

INFORMATION SHEET

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Approved Handler requirements for pesticides

Introduction

This information sheet is designed to help those working with agrichemical pesticides recognise whether they need an Approved Handler Test Certificate under the Hazardous Substances and New Organisms (HSNO) Act 1996.

The information here applies only to people using agrichemical pesticides. It does not include warehousing situations, or where agrichemicals are stored for supply.

This information sheet describes:

- when an Approved Handler Test Certificate is required
- where ecotoxic pesticide use is considered to be 'wide dispersive'
- how approved handler requirements apply differently to toxic and ecotoxic pesticides.

The term wide dispersive is used in the context of setting a trigger level for the need for an approved handler.

Note: Regional Plans may have different requirements relating to buffer zones. Contact your Regional Council for details.

Definitions

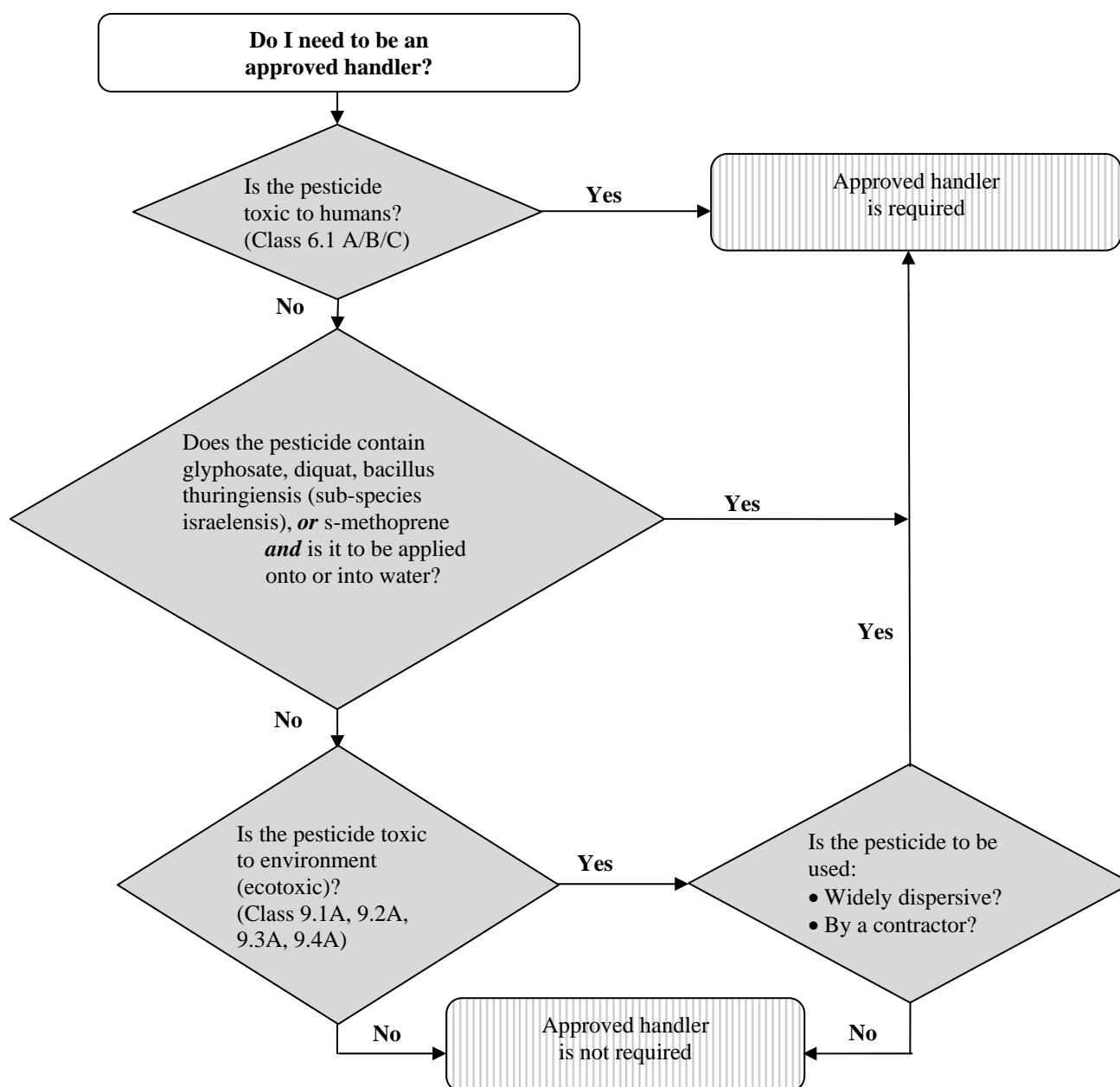
The following definitions are used in these interpretations:

