**PERMISSION TO USE CERTAIN VERTEBRATE TOXIC AGENT(S) OR OTHER HAZARDOUS SUBSTANCE(S)**

**(IN A CATCHMENT AREA FROM WHICH WATER IS DRAWN FOR HUMAN CONSUMPTION OR AN AREA WHERE A RISK TO PUBLIC HEALTH MAY BE CREATED)**

Under section 95A of the Hazardous Substances and New Organisms Act 1996 (HSNO Act), permission is required from a public health HSNO enforcement officer to use certain vertebrate toxic agents (VTAs) or other hazardous substances[[1]](#footnote-1) when they are intended to be applied or used in a catchment area from which water is drawn for human consumption, or applied in any other area where a risk to public health may be created.

|  |  |
| --- | --- |
| **Full name of applicant:** *The legal entity who is accountable for complying with the permission conditions eg corporation, company, incorporated society, trust, principal agency, contractor or subcontractor or named individual. It also includes the Crown (e.g. the Department of Conservation).* |  |
| **Contact person:** *Individual who can answer questions about the operation.* |  |
| **Contact details:**Physical address:Postal address:Contact phone number:Email: |  |
| **Permission type and identification code**  *Identification code is: year granted/ office application number/ initials of person granting permission* |
| **New** *insert identification code or N/A* |  | **Extension** *insert identification code and date of issue of original permission or N/A* |  | **Renewal** *insert identification code and date of issue of original permission or N/A* |   |

|  |
| --- |
| **If this permission revokes a previously Issued permission** *For use when revoking existing permissions*  |
| **This permission replaces the permission issued on:** *insert date here or N/A* |  |
| **Application identification code of revoked permission:** *insert identification code or N/A* |  |

|  |
| --- |
| **Permission period** |
| **Permission start date:** |  | **Permission end date:[[2]](#footnote-2)** |  |

|  |
| --- |
| **Operation** |
| **Operation name:** |  |
| **Operation locality:** |  |
| **Purpose of operation:** |  |
| **Nearest city/town:** *Name, direction and distance* |  |
| **Local government:** *District council, city council, unitary authority, regional council* |  |
| **Total operation size (ha):**  |  |
| **Previous operations:** *If the applicant has carried out an operation at the same location within the past five years, provide date of operation and permission identification code.* |  |

|  |
| --- |
| I, [*insert name*], having been appointed by the Director-General of Health as an enforcement officer to enforce the provisions of the Hazardous Substances and New Organisms Act 1996 where it is necessary to protect public health, and acting under delegation from the Environmental Protection Authority, grant permission for the use of the vertebrate toxic agents or other hazardous substances listed in Schedule 1, in the area(s) indicated on the operational map(s) in Schedule 2, and subject to the conditions set out in Schedule 1, Schedule 2 and Schedule 3. |

|  |  |
| --- | --- |
| **Signed:** |  |
| **Name:** |  |
| **Title:** |  |
| **Contact details:**Postal address:Contact phone number:Email: |  |

**Appeals:** Section 125 (1A) of the Hazardous Substances and New Organisms (HSNO) Act: A person may appeal to the District Court against a decision of the Authority, under section 95A about the terms and conditions of a permission held by the person.

**Notice of Appeal**: Section 127 of the HSNO Act: Before or immediately after the filing and service of a notice of appeal, the appellant shall serve a copy of the notice on the Authority, and every other party to the proceedings, and any other person who made a submission to the Authority.

|  |
| --- |
| **Schedule 1: VTA or hazardous substance information** |

|  |  |
| --- | --- |
| **Permission identification code:** |  |
| **Operation locality:** |  |

|  |
| --- |
| **VTA or hazardous substance (1)** |
| **VTA or hazardous substance***e.g. potassium cyanide* | **Strength***e.g. 475 g/kg*\_\_\_\_\_\_\_ g/kg | **Form** *e.g. pellets* | **Application rate** (for aerial operations)\_\_\_\_\_\_\_\_\_\_\_kg/Ha | **Purpose** *e.g. for possum control* |
| **HSNO approval number:** *(e.g. HSR001673)* |
| **Start date of operation:** | **Last date of operation:** |
| **Specify all application methods to be used for the hazardous substance**:Methods to be used [*insert applicable method]*: Aerial, hand broadcast, turf spits/ direct to ground, bait stations and bags, other:*Describe briefly below:* |
| **VTA or hazardous substance (2)** |
| **VTA or hazardous substance** *e.g. potassium cyanide* | **Strength***e.g. 475 g/kg*\_\_\_\_\_\_\_ g/kg | **Form** *e.g. pellets* | **Application rate** (for aerial operations)\_\_\_\_\_\_\_\_\_\_\_kg/Ha | **Purpose** *e.g. for possum control* |
| **HSNO approval number:** *(e.g. HSR002424)*: |
| **Start date of application**: | **Last date of application**: |
| **Specify all application methods to be used for the hazardous substance**:Methods to be used [*insert applicable method]*: Aerial, hand broadcast, turf spits/ direct to ground, bait stations and bags, other:*Describe briefly below:* |

