

## **Guardians Submission to ERMA review of Methyl Bromide**

26<sup>th</sup> Sept 2009

### **History of issue in NZ**

You will be aware of issue raised in Port Nelson by the widows and families of the 6 port workers who had died of Motor neuron disease, we are told that there are now up to 12 widows, and the only common denominator is the neuro toxic gas called Methyl bromide that all of these men were exposed to during their work exporting logs.

The campaigners put pressure on the Nelson district council to conduct Air Modeling which showed that concentrated plumes of Methyl bromide could travel for up to 10 kilometers.

The clean Air plan for the port zone said that they could continue to fumigate but the fumigant had to be recaptured and filtered then recycled or destroyed rather than releasing to atmosphere.

The industry knowing that the associated costs would reduce their profit margins and that the MDC had no restrictions on the use of log fumigants chose instead to fumigate their logs in Picton.

Between 3 to 5 tons are being release per fumigation.

As you can imagine the Nelson stevedores that were traveling over to work the ships shared their concerns with our local wharves, our Picton campaign started at that point.

Our workers were concerned that they were being exposed to Methyl Bromide that they could neither see, taste or smell and had been warned that the gas was cumulative.

They were expected to work while the fumigations were being carried out, and loader drivers were expected to pick up fumigated logs as soon as the covers were drawn, either the fumigators or workers were supplied with coveralls or gas masks.

On occasions the covers would rip or blow off in high wind conditions, these covers are held down by water snakes around the bottom edge, they are not tied down!

Anyone experienced with using tarpaulins knows that in swirling gusty winds over 40 knots it's impossible to keep tarps in place. Tied or otherwise

At the last fumigations in Picton the wind strength was measured at the ferry terminal to be gusting at up to 130 knots!

Fumigations under tarps should not be allowed under any circumstances! It's not good enough to say only fumigate under a certain wind strength because when they get behind schedule they throw caution to the wind.

The fumigators say that after the tarps are removed that the gas is undetectable within 10 metres of the stack, they also say that because its heavier than air it doesn't rise, well its not a magic act, 5 tons of this stuff doesn't just disappear ! It's got to go somewhere and if it's not discernible within 10 metres it must have gone straight up then where?

## **Air Modeling**

Genera, MDC and the Port Company all adamantly refuse to conduct air modeling. !

## **Nelson Marlborough Health Board**

When men in Nelson working in a yard adjacent to the port were exposed to a plume of gas they had immediate blood tests that showed high levels of Methyl Bromide and OSH accepted their claims however, Doctor Kiddel came out with a statement that there is no evidence of any link between M/B and Motor Neuron disease.

Professor Ian Shaw vice chancellor of Canterbury University and a world leading authority on M/B

Has told us that Dr Kiddel statement is correct but is a play on words because no one world wide has done scientific research to investigate the connection but in his educated opinion he believes that there is a link.

Ask you self why has there been no research, use of M/B is used for fumigation of our nations imports and exports, The govt believe that the use of M/B is of national importance, the industry are fighting to retain the status quo that only leaves the workers and they cant afford it, so who will carry out this research in NZ?

Looking at studies done in the USA on men involved in fumigations over a 5 yr period show they have a much higher than average incidence of throat, lung heart and respiratory problems, rashes and a much higher incidence of prostate cancer and neurological illness.

Tests done with rats are also extremely disturbing. The NMDHB obviously don't have access to the internet!

World wide the authorities highlight the fact that M/B is the worst ozone depleting gas we have.

They all highlight this fact and refuse to acknowledge the risk to community health.

This is because if research was done and ignored by authorities those authorities would be technically liable to legal challenge.

Although we acknowledge the effects on the ozone layer we as a community are far more concerned about the cumulative effects on the health and safety of our workers and community.

NMDHB, Labour Dept, MDC and ERMA all say to us, show us the medical proof that people are dying because of exposure, we have men who have been exposed and are very sick as a result and have blood tests showing up to 30 points of M/B, safe limit is 5. Why are these blood tests not proof enough.?

A wharfie who was concerned about being exposed in an uncontrolled release when tarps ripped off went to the doctors he died soon after of heart failure, a night watchman who had to check the tarps at night died of brain tumors, fumigators that have cancer, people who are sensitized to toxic sprays that break out into a rash their teeth start tingling on the very day that fumigations are conducted. But No we don't have scientific proof, what we have is a very frightened community.

All 4 of our local doctors have come out strongly in support of banning log fumigations with uncontrolled release to atmosphere and want to see gasses filtered and recaptured or destroyed.

A telephone call by a person, who had seen our latest protest on TV said that his brother in law was a fumigator using M/B in the holds of ships in Lyttelton 20 yrs ago, got very sick and died of motor neuron disease.

