (Normative) in Appendix S; and
 - (iv) Agrichemical Application Records Sheet in Appendix C9; and
 - (b) **following all instructions on the agrichemical label**; and
 - (c) being **suitably qualified** and/or have a quality management systems that has regular external audits.

- (2) A **spray plan must be prepared annually** for the area where the agrichemical will be applied. All of the following must be identified:
 - (a) the sensitive areas that may be affected;
 - (b) any persons likely to be directly affected; and
 - (c) the affected persons to be advised and provided with the spray plan at least seven working days prior to the first application date. If spraying is in amenity areas or public places, as defined in New Zealand Standard -Management of Agrichemicals (NZS 8409:2004), then advising adjoining neighbours is not required.

- (3) Any person applying agrichemicals by a **handheld application** (a nonmotorised sprayer carried on foot) must:
 - (aa) hold a minimum qualification required in Appendix 18 Qualifications;
 - (a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications; and
 - (b) have received instruction on the New Zealand Standard – Management of Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications.

- (4) Any person applying agrichemicals who uses a **motorised application** method and is not an agrichemical contractor must:
 - (a) hold a qualification that meets the minimum qualification requirements in Appendix 18 Qualifications; or
 - (b) be under the direct supervision of someone who holds a higher qualification meeting the requirements in Appendix 18 Qualifications.

- (5) Any person undertaking ground based agrichemical application who is contracted to apply those agrichemicals must:
 - (a) hold a qualification that meets the requirements for **commercial contractors** in Appendix 18 Qualifications; or
 - (b) hold a qualification that meets the minimum qualification requirements in Appendix 18 Qualifications and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications.

- (6) Any person undertaking **airial** agrichemical application must:
 - (a) ensure that the pilot holds a Pilot's Chemical Rating issued under Civil Aviation Rule Part 61; and
 - (b) ensure that the aircraft company/organisation has a quality management system that has regular external audits.

- (7) All mixing of agrichemicals must meet the requirements of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004, section 5.3.2 Handling and mixing agrichemicals). **There must be no spillage into or onto soil or water.**
- (8) **Records must be kept** in accordance with the requirements of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004, Appendix C9 Agrichemical Application Record Sheet) and must be made available to Council on request.
- (9) In addition to the requirements for all applications, where the discharge will occur adjacent to **sensitive areas** identified in the spray plan then Standards [E34].6.1.2(10) to [E34].6.1.2(16) must also be undertaken. Sensitive areas include all of the following:
- (a) dwellings;
 - (b) education facilities;
 - (c) marae and papakāinga;
 - (d) hospitals and aged-care facilities;
 - (e) amenity areas and public places;
 - (f) sources of potable water including roof water collection;
 - (g) non-target crops, flora and fauna (such as bees) sensitive to agrichemicals and vertebrate toxic agents;
 - (h) certified organic farms and farms applying for certification; and
 - (i) freshwater systems, the coastal marine area and significant ecological areas as identified in the Significant Ecological Areas Overlay.
- (10) The landowner is responsible for notifying the application of agrichemicals where the application is adjacent to **sensitive areas** as outlined in Standard [E34].6.1.2(9)(a) - (i) that are not public places, to any landowner or occupier of the sensitive area who has requested to be advised.
- (11) Any **landowner or occupier of the sensitive area who has requested to be advised** must be advised either by:
- (a) written, telephone or email notification of intent to spray at least 24 hours prior to the proposed application date, unless there is an alternative agreed timeframe between the parties; or
 - (b) where practical, publicly notify, by a method such as the local newspaper or letter drop, at least seven working days prior to, but no more than one month before, the application date.
- (12) Where the application is in or adjacent to **sensitive areas** as outlined in Standard [E34].6.1.2(9)(a) - (i) that are **amenity or public places** as defined in New Zealand Standard - Management of Agrichemicals (NZS 8409:2004) then the notification of all persons likely to be affected by the application of agrichemicals must be undertaken as follows:
- (a) placing a **public notice** in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the application date;
 - (b) placing **signs in the immediate vicinity** of the spraying during the spray period and any required stand-down period afterwards, or where spraying is occurring on or alongside roads, any vehicle associated with the spraying must display a sign on the front and rear of the vehicle advising that spraying is occurring; and
 - (c) the landowner is responsible for notifying all persons likely to be affected by the application of agrichemicals; the landowner may contract out the responsibility for notification to the applicator.

- (13) A risk assessment prior to the application of agrichemical must be carried out to ensure adequate measures, including reference to Table G1 the Drift hazard guidance chart in the New Zealand Standard – Management of Agrichemicals (NZS 8409:2004), are in place to avoid adverse effects on **sensitive areas** as outlined in Standard [E34].6.1.2(9)(a) - (i).
- (14) Agrichemicals must only be applied when the wind direction is away from the **sensitive area** as outlined in Standard [E34].6.1.2(9)(a) - (i).
- (15) The application equipment must produce a **spray quality no smaller than “coarse”** according to Appendix Q Application Equipment in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004). [Note: applies only to **sensitive areas**.]
- (16) The person applying the agrichemicals must **demonstrate necessary steps are taken to avoid off-target spray drift** with reference to Appendix G Spray Draft Hazard and Weather Conditions (Informative) of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), and record each steps. Steps may include any of the following: [Note: applies only to **sensitive areas**.]
- (a) adding a spray-drift reduction adjuvant to the spray;
 - (b) reducing the spray release height;
 - (c) increasing the droplet size (spray quality); or
 - (d) using spray-modelling software.

