Your submission to Action for healthy waterways – consultation

Personal details removed

Reference no: 1435

Submitter Type: Business / Industry

Clause
Proposals as a whole - please refer to questions 1-3 on page 19 of the discussion document

Notes
NZPork supports the intent of the proposals outlined in the Action for Healthy Waterways discussion document, and the concept of Te Mana o te Wai as a principle for all New Zealanders. We all have a part to play in improving our freshwater ecosystems. Commercial pig farmers want good outcomes for freshwater. The continued viability of commercial pig farming in New Zealand is dependent on reliable access to clean water. The health and wellbeing of the communities in which our farmers live and work are all intrinsically linked to the health and wellbeing of their local waterways. The degradation of New Zealand’s freshwater environments has occurred over many decades and will take many more to fix. Commercial pig farmers have improved and refined farming practices over time to reduce nutrient loss and will continue to be at the forefront of change and innovation as the country works towards improving freshwater health. But where long lag times exist, it may still be too early for the results of good environmental management practices to be seen in water quality outcomes or trends. As such, NZPork is concerned about the scale and speed of the proposals and questions whether these are necessary in areas where the implementation of the current NPS-FM is already well underway, particularly given the potential economic and social implications, which the Freshwater Science and Technical Advisory Group have identified could be significant. We are disappointed that a more thorough analysis of these implications was not included in the discussion document or interim regulatory impact analysis. Without any detailed analysis on the expected social and economic implications of these proposals, it has been difficult to assess how pig farmers may be affected, or how the proposals fit within the context of a regulatory framework based on the sustainable management of natural resources. We understand that this consultation period is being used to undertake further analysis of the economic, social and cultural costs and benefits to inform the final regulatory impact statement to be presented to Cabinet, however this information could have been obtained through engagement with the agricultural sector prior to the formal consultation period, allowing a more thorough analysis to be included in the proposals. We are also disappointed in the very short submission timeframe that has been allowed. The reforms proposed are substantial and could have significant and long-lasting consequences for pig farmers. The timeframe provided for submissions, combined with simultaneous submission periods for other policy proposals, does not allow for thorough interpretation of the proposals and meaningful dialogue with farmers to seek their feedback. As such, this submission focusses only on some of the key issues likely to affect pig farmers.

Clause
Nitrogen, phosphorus, and sediment attributes - please refer to questions 20-21 and 30-35 on pages 52 and 53 of the discussion document

Notes
NZPork does not support the proposed nutrient attributes for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP) specified in the draft NPS-FM Appendix 2A Tables 5 and 6. We are supportive of policy that provides for ecosystem health, but do not support the introduction of the new nutrient attribute bottom lines as the most appropriate method for achieving this. Setting a blanket target for all waterways does not acknowledge the inherent complexity of natural systems, or that different communities will have different aspirations and priorities for the health of their waterways. We note that the Regional Sector Water Subgroup (RSWS) Advisory Report highlights significant issues with the proposed DIN and DRP targets as a means of achieving ecosystem health, given the poor statistical correlation between in-stream nutrient values and observed variations in Macroinvertebrate Community Index (MCI) scores. The report identifies little evidence of a causal link between the two and as such suggests that the use of numerical values for nitrogen and phosphorus may be ineffective and inefficient policy targets. We also question the need for a DRP attribute when levels were recorded as likely improving or very likely improving at around 60% of monitoring sites between 1998 – 2017, and the Freshwater Science and Technical Advisory Group (STAG) have advised that controls on DRP may have little material effect on ecosystem health. As a small industry, NZPork does not have sufficient data available to assess the implications of the proposed bottom lines for DIN and DRP on pig farmers, nor do we have the resources to undertake such an analysis within the submission timeframe given. As such, we have relied on the information provided in the discussion document and interim regulatory impact analysis to determine the extent to which our industry may be affected. However, in this area both documents appear light on detail. The interim regulatory impact analysis notes that further analysis is needed to understand the implications of the proposed new nutrient bottom lines on individuals and communities and the achievability of the figures proposed (requiring up to 80% n-loss reductions in some catchments). Without a full analysis of social and economic impacts, or any consideration of whether these targets are achievable in practice, it is impossible to assess the likely effects on commercial pig farmers and the communities within which they operate. The discussion document states that good management practice can be expected to achieve some, but not all, of the reduction in nutrient pollution required to achieve the desired level of ecosystem health. Good management practices for
outdoor pig farmers represent the best current environmental management available for the industry. It is standard practice for outdoor pig farmers to operate at good management practice. As such they will have limited options for further changes in practice to limit nutrient loss. This could be a particular issue for phosphorus, which is poorly digested by pigs and can result in an accumulation in the soil. Pig farmers manage this in a number of ways, including rotating pigs with an arable crop phase to uptake the nutrients from the soil, maintaining stocking densities at a rate that the land can sustainably support, excluding stock from waterways, maintaining groundcover and preventing overland flow to waterways. As such, phosphorus loss is minimised, and any further reductions would become difficult to achieve. In some instances, destocking, moving to an indoor production system or ceasing pig farming may be the only available options. Therefore, we believe that the proposed bottom lines could have significant implications for outdoor pig farming in New Zealand, with potentially little or no material benefit to ecosystem health.

