

## Guide to agrichemical use in Resource Management Plans

### Southland Region

April 2019

#### STATUS

The Southland Regional Air Plan 2016 was formally adopted by Council on 5 October 2016 and is Operative meaning that the current version cannot be changed except through a publicly notified Plan Change.

The Regional Water Plan for Southland was made Operative on 18 January 2010. **Note that it is currently under review and will eventually become the Southland Water and Land Plan.**

#### NZS8409:2004

Rule 6.2(a) of the Air Plan requires compliance with the mandatory sections of NZS8409 ie the “shall” statements.

The Regional Water Plan (both current and proposed) contains an extract from New Zealand Standard 8409: 2004 (Management of Agrichemicals) providing guidance on minimising spray drift.

#### AIR PLAN RULES<sup>1</sup>

##### **Rule 5.7 Burning of agricultural wrap and agrichemical plastic containers**

*The discharge of contaminants into air arising from burning agricultural wrap and agrichemical plastic containers is a prohibited activity*

##### **Rule 6.1 Agrichemicals using **hand-held application** methods**

*The discharge of contaminants to air from the application of agrichemicals using hand-held application methods is a permitted activity provided the following conditions are met:*

- (a) the substance is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of that approval; and*
- (b) the discharge must be undertaken in such a way that **agrchemicals do not get sprayed or drift onto any adjoining property.***

##### Explanation

*This rule allows the small scale application of agrichemicals to be carried out by people provided they can operate in such a way as to ensure it does not get sprayed or drift onto any adjoining property. The scale of application is limited for laypeople because of their lack of expertise in the application of agrichemicals. Limiting the scale minimises the potential for adverse effects from the activity.*

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<sup>1</sup> Text in italics is extract from relevant Plan. Highlights and text colour added.

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**Rule 6.2 Agrichemicals using other than hand-held application methods**

*The discharge of contaminants to air from the application of agrichemicals using other than hand-held application methods is a permitted activity provided all of the following conditions are met:*

- (a) the discharge of agrichemicals to air must comply with the mandatory requirements of NZS8409:2004, as they relate to the discharge of agrichemicals to air;*
- (b) the substance is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of that approval;*
- (c) the discharge does not result in adverse effects beyond the boundary of the property being sprayed;*
- (d) where agrichemicals are applied:*
  - (i) every person, other than an agrichemical contractor, applying agrichemicals shall be:*
    - under training for, or hold, a current GROWSAFE® Introductory Certificate, or an equivalent national qualification, or*
    - be under direct supervision of a person holding a GROWSAFE® Applied Certificate or GROWSAFE® Registered Chemical Applicators Certificate, or an equivalent national qualification; and*
  - (ii) every agrichemical contractor applying agrichemicals shall hold a GROWSAFE® Registered Chemical Applicators Certificate, or an equivalent national qualification;*
- (e) any contractor using aerial application must ensure that:*
  - (i) the pilot holds a current Pilot's Agrichemical Rating approved by the Civil Aviation Authority; and*
  - (ii) the aircraft company/organisation must have AIRCARE™ or an equivalent national accreditation;*
- (f) the property owner or occupier who authorises the discharge shall ensure that:*
  - (i) all adjoining landowners or occupiers who are within 500 metres of the perimeter of the application site shall be notified at least 24 hours but not more than 30 days prior to the application.*
- (g) for application in sensitive areas that are amenity areas or public places as defined in New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004):*
  - (i) place 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; and*

- (ii) place **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.

#### Explanation

This rule requires compliance with the mandatory requirements of NZS 8409:2004 as well as the conditions specified in the rules. The mandatory requirements of NZS 8409:2004 are those that include the word “shall”.

The approach of this rule is to control all aspects that might result in adverse effects occurring. NZS 8409:2004 contains informative guidance material which will greatly reduce the risk of any environmental or health and safety incidents when using agrichemicals including measures relating to spray drift. Operators are required to have a good knowledge of NZS 8409:2004.

Additional measures are included for the control of drift from aerial application of agrichemicals. These include pilot agrichemical qualifications, suitability of aircraft for agrichemical application and additional notification criteria for neighbouring properties. These additional measures are required because aerial application poses a greater risk of drift if not carried out appropriately.