Make additional copies of this page if more than two hazardous substances are to be used

|  |
| --- |
| **Schedule 2: Operational map(s)/lists** |

|  |  |
| --- | --- |
| **Permission identification code** |  |
| **Operation locality:** |  |
| **Description of the operational area**. *Include here the name of the area/reserve, and the name(s) of the landowner(s), noting public and private land ownership.*Area of ground control \_\_\_\_\_\_\_\_\_\_haArea of aerial control \_\_\_\_\_\_\_\_\_\_ha**Total area \_\_\_\_\_\_\_\_\_\_ha** |

The substance must be applied on areas outlined on the maps attached to this permission.

**Insert a digital copy of the operational map(s) OR attach a hard copies if application is submitted in hard copy** *that includes an adequate level of detail (more than one map and maps of different scales may be necessary). If permissions is being given for the use of more than one hazardous substance, the area each hazardous substance is being applied must be shown, using different colours or colour codes for different hazardous substances.* *Where applicable, Department of Conservation consent areas, buffer zones and other relevant information should be delineated. The following should be shown on the map using a colour code, a number code or similar*

|  |
| --- |
| * *Dwellings, marae, schools, community/club halls*
 |
| * *Huts, bivvies/shelters*
 |
| * *Camping sites and picnic areas*
 |
| * *Public roads and lay-bys*
 |
| * *Watercraft landing points*
 |
| * *Helicopter landing pads*
 |
| * *Popular swimming and fishing access points*
 |
| * *Historical/memorial tourist sites*
 |
| * *Urupa/cemeteries*
 |
| * *Recreational and amenity facilities (e.g. golf course, wedding or sporting venues)*
 |
| * *Other outdoor activities gathering sites (e.g. caving, orienteering etc.)*
 |
| * *Walking/biking/off-road tracks*
 |
| * *Any other specific sites or features that are readily accessible and may attract or concentrate public activity*
 |
| * *Drinking water supply intakes*
 |

|  |
| --- |
| **Schedule 3: Conditions** |

|  |  |
| --- | --- |
| **Permission identification code** |  |
| **Operation locality:** |  |

Operators must be aware of and comply with all relevant legal obligations. The conditions of a permission are legally binding. However, compliance with conditions does not necessarily mean that operators have met all legal requirements for the use of VTAs and other hazardous substances. It is the responsibility of operators to comply with all legal requirements, including but not limited to, the Agricultural Compounds and Veterinary Medicines Act 1997, Animal Products Act 1999, Biosecurity Act 1993, Civil Aviation Act 1990, Conservation Act 1987, Crimes Act 1961, Food Act 2014, Hazardous Substances and New Organisms Act 1996 (HSNO Act), Health and Safety at Work Act 2015, Health and Safety at Work (Hazardous Substances) Regulations 2017, Land Transport Act 1998, Resource Management Act 1991 and Water Services Act 2021.

The following conditions must be met in order to use the vertebrate toxic agents or other hazardous substances listed in Schedule 1, as they are intended to be applied or used in a catchment area from which water is drawn for human consumption, or in another area where a risk to public health may be created.

**General Requirements**

|  |
| --- |
| **Condition 1: Start date and duration** |

|  |
| --- |
| This approval is granted for the period commencing [*insert start date*] to [*insert end date of up to three years from the operational start date*]. [*Insert name*] shall be notified if there is any alteration to the intended date of the application.Advise [*insert name*] of the commencement of the application of [*insert name(s) of VTAs or other hazardous substance(s)*], at least 12 hours before commencing application.Advise [*insert name*] of any significant changes, complaints or incidents relating to this operation.Contact [*insert name*] at least two weeks before the expiry date of the original approval period if you wish to continue the operation after this date. A permission can be extended only if it meets certain criteria.*Modification option:* If necessary, specify what forms of notification are acceptable, such as ‘in writing’ or ‘by telephone’. |

