

# Appendix AQ7

## discharge of agrichemicals to land or air: standards, terms and conditions

**AQ7.1** The discharge of agrichemicals to land or air (as set out in Rule AQR.56 (Agrichemicals)), must meet the following standards, terms and conditions, as defined in Rule AQR.56.1 (permitted activity) and AQR.56.2 (controlled activity):

**AQ7.1A** For **small-scale application** (see definition A2-73B) of agrichemicals the provisions under **User Training** c); **Written Records** d); and **Notification Requirements** f) and g) do not apply.

### Label Directions

- a) The agrichemical is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare), or contravene any other requirement specified on the product label, and

### Location of the Discharge

- b) The agrichemical is not discharged onto any land open for lawful public access, including any road, public park or reserve, except :
  - i) For the purpose of boundary spraying of land bordering any road, public park or reserve, and
  - ii) For the hand placement of solid or semi-solid agrichemicals for weed and pest control, and
  - iii) For the application of agrichemicals by knapsack sprayer for weed and pest control, and
  - iv) For the purpose of spraying production land where notice of use of agrichemicals is provided at public access points or at least 50 metres from the areas being sprayed.

### User Training

- c) From 1 January 2007 (allowing for the deeming process under the HSNO Act) users must be certified, or under the supervision of a person who is certified, by a third party as:
  - i) knowing and able to describe:
    - a. the hazard classifications of the agrichemical to be used, and
    - b. the adverse effects that could be caused by the agrichemical to be used, and
    - c. his or her obligations and liabilities under Acts of Parliament relative to the agrichemicals to be used and their use, and
    - d. which regulations apply in respect of those agrichemicals, and where those regulations can be obtained (including the relevant provisions of Nelson's Air Quality Plan), and
    - e. the content of NZS 8409:2004 Management of Agrichemicals, and
    - f. the precautions required to prevent injury to a person or damage to the environment (including property) by any agrichemical to be used, and

- g. the procedures to adopt in an emergency involving the agrichemicals to be used, and
- ii) knowing and able to demonstrate a working knowledge of the operating (including protective equipment and clothing) necessary to manage the agrichemicals being used.

#### Written Records

- d) the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying:
  - i) Target pest(s), and
  - ii) Type of agrichemical used, and
  - iii) Volume and concentration discharged, and
  - iv) Location of the discharge and area of land over which the agrichemical is sprayed, and
  - v) Method of discharge, and
  - vi) Date and time of discharge, and
  - vii) Weather conditions during discharge, and
  - viii) Any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary, and such records must be kept for a minimum of 12 months and supplied to the Council on request.

**Note:** Records kept as compliance with NZS 8409:2004 Management of Agrichemicals will be accepted as means of compliance with this condition, and

#### Drift Limitations

- e) The discharge must be undertaken in such a way that agrichemical drift does not move over any adjoining property that is any:
  - i) School, or early childhood education facility, or their grounds, or
  - ii) Place of public assembly including any public reserve, sports field or children's playground, or
  - iii) Property registered or certified by the Biological Producers and Consumers Council or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced, or
  - iv) Residential unit or any area within 30 metres of a residential unit, provided that this does not apply where there is a mutual agreement to this effect between the person who discharges or causes the discharge of any agrichemicals, and any occupier of the residential unit, or
  - v) Property growing a sensitive crop, and

#### Notification Requirements

- f) The applicator shall prepare a spray plan prior to application, and provide it upon request of any potentially affected party within 7 days. Upon request of any potentially affected party to be advised of spraying occurring, the applicator shall advise the intent to spray in a manner agreed between the parties.
- g) The minimum requirement for notice of the details specified in condition (f) must be written notice given no more than three days and no less than eight hours before the discharge is to take place, **except:**
  - i) Where other notification arrangements have been mutually agreed between the person who discharges or who causes the discharge of any agrichemical, and any occupier of the adjoining property, or

- ii) When the weather conditions are such that subsequent risk of pest or disease places any crop at risk of damage, the minimum requirement must be verbal or written notice given no less than two hours before the discharge is to take place, and

**Drift Control**

- h) The applicator must take all reasonable care to avoid and mitigate any spray drift hazard as specified in Section 5.3.4 of NZS 8409:2004 Management of Agrichemicals. Appendix G 'Spray Drift Hazard and Weather Conditions' of the Standard contains detailed information regarding drift control.

**Advisory Note:**

The requirements set out in this Appendix are in addition to the requirements set out in NZS 8409:2004 'Management of Agrichemicals'. Compliance with the mandatory parts of the Standard is required by Rule AQR.56. The mandatory parts of the standard are those that include the word 'shall'. The Standard also contains informative guidance material which will greatly reduce the risk of any environmental or health and safety incidents when using agrichemicals.