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Committee Council  
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## Methyl bromide use

### 1. Purpose

To inform Council of the regulation and use of methyl bromide at the port of Wellington and the respective roles of the various agencies and organisations involved in this use.

### 2. Background

At its Council workshop of 12 December 2013, Council received presentations from the Environmental Protection Authority (EPA) and CentrePort about the use of methyl bromide at the port of Wellington. Following on from the December workshop, this report sets out the relevant roles and responsibilities of each agency or organisation that has a direct interest or involvement in the regulation and use of methyl bromide at the port of Wellington, namely the Ministry for Primary Industries (MPI), the EPA, CentrePort, various third party fumigation contractors, and Greater Wellington Regional Council (GWRC) via Port Investments Limited (PIL).

The presentations from the EPA and CentrePort, which were received at the December 2013 Council workshop, are attached as **Attachment 1** and **Attachment 2** respectively.

### 3. Comment

#### 3.1 Methyl bromide

Bromomethane, commonly known as methyl bromide, is a chemical composition most commonly used for quarantine purposes. The properties of methyl bromide make it an effective and versatile fumigant used to kill unwanted pests. Methyl bromide is most commonly used in New Zealand for the eradication of pests from import and export cargo. Methyl bromide is currently used for these purposes at the port of Wellington.

While methyl bromide remains a useful tool, it is a recognised ozone depleting substance, and a highly toxic substance with known health effects if it is not

used and managed properly. Efforts are now being made to reduce both the use and emissions of the gas. Under the Montreal Protocol, countries are required to phase out methyl bromide use for non-quarantine use and New Zealand has ceased to import the gas for non-quarantine use.

Official quarantine and pre-shipment use of methyl bromide is still permitted; the requirements for use are set by the MPI and regulated by the EPA.

### **3.2 Ministry for Primary Industries (MPI)**

The MPI is the government authority responsible for maintaining effective biosecurity standards for the movement of goods to and from New Zealand. This includes setting the requirements for fumigation of certain imported goods, in particular prescribing the fumigants and specifying when they can be used.

The use of methyl bromide as a quarantine and pre-shipment fumigant is permitted by the MPI for official treatments only. These include:

- official treatment by an importing country against a quarantine pest known to infest a particular commodity
- official treatment of an imported consignment where a quarantine pest is detected
- official treatment of a commodity transported within a country from an area where a quarantine pest is present to an area where it is not present or not widely distributed, and under official control; or
- treatment of an established quarantine pest with a view to its control and eventual eradication from a country.

The MPI's Approved Biosecurity Treatments schedule sets out precise requirements for the treatment of risk goods prior to obtaining biosecurity clearance. For example, the schedule states that imported fresh fruit and vegetables requiring treatment for insects (excluding fruit flies) must be treated with methyl bromide in accordance with the requirements relating to dose, temperature and duration.

The reason for approved treatment of these materials with methyl bromide is the risk to New Zealand's biodiversity and economy associated with quarantine insects.

A full list of the MPI Approved Biosecurity Treatments is available at the following link <http://www.biosecurity.govt.nz/files/regs/stds/bnz-std-abtrt.pdf>

### **3.3 Environmental Protection Authority (EPA)**

The EPA is the government agency responsible for managing certain regulatory functions concerning New Zealand's environmental management. This includes the regulation of hazardous substances and chemicals, including methyl bromide, in order to enable industries to work safely with permitted hazardous substances.

In November 2010, following an extensive reassessment of use of methyl bromide in New Zealand, the EPA authorised the continued use of methyl

bromide as a fumigant for imported and exported goods, but imposed strict conditions on its use. The new conditions for the management of methyl bromide aim at minimising the level of public exposure to the fumigant and include setting minimum buffer zones around fumigation sites, setting Tolerable Exposure Limits (limits of methyl bromide in the air that cannot be exceeded outside the buffer zones), providing for notification to nearby residents and requiring users to monitor air quality during fumigations and report back to the EPA each year. In addition, all methyl bromide fumigations must use recapture technology before 2020.