Clause
Flows and metering - please refer to questions 37 and 38 on page 53 of the discussion document
Notes
NZPork supports the proposal for the real time reporting of water use to enhance water use efficiency, where this is accessible and able to be implemented by farmers. We also support the staged roll out approach, starting with larger takes first to help manage demand for new equipment and reduce costs for smaller users as more products become available. We agree with the RSWS that there needs to be a mechanism to allow for exceptions to this rule, where technology/transmission does not enable telemetry, or where the cost of installation or transmission is prohibitive. In these circumstances, steps should be taken to ensure that it does not become too onerous or complicated for farmers that are required to manually record and report their water use. While we support this proposal, it is another cost to be borne by farmers, but the benefits will only be realised if councils are able to effectively manage and use the data to establish appropriate allocation of water takes and maintain health flows in waterways. We also note that measuring the volumes of water being used will give no indication of whether that water is being used as productively or efficiently as it can be on farm, so should not be used as a standalone measure of water use efficiency by councils.

Clause
Restricting further intensification - please refer to questions 51-53 on page 80 of the discussion document
Notes
NZPork understands that with the exception of the S360 regulations, the intent of the proposed NES is not to capture outdoor pig farming activities. The activities of concern in the proposed NES relate to arable farming, dairy cattle, dairy support, horticulture farming and intensive winter grazing. Outdoor pig farming in New Zealand is a very small industry (approximately 40 farmers nationwide), and the contaminant contribution of outdoor pig farming relative to the activities of concern would be negligible. In addition, outdoor pig farmers operate a unique farming model which is not comparable to pastoral farming systems and would require amendments to the NES to account for this. The definitions provided in Part 3 of proposed NES do not provide clarity on the relevance of the standards for outdoor pig farming. The definition of a farm is given as follows: Farm means a property, area of land, or enterprise used for pastoral farming, horticultural farming, or arable farming, other than a farm engaged in intensive indoor primary production. Outdoor pigs do not fall under the definition of a pastoral farm, as pigs are not grazing animals. Pigs have highly specialised diets in order to meet their nutritional needs for each stage of growth, and in both indoor and outdoor production systems most of their diet is provided as supplementary feed (grain and protein) bought onto the property. To avoid ambiguity and differing interpretation between councils, the definition of Farm should be amended to exclude outdoor pig farming, as follows: Farm means a property, area of land, or enterprise used for pastoral farming, horticultural farming, or arable farming, other than outdoor pig farming or a farm engaged in intensive indoor primary production. Should the NES apply to outdoor pigs, which we do not support, changes will be required to make the proposals suitable for outdoor pig farming. Comment on each of the proposals is given in the following sections. It is not clear how outdoor pig farming will be affected by the proposal to restrict high risk land use change, as it does not fall under any of the land uses specified in Section 35 (1). However, as the intent is to restrict intensification, outdoor pig farming may be captured through regional implementation as councils across the country differ in their classification of outdoor pig farms as either intensive or extensive farming. Some outdoor farms will have both extensive and intensive classed land uses on the property, for example those farms which have outdoor breeding units and indoor growing/finishing units. Piggeries operating a rotational system will rotate land on the farm between arable, pastoral or piggery operations every 2 to 3 years. Some piggeries operating as part of a larger farm enterprise will move piggery operations around the farm enterprise as part of a regular cycle of rotation for nutrient management. In the absence of clear definitions, it is not clear how rotational piggeries or those operating as part of a farming enterprise will be affected by these proposals. NZPork would like clear direction provided in the proposed NES that restrictions on land use intensification do not apply to outdoor piggeries. NZPork understands the intent of the proposed restrictions on intensification as a means of preventing increases in contaminants entering waterways until councils are able to implement the new NPS-FM. However, we believe that the controls proposed are overly restrictive and will prevent farmers from adapting to changing economic, regulatory or environmental conditions and remove the ability to innovate or utilise emerging technologies to reduce nutrient loss. There is no justification given as to why controls on intensification are needed in areas where water quality outcomes are already being met. New Zealand’s population is expected to grow in the next 5 years, and farmers will need flexibility to adapt to continue to provide food for a growing population. There is also some doubt about the resource capacity of councils to be able to implement the NPS-FM by 2025, meaning that these measures could be in place far longer than the 5 years proposed in some regions. NZPork believes that restrictions on the intensification of land use should only occur where there is clear evidence that water quality in the catchment is degraded due to current farming practices and there are no current planning frameworks in place to address the degradation. For the restrictions on changing land use from woody vegetation to any form of pastoral farming, is it the intention that the definition of woody vegetation includes pest plant species such as gorse and broom? Restrictions on the removal of pest plant or other woody weed species could prevent land clearance for biodiversity or biosecurity purposes. An exclusion is needed in the definition to identify this.

