

APPENDIX 1

PESTICIDE CONTROL (1080 FOX BAIT) ORDER 2002

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PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name

1. This Order is to be known as the Pesticide Control (1080 Fox Bait) Order 2002 .

Commencement

2. This Order commences on 22 November 2002.

Authority for Order

3. This Order is made by the Environment Protection Authority with the approval of the Minister for the Environment under Part 4 of the Pesticides Act 1999.

Revocation of Previous Order

4. The previous Order known as the Pesticide Control (1080 Fox Bait) Order 2000, gazetted on 21 January 2000 is hereby revoked.

Definitions

5. In this Part -

Agvet Code means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

Authorised control officer means a person who:—

- (a) holds a current:
 - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
 - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

NRA means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

1080 fox bait means –

- a) **1080 Poisoned Bait** being bait product prepared by an Authorised Control Officer from fowl heads, fowl eggs, chicken wingettes, boneless red meat, manufactured baits which are dyed blue or green, or pieces of offal such as tongue, kidney or liver and injected with 3 milligrams of 1080 derived from the product RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER (NRA Product Registration Number 33890) per bait; and
- b) **Foxoff Fox Bait** (NRA Product Registration Number 40573) containing 3.0mg Sodium Fluoroacetate per bait as its only active constituent; and
- c) **Foxoff Econobait** (NRA Product Registration Number 46434) containing 3.0mg Sodium Fluoroacetate per bait as its only active constituent.

Registered training provider means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

Sodium monofluoroacetate is also a reference to sodium fluoroacetate (also known as 1080).

Use includes possess.

Yathong Fox Bait means the registered product Yathong Fox Bait (NRA Product Registration Number 50911) containing 3.0mg sodium fluoroacetate per bait as its only active constituent

Background

Restricted chemical products/restricted pesticides

6. A chemical product containing sodium monofluoroacetate (also known as 1080) has been declared to be a "restricted chemical product" under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that "A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction."

In NSW section 4 of the Pesticides Act provides that a "restricted pesticide" means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

Objects

7. The objects of this Order are to –
 - (a) Authorise those persons described in condition 9(1) to use 1080 fox bait.
 - (b) Authorise those persons described in condition 9(2) to use **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**.
 - (c) Authorise those persons described in condition 9(3) to use **FOXOFF FOX BAIT** and **FOXOFF ECONOBAIT**.
 - (d) Authorise those persons described in condition 9(4) to use **YATHONG FOX BAIT**.
 - (e) Specify the manner in which **1080 POISONED BAIT**, **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**, **FOXOFF FOX BAIT**, **FOXOFF ECONOBAIT** and **YATHONG FOX BAIT** may be used in NSW.
 - (f) Revoke the Pesticide Control (1080 Fox Bait) Order 2000 gazetted on 21 January 2000.

Application

8. This Order authorises the use of **1080 POISONED BAIT**, **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**, **FOXOFF FOX BAIT**, **FOXOFF ECONOBAIT** and **YATHONG FOX BAIT** subject to conditions as specified in this Order.

Persons authorised

9. (1) The following persons are authorised to use, subject to condition 10(1), 1080 fox bait only:-
 - (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and

- (b) Any person who has obtained the 1080 fox bait from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 fox bait is to be used.
- (2) The following persons are authorised to use, subject to condition 10(2), the product **RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER** (NRA registration number 33890):
- (a) Authorised Control Officers.
- (3) The following persons are authorised to use, subject to condition 10(3), **FOXOFF FOX BAIT** (NRA registration number 40573) and **FOXOFF ECONOBAIT** (NRA registration number 46434):
- (a) persons who have been appropriately trained or are experienced in the handling or use of 1080 fox baits and are under the control of NSW National Parks and Wildlife Service, Hornsby Shire Council, Ku-ring-gai Municipal Council, Pittwater Council, Ryde City Council, Warringah Council and Willoughby City Council, Taronga Zoo, Parramatta Council, Hunters Hill Council, North Sydney Council, Lane Cove Council, Mosman Council, Macquarie University, Baukham Hills Council, or State Forests of New South Wales.
- (4) The following persons are authorised to use, subject to condition 10(4), **YATHONG FOX BAITS** (NRA registration number 50911):
- (a) Authorised Control Officers employed by the National Parks and Wildlife Service and persons directly supervised by the Authorised Control Officers.