E34.6.1.5. The discharge from the application of agrichemicals directly into or onto water

- (1) The substances, including any adjuvants, must be approved by the Environmental Protection Authority for discharge directly into or onto water and the discharge must comply with all the requirements made by the Environmental Protection Authority including the requirements covering the person in charge, training, signage, storage, emergency management.
- (2) The person undertaking the discharge direct to water must **notify**:
- (a) every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and
 - (b) every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least one week before commencing discharge.
- (3) Discharge of agrichemicals directly into or onto water must be undertaken by persons who:
- (a) hold a **qualification** that meets the requirements for commercial contractors in Appendix 18 Qualifications; or
 - (b) hold a minimum qualification meeting the requirements in Appendix 18 Qualifications and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications.
- (4) For the discharge of agrichemicals directly into or onto water by **airial** application:
- (a) the pilot must hold a Pilot's Chemical Rating Certificate issued under Civil Aviation Rule Part 61 Pilot Licences and Ratings; and
 - (b) the application company/organisation must have a quality management system that has regular external audits.
- (5) Where the discharge is occurring in a **public place, signs** must be placed within the immediate vicinity of the discharge prior to commencing and maintained until the discharge has ceased.

- (6) All users must **keep records** consistent with Agrichemical Application Records Sheet in Appendix C9 of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004) as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly into or onto water has been carried out in accordance with these provisions. Such records must be provided to the Council when requested.

APPENDIX 18 QUALIFICATIONS

Appendix 18 Qualifications required for the application of agrichemicals

18.1. Minimum qualification requirements for the application of agrichemicals

- (1) The minimum qualification requirements for the application of agrichemicals are as follows:
- (a) the training program and provider of such training should be regularly reviewed and appraised by an external party to ensure ongoing quality and relevance of training; and
 - (b) the minimum training program should include knowing and being able to describe all of the following:
 - (i) the hazard classifications of agrichemicals to be used;
 - (ii) the adverse effects that could be caused by the agrichemicals to be used;
 - (iii) his or her obligations and liabilities under Acts of Parliament relative to the agrichemicals to be used and their use;
 - (iv) which regulations apply in respect of those agrichemicals, and where those regulations can be obtained (including the relevant chapters of the Auckland Unitary Plan);
 - (v) the content of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004);
 - (vi) the precautions required to prevent injury to a person or damage to the environment (including property); and
 - (vii) the procedures to adopt in an emergency involving the agrichemicals to be used.
 - (c) the minimum training program should also include knowing and being able to demonstrate all of the following:
 - (i) a working knowledge of the operating equipment (including protective equipment and clothing) necessary to manage the agrichemicals being used.

18.2. Higher qualification requirements for the application of agrichemicals

- (1) The higher qualification requirements for the application of agrichemicals are as follows:
- (a) the training programme includes the minimum qualification requirements as outlined in 18.1 above and all of the following:
 - (i) first aid, health and safety, and emergency response;
 - (ii) Hazardous Substances and New Organisms Emergency Management and Preparedness procedures;
 - (iii) risk management;
 - (iv) planning agrichemical applications;
 - (v) environmental effects, including spray drift minimisation;
 - (vi) equipment calibration;
 - (vii) product label interpretation; and
 - (viii) protective equipment selection and use; and
 - (b) the training program should include knowing and being able to demonstrate all of the following:
 - (i) knowledge of agrichemicals, mode of action and use of additives and adjuvants;
 - (ii) knowledge of spray plans;
 - (iii) preparation and implementation of a health and safety plan for a workplace using agrichemicals; and
 - (iv) calibration of one type of motorised equipment.

- (c) the attainment of the following qualifications:
 - (i) New Zealand Qualifications Authority NZQA unit standards (15189, 21558, 21560, 21565); and/ or
 - (ii) an approved handler's certificate.
- (d) the renewal of this qualification must include both theory and practical assessments.

18.3. Commercial contractor training requirements for the application of agrichemicals

(1) The commercial contractor training requirements for the application of agrichemicals are as follows:

- (a) the training programme includes the minimum qualification as outlined in 18.1 above and the higher qualification requirements as outlined in 18.2 above and all of the following:
 - (i) preparing, implementing and monitoring spray plans;
 - (ii) supervision of staff and providing direction;
 - (iii) management of agrichemical applications;
 - (iv) managing the safety of people and livestock;
 - (v) nozzle selection and drift reduction;
 - (vi) notification requirements including signage;
 - (vii) transport, storage and disposal of agrichemicals; and
 - (viii) selection, calibration and operation of application equipment for specific operations.
- (b) attainment of all of the following:
 - (i) NZQA certificate in agrichemical application;
 - (ii) an approved handler's certificate; and
 - (iii) a minimum of 200 hours of practical application experience.
- (c) the renewal of this qualification must include all of the following:
 - (i) both theory and practical assessments;
 - (ii) be subject to an on-site audit by an independent third party auditor;
 - (iii) confirm that a review of the commercial contractor operations has been undertaken; and
 - (iv) confirm that the commercial contractor has undertaken continuing professional development.

DEFINITIONS

See plans for full set of definitions.

Agrichemicals: Any substance, whether inorganic or organic, artificial or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. For the purposes of this definition, it includes agricultural compounds, but excludes fertilisers, vertebrate pest control products and oral nutrition compounds.

Disclaimer:

This Guide is intended to assist users and applicators to understand the requirements relating to agrichemical use in the relevant regional plans in your Region. Every effort has been made to ensure the accuracy of this information but the responsibility for ensuring that the requirements of councils are met rests with the applicator and user of agrichemicals.