Clause
Farm plans - please refer to questions 54-57 on page 80 of the discussion document
Including stock from waterways - please refer to questions 65-68 on pages 80 and 81 of the discussion document.
NZPork supports livestock exclusion from waterways as a means of reducing freshwater pollution from sediment, nutrients and pathogens. GMP for outdoor pigs require all farmers to exclude stock from waterways. However, we do not support the ‘one size fits all’ approach proposed for a 5m setback width for all waterbodies over 1m wide as the most appropriate way to achieve desired outcomes for water quality. Having one prescribed setback distance for all waterbodies is not justifiable, as it does not account for the range of site-specific factors such as slope, rainfall and soil drainage, which will influence the effectiveness of such a method in reducing pollution. It also does not acknowledge that sediment and nutrient runoff can be addressed by other means on farm. For outdoor pig farmers, this includes farming on flat land, maintaining ground cover, reducing fallow during and immediately after a pig phase, exporting nutrients using ‘cut and carry’ feed methods, and planting riparian margins. There will also be environmental and economic issues arising from the retirement of land within the prescribed 5m setback. Setbacks will have to be maintained to prevent fire hazards from long grass, the encroachment of pest plant/weed species and the establishment of feral animal populations. The economic impact of retiring productive land could be significant for some farmers and depending on individual circumstances may have no environmental benefit relative to the freshwater outcome sought. Where stock is already excluded but the required setback distance has not been met, landowners should not be required to move fences. If farmers are required to move fences and retire land, there should be a strong base of evidence that this is necessary as the most appropriate tool to meet the desired water quality outcomes. NZPork supports an approach where setback distances and other methods of preventing sediment and nutrient runoff are determine by on-farm assessments and developed as part of a farm environment plan. This is the approach proposed for waterways less than 1m wide, and we would support the implementation of this for waterways greater than 1m wide as well. Such an approach will give farmers and regional councils the flexibility to design a stock exclusion system that is practical, feasible and reasonable. Wallows must be clearly defined as excluded from these regulations to ensure councils have clear direction on interpreting the definition of a waterbody. Outdoor pig farmers provide wallows for the welfare of their animals, allowing them to keep cool in summer heat. Under GMP for outdoor pigs, runoff from wallows are prevented from entering a waterway, so will not be impacting on pollution of waterbodies.

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**Clause**

Feedlots and stock holding areas - please refer to questions 71-75 on page 81 of the discussion document

**Notes**

Outdoor pig farmers do not use feedlots, sacrifice paddocks or stock holding areas, so these proposals should not impact pork production. However, if outdoor pig farming is to be included in the standards more clarity is needed on the definitions in this section to ensure pork production is not affected. A feedlot is currently defined in the proposed NES as: A stockholding area in which livestock: a) Are confined for more than 80 days in a 6-month period b) Are completely hand or mechanically fed In a rotational outdoor piggery, towards the end of a pig rotation and prior to moving the land to an arable phase, paddocks may be pasture free. In high movement areas such as mating paddocks, the natural increase in sow and boar movements can also mean these areas have little to no ground cover. In many outdoor systems, once pigs are weaned, they are moved in groups to indoor or open-air barns on the property. In all of these instances, the animals will be confined in a paddock or barn for more than 80 days and will be completely mechanically or hand fed. Therefore, there is a risk that this could be captured under the definition of a feedlot, depending on interpretation by councils. The definition of a feedlot should not include outdoor piggery operations. The environmental issues caused by feedlots largely result from the volume and intensity of effluent accumulating from holding animals in a confined space, and the resulting point source pollution to water from contaminant discharges. Outdoor pig farmers using barns to grow and finish animals manage effluent by using either a deep litter system or a liquid effluent storage system to prevent contaminant discharges and so are much less of a pollution risk. We note that the discussion document states there are about 5 feedlots currently operating in New Zealand, so we assume that outdoor pigs are not intended to be captured by these regulations. The definition of a sacrifice paddock also requires clarification. Some paddocks on a rotational piggery towards the end of a rotation could be perceived to meet the definition of a sacrifice paddock. As outlined above, outdoor pig farmers operating a rotational system may have zero ground cover immediately prior to an arable phase. Pasture in these areas could be deemed as ‘highly damaged’, when in fact it is an intentional phase of a rotational system designed to reduce nutrient levels in the soil. We recommend the following changes to definitions: 27 Feedlots (1) In this clause, feedlot means a stockholding area in which livestock (excluding pigs): a) Are confined for more than 80 days in a 6-month period; and b) Are completely hand-fed or mechanically fed. 28 Sacrifice Paddocks (1) In this clause, sacrifice paddock means a paddock used temporarily to hold stock (excluding pigs) in such a way that the pasture is likely to be severely damaged and will require pasture renovation.

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