Application area	<p>- the physical area within the property where the pesticide is being applied and/or handled.</p> <p>This is the same meaning as Regulation 46 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001.</p> <p>‘In regulations 47 to 51, application area, in relation to a substance designed for biocidal action, means:</p> <p>(a) an area of land owned or occupied by the person applying the substance; or</p> <p>(b) air or water above the ground within the boundaries of land owned or occupied by the person applying the substance for the period of time that the air or water remains within the boundaries of the land; or</p> <p>(c) any land, air, or water within an area that a person is authorised, under any enactment, to apply the substance to.’</p>
Available	- contactable by electronic means, or in person, within a reasonable period of time.
Commercial contractor	- any person or organisation who, by agreement with the owner, occupier or manager of any land or premises, applies or causes to be applied any agrichemical in an agricultural, horticultural, domestic, commercial, industrial or related situation for hire or reward. It does not include an owner, occupier, manager or their employees, using an agrichemical on their property. Reward includes situations where a property owner sprays another property in return for other work performed on their property, or similar payment in kind.
Effect	<p>- includes any:</p> <ul style="list-style-type: none"> - potential or probable effect - positive or adverse effect - temporary or permanent effect - past, present or future effect - acute or chronic effect - cumulative effect which arises over time or in combination with other effects.
Handling	- the mixing, use, and disposal of a pesticide.
Person in charge	<p>- see the ERMA New Zealand Quick Guide to Person in Charge for more information</p> <p>- www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-28-1.pdf.</p>
Place of work	- same as under the Health and Safety in Employment Act 1992.
Premises	- includes dwellings, buildings, aircraft, ship, carriage, vehicle, box, receptacle and place, including a farm where the farm is contiguous land.
Present	- physically present at the application area where the pesticide is being used or handled.
Property	- includes premises and place of work. It can comprise land owned or occupied.
Tracking	<p>- see the ERMA New Zealand Quick Guide to Tracking for more information -</p> <p>www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-30-1.pdf</p>
User	- the person physically using (mixing/applying/disposing of) the pesticide.
Wide dispersive use	- for the purpose of the requirement to obtain an Approved Handler Test Certificate, the wide dispersive use control trigger is for the application of a substance using techniques for which there is the potential for increased risk of an effect to any property, other than the property containing the application area, from the physical movement of a substance through air at the time of application or soon thereafter. Additionally the requirement applies whenever there is the possibility of the pesticide entering water and leaving the property.

Do I need an approved handler?

An approved handler is required when a pesticide is:

- **highly toxic to people**
- **toxic** to the environment (ecotoxic) and used in a way that may harm the environment. Such use is called **wide dispersive** where there is potential for the pesticide to affect other than the intended area
- applied onto or into water (see below).



Details on which pesticides require an approved handler can be found on:

<http://www.ermanz.govt.nz/resources/publications/pdfs/pahtr.pdf>

(Approved Handlers and Tracking), or

<http://www.ermanz.govt.nz/resources/publications/pdfs/pah.pdf> (Approved Handlers only).

Application of a pesticide onto or into water

No pesticide may be applied onto or into water unless it contains glyphosate, diquat, s-methoprene, *or* bacillus thuringiensis (sub-species israelensis) as the “active” component. When a pesticide containing one of these actives is applied onto or into water, it *must* be under the control of an approved handler.

Interpretation of wide dispersive use requiring an approved handler

Introduction:

The Approved Handler control for ecotoxic pesticides is applied where it is shown the pesticide may pose a risk to the environment. The control is imposed where the pesticide is applied in a manner which increases the risk of harm from wide dispersive use.

The term **wide dispersive use** is restricted to pesticides that trigger the approved handler control based on ecotoxicity alone. Pesticides that are highly toxic or corrosive (ie. have a 6.1A, 6.1B, 6.1C or 8.2A classification), and have been assigned an approved handler control, require an approved handler whether the use pattern is wide dispersive or not.

Interpreting the approved handler requirement for wide dispersive use under the HSNO Act emphasis’s activities triggering controls ERMA New Zealand considers may lead to increased risk of aerial deposition to a place other than the intended application area, ie. spray drift.

