

## COUNCIL SUPPORTING POLICY

<b>POLICY TITLE:</b>	<b>USE OF TOXIC AGRICHEMICALS FOR VEGETATION MANAGEMENT</b>
<b>Lead Policy:</b>	<b>Vegetation and Tree Management</b>
<b>Minute Ref:</b>	<b>M08/131 Amended M10/29.3; M11/86.3; M12/74.5; M15/64.5; M16/51.4; M18/11.7; M18/92.6</b>
<b>Date of Adoption</b>	<b>17th November 2008. Amended 27 April 2010; 22 November 2011; 13 November 2012; 14 September 2015; 8 August 2016; 27 February 2018; 23 October 2018</b>
<b>Effective Date:</b>	<b>1<sup>st</sup> February 2009</b>

### 1. POLICY OBJECTIVES

The primary objective of this policy is to protect public health.

Other objectives include:

- the protection of the wider environment from undue harm (including the protection of domestic pets and bird-life from harm), and
- the provision of effective vegetation management on Council-maintained land.

### 2. PRINCIPLES

Council recognises that some toxic agrichemicals have a significant adverse effect on some people within the community.

Council also recognises that some toxic agrichemicals may have a significant impact on the wider environment.

Council's preference is to use non-chemical methods of vegetation control whenever practical.

Council has responsibilities for the management of plant pests on Council-maintained property. Council also has responsibilities to allow fit-for-purpose use of land that it maintains.

To meet these responsibilities, Council accepts that some use of toxic agrichemicals for vegetation management will be necessary.

In accepting some use of toxic agrichemicals, Council will take a "prudent avoidance" approach when considering the use of specific toxic agrichemicals.

Council will proactively seek to reduce the use of toxic agrichemicals on Council-maintained land.

### 3. DEFINITIONS

**Agrichemicals** are any substance, whether inorganic or organic, man-made or naturally occurring, modified or in their original state, that are used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. For the purposes of this policy, this definition excludes any fertiliser.<sup>1</sup>

**Council** means the Tauranga City Council.

**Council-maintained land** means land that is maintained by, or on behalf of, Council. It does not include land that is owned by Council but which has been leased to another organisation.

**Prudent avoidance** means avoiding the use of products newly-approved for commercial use, and removing from use products where experts have major reservations over the safety of the product.

**Strategy and Policy Committee** means the Strategy and Policy Committee of the Tauranga City Council or another Committee of Council with similar terms of reference.

**Toxic** means capable of causing ill-health in, or injury to, human beings.<sup>2</sup>

**Toxic Agrichemicals Advisory Forum** is as established in section 5.4 of this policy.

### 4. BACKGROUND

The Health Act 1956 states that it is “...*the duty of every local authority to improve, promote and protect public health within its district...*”.

The Health and Safety in Employment Act 1992, the Hazardous Substances and New Organisms Act 1996, the Regional Air Plan and the Regional Water and Land Plan all include requirements that relate to the safe use of toxic chemicals.

The Biosecurity Act 1996, the National Plant Pest Accord and the Regional Pest Management Strategy detail Council’s responsibilities regarding the management of plant pests.

### 5. POLICY STATEMENT

#### 5.1 Scope

This policy applies to all Council-maintained land. It does not apply to land that is owned by Council but leased to another organisation.

Where a piece of land is maintained jointly with another local authority (for example, sub-regional parks), the policy approach to vegetation management and the use of toxic agrichemicals shall be that of the lead agency.

Those applying toxic agrichemicals on behalf of Council are bound by this policy.

#### 5.2 Use of toxic agrichemicals

Council’s preference is to not use toxic agrichemicals for the purposes of vegetation management.

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<sup>1</sup> Source: Bay of Plenty Regional Air Plan.

<sup>2</sup> Source: Hazardous Substances and New Organisms Act 1996

However, in order to carry out effective vegetation management Council recognises that the use of toxic agrichemicals will occur in some circumstances.

