



# Vegetable Industry New Zealand

## Submission on the Hazardous Substances and New Organisms (Hazardous Substances Assessments) Amendment Bill

Environment Committee  
Parliament Buildings  
Wellington

30 September 2021

### Introduction

The vegetable industry, including Vegetables New Zealand Inc (VNZI) and Tomatoes New Zealand (TNZ) Onions New Zealand (ONZ) and Pukekohe Vegetable Growers Asso (PVGA) advocates for and represents the interests of 900 commercial vegetable growers in New Zealand. Vegetable growers grow around 60 different crop types both in the soil and in glasshouses, employ over 10,000 workers. With land under vegetable cultivation in New Zealand at approximately 30,000 hectares. 80% of the vegetables that are grown in New Zealand are for the domestic market. This food is for New Zealanders.

Vegetables grown for NZ, and for international markets, represents over \$1b in revenue. What is unique about vegetable growing is that they cover all regions of New Zealand, from the far north with Kumara, to the deep south with carrots and parsnip. We are the only industry group to sustain communities throughout New Zealand with a range of diverse vegetables for a balanced diet. Moreover, vegetable growers have an economic impact in every region of New Zealand where they invest in their business operations and employ large numbers of New Zealanders.

Our growers are affected by changes to the HSNO Act as almost all crop protection products are considered either hazardous substances or new organisms and so are regulated by the HSNO Act. Crop protection products are used in all commercial-scale vegetable production systems, including organic, so all of our growers, as well as the continued availability of vegetables for New Zealanders to eat, are affected by how effectively the HSNO Act operates.

### Feedback on the bill

#### 1. Reassessment work plan

VNZI strongly supports the introduction of a reassessment work plan as proposed by section 4 of the bill. About three years ago the EPA introduced a Priority Chemical List which was meant to essentially be a workplan. However, this has not eventuated in reality as it had no timeframes associated with



substances on it and the EPA still regularly inserted non-prioritized substances into their reassessment work (e.g. glyphosate).

Knowing what is likely to be reassessed next and in the near future allows our growers to understand where control gaps are most likely to arise. This enables us to better focus our limited resources towards trying to fill these gaps. It also gives growers a heads-up as to what information the EPA will be after and when, this allows our limited levy budget to be prioritized accordingly and growers to know when they may be asked to provide technical input. At the moment, the EPA may release a call for information during peak production season, and only allow 6-8 weeks for responses. This is not a lot of time for a definitive response to the EPA to be provided, outlining how a particular substance is used across the vegetable sector. Having indicative timeframes (including for the next 3 – 5+ years) of when the EPA will be seeking particular information will greatly assist with prioritizing grower funds and knowledge.

## 2. Priority pathways for products already approved overseas

VNZI strongly supports any changes to the HSNO Act which would encourage new products and new label claims to enter the NZ market quicker. Our counterparts in Australia and other countries that we compare ourselves with often gain access to new crop protection products quite a long time before they become available in New Zealand (with some never gaining approval in NZ due to regulatory complexities). VNZI strongly encourages the committee to amend the HSNO Act to enable such products to be approved in New Zealand in a timely manner.

The introduction of new active ingredients in New Zealand has been relatively slow which is of particular concern when it comes to managing herbicide / insecticide / fungicide resistance. Improving access to new products for our growers will help them to sustainably control pests, disease and weeds while continuing to provide top quality vegetables for New Zealanders.

## 3. Temporary Restrictions

The bill would give the EPA the power to place temporary restrictions on an approval if the EPA intends to reassess that substance. VNZI cautions that this should only be used sparingly when there are significant risks from ongoing use, as the effect of making a substance unavailable for a grower can be very significant itself. This can affect not only the growers own commercial operation, but could also jeopardize their ability to plan for the future and take on employees.

VNZI requests that the EPA be required to publicly notify such a restriction for a period of time before it takes effect. This is to allow growers time to find out about the restrictions so as to avoid accidental non-compliance. Alternatively, VNZI requests that the offence proposed by section 27 of the bill, be amended to be “**knowingly** fails to comply with any restriction imposed on the use of a hazardous substance under section 64A.”

Adopting either of these changes will help avoid the situation of a grower accidentally not complying with a restriction that the EPA has only recently set. Whilst growers are good at keeping up to date



with the latest applicable use restrictions, it is unreasonable to expect growers to check the EPA website every single time they apply a product immediately before applying it on the off-chance that a restriction has been set using this new power. Even if a grower did this, there is the small possibility that a notice with a restriction could be published in between a grower checking the EPA website, and starting application. This problem can be avoided entirely by either requiring notification in advance of a notice taking effect, or by making it only an offence if a person “knowingly” fails to comply with such a notice. We request that one of these changes be made.

### **Conclusion**

Vegetables New Zealand, Tomatoes New Zealand, Onions New Zealand, and Pukekohe Vegetable Growers Asso strongly supports any changes to the HSNO Act which would encourage new products to enter the NZ market and become available for growers to use. We support the requirement that the EPA develop a reassessment workplan. We also request that changes are made so if the EPA sets temporary restrictions on use in place, it is only when there is significant risk, and also is done in a way that makes it practical to ensure end-users can comply with the restrictions.

Vegetables New Zealand, Tomatoes New Zealand, Onions New Zealand, and Pukekohe Vegetable Growers Asso would be happy to talk to this submission at a select hearing or prior to any final report.

### **The submission is supported by:**

1. Vegetables New Zealand
2. Tomatoes New Zealand
3. Pukekohe Vegetable Growers Association
4. Onions New Zealand