Conditions on the use of 1080 fox bait, RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER, FOXOFF FOX BAIT, FOXOFF ECONOBAIT and YATHONG FOX BAIT

10. (1) The person must only use 1080 fox bait in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER2746 issued by the NRA, as set out in Schedule 1 to this Order.
- (2) The person must only use **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER** for the purpose of producing 1080 Poisoned Bait in accordance with section 3 of the 4th edition of the Vertebrate Pest Control Manual (published by NSW Agriculture 1996) and in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER2746 issued by the NRA, as set out in Schedule 1 to this Order.
- (3) The person must only use **FOXOFF FOX BAIT** or **FOXOFF ECONOBAIT** in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER5448 issued by the NRA, as set out in Schedule 2 to this Order.
- (4) The person must only use **YATHONG FOX BAITS** in accordance with the instructions on the NRA approved label for this product and the conditions set out in schedule 3 to this Order.

Notes

Words used in this Order have the same meaning as in the Pesticides Act 1999.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

A pesticide control order remains in force until it is revoked by another pesticide control order.

Note: Any permit issued by the NRA which is set out in this Order has effect in NSW until such time as this Order is revoked.

LISA CORBYN
Director-General
Environment Protection Authority

BOB DEBUS MP
Minister for the Environment

Schedule 1

(Condition 10)

PERMIT TO ALLOW USE OF 1080 BAITS FOR CONTROL OF FOXES

PERMIT NUMBER – PER2746

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- supply any requested information to the NRA;
- inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- comply with a lawful direction or requirement of an inspector; and
- provide a copy of the permit to persons who wish to possess and/or use the product for the purpose specified in this permit.

This permit for the reason given below allows any person listed in *1. Persons* to possess and use the products listed in *2. Products* for the use specified in *3. DIRECTIONS FOR USE* in the jurisdictions listed in *4. States* according to *CONDITIONS OF PERMIT*.

Persons who wish to possess and use 1080 baits for the purposes specified in this permit must read, or have explained to them the permit, particularly the information included in *CONDITIONS OF PERMIT*.

If this permit were not issued possession and use of these products, specified in *2. Products* would constitute an offence under the Agvet Codes.

The persons listed in *1. Persons* must comply with all conditions listed in *CONDITIONS OF PERMIT* to be covered by this permit.

THIS PERMIT IS IN FORCE FROM 1 OCTOBER 1999 TO 1 NOVEMBER 2002*.
It is in force until it expires or it is cancelled, suspended or surrendered.

Reason for issue of permit:

In NSW supply and use of sodium fluoroacetate (1080) bait is subject to special conditions on use which may from time to time change due to regulatory requirements. NSW Agriculture has published the a Vertebrate Pest Control Manual (currently 4th edition July 1996) which stipulates the manner in which pesticides, among other methods, should be used to control vertebrate pests. This permit is consistent with the manual and places constraints on use of 1080 baits for fox control.

DETAILS OF PERMIT

1. *Persons*

Persons are owners, occupiers, managers, authorised agents of the land (property or holding), Authorised Control Officers and persons directly supervised by Authorised Control Officers in respect to possession and use of 1080 products listed in *2. Products*.

2. *Products*

(i) 1080 POISONED BAIT

* Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

Containing 3mg SODIUM FLUOROACETATE per bait, as its only active constituent. For the purposes of this permit "1080 Poisoned Bait" is a bait product prepared from bait material to which is added 3 milligrams of 1080 from the product **RENTOKIL AF SODIUM MONOFLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER** per bait, to be used for the control of foxes. Only fowl heads, fowl eggs, chicken wingettes, boneless red meat, manufactured baits that are dyed blue or green, or pieces of offal such as tongue, kidney or liver can be used as bait for fox control. With the exception of fowl heads, fowl eggs and chicken wingettes, the baits requiring 1080 injection must weigh about 100g.