### **5.3 Determining acceptable toxic agrichemicals and circumstances of use**

Toxic agrichemicals that Council has approved for use on Council-maintained land are listed in Schedule 1 to this policy.

Amendments to Schedule 1 will be made by resolution of the Strategy and Policy Committee following consideration of information from staff and from the Toxic Agrichemicals Advisory Forum.

In considering potential amendments to Schedule 1, the Strategy and Policy Committee may consider any or all of the following:

- The toxicity of the agrichemical and the potential for harm to public health (with preference given to lower toxicity agrichemicals)
- The potential effects on the wider environment both negative and positive (for example the removal of invasive weeds)
- The intended use of the chemical (for example, general vegetation management, as a precursor to restoration projects, specific removal of plant pests, etc)
- The intended location of that use (for example, close to playgrounds, on sportsfields, in hard-to-get-to gullies, etc)
- The way the chemical is to be used (for example, spraying, swabbing, drill-and-pour, etc)
- The effectiveness of the agrichemical, particularly as compared to alternative approaches
- The cost of the agrichemical, particularly as compared to alternative approaches.

The above considerations and any subsequent amendments to Schedule 1 may result in a toxic agrichemical being approved for use:

- On an individual job-by-job or project-by-project basis, and/or
- On a particular type of land, for example for use on sports fields, and/or
- For a particular intended use, for example for the removal of a specific plant pest, and/or
- For a combination of land-type and use, or
- For general use, or
- For general use with specific restrictions, for example a restriction on use near waterways, or
- With any other specifications or restrictions as determined by the Strategy and Policy Committee.

### **5.4 Toxic Agrichemicals Advisory Forum**

The Toxic Agrichemicals Advisory Forum (the Forum) is a forum of interested and knowledgeable people who can assist the Strategy and Policy Committee

in its determination of acceptable toxic agrichemicals and their circumstances of use.

Where appropriate the Forum will raise issues of concern or respond to issues raised by other parties (for example a proposal to add or delete a toxic agrichemical from Schedule 1).

The Forum is not a formally-constituted committee of Council and there will be no Councillor membership on the Forum.

## **5.5 Operational procedures**

### **5.5.1 Standards**

All applications of toxic agrichemicals on Council-maintained land by or on behalf of Council will comply with New Zealand Standard 8409 : 2004 Management of Agrichemicals (or subsequent updates).

### **5.5.2 Spray-free register**

Council will maintain a spray-free register of individuals or organisations who wish not to have toxic agrichemicals used by or on behalf of Council close to their property.

With regards to the application of toxic agrichemicals to a property's street frontage, registration of that property on the spray-free register means that toxic agrichemicals will not be used by or on behalf of Council on that street frontage.

With regards to the application of toxic agrichemicals on other Council-maintained land adjacent to, or in the vicinity of, a particular property, registration of that property on the spray-free register means that registered individuals or organisations will be specifically informed in advance of the application of any toxic agrichemicals taking place if requested

Individuals and organisations who are included on the register will be informed by email of all proposed spraying in the city.

### **5.5.3 Notification of the application of agrichemicals**

Council will comply with the specific notification requirements included in the operative Regional Air Plan.

Compliance with these requirements will occur through public notices in the Bay of Plenty Times.

Additional notification may also occur in free newspapers, on Council's website, and in Council's own publications.

### **5.5.4 Signage**

Council will comply with the specific signage requirements included in the operative Regional Air Plan.

In addition to those requirements, Council will ensure that signs stating that toxic agrichemicals have been applied will remain in place for 48 hours after the time of application.

Such signs will be erected at all reasonably-identifiable entrances to the location<sup>3</sup> where the toxic agrichemicals have been applied.

## **5.6 Monitoring and reporting**

Council will collect, collate, monitor and report information on the use of toxic agrichemicals on Council-maintained land. This information will be made publicly available in appropriate formats.

Such information will, on an annual basis, be used by Council to consider progress made towards its goal of reducing the use of toxic agrichemicals on Council-maintained land.