We have been told that a Samoan guy doing fumigation work on ships in Bluff also died unexpectedly.

The doctors say to us that it shouldn't be up to the community to prove that these toxic gases are causing health problems they say it is what you call "Blame the victim"

We are not the perpetrators of this activity, if industry want to use dangerous neurotoxins the onus should be on them to prove beyond a shadow of a doubt that their activity is safe and the best way to do that is to conduct scientific air modeling by an independent expert not hired by any party with a vested interest in the operation.

And if they cant prove that its 100% safe authorities need to use the precautionary approach to place a moratorium on log fumigations until council promulgates a variation to the district plan that makes log fumigations a resource consented activity with strict conditions.

We have a health board that for 3 yrs has refused to even speak with us and a Labour dept who refuses to meet with us and a council who refuses to make log fumigations a resource consent activity and who even refuse to place any conditions on the conditions of release.

As a community we tried to get Annette Baxter from Dept of Labour to come to Picton and work with us and the Port Company to look at a code of practice that the fumigators should adhere to, wind conditions, strength , direction , temperature, cold inversion layer etc..... She refused.

Recently after a complaint about an uncontrolled release she sent a

representative over to work with the port company but never consulted with us. Why is this? is it just arrogance or does the HSNO act state that Dept of Labour are not to liaise with members of the community, we have been studying this issue for 3 yrs we have local knowledge of the climatic conditions and topography . We also have historic information that is valuable when assessing this issue.

We had worked with the Port Company on a Code of Practice, the one developed by the Dept of Labour and industry is not robust enough!

### **The Port Companys new Code of Practise**

Says no fumigation release in over 25 knots of Nor West, ( prevailing wind blowing over town. ) This is wrong ! there should be NO release at all if the wind is blowing over the town .

It does have a condition on temperature , no release if temp is under 10 degrees.

But there is no condition taking the cold inversion layer into account, and this is something that we are very concerned about because the cloud cover sits right down lower than the road around the grove track which we suspect will create a ceiling that the fumigants will stay below and the Nor west could blow it down around our houses and schools and residential areas.

Remember also that the Cook Strait ferries are located 2 hundred metres from the boundary.

The crew of the Bluebridge ferries have laid an official complaint with their company about them being exposed to risk of toxic spray drift .

The ladies at Blue Bridge have rung us complaining of head aches following fumigations and their dept is at least a mile away from the log yard.

We have perused the Genera Emergency procedure, it is not complete enough, it talks about stopping work and evacuating the area if there is an uncontrolled release of fumigant, and monitoring ( there should be NO workers in the yard while fumigation is under way.)

How ever the Emergency should state what Generia staff would do if a group of men where exposed to an uncontrolled release and showing symptoms , head aches, stinging eyes, rashes, etc.

They should of worked out a procedure with the health care professionals , the NMDHB who refuse to address this issue ( WHY ?) should be involved in working out this procedure,Doctors, Ambulances, hospital, should they first be stripped and thrown in a shower ?

IF 20 men where seriously affected this procedure should be prepared in advance , because this would be a task that the local doctors surgery would not be equipped to handle.

ERMA approach seems to be to have a set of national guidelines for use of methyl bromide, after spending 3 yrs studying the fumigations and researching the issue we are strongly of the opinion that every port should have a Risk assessment and a Code of Practice that is Site Specific taking into account the

topography, climate prevailing winds, cold inversion layer, proximity to other businesses or residential areas.

The local Councils all need to have a clean air Plan that addresses the issue of Spray Drift, Fumigations need to be subject to Resource Consent with strict conditions, any person who is releasing toxic gas or spray into the atmosphere needs to be registered trained and properly equipped with safety clothing , coveralls, gas masks, gloves boots etc...

As for log fumigations using large amounts of neurotoxin that is soluble in water Eco toxic, and cumulative they should be made to fumigate in an air tight facility (shed NOT tarpaulins!) and have to recapture, filter, recycle or destroy.

The industry says that the technology isn't available to recapture on this big a scale, we have spoken with the biggest engineering firm in Blenheim and they say that it is possible and that the technology is basic.

## **Topography**

Because Port Shakespeare is located in an excavated cut between two adjoining bays it creates a wind tunnel, and the prevailing Nor west winds blow over the town of Picton that lays only a couple of hundred meters south East of the log yard.

Over the years we have witnessed coal dust , Lucerne dust and ordinary dust being blown over our homes and settling on roofs 2/3 miles away from the port.

Recently when the Port Company were preparing the log yard for tar sealing large clouds of dust were observed sweeping right over the town and up both the elevation and Essons Valley both of which act like natural funnels creating a natural draft.

Methyl Bromide may be heavier than air but it's not as heavy as coal or Lucerne dust and we know how far that travels.