(ii) **FOXOFF FOX BAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

(iii) **FOXOFF ECONOBAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

3. **DIRECTIONS FOR USE**

| Situation | Pest | Rate |
|--------------------------|-------|--|
| RURAL AND BUSHLAND AREAS | FOXES | Refer to the <i>CONDITIONS OF PERMIT</i> |

Critical Use Comments:

Refer to instructions in *CONDITIONS OF PERMIT*.

4. **States**

NSW

CONDITIONS OF PERMIT

1. **POSSESSION OF 1080 POISONED BAIT, FOXOFF FOX BAIT AND FOXOFF ECONOBAIT**

- 1.1 The products 1080 Poisoned Bait, Foxoff Fox Bait and Foxoff Econobait for the purpose of this permit will henceforth be referred to as "1080 baits" except where indicated otherwise.
- 1.2 This permit allows **Persons**, if they fully comply with *CONDITIONS OF PERMIT*, to possess 1080 baits and to claim that 1080 baits can be used for the purposes as outlined in 3. **DIRECTIONS FOR USE**.
- 1.3 Each person who takes possession of any 1080 baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding or their authorised agent or manager must complete and provide to the Authorised Control Officer who supplies the 1080 baits, a separate indemnity form in respect of each property or holding before any 1080 baits may be used on a specific property or holding.
- 1.5 An Authorised Control Officer must only issue 1080 baits to a person who is the owner or occupier of the land on which the 1080 baits are to be used ("landholder"), unless the person to whom the 1080 baits are issued is known by the Authorised Control Officer, to be the manager or authorised agent of the owner or occupier, and in control of the land upon which the 1080 baits are to be used or the person is under the direct supervision of the Authorised Control Officer.
- 1.6 Persons as stated under 1. **Persons** may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 Poisoned Bait should be used immediately but where this is not possible 1080 Poisoned Bait must be used within 7 days. Foxoff

products must be used within 1 month of purchase from the issuing Rural Lands Protection Board. All unused Foxoff[®] or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.

2. ***DIRECTIONS FOR USE - GENERAL RESTRICTIONS***

- 2.1 A person must not place the 1080 baits in a position accessible to children, livestock, or domestic animals or pets.
- 2.2 A person must not feed 1080 baits to wild or domestic birds.
- 2.3 A person must not apply 1080 baits to, or in, crops.
- 2.4 A person must not allow 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 baits are not to be used for any other purpose and must be disposed of by burning or deep burial.

2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1metre deep disposal pit on the property where the 1080 baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Clean Air (Control of Burning) Regulation 1995*. Persons using 1080 baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Environment Protection Authority (EPA).
2. The burning of the Bait Packaging must be conducted in accordance with the public notification requirements in condition 4.1 of this permit.
3. The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
4. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
5. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Clean Air Act 1961*.
6. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 baits or used containers.
- 2.7 1080 Poisoned Bait must be kept and stored in the labelled (as shown in **attachment 1**) plastic bag in which the 1080 Poisoned Bait is supplied to the landholder. Foxoff Fox Bait and Foxoff Econobait must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.
- 2.8 At the end of a baiting program a person who has received 1080 baits must ensure that all untaken baits at baiting locations are collected and removed. All collected and uneaten 1080 baits must be disposed of, as soon as possible on the property where the 1080 baits were used by burial in a 1 metre deep disposal pit (except for Foxoff products which must be returned to the Rural Lands Protection Board in accordance with condition 1.6), Buried 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

- 2.9 Continuous and ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna. Such programs may be undertaken only if the risk to non-target species is low (see also 10. Risk to Domestic Animals).

3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1. The minimum distances in this permit for the laying of 1080 baits have been set to minimise the risk to people and to non-target animals. 1080 baits must not be laid where they can be washed into or contaminate surface or groundwaters. 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.

- 3.2 ***Property Boundary:*** No 1080 baits shall be laid within 5 metres from any property boundary.

