

Policy AQL7: Avoid agrichemical spray drift

- a. **Avoid the discharge into air of agrichemical sprays in a manner that results or is likely to result in spray drifting beyond boundaries of targeted properties or targeted species and onto non-targeted properties or species or contaminating water, by:**
 - i. **controlling agrichemical spray application in sensitive areas and in proximity to sensitive activities and roadways; and**
 - ii. **requiring agrichemical spray application not to exceed any rate or contravene any other requirement specified in the agrichemical manufacturer's instructions; and**
 - iii. **promoting compliance with the Code of Practice for the Management of Agrichemicals (NZS8409:1999); and**
 - iv. **promoting agrichemical spray applicators to be appropriately qualified; and**
 - v. **requiring aerial agrichemical spray applicators to be appropriately qualified; and**
 - vi. **requiring prior notification of agrichemical spray application when:**
 1. **requested by those people whose properties may be directly affected by the agrichemical spray application; or**
 2. **spraying near property boundaries that may be directly affected by the agrichemical spray application; and**
 - vii. **advocating the use of agrichemicals which are less likely to create an off-target spray drift hazard.**
- b. **Promote alternative means of pest control in order to encourage less reliance on the use of agrichemical spray application.**
- c. **Avoid encroachment of sensitive activities on existing activities using agrichemical sprays, unless adverse effects of the discharge can be avoided or mitigated by the encroaching activity.**

Explanation and principal reasons

The spray application of agrichemicals to control plant and insect pests and fungal diseases, is common throughout the Canterbury region. Such agrichemicals are used in horticulture, pastoral farming, cropping, and forestry. Agrichemicals are also used to control plant and insect pests, and fungal diseases in public parks, reserves, roadsides, riverbeds, and residential gardens.

It is generally accepted within Canterbury that agrichemicals need to be used as part of current agricultural practice, as long as the agrichemicals are applied safely and responsibly. However, it is not accepted that off-target agrichemical spray drift be allowed to affect human health, amenity values or the wider environment.

Agrichemical spray drift can cause odour nuisance, health effects, damage to non-target flora and fauna, and contamination of land and waterways. However, off-target spray drift may be substantially reduced, particularly if good agrichemical spraying practice is followed. It is therefore important that agrichemical applicators do not exceed any rate or contravene any other requirement specified in the manufacturer's instructions and are compliant with the Code of Practice for the Management of Agrichemicals (NZS8409:1999). Chapter 4: Water Quality of the NRRP contains policies and associated methods that address the discharge of agrichemicals onto or into water and land.

Environment Canterbury, territorial authorities and health agencies receive complaints with respect to agrichemical spraying, with many inquiries about the appropriateness of the use of agrichemical sprays in various situations. If the Code of Practice for the Management of

Agrichemicals (NZS8409:1999) is complied with, then many of the concerns of the public could be alleviated before the agrichemical spraying is undertaken.

District plan provisions will be promoted by Environment Canterbury to address the issue of reverse sensitivity by requiring new sensitive activities to locate well away from processes using agrichemical spraying. This will minimise problems associated with gradual encroachment of residential and other development on existing activities. In general existing activities using agrichemicals have been developed in areas that are removed from sensitive areas and activities. Poor land use planning shall not diminish the investment of existing horticultural activities.

The concept of reverse sensitivity to remedy or mitigate the adverse effects of established activities is an important policy tool to separate incompatible new activities with established activities. This concept recognises the importance of land use planning to ensure activities discharging objectionable or offensive levels of contaminants into the air are kept separate from sensitive land use activities such as residential use or vice versa.

The requirement to notify adjoining properties does not give the notified person the right to veto a spraying operation on a neighbouring property or in a public amenity area. The notification of the intention to spray is intended to inform people who could be affected, and provide the opportunity for them to take action to avoid or minimise potential exposure of themselves or their property to specific applications of agrichemicals. The provision of notification decreases the possibility of adverse effects occurring unintentionally and the opportunity for the person to provide for their own well being and health and safety. The Code of Practice for the Management of Agrichemicals (NZS8409:1999) provides guidance on the notification and signage for application of agrichemicals in Appendix N of that document.