We also have a phenomenon called a cold air inversion layer that occurs all year round resulting in a layer of cloud that sweeps clouds across the Sound and hangs directly above Shakespeare bay only a couple of hundred feet above the ground, the Nor west wind then blows these clouds down around our houses, (we have photos if you would like.)

## **Eco Toxic**

When first used here the M/B had a stenching agent called chloropicrin, not only did it stink like rotten eggs but was highly toxic as well, having been used during WW1 with the old Mustard gas.

The whole foreshore and adjacent wharf area started to stink like raw sewerage, but no sign of sewerage, people living on boats at the ferry terminal were convinced that it was M/B from log fumigations which is water soluble

had found its way into the water and that the smell was coming from the Chloropicrin.

They stopped using the stenching agent, now we have no idea if we are exposed or not, we suspect that it's still finding its way into our moana and effecting our fish and kaimoana

### **Careful What You Wish For**

We are conscious of the fact that your reassessment has very narrow terms of reference and what deeply concerns us is that the MDC have totally ignored our community protests and have said they will wait until your reassessment process is complete before they consider promulgating a clean air plan for Marlborough.

This will take up to 2 yrs and at the end of that period the industry will just switch to phosphine and none of the conditions that you propose in the reassessment of M/B will apply!

So please consider very carefully a recommendation that every region that has an export port and is fumigating logs must have a robust air plan that demands recapture , filtering recycling or destruction of fumigant regardless what gas they use , remember if a toxin kills bugs it will be just as deadly to people.

The Clean air Plan must also require the activity to have resource consent with strict conditions.

Don't take it as a given that district or regional councils already have adequate district plans because most like the MDC will have vested interests that have prevented them from preparing such a plan.

### **IS the HSNO ACT a Myth here in Marlborough?**

We are very disappointed with the HSNO Act, the MDC say that they are not responsible for administering the act, they say that its not written into their district plan , they don't do monitoring or compliance of the act.

That is the responsibility of the Dept of Labour and the nearest branch is 2 hrs away in Nelson. There are 2 mountain ranges in between and it took 3 yrs to get them to come over and evaluate the fumigation issues, This system is dysfunctional and your review needs to address this issue !

One of your recommendations could be that the HSNO ACT is written into the Marlborough district Plan and staff are suitably trained in the HSNO Act and deputized by the Dept of Labour to carry out their duties here in Marlborough. Or Dept of Labour should have staff here in Marlborough.

MDC staff used to carry out those duties under the old Dangerous Goods Act.  
Vested Interests

The MDC are the 3rd largest forestry owners in Marlborough, they also own the Port Company 100% so is getting 2 bites of the cherry and it is very much in their commercial interests to maintain the status quo! No resource consent and No conditions on uncontrolled release.

## **Temperature**

If log Fumigations are carried out in the open air under tarps, then air temperature is a critical factor.

I have been contacted by a log exporter who has major issues with Genera, due to two issues one fumigating when the temp is too cold, process doesn't work effectively if temp drops below 10 degrees.

This year we had an early winter with night time temperatures dropping below zero as early as Easter, a number of shipments in April May and June would have been fumigated in sub zero condition, these fumigations would have been only partially effective. This wouldn't happen if fumigations were carried out in an air tight facility.

The other issue is that when they are running late behind schedule, they have loaded unfumigated stacks. (this has been verified by wharfies.)

This exporter had a shipment of logs rejected at their destination port because they hadn't fumigated properly and cost this company over a million dollars. He said that he has found new markets in china, shipped in containers, where they fumigate at port of arrival and it's done in enormous sheds, just open all the doors and flood the shed.

MAF

He would like MAF to change their policy about having to fumigate before they leave , he said its faster and much cheaper to fumigate at port of arrival . These are his suggestions.

1. Preinspection certificate to be done in NZ Maf inspects the logs at port for excess dirt, mould, fungi etc.
2. Fumigation certificate to be raised from India or China, and complies with our standard.
3. Photosanitary cert to be raised from the preinspection cert and the fumigation cert to form the photosanitary cert so the importing country accepts the product free of pests and diseases.

Leon Wood

## **Ozone Depletion**

Although our primary concern are the health effects and impact on our marine environment Erma surely cannot ignore the fact that M/B is one of the worst known ozone depleting gases, I've heard it said that its worse than the CFC's that used to be used for refrigeration., that was banned because of its effect on the ozone.

M/B is used in such massive amounts 5 tons being released at a time, Recapture should be made mandatory for this reason alone.

Conclusion

Well kia ora guys, thank you for your efforts, wish you well with your mahi;  
please don't hesitate to contact us if you have any queries about this rambling  
epistle

Noho Ora Mai,

Pete & Takutai Beech.

Guardians of the Sounds.