- 3.3 ***Habitation (means the dwelling or other place where any person, other than of the owner/occupier carrying out the baiting, lives):*** No 1080 baits shall be laid within 500 metres of a habitation.

An exemption is permitted in certain cases where a group of adjoining landholders all agree in writing to use 1080 baits as part of a coordinated fox control program. This coordinated fox control program cannot be implemented UNLESS:

- (i) **ALL** the landholders in the group are made fully aware of the problems associated with 1080 baits in closely settled areas; AND
- (ii) **EVERY** landholder in the group signs an agreement that they:
 - (a) have had explained to them the problems associated with 1080 baits in closely settled areas; and
 - (b) understands these problems; and
 - (c) waives the 500 metres distance restriction from their dwelling; and
 - (d) agrees with to allow implementation of the poisoning program; and
 - (e) accepts all responsibility for any problems arising from the program; AND
- (iii) **ALL** the landholders of the outermost holdings of the group abide by all the requirements of this permit in relation to adjoining properties not covered by the group activity.

- 3.4 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point from such as wells, bores, etc.):*** No 1080 baits shall be laid within 10 metres of a domestic water supply.

4. ***PUBLIC NOTIFICATION***

- 4.1 A person shall not lay any 1080 baits or burn plastic bags or containers in which 1080 baits were stored unless the person has first given a minimum of 3 days notice of the date the 1080 baits are to be laid and that plastic bags or containers which contained 1080 baits may be burnt on the property where the 1080 baits were used, to the occupier of every property which has a boundary within one kilometre of a baiting location or in the case of 1080 bait containers, the site where they will be burnt ("notification").

- 4.2. The notification can be given by telephone or in person, or, where this is not possible, by mail. If neighbours cannot be contacted by telephone, personal contact and mail then notification by advertisement in a local newspaper is permissible but only after all other methods of contacting neighbours have been unsuccessful.

- 4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification otherwise further notification of intended baiting is required.

- 4.4 Where baiting programs are continuous and ongoing (in accordance with condition 2.9) notification must be undertaken at intervals no greater than 6 months.

5. ***EMERGENCY BAITING***

- 5.1 A person whose stock or poultry are being mauled, killed or harassed may lay up to fifty (50) 1080 baits with approval from an ACO. This is the only occasion where the normal 3 day public notice period is not required. The landholder must however, notify anyone, whose property boundary lies within one kilometre of a baiting location immediately **before** laying the 1080 baits.

6. ***1080 POISONING NOTICES***

- 6.1 In every situation where a person lays 1080 baits, they must erect notices immediately before 1080 poisoning operations commence on a property. This also applies before emergency baiting can begin.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the property; and
- (ii) At the entrance to the actual baiting location; and
- (iii) At the extremities of and at 1 kilometre intervals along the property boundaries where the property fronts a public thoroughfare.

- 6.2 The Notices may be obtained from the Rural Lands Protection Board, and must specify which animal species is being poisoned, and the date the 1080 baits are first laid or the dates between which 1080 baits will be laid.

7. 1080 GROUND BAITING ON SMALL HOLDINGS

- 7.1 Where a person lays 1080 baits on a property of less than 100ha, the person must check the 1080 baits not later than the 3rd night after the 1080 baits have been laid, and must collect and destroy all untaken 1080 baits before the 7th night after the 1080 baits were laid. All untaken 1080 baits are to be disposed of in accordance with condition 2.8. This does not preclude replacement baiting for longer than 7 nights where 1080 baits continue to be taken.
- 7.2 Baiting locations or stations must be a minimum distance of 100 metres apart and only a maximum of ten 1080 baits can be used per kilometre of trail provided the total number of baits used does not exceed one (1) bait per hectare.

8. FOX CONTROL - BAIT NUMBERS AND DISTRIBUTION

- 8.1 A person who lays 1080 baits must:
- (i) Not lay more than ten 1080 baits per kilometre of trail (ie baiting locations or stations must be a minimum distance of 100 metres apart). The only variation permitted is mound baiting provided the total number of baits does not exceed one (1) bait per hectare; and
 - (ii) Not lay more than fifty (50) 1080 baits on any one property or holding unless the baiting program is planned in conjunction with an Authorised Control Officer; and
 - (iii) Lay the 1080 baits in such a way that any untaken 1080 baits can be readily found and destroyed in accordance with condition 2.8.

