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The New Zealand Outdoors Party was formed in 2015 to protect, preserve and enhance our natural environment for recreation, food gathering and for our nation's health and well being, forever, without question and without compromise. Further details are found at www.outdoorsparty.co.nz. The NZ Outdoors Party is a fully registered Political party under the Electoral Act.

Submission to the Ministry for the Environment:

Hazardous substances assessments: Improving decision-making

Date: September 27, 2019.

The Outdoors Party recognise the following:

- 1) The questions in the Discussion Document by the Ministry for Environment do not adequately address the need for the MfE to protect human and environmental health, as the purpose of the RMA requires.
- 2) Chemicals are a significant pollution problem and chemical use is increasing.[1] Chemical pollution threatens biota and ecosystem functions; damaging insects and organisms all the way up the food chain.[2] Ecosystems can't deal with constant pressure from chemicals without breaking down. The world has a biodiversity crisis right now and a lot of it is connected to pollution.
- 3) New Zealand streams and waterways are polluted with chemicals that are banned in Europe. [3] Our freshwater problem is not just nitrate, phosphorous and E.Coli. We know if we are to get to the bottom of this we need to monitor and properly regulate diffuse agrichemicals and urban chemicals like the OECD recommends [4] and Europe is doing [5].
- 4) There's no point only testing for 3 pollutants in our streams and turning around in ten years to realise we forgot to scientifically monitor hundreds of chemicals – but the fish are dead. Our fish are dying – we have too many threatened species.[6] Even the OECD has commented on this. [7]

- 5) Our tourism industries, food production and our rural households particularly depend on clean safe water. Our kids have a right to safe drinking water.[8] Chemical mixtures in water must be properly regulated to scientifically ensure that households and livestock are not drinking water that is tainted. Forestry chemicals can't accumulate in our groundwater and we just ignore it.[9] But right now we depend on outdated science that doesn't take account for mixtures in water and doesn't properly scientifically track and report on the breakdown metabolites that can damage hormone systems. If these chemicals are approved, government should have the processes to understand risk.
- 6) Our drinking water science relies on outdated WHO data.[10] Kiwi households deserve the latest science to regulate toxic chemicals and understand the breakdown metabolites. Right now we don't have that.
- 7) New Zealand, Canada, Australia and the U.S.A. are ignoring the ingredients in pesticides – the adjuvants that can be just as toxic to fish, eels – and kids. Adjuvants have petrochemicals and heavy metals in them.[11]
- 8) Europe recently decided in a court case that the public interest for transparency trumps private commercial interests – this includes knowing about the adjuvant ingredients.[12]
- 9) Regulators depend on the chemical industry (the applicant) to supply the data for approval and assessment. Kiwis deserve a hazardous substances regulator who has time and resources to analyse the science published in scientific journals – and that the science used is transparently available to everyone to critique. Europe has legislation requiring it to consult published literature so it is 'better' at doing this.
- 10) New Zealand and Australia have the highest cancer rates in the world. Our wives and husbands are dying from breast and prostate cancer and many chemicals mimic and harm hormone pathways that are a part of these forms of cancer.[13] We urgently need to protect our families from hormone hacking chemicals.
- 11) Hormone hacking chemicals including pesticides can also harm our kids brains. Productivity losses come from neurobehavioural deficits and damages in Europe have been identified in the tens of billions of Euros.[14]
- 12) That NZ farmers are busy doing the best job they can do, but if they knew the chemicals were banned in Europe because they were harmful to farming families, they might think differently about this. Farmers using agrichemicals get sick the longer they use them – this includes increasing risk of depression and cancer.[15]
- 13) The New Zealand Environmental Protection Authority can't properly regulate the thousands of chemicals in New Zealand without sufficient funding to do so.
- 14) If we are going to turn to a trusted hazardous substances regulator, it has to be best practice so that farmers can have faith that we are not in a race to the bottom – our goodwill is declining as international markets recognise the Clean Green 100% Pure NZ image – is increasingly only an image.
- 15) This doesn't stop farmers and town people from loving New Zealand. It just means we are too small to properly manage chemicals.