Interpretation of wide dispersive use:

The interpretation is:

*For the purposes of the requirement to obtain an Approved Handlers Test Certificate, the wide dispersive use control trigger is for the application of a substance using techniques for which there is the potential for increased risk of an effect to any **property**, other than the property containing the **application area**, from the physical movement of a substance through air at the time of application or soon thereafter. Additionally, the requirement applies whenever there is the possibility of the pesticide entering water and leaving the property.*

To clarify this interpretation, Table 1 provides examples of equipment with increased potential for adverse effects from wide dispersive use. Equipment in these examples is divided into three classes to determine if an approved handler is required:

- **Always required:** equipment which will always trigger an approved handler requirement. Such equipment represents a high risk of adverse effects from wide dispersive use.
- **Conditional:** equipment which will require an approved handler if used within 30 metres of the property boundary, or a water-course. This equipment is considered to pose a potential risk of adverse effects from wide dispersive use
- **Not required:** equipment not considered to represent high risk of adverse effects from wide dispersive use.

Categories of spray equipment not covered are required to be assessed by the **person in charge**. In all cases, this person must decide whether the use of spray equipment creates the risk of an effect to property, other than the property containing the application area.

If it does, an approved handler will be required. In other words, the interpretation is more important than relying solely on the type of equipment used.

Table 1: Equipment types requiring an approved handler:

Approved handler: ALWAYS REQUIRED	Approved handler: CONDITIONALLY REQUIRED	Approved handler: NOT REQUIRED
Whenever the equipment is used	When the equipment is used within 30 metres of the property boundary, or a water-course	Use of this equipment does not require an approved handler
Air-blast driven from vehicle Boom spraying from vehicle, eg tractor, quad-bike	Air-blast back-pack Hydraulic-action handgun spray, where the supply tank is mounted on a vehicle.	Hydraulic action back-pack Weed-wipe

Note:

- *whenever* ecotoxic products trigger an approved handler requirement and are applied by a commercial contractor or their employee, they must be approved handlers, irrespective of the application method
- *whenever* pesticides are applied from an aircraft, the pilot must hold an Aerial Applicators rating (C rating) for their licence. Ground crew involved in storing, mixing and loading the pesticides must be approved handlers.

Interpretation of ‘available’ for approved handlers using pesticides

Introduction:

Where a pesticide requires an approved handler, that person is required to be physically present wherever the substance is being handled (Class 6, 8 and 9 Regulations).

The approved handler must also be available to provide assistance to anyone handling the substance.

This requirement to be available means that regardless of whether the pesticide is toxic or ecotoxic, an approved handler must be at the property:

- on the same day the pesticide is to be used
- before the pesticide is used.

NOTE: during the use of the pesticide, a different approach is taken depending on whether the pesticide requires an approved handler because of toxic properties (and is tracked), or solely because of its ecotoxic properties, as below.

Interpretation of available:

The interpretations below only arise if the user is not an approved handler.

Toxic substances:

In all circumstances, the **user** must have been adequately trained in health and safety aspects of the pesticide and its use.

On the day the pesticide is being used, an approved handler must:

- guide the **user** on the particular application, including use, handling, disposal and **application area**, before application commences
- remain **present** at the **property** during the application. However, the Approved Handler does not need to be **present** at the **application area**
- be **available** (ie. contactable by electronic means, or in person) and able to be present at the **application area** within a reasonable period of time.

Ecotoxic substance requiring an approved handler because of wide dispersive use:

In all circumstances, the **user** must have been adequately trained in health and safety aspects of the pesticide and its use.

On the day the pesticide is being used, an approved handler must:

- have personally reviewed the use of the pesticide at the **application area** before application commences;
- guide the **user** on the particular application (use, handling, disposal and **application area**) before application commences; and
- be **available** (ie. contactable by electronic means or in person) but does not subsequently need to be **present** at the **application area** or **property**.

In short, the interpretation:

- differentiates between the use of a pesticide toxic to humans and a pesticide harmful to the environment only;
- removes the requirement for an approved handler to be **present** at the **application area**, providing an approved handler is **available**; and
- provides a practical interpretation of **present** and **available** to allow users to have flexibility in their operations without compromising effective risk management of the pesticide use.

Interpretation for commercial contractors

This requirement has already been confirmed, but is repeated here for completeness:

*Where the user is a **commercial contractor** (see definitions), or is the employee of a commercial contractor, they must personally be an approved handler. This only applies where the controls for the pesticide require an Approved Handler, but applies regardless of whether the requirement is derived from either toxic or ecotoxic properties.*

ERMA New Zealand Information Sheets

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