## **6. RELEVANT DELEGATIONS**

The Chief Executive has delegated authority and the authority to sub-delegate in respect to all other provisions within this policy.

## **7. REFERENCES AND RELEVANT LEGISLATION**

Biosecurity Act 1993

Hazardous Substances and New Organisms Act 1996

Health and Safety in Employment Act 1992

Health Act 1956

Local Government Act 2002

National Plant Pest Accord

NZS 8409:2004 Management of Agrichemicals

Regional Air Plan – Environment Bay of Plenty

Regional Pest Management Strategy – Environment Bay of Plenty

Regional Water and Land Plan – Environment Bay of Plenty

*Growing Tauranga Green* - Vegetation Strategy – Tauranga City Council

*(Note that this strategy includes an action to identify a specific reserve to be maintained using techniques other than the use of chemicals.*

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<sup>3</sup> For small reserves, the "location" will be the entire reserve. However, for large reserves such as Kopurererua Valley or Carmichael Reserve, "location" is the part of the reserve where agrichemicals have been applied.

# Schedule 1

## List of toxic agrichemicals approved for use for the time being

Effective date: 1<sup>st</sup> February 2009

Product name <sup>4</sup>	Active Ingredient(s) <sup>5</sup>	Notes (in accordance with Section 5.3 of the policy)
AGPRO BIO-Safe	Fatty acids	For control of weeds in the road corridor
Acelepryn <sup>6</sup>	Chlorantraniliprole	For use within active reserves <sup>7</sup> to control pest insects in turf. Not to be used within 25 metres of waterways. Effective 13/11/12.
Activated Amitrole	Amitrole Ammonium thiocyanate Sulphamic acid	For bamboo control
Amistar Fungicide	Azoxystrobin	For control of fungal diseases on grass cricket wicket blocks, subject to its use being prohibited within 48 hours of scheduled use by children. Not to be used within 25 metres of waterways. Effective 27/2/18
Banvine	2,4-D acid Dicamba	For vine control, only as a precursor for restoration sites. Location restricted to bush areas, gullies, banks, and wild areas with limited public access. Not to be used within 25 metres of waterways. Additional signage required advising public not to enter the site. Effective 14/9/15
Bestseller	Alpha - Cypermethrin	For use within active reserves <sup>7</sup> to control pest insects in turf. Effective 27/4/10
Biobit	Bacillus thuringiensis <sup>8</sup>	For control of fungus on annuals

<sup>4</sup> For ease of comprehension, agrichemicals are listed by their most popular trade names. Similar products with different trade names but the same active ingredients may be used if operational circumstances require it.

<sup>5</sup> Source: New Zealand Agrichemical Field Handbook 2007 (published by Agri Media Ltd) unless otherwise stated.

<sup>6</sup> To be reassessed every three years for up-to-date toxicity date – resolution M12/74.5 (13-11-12).

<sup>7</sup> Active Reserve sites are identified as 'Active Open Space' within the current City/District Plan.

<sup>8</sup> Source: [www.greenbook.net](http://www.greenbook.net) (product label)

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Product name <sup>4</sup>	Active Ingredient(s) <sup>5</sup>	Notes (in accordance with Section 5.3 of the policy)
Codacide oil	Emulsifiable vegetable oils Polyethoxylated esters	Used in conjunction with other toxic agrichemicals to reduce spray drift
Confidor	Imidacloprid	For control of fungus on annuals
Conquest (previously known as Tordon Gold)	Picloram Triclopyr	For use on turf to kill Onehunga weed
Copper hydroxide	Copper	For control of fungus
Eco-Oil	Canola oil	For control of black spot and viruses on roses
Escort	Metsulfuron-methyl ester	For use on wild ginger and gorse in any location, and on agapanthus in the coastal dunes. For use on bushy asparagus in the coastal dunes until 1 September 2020. For all locations, application will be by methods that minimise the quantity of chemical used e.g. using direct, limited application methods like weed wiping, stump swabbing and spot spraying where it is practicable. Effective 27 February 2018
Flint <sup>6</sup>	Trifloxystrobin	For use on grass cricket wickets to control fungus. Not to be used within 25 metres of waterways. Effective 13/11/12.
Gallant	Haloxypop Diethylene glycole	For use on pest grass species such as kikuyu and African feather grass
Grazon	Triclopyr	For use on climbing plant pests including, but not restricted to, blackberry, honeysuckle, convulvulus
Image	Mecoprop-P, Bromoxynil and Ioxynil	For use on reserves where organised sporting club activities occur, to control broadleaf weeds only. Not to be used within 25 metres of waterways. Effective 27/2/18

