

27 AUG 2018

File Ref: 18/00508

T Smith

fyi-request-8429-bd25a0c3@requests.fyi.org.nz

Dear T Smith

Thank you for your request of 3 August 2018 requesting:

Under the OIA, I request a copy of the Annual sodium fluoroacetate (1080) notifications for the last 2 years.

This information is provided in the form of a summary table as agreed in your email of 15 August 2018, and should be read in the context of the following explanation about the legal framework surrounding the use of 1080 in New Zealand.

1080 is legally allowed to be used in New Zealand under controlled circumstances. WorkSafe undertakes its obligations in that context and until the current approvals are revoked or changed, will continue to do so. WorkSafe is not the agency responsible for making decisions about whether the product should or should not be used in New Zealand – that is the responsibility of the EPA.

The requirements for managing the supply, manufacture, storage and use of 1080 are governed by the **Hazardous Substances and New Organisms Act 1996 (HSNO Act)** and the **Health and Safety at Work (Hazardous Substances) Regulations 2017**. HSNO covers the approval of 1080 for use in New Zealand; non-work, public health and environmental risks; and specific requirements on importers and manufacturers of hazardous substances.

In the case of 1080, enforcement under the HSNO Act is divided between several enforcement agencies:

- **The Environmental Protection Agency (EPA)** is the primary agency, and approves the use of 1080 in New Zealand, and oversees enforcement by the other agencies.
- The EPA has delegated the function of granting, varying and revoking permissions for the use of 1080 to **Medical Officers of Health and Health Protection Officers**.
- **Ministry of Primary Industry (MPI)** is responsible for enforcing the Agricultural Compounds and Veterinary Medicines Act 1997.
- **Department of Conservation (DoC)** is responsible for issuing permissions to use 1080 on DoC-administered land.

Pest Control Operators are directly responsible for managing the risks of 1080, including reporting any incidents involving 1080 to the appropriate enforcement agency.

WorkSafe cannot respond to concerns raised by the public about 1080 drops that are outside of its jurisdiction. If the concern raised does not directly relate the signage requirements for the use of 1080; the requirements for aircraft carrying out aerial application of 1080, or the requirements for restricted access to the vicinity in which 1080 is applied then WorkSafe must refer the concern on to the appropriate agency as specified in the relevant legislation.

Many of the notifications listed in the attachment fell outside of WorkSafe's jurisdiction. Some could not be investigated due to evidential insufficiency and the other notifications were referred on to the appropriate agency to investigate.

If you require any further information please contact oa@worksafe.govt.nz.

Yours sincerely

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal line that ends in a small arrowhead pointing to the right.

Mike Hargreaves
General Manager – Better Regulation and Legal

**Table 1. Notifications identified as involving sodium fluoroacetate (1080)
(3 August 2016 to 3 August 2018)**

Date	Notification Type	Summary	Location
12 Sep 2016	Notification of Concern about Unsafe Conditions	Concern about possible non-compliance with permissions and consents and chemical safety data sheets while blanket spreading of 1080 in New Zealand. Investigation found that the legal requirements for the 1080 drop had been met.	Hawkes Bay
21 Sep 2016	Notification of Concern about Unsafe Conditions	Safety concern about 1080 drop. Promised evidence not supplied.	Southland
3 Oct 2016	Notification of Concern about Unsafe Conditions	Member of public report of concern that truck driver may be exposed to 1080 pellets. Insufficient information provided to identify the PCBU involved.	Southland
12 Dec 2016	Notification of Concern about Unsafe Conditions	Member of public complaint about 1080 drop while in area. Not WorkSafe jurisdiction, complainant referred to the appropriate jurisdiction.	West Coast
18 Feb 2017	Notification of Concern about Unsafe Conditions	Concern about unsafe practices involving 1080. Insufficient evidence provided.	Otago
16 May 2017	Notification of Concern about Unsafe Conditions	Concern about unsafe practices involving 1080. Insufficient evidence provided.	Otago
6 Jun 2017	Notification of Concern about Unsafe Conditions	Member of public concerned about 1080 drop regarding impact on water supply. Not WorkSafe jurisdiction, complainant referred to the appropriate jurisdiction.	Canterbury
8 Aug 2017	Notification of Concern about Unsafe Conditions	Member of public concerned about 1080 dust exposure and lack of protective equipment. PCBU advised of concern.	West Coast
21 Sep 2017	Notification of Concern about Unsafe Conditions	Concern about lack of notification about 1080 drop to hunting permit holders. Not WorkSafe jurisdiction, complainant referred to the appropriate jurisdiction.	Bay of Plenty
5 Oct 2017	Notification of Concern about Unsafe Conditions	Member of public concerned about not being kept informed about 1080 drops. Not WorkSafe jurisdiction, complainant referred to the appropriate jurisdiction.	Hawkes Bay
24 Oct 2017	Notification of Concern about Unsafe Conditions	Member of public concerned about storage and loading of 1080 in residential/commercial area. PCBU provided evidence of compliance with appropriate requirements.	Waikato
10 Nov 2017	Notification of Concern about Unsafe Conditions	Member of public concerned about Department of Conservation storage and loading of 1080 in residential/commercial area. Concern passed to Department of Conservation.	Waikato
15 Jan 2018	Notification of Concern about Unsafe Conditions	Member of public complaint about misleading advice provided prior to 1080 drop. Complainant referred to District Health Board and local medical officer of health.	West Coast
6 Mar 2018	Notification of Concern about Unsafe Conditions	Member of public concerned about storage of toxic chemicals including 1080 close to residential area, and the failure to advise firefighters and the District Health Board of this when attending a fire at the depot. PCBU advised of concerns.	Manawatu-Whanganui
24 May 2018	Notification of Concern about Unsafe Conditions	Member of public concerned about public health risk created by 1080 being left in sites around NZ. PCBU advised of concerns and complainant referred to Ministry of Health.	West Coast
31 Jul 2018	Notification of Concern about Unsafe Conditions	Member of public concerned about the risks of 1080 use, and request to have permissions to use 1080 revoked. Referred for workplace assessment (ongoing).	West Coast

Source: WorkSafe New Zealand Case Management System.

Updated: 31/07/2018

Note:

1. The above table contains all notifications identified by a text search for the terms "sodium fluoroacetate" or "1080" received by WorkSafe New Zealand between 3 August 2016 and 3 August 2018.
2. PCBU means a person conducting a business or undertaking. A PCBU has responsibilities under the Health and Safety at Work Act 2015 to look after the health and safety of its workers.