9. BAIT PLACEMENT PROCEDURES

- 9.1 Bury 1080 baits in a shallow hole dug with a mattock or similar instrument and cover with earth. If practicable, tie 1080 baits to a fence with a cord and mark the burial spot so that 1080 baits can be easily found and replaced and, at the end of the program, picked up and destroyed.
- 9.2 There is no need to free feed. For small scale ground baiting, 1080 baits must only be laid where untaken 1080 baits can be readily found.

10. RISK TO DOMESTIC ANIMALS

- 10.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, it is advisable to tie up or muzzle dogs during poisoning operations.
- 10.2 1080 baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

11. RISK TO ENVIRONMENT AND WILDLIFE

Routine agricultural activities are effectively exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Environment Planning and Assessment Act 1979 (EP&A Act)* but persons using 1080 baits should be aware that large scale cooperative baiting programs may trigger provisions of the *EP&A Act* and

may require an environmental impact statement. NSW Agriculture also holds a general Section 120 licence that requires it to provide notification if it becomes aware of the presence of threatened species. Persons using 1080 baits should pass on this information where it exists, and should carefully choose bait types and placement techniques to minimise the impact on threatened species.

Further information on the *EP&A Act* can be obtained from the Senior Environmental Planner, Department of Urban Affairs and Planning on 02 9391 2343 and in relation to the *TSC Act* from the Manager Threatened Species Unit, National Parks and Wildlife Service on 02 9585 6542.

12. RISK TO HUMANS

12.1 SAFETY DIRECTIONS:

VERY DANGEROUS. Poisonous if swallowed. When opening the container and handling the bait, wear cotton overalls buttoned to the neck and wrist, washable hat and elbow-length PVC or nitrile gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.

12.2 FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.

Issued by

Delegated Officer

ATTACHMENT 1

DANGEROUS POISON S7

**KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING**

1080 POISONED BAIT

ACTIVE CONSTITUENT: 0.0025 TO 0.006g of SODIUM MONOFLUOROACETATE (1080) per kg
of bait

FOR THE CONTROL OF WILD DOGS OR FOXES

DIRECTIONS FOR USE: TO BE USED ONLY IN ACCORDANCE
WITH REGULATIONS FOR WILD DOGS OR FOX CONTROL IN NSW.

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS
AUTHORISED UNDER APPROPRIATE LEGISLATION.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear cotton overalls, washable hat elbow-length PVC gloves. If products gets on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the Poisons Information Centre or a doctor.

PROTECTION OF LIVESTOCK, WILDLIFE AND OTHERS:

Remove all livestock from baited area.
Do not leave baits accessible to domestic animals, children and non-target wildlife.
Do not contaminate streams, rivers or waterways with the product or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food after procuring bait from the Rural Lands Protection Board. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from the Rural Lands Protection Board. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait should not be used for any other purpose. Dispose of this plastic bag and all unused or untaken bait by burying in an approved dump or by burning.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

RURAL LANDS PROTECTION BOARDS

KG NET**Notes**

- Words used in an Order have the same meaning as in the Pesticides Act 1999.
- A person must not contravene a pesticide control order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.
- A reference to sodium monofluoroacetate is also a reference to sodium fluoroacetate (also known as 1080).

Schedule 2

(Condition 10)

**PERMIT TO ALLOW
USE OF 1080 BAIT
FOR CONTROL OF FOXES**

PERMIT NUMBER – PER5448

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- supply any requested information to the NRA;
- inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- comply with a lawful direction or requirement of an inspector; and
- provide a copy of the permit to persons who wish to possess and/or use the product for the purpose specified in this permit.

This permit for the reason given below allows any person listed in *1. Persons* to possess and use the products listed in *2. Products* for the use specified in *3. DIRECTIONS FOR USE* in the jurisdictions listed in *4. States* according to *CONDITIONS OF PERMIT*.