# Schedule 1

Product name <sup>4</sup>	Active Ingredient(s) <sup>5</sup>	Notes (in accordance with Section 5.3 of the policy)
Katana <sup>6</sup>	Flazasulfuron	For use within active reserves <sup>7</sup> to control weeds in couch grass turf. Not to be used within 25 metres of waterways. The contractor shall document all use of Katana over the 12 months from 13 November 2012 (date, area sprayed, application rate, comments of effectiveness at two week and six week intervals after application). Effective 13/11/12.
Kerb (Previously known as Kerb-Flo)	Propyzamide Ethylene glycol	For control of weeds in couch grass turf
Moddus	Trinexapac-ethyl	For use within Active Reserves <sup>7</sup> to regulate turf growth. Effective 27/4/10.
Neem (previously known as Neem 900EC)	Neem Seed Extract	For general use to control insect pests. Effective 13/11/12.
Nortron	Ethofumesate Ethylene glycol	For use within Active Reserves <sup>7</sup> to control annual grasses. Effective 27/4/10
Organic Interceptor	Pine Oil	For general maintenance use. Effective 14/9/15
Organic Weedfree and Weedenz	Pine oil and fatty acids Capric/caprylic acid	For general maintenance use. Effective 14/9/15.
Oxa-Pro	Oxidiazon	For use on Blake Park and Oceandowns Reserve turf projects in years 2018/19. Effective 23/10/18
Pasture-Kleen	2,4-D ethylhexyl ester	For control of thistles and broadleaf weeds in large pastures
Pulse Penetrant	Organo-silicone modified polydimethylsiloxane	Used in conjunction with other toxic agrichemicals to enhance penetration
Pyrethrum	Pyrethrins <sup>9</sup>	For general use to control insect pests. Schedule 1 rejects the additive Piperonyl butoxide. Effective 13/11/12.

<sup>9</sup> [http://www.mgk.com/Crop-Protection/PyGanic\\_1\\_4.aspx](http://www.mgk.com/Crop-Protection/PyGanic_1_4.aspx)



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Product name <sup>4</sup>	Active Ingredient(s) <sup>5</sup>	Notes (in accordance with Section 5.3 of the policy)
Ridomil Gold <sup>6</sup>	Metalaxyl-M	For use on grass cricket wickets to control fungus. Not to be used within 25 metres of waterways. Effective 13/11/12.
RoundUp	Glyphosate	For general maintenance use
Saprol	Triforine <sup>10</sup>	For control of rust on roses
Super Shield	Myclobutanil Tau-fluvalinate <sup>10</sup>	For use in controlling black spot, aphids and other insect pests
Tordon Brush Killer	Picloram Triclopyr Diethylene glycole	For gorse and honeysuckle control, and for stump-swabbing of hard-to-kill plant pests such as morning glory
Velpar Granules	Hexazinone	For use in controlling pampas in estuarine areas
Versatil	Clopyralid	For use on turf to kill Onehunga weed and other broad-leafed weeds
Vigilant	Picloram	For stump-swabbing of hard-to-kill plant pests
Yield	Benzalkonium chloride	For use within Active Reserves <sup>7</sup> to control fungus and algae. Effective 27/4/10

<sup>10</sup> Source: [www.ermanz.govt.nz](http://www.ermanz.govt.nz)