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## **Streamlining the Regulatory Regime for Pest Control**

Local Government New Zealand's submission to the Ministry for the Environment

26 May 2016

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## We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the national interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by Stephen Woodhead, Chair Regional Sector of Local Government New Zealand.

## Introduction

Local Government New Zealand thanks the Ministry for the opportunity to comment on the proposed changes to the regulatory controls on vertebrate toxic agents (VTAs) for animal pest control.

The following submission is offered on the basis of regional and unitary councils' roles (regional councils), functions and responsibilities under the Resource Management Act 1991 (RMA), the Local Government Act 2002 (LGA), and the Biosecurity Act 1993

## Context

A number of regional and unitary councils are currently in the process of reviewing their Regional Pest Management Strategies (RPMS) as required under the Biosecurity Act. These reviews fulfil the requirement that regional councils ensure alignment of their RPMP with the National Policy Direction for Pest Management (NPD), introduced in August 2015, and with the 2012 changes to the Biosecurity Act. The reviews are also an opportunity to address alignment of the new RPMPs with neighbouring regions' plans, to clarify landowner responsibilities for management of legacy pests, and to ensure our pest management programmes are future-focused including delivery of biodiversity outcomes.

The following comments are offered on the understanding that regional councils are in the midst of this significant policy review and that the detail of the eventual finalised RPMPs are as yet uncertain. It is not clear in the consultation document what timeframes might apply for the process of instituting the proposed changes. LGNZ would expect that a transition process would be included to recognise the status of councils' RPMP reviews and to provide adequate time for councils to assess the implications of the changes and make any necessary adjustments.

## Proposed regulatory regime changes

LGNZ **supports** the proposal to change the regulatory controls on VTAs as outlined in the consultation document (page 9). We endorse the expected benefits (pages 12-15):

- reduced duplication;
- helping to avoid bias in the choice of VTA for individual operations;
- enabling consistency and supporting best practice; and
- reducing costs and better timing.

We note that the proposed new regulatory provisions would be similar to the processes already in place for approval of the use of herbicides such as Taskforce.<sup>1</sup> This would improve consistency of regulatory approaches across the range of pest control chemicals.

We also acknowledge the alignment of the proposed new VTA regulatory controls with the concurrent proposals under the Resource Legislation Amendment Bill, to remove regional councils' functions in relation to hazardous substances and so resolve overlap or duplication of regulation between the RMA and HSNO. In our submission to the Local Government and Environment Committee on the Bill,<sup>2</sup> LGNZ supported this proposed change.

In relation to the proposed conditions to be included in the new regulation (page 10, consultation document), LGNZ **recommends** that provision be made for adequate time for regional councils and unitary authorities to notify tangata whenua for the area or areas where the VTA is to be used. Many regional councils are committed to working closely with iwi in their role under various relationship agreements. Some of these include processes around pest control (informing parties of operations). This is typically a particular responsibility and courtesy to tangata whenua, separate from the general requirements for consent of the occupier of the land.

LGNZ **recommends** that attention is given to the formal structures by which VTAs are listed under the new regulatory framework. It is not clear in the consultation document whether this would be provided by the Environmental Protection Authority (EPA) or via some other mechanism. Two key principles will be important in whatever system is set up: comprehensiveness and flexibility. It will be important for clarity for councils, pest control operators and landowners that information is centrally accessible of all VTAs currently used and available. New products will come to the market and once assessed and approved by the EPA will need to be added; likewise obsolete VTAs will need to be removed. We suggest that this record should be managed by a flexible formal mechanism such as a Schedule or a Register maintained by the EPA. Such mechanisms would be more easily and quickly updated than other statutory means of listing approved activities or substances.

In response to Question 8, LGNZ considers that the proposed new regime will assist regional councils' processes via a reduction of consenting and monitoring requirements around the use of these agents.

## Conclusion

LGNZ appreciates the opportunity to provide these comments on the proposed changes for regulating VTAs for vertebrate pest control. We would be happy to take part in any discussions the Ministry may conduct on the proposals, and on practical ways to ensure that changes to the regulatory regime are smoothly transitioned.

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<sup>1</sup> <http://www.epa.govt.nz/Publications/Rules-for-using-the-herbicide-Taskforce.pdf>

<sup>2</sup> [http://www.parliament.nz/en-nz/pb/sc/documents/evidence/51SCLGE\\_EVI\\_00DBHOH\\_BILL67856\\_1\\_A497066/environment-canterbury](http://www.parliament.nz/en-nz/pb/sc/documents/evidence/51SCLGE_EVI_00DBHOH_BILL67856_1_A497066/environment-canterbury)