

ENQ-35670-F0C6L8

Date: 24th May 2019.

Sue Grey

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Dear Ms Grey

This responds to your email, received by the Environmental Protection Authority (EPA) on 26 February 2019. In your email, you ask about our response (30 January 2019) to Kathy White's Official Information Act request concerning a 1080 operation by Waikato Regional Council at Piopio.

Your request, which contains a number of queries, has been considered under the Official Information Act 1982 (the OIA). Your queries, and my responses, are provided below.

- A Please can you advise what action the EPA has taken to follow up the obvious contradictions in this report and to obtain copies of the toxicology test results and any other relevant information?**

I understand that this part of your request refers to the report by Waikato Regional Council entitled *Post-operational report of aerial 1080 operation* at Piopio. The 'contradictions' refer to the report's statement that there were no incidents from this operation, and the note (later in the report) that sheep had access to the treatment area and were later buried.

The EPA is currently investigating the Piopio operation.

- B Please could you also advise what if any records the EPA keeps of 1080 and other VTA deaths from farmed and/or wild stock and also dogs, to help assess the scale of these unintended deaths, and the cost/compensation paid for this harm and steps taken to prevent any future recurrence.**

The EPA receives post-operational reports of all 1080 aerial operations. These reports (which are available on the EPA website at <https://www.epa.govt.nz/resources-and-publications/1080-aerial-operators-reports/>) need to include details of any incidents, including the deaths of non-target animals. The 1080 Annual Report for each year, which summarises all incidents from the aerial application of 1080, is available on the EPA website at: <https://www.epa.govt.nz/resources-and-publications/monitoring-and-reporting/?tag=322>.

The EPA also keeps a database of any incidents reported to it that involve hazardous substances. This record includes incidents involving vertebrate toxic agent (VTA) operations that have led to the deaths of non-target animals.

I am refusing your request for the 'cost/compensation paid for this harm' under section 18(e) of the OIA (the document alleged to contain the information does not exist), as the EPA does not hold the records you are requesting. Compensation issues relating to aerial 1080 operations are not reported to the EPA. To find out more about compensation, please contact the Department of Conservation (DoC) or the operator in the first instance.

You have also asked what has been done to prevent any future recurrence. It is the responsibility of the operator to comply with all relevant controls, and implement safeguards, to ensure that a 1080 operation is carried out in a manner that does not result in the death of non-target organisms.

C Does the EPA have any records of sub-lethal harm to farmed or wild animals to help assess other costs of VTA use in New Zealand, including for animal welfare and also the economic risk to our food chain if for example traces of 1080 are found in domestic or export meat.

As noted in our response to Question B, the EPA maintains post-operational reports of aerial 1080 operations (which must include information on incidents), and also maintains a database of incidents involving hazardous substances (including 1080) that are reported to the EPA. Occurrences of sub-lethal harm to non-target animals could be reported through either of these means.

We recommend that you contact the Ministry for Primary Industries (MPI) for information about animal welfare and economic risks to the food chain.

D Please could you provide copies of any such records, analysis and/or follow up by or on behalf of the EPA and any recommendations made by the EPA to any Minister or other third party to help avoid further harm from 1080 and other VTAs.

Incidents resulting in harm or death to non-target animals that have occurred as a result of aerial 1080 operations are included within reports (post-operational reports and annual reports relating to 1080) that are available on our website. I am therefore refusing this part of your request under section 18(d) of the OIA, as the information is publicly available.

We have conducted a search of the EPA's HSNO incident database to identify any incidents involving ground-based 1080 operations where harm, or death, to non-target animals was reported. As noted above, this database only records incidents that have been reported to the EPA by a third party (operator or member of public).

Eight incidents involving harm or death to non-target animals following ground-based 1080 operations have been reported to the EPA over the last nine years. A summary of each of these incidents is provided in Appendix 1. Note that the information contained in the summary was provided by the third party reporting the incident to the EPA. Also note that the table in Appendix 1 does not include any incidents

related to aerial 1080 operations - these are included in the post-operational reports available on our website.

As the EPA has not made any recommendations to any Minister or third party to help avoid further harm from 1080 and other VTAs, I am refusing your request for these records, analysis or follow-up under section 18(e) of the OIA (the document alleged to contain the information does not exist). WorkSafe New Zealand is the relevant agency to release guidance regarding this.

E Please also advise what if any consideration has been given to requiring any incidents to be reported to the EPA in a much faster timeframe to provide a better opportunity for real time analysis and corrective action to help identify any health and safety, food safety or environmental health risks and to help avoid future harm

For all 1080 operations, any misapplication, loss or spillage of the substance is required to be reported within 24 hours to the EPA; the agency which granted the permission (where relevant); the officer in charge of the nearest police station; the nearest Medical Officer of Health; each owner or occupier of land on which the substance may have been misapplied, lost or spilt; the person on whose behalf the substance was applied; the Regional Council in the area where the substance was being applied; and the Authority.

For aerial 1080 operations, a post-operational report that includes a report of any incidents must be provided to the EPA within 6 months of the operation.

If significant new information relating to the effects becomes available the EPA may choose to reassess the pesticide.

F Please could you advise if the above information about the death of stock at Piopio and other information held by the EPA about stock deaths or sub-lethal poisoning from 1080 will be made available to the EPA team investigating the deaths of the 8 cows and the three stillborn calves at Mapara as a result of DoC's 2018 Mapara 1080 Poison Operation, so they are able to identify any patterns of avoidable harm, poor communication, lack of informed consent and/or risk to human, food, ecosystems and/or other aspects of environmental health from 1080 poison.

