

TO: Pre-Harvest Assurance Team

FEEDBACK ON: 2020 Grower Manual Review

DATE: 30 September 2020

1. General comments

Thank you for the opportunity to comment on the 2020 Grower Manual review. NZKGI has canvassed the views from Forum members and makes the following comments for consideration.

3. Role of NZKGI

NZKGI has a role to represent the interests of New Zealand's kiwifruit growers. We are mandated to carry out this role through the Commodity Levies Act and we are the only organisation that has the remit of independently representing kiwifruit growers. We are recognised in the kiwifruit industry as the representative voice of kiwifruit growers evidenced by our role in the Industry Advisory Council. In general, Zespri accepts the role of NZKGI as the grower representative and proactively seeks our input on issues that could impact on growers. In most cases, our involvement is sought at the beginning of the discussion so that when we enter a formal consultation process, the views of growers have already been considered enabling the formal consultation process to go more smoothly.

2. Consultation Process

NZKGI is disappointed with the consultation process that has been undertaken with respect to the Grower Manual and note that we have not been involved in any discussions prior to formal consultation. There were assurances at the Forum meeting, held on 23 September 2020, that there had been a consultation process with growers, however this has not been through NZKGI and therefore we are not confident that the consultation process has been effective. NZKGI would be interested to know what growers were consulted with and when and what their feedback was

While we have been asked to provide feedback specifically on the Grower Manual, we note that the updated MSO Checklist is already on Canopy and is in use. This already contains the changes we are being asked to provide feedback on so it appears that the outcome has been pre-determined. This is disappointing and NZKGI asks that it is removed until the consultation process on the Grower Manual has been completed.

While we understand that audits are now underway and that a checklist is required, the consultation process on both the Manual and the Checklist should have been completed before the audit process commenced. If the Checklist is subsequently changed as a result

of consultation, then that would appear to create inconsistency in the standards against which growers are audited

A further example of a breakdown in the consultation process is the addition of water mapping on orchards which was not consulted on via the Policy Group of the Water Strategy and was included without any consultation via this channel or with NZKGI

3. Grower Manual

NZKGI supports the restructure of the Grower Manual with the appropriate sections grouped together for ease of reading.

NZKGI considers that the matrix of changes, issued with the consultation request, does not fairly represent the proposed changes and expectations within the Grower Manual. For example, it states there are no changes to the GRASP requirements and yet there are a number of changes to requirements.

The general view is that the manual is complicated and too long, however we understand that as part of the GAP Strategy, there is going to be an overhaul of the Manual that will significantly reduce the complexity for growers and reduce the amount of content. NZKGI supports this process and welcomes the opportunity to be involved.

NZKGI has noted the following issues with the grower manual

Inventory Record Form

This needs to be aligned with the Health and Safety At Work Act (Hazard Substances Regulations) 2017 with regards to maximum quantities likely to be stored.

Risk Assessment Forms

With regards to health and safety risks, the risk assessment forms should include:

- Source
- Hazard
- Risk - outlining potential injury etc
- Raw Risk Rating
- Eliminate/Minimise options Note: Isolate option has been obsolete for a number of years Controls employed
- Residual Risk Rating
- Review (frequency of review, last reviewed, next review etc)

4. MSO Checklist

The following errors/omission have been found within this document:

- 1.5 Control Point finishes mid-sentence? (unclear)
- 2.3 Market Standards Criteria finishes mid-sentence
- 4.4 Market Standards Criteria finishes mid-sentence
- 9.3.2 Level states Major but is coloured yellow as a Minor
- 11.3 Market Standards Criteria refers the reader to 'see Annex CB .6' - there is no Annex CB.6 attached to the MSO Checklist

5. Health & Safety Requirements

14.2.1 Growers that store hazardous substances on site, WorkSafe require an Accident and Emergency Response Plan

A Hazardous Substances Emergency Response Plan should not be compulsory for growers as very few growers would store the volumes of hazardous substances that would exceed the threshold to trigger the Emergency Response Plan requirement. Refer to Schedule 5 (Threshold Quantities for Emergency Response Plan) of the Health and Safety At Work (Hazardous Substances) Regulations 2017. WorkSafe has provided a calculator on their website to work out if an Emergency Response Plan is required based on stored volumes <https://www.hazardoussubstances.govt.nz/calculator>

<http://www.legislation.govt.nz/regulation/public/2017/0131/latest/DLM7311199.html#DLM7311199>

NZKGI recommends that this should read something like ‘*Growers that store hazardous substances on site may be required to have an Emergency Response Plan in accordance with the Health and Safety at Work (Hazardous Substances) Regulation 2017*’.

Worksafe is New Zealand’s Health & Safety regulator therefore referring to ‘as set by Worksafe NZ’ is incorrect. This should be replaced by ‘as set out in the Health and Safety at Work (Hazardous Substances) Regulation 2017’.

