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Working globally for a toxic free future

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Mr Gary Whytcross
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Dear Gary,

This letter follows on from our telephone conversation and your follow up email of the 16/12/2020 with respect to Narromine and environs pesticide spray drift events. We appreciate that the NSW EPA is conducting further investigation of the issue.

Despite NTN requesting a copy of the details of the NSW EPA designed 'Pilot Program to identify whether target pesticides are harming non-target vegetation' [Pilot Program] no copy has been forthcoming.

The Community Overspray Group subsequently provided us with a copy. I understand they have already provided you with their collated concerns about the program.

We would also like to provide you with some urgent feedback given that so much appears to hang on this Pilot Program.

Overall, it would appear the Pilot Program would likely be of limited use given some fundamental problems with its apparent design and capacity to provide robust scientific data and its proposals for community communication.

1. The program's stated purpose is: "To start to build an understanding of what is occurring, this pilot program will target the use of defoliant on cotton crops through the summer months".

I've checked with Cotton Australia, as well as with local knowledge, which indicates that defoliation of cotton crops usually occurs in Autumn (March/April). Previously, the community has reported spray drift events occurring over these months in relation to cotton defoliation.

Why then are you targeting the summer months? I understand detection devices have already been deployed. Will they remain in place until after the actual defoliation spraying period?

2. The program states: "The EPA has investigated all reports made to the Environment Line, but to date has not found enough evidence of pesticide overspray or drift."

Is this statement made only in relation to cotton pesticide spray drift events, or for all of the reports to the Pollution Line for pesticide spray drift from the area of concern?

We note that the NSW EPA recently reported to the APVMA's Adverse Experience Reporting Program [DOC20/926029], which appears to be at odds with the statement above made in the Pilot Program.

"...The EPA's investigation concluded that that the aerial applicator used pesticides in accordance with the approved label instructions and did not commit an offence under the Pesticides Act 1999 where the use of pesticides is likely to injure a person, damage property, or harm any non-target animal or plant.

However, I am referring this incident to the Adverse Experience Reporting Program (AERP) for your consideration because our forensic investigation determined that spray drift occurred away from the site of application, even though the aerial applicator appeared to be compliant with the label conditions.

The EPA will formally refer this incident using the AERP online tool however please find enclosed a copy of the Environmental Forensics Report of Analysis and sample locations for your information...."

3. The Pilot Program states it will look for three pesticides: diuron, thidiazuron and ethephon.

What was the rationale for choosing these three pesticides? Are these the products cotton growers have stated they will use in their 2021 defoliation program? Why

wouldn't you run a screen for any pesticides detected through your collection devices?

4. The description in the Pilot Program of "What are we not doing" doesn't appear to make sense.

We would expect that if the program detects any pesticides, misuse of pesticides, or evidence of harm that the EPA will investigate and take the appropriate regulatory action.

5. Sampling sites

The map does not identify which are control sites or how many are control sites. Also it says 'indicative sites'. Is there a map with the final chosen sites? What criteria were used to select all the sites? Was proximity to cotton farms assessed, prevailing wind patterns, landforms, proximity to trees with reported damage etc etc?

6. When are we sampling?

There is no information about the detection methodology that will be used. What is the rationale for only taking samples once a week? What are the details of operation in relation to the bulk deposition sampling apparatus? Where will the samples be analysed and what will be the limits of detection for that laboratory? What other weather data will be collected with the samples?

7. Observing vegetation condition

Are the ecologists from DPIE familiar with spotting herbicide damage on vegetation? Will information be provided to them about the potential non-target vegetation impacts of the 3 chosen herbicides?

8. How will we collect samples?

"If elevated levels of pesticides are detected, officers will report the incident and make the information available for the cause to be investigated".

What constitutes an 'elevated' level of pesticide? Is it presence/absence? If a limit has been chosen, what is that limit and how was it determined?

9. What will happen at the end of the program?

"The EPA will provide monthly updates that will show any detections of the defoliants."

Is there a monthly update for January available? How will this update be made available and to whom?

“At the end of the program, the EPA will produce a summary report of the results of the program and make it publicly available. The summary report will identify whether the results indicate further monitoring is worthwhile as part of a different program”.

Why will only a summary report be made available? We'd like to see a full report with sampling data. How will it be made publically available and what will be the timeframe for providing the final report?

In conclusion, for the broader community, industry and other agencies to have any confidence in the usefulness of this Pilot Program and its findings we need to see adequate details on its design, methodology and communication of results.

We expect that a comprehensive report would be provided to the community, which addresses all the questions and concerns that have been raised. We would also like an indication of the timeframe in which we can expect to see the report and what community consultation will occur when those results are publically released.

The issue of pesticide spray drift and the secondary movement of pesticides in the environment is a long-standing one, as I'm sure you are aware. The community is becoming more and more aware of these issues and they will not recede. It would be so much more useful if this process were designed with community engagement in mind.

Thank you.

Yours sincerely

JOANNA IMMIG
Coordinator