EPA considers all reported possible non-compliance incidents involving 1080.

- G Finally, I have read claims in various public websites that 1080 poison use is "well managed in New Zealand". Do you agree that these claims are misleading, bearing in mind that these deadly poison baits are aerially discharged - often over public land and intentionally into waterways, that up to 1/3 of occasions are reported to have been misapplied and/or caused oral, dust or other harm to people, stock, wildlife and the foodchain? I note that even with self-reporting by poisoners, the EPA reports show up to 1/3 of the operations in some years result in poison baits being misapplied and/or causing unintended harm**

All pesticides used in New Zealand, including vertebrate poisons such as 1080, must first be approved by the EPA. When considering whether to approve a pesticide, the EPA uses the latest scientific data and analyses research, and considers decisions made by overseas regulatory bodies. If the EPA approves a pesticide, it places a number of controls over its use to ensure that any risks to the public and the environment are minimised. Aerial application of 1080 is subject to a number of controls, including the requirement to obtain a permission if the substance is being used in a catchment area from which water is drawn for human consumption.

If significant new information relating to the effects becomes available the EPA may choose to reassess the pesticide. As noted above, the EPA reassessed 1080 and its formulations in 2007, when the controls were strengthened to further reduce any risks to people and the environment.

In May 2017, in a report to Parliament evaluating the use of 1080, the then Parliamentary Commissioner for the Environment, Dr Jan Wright, argued that the aerial application of 1080 "remains essential for the foreseeable future." The report is available on-line at

<https://www.pce.parliament.nz/media/1294/evaluating-the-use-of-1080.pdf>.

Regarding your comment that up to a third of operations involve incidents, the data show that over the last 11 years, on average around 17% of operations have reported incidents which range in type and severity. Incidents are investigated either by the operator, or by the Department of Conservation (DoC) if the operation is on DoC land, or by the appropriate enforcement agency.

- H Please can you provide any analysis by the EPA of these incidents and the risks, suspected and/or established harm from 1080 poison use in New Zealand and any actions being taken and /or proposed by the EPA to help avoid or manage this harm, and/or to help educate the public of New Zealand on the true extent of risks associated with the aerial use of 1080 poison in New Zealand.**

The 1080 Annual Report, published by the EPA, provides a summary of incidents that occurred as a result of non-compliance over the 12 month reporting period. The Annual Report includes a summary of the investigation into each incident.

Since 2007 the EPA has not carried out a detailed analysis of the incidents, risks, or harms from 1080 use in New Zealand. I am therefore refusing this part of your request under section 18(e) of the OIA (the document alleged to contain the information does not exist).

In 2007, the EPA undertook a reassessment of 1080. This evaluated the use of 1080 in relation to public health, the environment, and the economy, and considered which controls could be strengthened to mitigate any risks identified. All information that the EPA used to make the decision on 1080 can be found in the decision document which is available at the following link:

<https://www.epa.govt.nz/assets/FileAPI/hsno-ar/HRE05002/HRE05002-065.doc>

During this reassessment, a number of new controls were added to prevent harm and further reduce risks to both people and the environment. The overall conclusion of the reassessment was that, with the complete suite of controls in place, the benefits of using 1080 outweighed the risks.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz. If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely



Dr Allan L Freeth
Chief Executive
Environmental Protection Authority

Appendix 1.

Date Occurred	Incident Name	Geographical Location	Incident Summary
15/06/2018	1080 - possible poisoning of weka	DOC hut at Cave Stream in the Paparoa Ranges	Possible poisoning of weka by 1080 (carcass has been removed). Two pellets were found in the exclusion zone within 40m of a hut. Following an investigation, the ground control co-ordinator is satisfied that the operator was not responsible for laying the bait within 40m from the hut and had not breached any permit conditions.
1/12/2015	1080 dog death	Pawarenga Road, Northland	After the recent laying of 1080 in the area, two dogs, a bitch and puppy, died showing symptoms similar to those seen in 1080 poisonings. The owner inferred that the dog had been scavenging to feed the pup and they had not received notifications.
1/11/2015	1080 dog death	Otawhira	A dog had eaten a dead possum on his land and it had died of secondary poisoning. No non compliances found.
24/02/2015	1080 dog death	Taramakau river	Following a 1080 operation, a person went into the area (via boat) with his dog and witnessed the dog eating a pellet on the ground. The person informed the operator, who has erected extra signage at boat launch areas.
13/10/2014	1080 dog death	Otawhira Stream	A hunter entered the Tataarakina Trust land to hunt, and travelled north into an area of Doc land (near Otawhira Stream) where 1080 was applied on the 24 September. As a result, the hunter's two dogs died. He concedes there was an information board / warning sign on the main entrance to the trust land at Tarawera and that he knew that 1080 work was happening on the northern boundary of the trust land. He travelled into the block in the dark and didn't see the information board, until he came out after the dogs died. He said he thought the 1080 was further to the east in the private blocks of Pohokura and Ngatapa only.
6/09/2013	1080 cattle death	Taramakau river	Two cattle had migrated west down the Taramakau valley into the Taipo ground control operation and were later found dead. The farmer had allowed the cattle to graze the river bed and within the DoC estate that was not part of the DoC grazing concession.
24/01/2013	1080 dog death	Coal Creek, West Coast	A 1080 ground operation in the West Coast led to a dog death.
3/04/2011	1080 dog death	Lake Otamangakau	Dog death in relation to a 1080 operation.