Persons who wish to possess and use 1080 baits for the purposes specified in this permit must read, or have read to them the permit, particularly the information included in *CONDITIONS OF PERMIT*.

If this permit were not issued possession and use of these products, specified in *2. Products* would constitute an offence under the Agvet Codes.

The persons listed in *1. Persons* must comply with all conditions listed in *CONDITIONS OF PERMIT* to be covered by this permit.

THIS PERMIT IS IN FORCE FROM 15 MAY 2002 TO 1 NOVEMBER 2002*.
It is in force until it expires or it is cancelled, suspended or surrendered.

Reason for issue of permit:

The northern Sydney region contains a green web of interconnecting bushland reserves. This area hosts a diverse range of native fauna including threatened species and requires special management to ensure its long-term integrity. Foxes are a major threat to the on-going survival of many native species within the region. Without this permit there are no effective control techniques for foxes within these urban bushland areas.

This permit allows Foxoff 1080 baits to be used in sensitive bushland areas and lessens the distance restrictions from 500m baiting from habitation to 150m baiting from habitation in the areas specified in this permit. This reduction in the distance restriction will give public Land Managers of urban bushland the opportunity to help protect native wildlife from predation. This reduced distance restriction also creates an extra responsibility for public Land Managers of urban bushland to adequately publicise baiting activities, to liaise with the community, and to address any resulting community concerns. This reduced distance restriction also creates an extra responsibility for public Land Managers of urban bushland to monitor and report the impact of baiting activities.

* Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

*DETAILS OF PERMIT***1. Persons**

Persons who have been appropriately trained or are experienced in handling of 1080 baits and who are under the control of NSW National Parks & Wildlife; Hornsby Shire Council; Ku-ring-gai Municipal Council; Pittwater Council; Ryde City Council; Warringah Council; Taronga Zoo, Parramatta Council, Hunters Hill Council, North Sydney Council, Lane Cove Council, Mosman Council, Macquarie University; State Forests; Baulkham Hills Council; OR Willoughby City Council.

2. Products

- (i) **FOXOFF FOXBAIT**
Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.
- (ii) **FOXOFF ECONOBAIT**
Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

3. DIRECTIONS FOR USE

To control FOXES, as specified in the CONDITIONS OF PERMIT, in specified BUSHLAND RESERVES located in the following areas:

NSW NATIONAL PARKS & WILDLIFE SERVICE:

- ◆ Garigal National Park
- ◆ Sydney Harbour National Park (North Head, Dobroyd Head, Bradley's Head, Nielsen Park & Middle Head)
- ◆ Lane Cove National Park
- ◆ Ku-ring-gai Chase National Park (including Barrenjoey Headland)
- ◆ Muogamarra National Park
- ◆ Marramarra National Park
- ◆ Cattai National Park
- ◆ Scheyville National Park
- ◆ Pitttown Nature Reserve
- ◆ Windsor Downs Nature Reserve
- ◆ Castlereagh Nature Reserve
- ◆ Agnes Banks Nature Reserve
- ◆ Mulgoa Nature Reserve
- ◆ Rouse Hill Regional Park
- ◆ Western Sydney Regional Park
- ◆ Botany Bay National Park (La Perouse)

WARRINGAH COUNCIL:

- ◆ Manly Warringah War Memorial Park (Reserve No. 478, 430)
- ◆ Dee Why Lagoon Wildlife Refuge and the adjacent Long Reef Headland area (Reserve No. 340, 341);
- ◆ Council managed bushland corridors adjacent to Narrabeen Lakes and Middle Creek (including Jamieson Park and the bushland corridor recreation reserve from Narrabeen Lakes extending along Wakehurst Parkway, Middle Creek and Oxford Creek to Oxford Falls Road West, Meatworks Road and the unnamed and unmade road at the intersection of Morgan Road and Oxford Falls Road West) (Reserve No. 306,180, 1000, 926);
- ◆ Council managed bushland adjacent to Mona Vale Road and Garigal National Park (including JJ Melbourne Hills Memorial Park, Tumbledown Dick Hill and Kimbriki Waste Recycling centre) (Reserve No. 9054, 618)
- ◆ Anembo Reserve
- ◆ Forestville Park (Reserve No. 289, 293).

