To: ACVM team: ACVM.Consultation@mpi.govt.nz
Submission: "Proposed new controls for the use of Brodifacoum containing products"
Date: 18 May 2021
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Submitted Information
The information supplied is what is available by the submission close off date of 18 May 2021. Further information may be provided in future to inform ACVM.

1. Introduction

1.1 Agcarm welcomes the opportunity to provide feedback in response to the consultation document titled "Proposed new controls for the use of Brodifacoum containing products"

1.2 This submission represents the views of the members of Agcarm which encompasses sellers and distributors of products containing brodifacoum.

1.3 Agcarm supports the broad intent of the review, i.e., to better manage risks to public health, animal welfare, trade in primary produce and agricultural security.

1.4 While we note there were 3 cases of brodifacoum residues detected in food producing animals over the period of 2014-2019, it is important to note that the levels found were not a food safety risk.

1.5 Brodifacoum is an important and widely tool used in pest control programmes with no easily accessible alternative. The impact of further regulation of brodifacoum on pest control programmes needs careful consideration in the NZ context before adopting the same controls used in other jurisdictions.

2. Sale volume restrictions

2.1 It is proposed that "For sales of quantities greater than 300g the registrant or retailer selling to an end user, must only sell to... persons who are currently approved by ACVM." This "trigger amount" of 300g appears quite arbitrary although we understand that it is based on the amount used in the EU.

2.2 We note that simply adopting the EU level does not recognise that the situation in New Zealand is fundamentally different to the EU. Differences exist in land use patterns and pest control programmes, and their critical role in protecting NZ's unique biodiversity and primary product exports. New Zealand also has no indigenous land mammals so does not face the same issues of non-target effects which was one of the concerns underpinning the EU regulations. These differences suggest the need for further investigation into whether transposing the 300g limit from the EU to NZ is appropriate, which to date has not been adequately demonstrated. A stronger rationale to support the proposed 300g limit in the NZ context is needed.

2.3 The 300g limit does not take into account the varying concentrations of brodifacoum in different products i.e., products with 20 ppm vs 50 ppm. If the focus is on managing risk, then it makes more sense that any regulation should be based on the quantity of active ingredient rather than product weight.

2.4 It is unclear whether the sales of quantities greater than 300g refers to pack sizes or quantities per sale. Does this mean that users that are not approved by ACVM can buy as many 300g pack sizes as they like or are they limited to buying only 300g per sale? If it is the latter, it will be very difficult to police and control customers purchasing multiple transactions of 300g packs.

2.5 We note that currently rodent baits containing brodifacoum are the most effective and cost-efficient solutions for farmers. The quantities required to undertake sufficient pest control near dairy sheds and other locations on farm would require well over 300g. The isolated locations of these customers also mean they are unable and unlikely to do multiple trips to a store for continued supply of 300g containers. This would lead to a single customer trying to make multiple transactions in one visit for 300g containers.

3. Impact on pest control programmes

3.1 We note that (MPI) is intending to reassess the Conditions of Registration applied to all registered vertebrate toxic agents (VTAs) and that this will be performed sequentially starting with brodifacoum. There is a concern that doing these reassessments sequentially without considering the overall impact of these changes could result in a piecemeal approach resulting in shifts in demand for other products and changes in use patterns, increasing the risk of adverse outcomes. It will also be difficult to assess the benefits of each product and the overall impact on the effectiveness of pest control programmes if changes are done sequentially. Instead, we suggest a more holistic approach for reassessment which focuses on species and use areas and considers the overall impacts on pest management programmes.

3.2 Experience with other similar regulatory changes suggests that many farmers and rural customers will not be willing to go through the police checks and training to become a MPI VTA Handler so they can purchase larger quantities. In the case of 'Magtoxin' – one of the most effective forms of rabbit control - a very limited number of farmers went through the process of gaining a controlled substance licence and there were also difficulties maintaining licence details at point of sale. The lack of farmers and rural customers with this licence as well as the commercial risk to distributers, led to the product line being cut. This led to farmers having to resort to less effective pest control measures resulting in a significant increase of rabbit pests on farms.

3.3 We note that the government has set a goal of eradicating possum, stoats, and rats by 2050. Achieving this will require a systemic approach involving all landowners. We need to better understand how restricting bait volumes to 300g and imposing additional restrictions will impact on aspirations of a predator-free Aotearoa.

3.4 Along with the aspirations of a predator free NZ by 2050 dairy farmers are also advised to have a pest control program to discourage rats, mice and other pests in the dairy shed. This includes direction from Worksafe (https://www.worksafe.govt.nz/topic-and-industry/agriculture/working-with-animals/staying-safe-in-and-around-farm-dairies/ section 4.1) and the Animal Products (Dairy) Regulations 2005 Act. https://www.legislation.govt.nz/regulation/public/2005/0104/latest/DLM327155.html?search=sw_096be8ed80346895_pest_25_se&p=1&sr=1. Fonterra also now have a specific area in Farm Environment plans related to Pest Control & Biodiversity which require farmers to consider and implement effective pest management controls on their property.

3.5 Lifestyle blocks are becoming increasingly popular and lifestyle block owners will have a key role to play in achieving predator-free status. Imposing the increased costs of smaller pack sizes or the cost of commercial pest control may make it too costly for small landowners and farmers resulting in some deciding not to control pests on their properties thus undermining wider pest control efforts.

3.6 We do not see police vetting as being useful in the case of brodifacoum. It will create an unnecessary barrier to participation in pest control schemes undermining the effectiveness of those schemes.

4. Packaging waste concerns

4.1 Another concern would be the conflicting requirements for farmers to mitigate on farm waste, including plastics which contain these products. Restricting 'household' purchasing to 300g pack sizes would not necessarily reduce the quantities used (as mentioned above it would be very difficult to police customers purchasing multiple transactions of 300g packs). It would, however, significantly increase the amount of plastic packaging and waste on farm.

5. Recommended approach

5.1 In general, Agcarm favours the introductions of controls that are enabling and empowering of users, while improving the way that brodifacoum is used for safe and effective pest control.

5.2 We consider that the proposed trigger amount of 300g is too low for the New Zealand context and instead consider that 3 kg of 20ppm product would be a more appropriate trigger amount for requiring a MPI Approved Handlers Certificate, in keeping with the needs for effective pest control across a range of land uses.

5.3 To better manage risks, we support the introduction of an education and certification scheme for all users via online learning and self-assessment as an alternative to the MPI Approved Handlers Certificate which we consider to be excessive for users such as farmers or lifestyle block owners undertaking their own pest control programmes.

6. Conclusions

In conclusion, Agcarm:

- Supports the broad intent of the review, i.e. to better manage risks to public health, animal welfare, trade in primary produce and agricultural security.
- Considers a trigger amount of 3 kg of 20ppm product would be more appropriate and in keeping with the needs for effective pest control.
- Supports the introduction of an education and certification scheme for all users via online learning and self-assessment as an alternative to the MPI Approved Handlers Certificate.

7. About Agcarm

7.1 Agcarm is the industry association for manufacturers and suppliers of animal health and crop protection products. For further information and a full list of members, see www.agcarm.co.nz.

7.2 Agcarm member products protect public health, improve animal welfare, and help environmental management. They:

- Play a pivotal role in growing high yield, sustainable food, and fibre products.
- Help supply healthy, nutritional, and affordable food.
- Keep New Zealand's agriculture, horticulture, and forestry sectors internationally competitive.

7.3 Our members are committed to safety, innovation, and product stewardship.

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