Methods

The methods used or to be used to implement Policy AQL7 are:

Method AQL7(a) Advocacy

Environment Canterbury will undertake ongoing liaison with industry and relevant organisations such as health agencies, territorial authorities, Federated Farmers and growers' associations to advocate to agrichemical spray users to:

- i. provide information to those who may be affected by agrichemical use, including the types of agrichemicals used, and when, how and why they are used; and
- ii. undertake research and adopt alternative means of pest control to encourage less reliance on agrichemical spray application.

Method AQL7(b) Information and promotion

Environment Canterbury will:

- i. promote adherence to the Code of Practice for the Management of Agrichemicals (NZS8409:1999) through landcare and resource groups, including promotion of appropriate disposal methods and alternatives to disposal for agrichemical containers; and
- ii. encourage appropriate training of operators in the correct use and application of agrichemical sprays including the 'GROWSAFE®' training programmes and the "Registered Chemical Applicators Scheme" developed by the New Zealand Agrichemical Education Trust; and
- iii. encourage aerial applicators to use Global Positioning Systems (GPS) to reduce the risk of application beyond target areas or species; and
- iv. produce and disseminate information and education material about:
 1. safe, responsible, and efficient use of agrichemicals in Canterbury; and
 2. use or development of alternative pest management practices; and

3. management practices that avoid off-target spray drift from ground and aerial spraying; and
 4. appropriate organisations to contact about spray drift concerns and complaints; and
 5. those activities that need to be protected from encroachment by sensitive activities.
- v. work with territorial authorities, agrichemical contractors, growers' associations, Federated Farmers of New Zealand, and landcare/resource groups to maintain and make available to the public a list of registered chemical applicators and pilots with a current GROWSAFE® Agrichemical Rating who operate in the region.

Method AQL7(c) Regional rules

Environment Canterbury will apply Regional Rules AQL70 to AQL73 in Section 3.3, to control the discharge of agrichemicals.

Method AQL7(d) Resource consents

Resource consents may be granted for the discharge of agrichemicals. These may involve agrichemical application specified as a discretionary activity.

Method AQL7(e) Compliance and enforcement

Environment Canterbury may apply for enforcement orders, issue abatement notices and use other enforcement mechanisms in Part XII of the RMA, where the adverse effects of the discharge of agrichemical sprays causes noxious, dangerous, offensive or objectionable effects beyond the boundary of any property from where the discharge originates. Such adverse effects may arise out of a breach of the rules set out in the NRRP, or a breach of resource consent conditions. It is appropriate for Environment Canterbury to take such enforcement action as necessary to prevent a recurrence of any discharge, or to mitigate the effects of any discharge.

Method AQL7(f) Response to complaints and enquiries

Environment Canterbury will:

- i. provide a 24-hour pollution hotline to respond to any agrichemical spray drift complaints; and
- ii. provide a database to record the details of any agrichemical spray drift complaint received and to verify, where practicable, any complaints; and
- iii. provide a customer services line during office hours to respond to any enquiries about agrichemical spray drift; and
- iv. in association with territorial authorities, health agencies, growers' associations and other authorities that receive complaints, develop and implement a procedure to investigate and resolve complaints regarding agrichemical spray drift and investigate any other methods to jointly address complaints about agrichemical spray drift; and
- v. undertake enforcement of the provisions of the NRRP where necessary.

Method AQL7(g) Territorial authorities

Territorial authorities in the preparation, variation, change or review of their district plans and through the exercise of their functions shall undertake land use planning that:

- i. provides appropriate locations for activities that use agrichemical sprays; and
- ii. makes provision to protect established activities that use agrichemical sprays from encroachment by sensitive activities.