### **3.4 CentrePort**

CentrePort's role in the fumigation process at the port of Wellington is limited. As the site owner, CentrePort sets the operating procedures for permitted on-port activity, which are set in accordance with industry guidelines. CentrePort does not contract or conduct any fumigation activity, nor does it decide on the fumigants to be used (this is directed by the MPI). CentrePort therefore does not have any direct influence on the use of methyl bromide at the port, which is permitted by MPI for official treatments and regulated by the EPA. CentrePort's fundamental role is to ensure fumigation that occurs at the port complies with the requirements and guidelines set down by the MPI and EPA.

As the site owner, CentrePort is also responsible for monitoring the compliance with these guidelines and notifying the EPA of any breach of methyl bromide exposure levels. As CentrePort has two fumigators on site which use more than 500kg of methyl bromide in one year, CentrePort is also required to produce an annual report for the EPA.

In compliance with the EPA's requirement that all methyl bromide fumigations must use recapture technology before 2020, CentrePort introduced recapture technology in December 2013. This is currently limited to containers, as there is no technology solution available for logs in holds available to date. However, the majority of fumigation at CentrePort is carried out inside containers; there have been two fumigations of ship holds for logs carried out in the last two years.

### **3.5 Various third party fumigation contractors**

As the landowner, CentrePort sets the operating procedures for permitted on-port activity; CentrePort does not undertake fumigation at the port of Wellington. This is carried out by third party contractors. This fumigation must be done in accordance with the requirements set down by the MPI and EPA. In addition, every third party must be licensed by the EPA, and must be approved to the appropriate MPI Standard. If using methyl bromide, the fumigator is required to monitor the use during application, and report these results monthly and quarterly. If the Tolerable Exposure Limits set by the EPA are exceeded, this must be reported within 24 hours.

In addition, all fumigation at the port of Wellington takes place in specific areas with clear buffer zones, in accordance with the regulations set by the EPA. These are monitored by CentrePort and the EPA.

### 3.6 Greater Wellington Regional Council

GWRC is the majority shareholder in CentrePort, and exercises its ownership interest through the holding company Port Investments Limited (PIL). PIL provides CentrePort with an annual letter of expectation and also comments on CentrePort's draft Statement of Corporate Intent (SCI). The letter of expectation for the 2014/15 - 2016/17 draft SCI included a section on Environmental and Health and Safety Issues, which directly addressed the use of methyl bromide at CentrePort. The letter conveyed Shareholder concern over the use of methyl bromide as a fumigant and required CentrePort to amend its SCI to reflect its intention to move toward a recapture process, in order to provide PIL with the assurance that the process is being monitored.

CentrePort's draft SCI for the financial years ended 30 June 2015 to 2017 addresses this concern with the following environmental performance targets:

- formally review, at least annually, the Company's compliance with all environmental legislation, district and regional plans, and conditions of resource consents held including the monitoring of environmental discharges in accordance with implemented management plans in the areas of:
  - fumigants associated with the pest treatment of cargoes, including the introduction of recapture technology for containerised cargo during 2014
- maintain the requirement for fumigation contractors to use recapture technology for the fumigation of containers
- monitor compliance by contractors for the fumigation of log shipments in line with the Environmental Protection Agency policies. Continue to review the availability of recognised alternative fumigation options.
- maintain a register of environmental risks and incidents for monitoring and actioning purposes. The register [is] to be reported to CentrePort's Health, Safety and Environmental Committee on a regular basis (the committee meets 4 times per annum).

Similar to CentrePort, PIL only has an involvement in the site ownership role of the port and has no direct influence over the management of permitted activities that occur there.

In a regulatory capacity, through the existing Regional Air Quality Management Plan, GWRC has no direct role as the use of methyl bromide is a permitted activity. In the discussion document for the new Regional Plan, which is currently in development, the use of methyl bromide is proposed to be a controlled activity.

Additionally, GWRC is a tenant of CentrePort's Shed 39 building located at Harbour Quays, Wellington. Monitoring advice received by GWRC as the tenant of this building confirms that the use of methyl bromide at the port of Wellington complies with the MPI and EPA requirements which are set to ensure the safety of the public and, as such, GWRC has no concerns regarding the use of methyl bromide at the port and the effect of this on the health and safety of its staff.

**4. Communication**

No external communication is required.

**5. The decision-making process and significance**

No decision is being sought in this report.

**6. Recommendations**

*That the Council:*

- 1. Receives the report.*
- 2. Notes the content of the report.*

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