|  |
| --- |
| **Condition 2: Changes to permission** |

|  |
| --- |
| Advise [*insert name*] in writing of any changes to the proposed operation.*Modification option:* The condition may be modified if circumstances change during the operation, but discretion needs to be carefully applied. Dates should not be varied to extend an operation indefinitely. |

|  |
| --- |
| **Condition 3: Landowner and occupier notification** |

|  |
| --- |
| Before commencing the operation, notify occupiers and, as far as practicable, owners of land, homes or buildings within the operational area and immediately abutting the operational area. The notice must be given sufficiently prior to, but within two months of, the proposed application of [*insert name(s) of VTA(s) and other hazardous substance(s)*]. If requested by the person notified, repeat the notification at a mutually agreed time before the proposed application.The notice shall specify:1. the name and nature of the VTA(s) and other hazardous substance(s) 2. the approximate date on which the VTA(s) and other hazardous substance(s) will be applied3. a description of the area over which the VTA(s) and other hazardous substance(s) will be applied4. the name and address of the person responsible for applying the VTA(s) and other hazardous substance(s) 5. information on safety and precautions with respect to the VTA(s) and other hazardous substance(s) being used.*Modification option:* The condition may be modified if circumstances change during the operation, but discretion needs to be carefully applied. Dates should not be varied to extend an operation indefinitely.This condition may be modified where it is useful from a public health perspective to notify a wider group of owners/occupiers (list these owners/occupiers). A telephone contact number may also be required.In some cases, where nearby owners/occupiers commonly use the operational area, the condition could be widened to include owners/occupiers even if they are not immediately abutting the operational area. The applicant may also wish to notify key stakeholders such as tramping or hunting clubs or outdoor education providers where operations include public land that these groups frequently use. A greater distance between the operation zone boundary and occupiers may be applied. |

|  |
| --- |
| **Condition 4: Complaints and incidents** |

|  |
| --- |
| Any incidents or complaints relating to the operation that are likely to impact on public health shall be reported to [*insert name*] within 24 hours of the incident or complaint.*Modification option:* The period of time set for making a notification may be altered (for example, to ‘within one or two working days’). |

**Areas where a risk to public health may be created**

|  |
| --- |
| **Condition 5: Protection of the public** |

|  |
| --- |
| No [*insert name(s) of VTA(s) and other hazardous substance(s)*] shall be [*specify ‘aerially’ or ‘ground’]* applied within the distances listed below*,* and not where [*specify ‘it is’ or* *‘they are’*] within sight of, the following dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys: *List and specify exclusion distances for each of these public areas, specify whether aerial or ground-based application.****Modification options:***Exclude this condition if the HSNO Officer assessing the application is confident that the mitigating measures/controls the operator proposes are sufficient to prevent an exposure pathway from being present **and** the risk assessment supports this.The base exclusion distance for ground operations should be 20 m. The base exclusion distance for aerial operations should be 80 m.The base exclusion distances may be varied, or removed, if defined mitigating controls adequately manage public health risks, depending on the terrain and vegetation, accessibility and visibility of bait, method of application, and public use patterns. Sites with generally high use or with high use during the planned operation time (eg, a long weekend) may require a longer exclusion distance. Conversely, an 80 m aerial exclusion may be excessive in rough terrain with low use and heavy vegetation.Use generic wording rather than listing locations where it is not feasible or possible to obtain a complete list. One approach is to list the known locations, before adding wording such as ‘and any other dwellings, tramping huts, bivvies/shelters, tent camping sites, picnic areas, watercraft landing points, walking and vehicle tracks, roads and lay-bys in the area’. Alternatively, reference the overall section of the application that contains (specifies) the information.**Important**: Where both aerial and ground-based applications are proposed, repeat the condition for each type of application. |

|  |
| --- |
| **Condition 6: Aerial applications to huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys** |