- 16) Common-sense tells us that the best practice regulator uses the latest science. With the biodiversity crisis we have right now, the NZ EPA cannot use the precautionary principle properly. Also, the HSNO Act is outdated – it can't properly protect us.[16]
- 17) The Outdoors Party supports the work of Manaaki Whenua - Landcare Research in getting funding and resources to transition away from industrial chemical agriculture. Our farmers deserve more science resourcing and good, old fashioned extension services. These resources have been inadequate for decades and there is plenty of evidence to move to agriculture that is soil and nutrient focused and has greater carbon content to withstand drought, and better nutrient profiles to resist disease. Many farmers want to change their practice and the New Zealand government has a public health obligation to help this transition. (See Facebook: Quorum Sensing)
- 18) This is why the Outdoors Party recommends that the New Zealand Environmental Protection Authority adopts the findings of a 'trusted regulator'.
- 19) However this regulator must be best practice and the European market is the premium global market. It makes sense to harmonise with European standards.
- 20) The European Commission accurately lists new metabolites in the frequent reviews of chemicals, it is working to understand mixture effects and toxicity and it already has a lot of science to unpick stressors in catchments.[17]
- 21) Europe bans harmful chemicals like diazinon, chlorpyrifos and atrazine that our farming families and kids should not be exposed to. While Europe is not perfect, it is best practice.
- 22) If a substance is flagged in another country, or in NZ, as having any harmful effect on land, people, soil, animals, plants etc, then there must be a process in place that means we are immediately able to place a moratorium on that substance. Since we already know that it is a "Hazardous Substance" we are obviously aware that it has potential for harm. To not be able to control these substances, we are at the mercy of regulations that allow it, and the organisations that make and sell it. Human and environmental right to health and governments right to protect its citizens trumps the right of industry to poison and pollute.
- 23) Hazardous substances are obviously poisonous, and in combination their synergistic effect is often untested and unknown until decades after use and damage has been done. The chemical industry is often aware of, and even prevents disclosure of, dangerous effects long before government regulators are, and if they do not share that information immediately, then they are obviously unfit to be operating in New Zealand and should be punished accordingly.

Responses to Discussion Document Questions

Proposal 1: (3.1.1) Making better use of international information

Option 2: Apply trusted regulator's information

European Food Safety Authority / European Commission

We have to put strict protections in place in order to protect the food chain

Proposal 2: (3.1.2) Immediate suspension based on trusted information

Yes – using European Commission findings

Proposal 3: (3.1.3) Using a trusted regulator’s decision to change a hazard classification

Yes – using European Commission findings

Proposal 4: (3.2.1) Better consultation process to collect quality information

We either use a trusted regulator or we don’t.

NZ EPA has undertaken hardly any reassessments as the decision document states. This is not safe, nor is it scientific.

In New Zealand there are not many scientists expert in chemicals and hormones who can also submit information to the consultation processes, this leads to an uneven representation by the chemical industry or organisations representing the chemical industry.

We can’t adopt a trusted regulator and then have this howled down by the chemical industry. It’s one or the other.

Proposal 5: (3.2.2) Amending modified reassessments for a more targeted consultation

Targeted consultation is pretty much what we have now. If you look at consultation for reassessments most data comes from the industry supporting status quo rather than scientists expert in human or environmental health. This doesn’t work for the public interest.

Proposal 6: (3.3) Avoiding duplication of work during reassessments

We don’t need a Priority Chemicals List if European decisions are followed.

If we have a list it will mean that chemical industry politics guide decisions as they do now, rather than evidence-based science from the scientific literature that everyone has access to. The FRCaST tool was invented by the NZEPA and it doesn’t look at how much a chemical is in the environment or what international scientists are finding out. By only looking at regulatory data – which is what the FRCaST tool does - it can’t be the best method for identifying risk. We have forestry chemicals accumulating in groundwater but this wouldn’t be picked up because FRCaST doesn’t consider presence in the environment.

This is why following Europe is common-sense – Europe has usually banned or heavily regulated the chemical before we even think about it. For example, neonicotinoid insecticides can only be used in glass-houses so they don’t damage insects and pollinators. New Zealand isn’t even discussing this. Europe is ahead of us, it’s a premium export market that we should be matching.

Proposal 7 (3.3.2) Avoiding duplication when assessing new and existing substances

Again – if we use Europe as a ‘trusted regulator’ we don’t need all this duplication problem. We’ve got all these chemicals that haven’t been assessed, or reassessed, we’re years behind Europe. Glyphosate has never undergone a comprehensive risk assessment, only a minor cancer assessment which was criticised because it relied on industry data. Europe was criticised too, but because there

are more democratic controls over there it's having to deal with this problem more transparently. If a herbicide gives farmers cancer, and it appears to, we should be looking at the science like all the court cases are.

Option 2: Combining assessment and reassessment of substances with the same active ingredient. As long as New Zealand follows European decisions, it's common-sense.

Proposal 8 (3.3.3) Updating controls of existing substances

Option 3: Aligning controls with new approvals – but only if NZEPA is following European standards. No targeted consultation which would mean that the paid staff of industry can attend and be paid for consultation, but once again the public are left out of the loop.

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