

13 October 2017

Helen Black

Via: [fyi-request-6561-2924a830@requests.fyi.org.nz](mailto:fyi-request-6561-2924a830@requests.fyi.org.nz)

Dear Mrs Black

### Official Information Act Request

I refer to your request for information received on 18 September 2017 regarding brodifacoum, specifically the product Pestoff Rodent Bait 20R. Your request has been treated as a request for information under the Official Information Act 1982.

We understand that you have also sent the same request to the Ministry for Primary Industries (MPI). MPI will be responding to your questions 1(b), 1(c) and 3 in your original request, and the EPA will be responding to the remaining questions. We do not have any further information to add to MPI's response.

Your questions and our responses are below

- 1a. *Brodifacoum products sold world-wide states that it is hazardous to aquatic life on their labels/Code of Practices. This is omitted from this New Zealand cautionary warning label and Code of Practice. Why is that? Please provide relevant documentation that explains the decision to allow Pestoff 20R being placed into New Zealand waterways/riverbeds and why this is omitted from the NZ label.*

Pestoff Rodent Bait 20R is a product that was originally approved under the Pesticides Act 1979 and transferred into the Hazardous Substances and New Organisms Act 1996 (HSNO) in 2004 via a legislative instrument known as a Transfer Notice. The Transfer Notice sets out all of the controls on certain approvals which were brought into the new HSNO regime, and Pestoff is one of those. The Transfer Notice and the Controls for Pestoff Rodent Bait 20R are available on the EPA website using the links below.

Transfer notice: <http://www.epa.govt.nz/Publications/Transfer-Notice-141-2004.pdf>.

Controls: <http://www.epa.govt.nz/search-databases/Pages/controls-details.aspx?SubstanceID=9824&AppID=3281>.

The label for Pestoff Rodent Bait 20R includes its hazard classification '9.1D', meaning that the substance is slightly harmful to the aquatic environment. As Pestoff is a vertebrate toxic agent, the Transfer Notice and controls focussed the labelling requirements on the harm to vertebrates.

The controls require measures to protect the environment to be included on the label. There are instructions on the label designed to prevent spillage of the product from entering streams and waterways. The controls specify that an aircraft carrying out an application must not, when flying to or from the area where the substance is applied, fly over a public drinking water supply, or a waterway that is less than 100 metres upstream of a point of extraction from a water source for a drinking water supply.

2. *"Do not breathe dust" is stated on the NZ brodifacoum cautionary label. What distance does EPA think is sufficient during an aerial application to ensure public safety? For example 5-100 meters from a housing area? Please provide documentation that clarifies/justifies this warning statement. And who would be the reinforcement agency for any immediate breaches?*

The HSNO controls on the Pestoff product require that steps to prevent harm to human health are included on the label. The warning on the label regarding inhalation of dust, along with the other warnings on the label to prevent harm to human safety, are included by the manufacturer as a result of this control.

The warnings on the label regarding dust inhalation are designed primarily for users of the substances who work within close proximity to dust through handling open bags and containers in confined spaces and around aircraft. There are controls in place to ensure that members of the public do not come into contact with such areas. Loading and storage areas for an aerial application must be decontaminated or fenced to prevent people inadvertently entering the area, and signs must be placed at the perimeters of the fences. The relevant enforcement agency for the enforcement of hazardous substances legislation in places of work is WorkSafe NZ. The Territorial Authority is responsible for enforcement in other premises such as public places.

If you have any queries please do not hesitate to contact Frances Charlett-Green on [frances.charlett-green@epa.govt.nz](mailto:frances.charlett-green@epa.govt.nz) or 04 474 5533.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Fiona Thomson-Carter', with a horizontal line underneath.

Dr Fiona Thomson-Carter  
General Manager  
Hazardous Substances and New Organisms  
**Environmental Protection Authority**