Discharges from the application of agrichemicals are not specifically managed in the Coastal Marine Area, although the Regional Coastal Plan for Southland does specify that minor discharges are permitted. Any discharges from industrial and trade premises in the Coastal Marine Area are a discretionary activity. The discharge of spray drift to waterways is dealt with under the Regional Water Plan for Southland and is not referred to in this plan.

## LAND AND WATER PLAN RULES

### **Rule 4 – Discharge of agrichemicals onto or into surface water**

The discharge of agrichemicals and any associated wetting, antifoaming and anti-drifting agents and marker dyes, into surface water, is a permitted activity provided the following conditions are met:

- (a) the discharge is for the purpose of eradicating, modifying or controlling excessive growth of aquatic plants, and does not exceed the quantity, concentration or rate necessary, as recommended by the manufacturer;
- (b) the agrichemical is approved for aquatic use within New Zealand under the Hazardous Substances and New Organisms Act 1996;
- (c) all practicable measures are taken to minimise spray drift beyond the target area;
- (d) the discharge does not give rise to any or all of the following effects in the receiving water:
  - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) any conspicuous change in visual clarity;
  - (iii) the rendering of fresh water unsuitable for consumption by farm animals;
  - (iv) any significant adverse effects on aquatic life, other than the target species.
- (e) there is no adverse effect on any water takes permitted by the Resource Management Act, this Plan or under a resource consent;

- (f) *there are no recorded historic heritage sites in the surface water body or artificial watercourse, at the point of discharge or within 1 km downstream of the discharge point; [proposed new plan deletes this clause]*
- (g) *any person who is likely to be directly affected by the discharge must be notified prior to the discharge occurring; [proposed new plan deletes this clause]*
- (h) *the discharge does not take place into water within Natural State Waters, or into the Protected Waters of the Water Conservation (Mataura River) Order. [This clause has been amended in proposed new plan.]*

#### **Rule 5 – Discharge of agrichemicals to land where they may enter water**

*The discharge of agrichemicals and any associated wetting, antifoaming and anti-drifting agents and marker dyes onto or into land where they may enter water is a permitted activity provided the following conditions are met:*

- (a) *the agrichemical is approved for use within New Zealand under the Hazardous Substances and New Organisms Act 1996, does not persist in the environment and does not bioaccumulate within organisms; [this clause has been amended in proposed new plan]*
- (b) *all practicable measures are taken to minimise spray drift beyond the target area;*
- (c) *any person who is likely to be directly affected by the discharge must be notified prior to the discharge occurring; [this clause has been deleted in proposed new plan]*
- (d) *the discharge shall not result in any destruction of natural aquatic life by reason of a concentration of toxic substances within Natural State Waters, or the Protected Waters<sup>7</sup> of the Water Conservation (Mataura River) Order. [This clause has been amended in proposed new plan.]*

#### **DEFINITIONS**

See plans for full set of definitions.

##### *Agrichemical*

*Any substance, whether inorganic or organic, man-made 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 Plan it includes agricultural compounds and animal remedies, but excludes fertilisers, vertebrate toxic agents and oral nutrition compounds.*

##### *Agrichemical contractor*

*Means a person who holds a GROWSAFE® Registered Chemical Applicators Certificate, or an equivalent nationally-recognised qualification.*

##### *Hand-held application methods*

*In relation to agrichemical use means using a total agrichemical spray unit carried and operated on foot by the applicator on a site involving less than 800 grams of agrichemical when applied in solid form, or less than 25 litres of agrichemical mixture applied in liquid form, over any 24-hour period. When the total agrichemical spray unit is motorised, the application technique shall result in the spray only being applied directly to the target species.*

##### *Sensitive areas Include:*

- (a) *dwelling houses;*
- (b) *educational facilities;*
- (c) *amenity areas and public places;*
- (d) *domestic and community water supplies;*

- (e) water bodies and associated riparian vegetation;*
- (f) non-target plants and/or crops which are sensitive to agrichemicals;*
- (g) organically certified properties e.g. Bio-Gro;*
- (h) wetlands, indigenous flora and fauna habitat areas and reserves;*
- (i) places of assembly*

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.