|  |
| --- |
| [*Insert name(s) of VTA(s) and other hazardous substance(s)*] may be aerially applied to the following dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys but not during, or within 24 hours before the start of, school holidays, public holidays or public holiday weekends: (*list*).If [*insert name(s) of VTA(s) and other hazardous substance(s)*] is/are aerially applied to any of the above-listed huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys, inspect those, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys as soon as possible and no more than 24 hours after the aerial application and make reasonable efforts to find and remove all bait and, if encountered, animal carcasses.Undertake a second inspection of the following dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys, and make reasonable efforts to find and remove all bait and, if encountered, animal carcasses: [*list tracks to undergo a second clearance]*. The second inspection shall be made at least 24 hours [*or insert agreed timeframe]* after the toxic bait application. It should be timed to take place either immediately after the occurrence of strong winds, or immediately before the weekend or commencement of school holidays or public holidays, whichever occurs first.*Modification options:* Use discretion to permit the aerial application of VTAs and other hazardous substance uses to some, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys, instead of excluding them under Condition 5, provided that bait is cleared from these dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys as soon as possible. This would generally apply to low- or medium-use dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys.Use discretion in requiring a second clearance. The condition may not be required for low-use dwellings, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys, but consider such, huts, access points, camping and public areas, walking and vehicle tracks, roads and lay-bys on a case-by-case basis. Some cases may require consultation with the Department of Conservation and/or the relevant manager(s).Timeframes for clearances should reflect both use (low, medium or high) and complexity of the (ie, terrain, length, safety considerations). All such matters inform a risk assessment, and applicable mitigating measures that reduce or remove the presence of exposure pathways. |

|  |
| --- |
| **Condition 7: GPS track logs** |

|  |
| --- |
| The electronic GPS track logs shall be recorded and maintained for each clearance and made available to [*insert name*] within two weeks of the VTAs being applied. |

**Protection of drinking water supplies**

|  |
| --- |
| **Condition 8: Protection of drinking water supplies**  |
| Sufficiently prior to, but within two months of, the operation, the applicant must identify appropriate mitigation measures to protect all water supplies (including domestic self-supplies) that draw water for human consumption from an abstraction point: * within the operational area, or
* within 200 m for ground-based applications, and within 400 m for aerial applications, downstream of the operational area where the water source is a surface waterbody that flows through or rises within the operational area.

Within this same timeframe, the applicant must also notify the water supplier of these measures and take and record these measures.*Modification options:***Condition may not be required:** This condition is not required if the operation does not affect any water supply catchments.**Exclusion distances:** VTAs should not be applied within the following distances of **abstraction points** that are within the operational area.

|  |  |  |
| --- | --- | --- |
| **Distance from abstraction point** | **Domestic supplies**  | **Public supplies**  |
| Ground-based application  | 20 m (extending 50 m upstream for flowing surface watercourses)  | 50 m (extending 100 m upstream for flowing surface watercourses)  |
| Aerial applications | 50 m (extending 200 m upstream for flowing surface watercourses)  | 200 m (extending 400 m upstream for flowing surface watercourses)  |

In steep areas, the exclusion area may need to be increased to prevent bait from falling into the waterway. For other operations (eg, along farm streams), bait may be applied closer to the water edge as long as the bait can be applied in a way that prevents any from falling into the water (eg, using trickle feeding). Where the risk of the VTA or poisoned carcasses entering into waterways is higher (eg, sloping ground toward the waterway; heavy vegetation overhanging the waterway), the exclusion distances may be increased. In flat areas with low possum numbers, the exclusion distance could be decreased, if this does not increase potential public health risks. This will depend on local conditions, including rainfall, the gradient of the terrain, vegetation and soil type.**Aerial applications of 1080:** Following 1080 aerial operations*,* the operator is likely to test the water, if there are insufficient historical records demonstrating that the water supply will not be contaminated or to reassure the public that the contaminated water supply is safe. If undertaking water testing, the operator should follow the current ‘Guideline for sampling and testing water associated with monitoring of aerial 1080 baiting operations’ (Manaaki Whenua 2019). The water supply is likely to be temporarily disconnected until such time as water testing finds no 1080 present above 50 percent of the provisional maximum acceptable value (PMAV) for 1080 in the *Drinking-water Standards for New Zealand* (Ministry of Health 2018)*.* If no alternative water source is available, an adequate alternative potable water supply (to be used for drinking and cooking) is likely to be provided to affected households, until testing is completed.When water testing reveals 1080 contamination over 50 percent of the PMAV, the alternative potable water supply should be maintained until testing confirms 1080 is below 50 percent of the PMAV. |

1. Hazardous substances requiring permissions refer to substances listed in Schedule 1 of the Environmental Protection Authority’s Instrument of Delegation. These are: sodium fluoroacetate (1080), sodium cyanide, potassium cyanide, yellow phosphorous, 3-chloro-p-toluidine-hydrochloride, microencapsulated zinc phosphate paste, Advion® fire ant bait, Amdro® fire ant bait, Campaign® ant bait. [↑](#footnote-ref-1)
2. End date refers to expiry date of this permission and not to the final date the vertebrate toxic agent or hazardous substance may be applied. [↑](#footnote-ref-2)