14.2.3 A ‘HAZCHEM’ sign must be displayed for 2, 3, 4, 5, 6 or 8 products

If this refers to the HAZCHEM signage requirements set out in Schedule 3 (Quantities of Hazardous Substances that Require Signage) Health and Safety at Work (Hazardous Substances) Regulations 2017, then this should not be a compulsory requirement. The legislation clearly outlines that signage is only required if thresholds are exceeded. A major purpose of the signage is to ensure emergency services can determine which classes of substances are in excessive quantities on site. To install signage with small volumes of hazardous substances onsite, but implying there are large volumes, would be reckless. Very few growers would store the volumes of hazardous substances that would exceed the threshold to trigger signage.

http://www.legislation.govt.nz/regulation/public/2017/0131/latest/DLM7311195.html?search=sw_096be8ed819f43e3_signage_25_se&p=1#DLM7311195

14.6.11 The Health and Safety at Work (Hazardous Substances) Regulations 2017 has specified that the documented product inventory must meet the following requirements:

1. Prepare and keep a list (an inventory) of all the hazardous substances used, handled, manufactured or stored at your workplace, including hazardous waste.
2. Keep the inventory up to date. ~~Inventory must be updated within a month of stock movement (in or out).~~
3. Ensure that it is available to emergency services workers.
4. A record of ‘special storage requirements’ for agrichemical and fertiliser products stored onsite

Part 3 (general duties relating to risk management) of the Health and Safety at Work (Hazardous Substance) Regulations 2017 does not have the requirement to update the inventory within one month of stock movement.

3.1 Duty of PCBU to keep hazardous substances inventory

(1) A PCBU with management or control of a workplace must ensure that—

(a) an inventory of hazardous substances used, handled, manufactured, or stored at the workplace is prepared and kept at the workplace; and

(b) the inventory is maintained to ensure the information in the inventory **is up to date.**

http://www.legislation.govt.nz/regulation/public/2017/0131/latest/DLM7309745.html?search=sw_096be8ed819f43e3_inventory_25_se&p=1&sr=1

The term ‘special storage requirements’ in quotation marks erroneously implies this term is within the quoted legislation. It does not appear anywhere in the legislation.

6. Water Management

6.3.5 The water management plan includes a whole property map identifying risks to water bodies from orchard activities

This is a new recommended requirement and contains water mapping criteria that was proposed by the government under the draft National Environment Standard for Freshwater (NES) in 2019 as part of the freshwater module of a farm plan. The government has since removed the freshwater module from the NES, included it under the Resource Management Act and is now spending a 12-month period consulting with industries on the appropriate content.

Water mapping generally comes with a financial burden to growers as it requires in depth mapping of a property that a consultant or farm plan adviser may need to undertake:

- Location of source protection zones for drinking water
- Location of permanent or intermittent rivers, streams, lakes, drainage ditches, ponds, overland flow paths
- Wetlands
- Location of riparian vegetation and fences (including virtual fences) adjacent to waterbodies
- The location of all water bodies where stock access or crossing occurs
- Location of any critical source areas for nutrient management
- The location of any areas adjoining the property that are identified as sensitive.

NZKGI strongly requests that the inclusion of this recommendation be removed as it is premature and is not a national requirement under law. There is a government led consultation process that is yet to occur, and this will involve NZKGI consulting with growers on the appropriate content. The term ‘recommended requirement’ implies that growers should complete this and NZKGI does not believe that is justified while consultation on the policy is underway.

7. Toilets

Minimum requirements for hand washing and toilet facilities

The disposal/release of grey water associated with handwashing must not be released within three metres of vines

NZKGI has previously sought assurances from the Pre-Harvest team on whether disposal fields can be placed under vines and the assurance was that they can due to no limitations in the Food Safety Act or from overseas markets (however perception is a consideration). Therefore we are somewhat confused as to why setbacks have been put in place for greywater from vines. Is this a legislative requirement? It would be appreciated if NZKGI could be provided with more information that supports this requirement - type of legislation or risk report.

This is contrary to information previously provided to growers and there would be some growers who would not comply even though they have recently installed updated facilities which met Zespri's requirements.

It is strongly recommended that a requirement is added or 14.4.2 is amended to state that growers must show their consent (resource and building) for their on-orchard toilet, if required, due to local council requirements

<https://canopy.zespri.com/EN/grow/compliance/MSO/MSODocuments/GAP-Checklist.pdf>

8. Grasp

7.2 Wages and overtime payments as shown in the records are according to the contracts and indicate compliance with national labour regulations (minimum wages) as specified in the GRASP National Interpretation Guidelines

Please ensure you keep updated and **meets** pay is in line with the current minimum wage rates

By stating the pay has to be in line with minimum payrates suggests that the pay can be similar to. NZKGI suggests removing this and replacing with must meet minimum wage requirements

9. Conclusion

NZKGI is the industry body that represents growers views and going forward would expect to be involved in an appropriate consultation process. NZKGI looks forward to improved engagement on the Grower Manual and involvement in the Zespri GAP Strategy process