HORNSBY SHIRE COUNCIL:

- ◆ Berowra Valley Regional Park
- ◆ Beecroft Reserve

PITTWATER COUNCIL:

- ◆ Warriewood Wetlands
- ◆ Barrenjoey Sandspit
- ◆ Deep Creek Reserve
- ◆ Angophora Reserve
- ◆ Reserve 28 Ingleside Road

KU-RING-GAI MUNICIPAL COUNCIL:

- ◆ Lovers Jump Creek Reserve (Wahroonga)
- ◆ Bobbin Head Road Bushland (Turrumurra)
- ◆ Curagul Road Bushland (North Turrumurra)
- ◆ Ku-ring-gai Creek Reserve (St Ives)
- ◆ Upper Ku-ring-gai Creek Reserve (St Ives)
- ◆ Cowan Creek Reserve (St Ives)
- ◆ Clive Evatt (Wahroonga)
- ◆ Turiban Reserve South (Wahroonga)
- ◆ Upper Cowan Creek Reserve (Wahroonga)
- ◆ Governor Phillip Reserve (Gordon)
- ◆ Bushranger Reserve (Killara)
- ◆ Illeroy Forest (Killara)
- ◆ Old She Oak Reserve (Killara)
- ◆ Seven Little Australians (Killara)
- ◆ Roseville Bridge Bush (Roseville)
- ◆ Echo Point Foreshore (Roseville)
- ◆ Brown's Bush (Wahroonga)
- ◆ Twin Creek Reserve (Turrumurra)
- ◆ Bradley Reserve (Turrumurra)
- ◆ Sheldon Forest (Turrumurra)
- ◆ Comenarra Bush (Turrumurra)
- ◆ Comenarra Creek Reserve (Turrumurra)
- ◆ Lower Dam Forest (Pymble)
- ◆ Blackbutt Reserve (Killara)
- ◆ Lower Blue Gum Creek Bush (Roseville)
- ◆ Upper Blue Gum Creek Bush (Roseville)

RYDE CITY COUNCIL:

- ◆ Field of Mars Wildlife Refuge.
- ◆ Brush Farm Park

WILLOUGHBY CITY COUNCIL:

- ◆ Explosives Reserve
- ◆ Harold Reid Reserve
- ◆ North Escarpment
- ◆ Rob Reserve
- ◆ North Arm Reserve
- ◆ Willis Park
- ◆ Northbridge Park, Flat Rock Gully
- ◆ Mowbray Park
- ◆ Ferndale Park
- ◆ Blue Gum Park
- ◆ O.H. Reid Reserve
- ◆ Clive Park

TARONGA ZOO

- ◆ Reserve land managed by Taronga Zoo

PARRAMATTA COUNCIL

- ◆ Vineyard Creek Reserve, Telopea
- ◆ McCoy Park, Toongabbie
- ◆ John Curtin Reserve, Northmead
- ◆ Moxham Park, Northmead
- ◆ Campbell Hill Pioneer Reserve, Campbell Hill

- ◆ Lake Parramatta Reserve, North Parramatta
- ◆ Edna Hunt Sanctuary, Epping
- ◆ Galaringi Reserve, Carlingford
- ◆ Coxs park, Carlingford
- ◆ Duck River Bushland, Granville

HUNTERS HILL COUNCIL

- ◆ Boronia Park Reserve
- ◆ Great North Walk from Buffalo Creek Reserve to Boronia Park Reserve

NORTH SYDNEY COUNCIL

- ◆ Ball Head Reserve
- ◆ Berry Island Reserve

LANE COVE COUNCIL

- ◆ Blackman Park north to Stringybark Creek

MOSMAN COUNCIL

- ◆ Reid Park
- ◆ Little Ashton Park
- ◆ Balmoral Park
- ◆ Larry Plunkett Reserve
- ◆ Parriwi Park and Parriwi Point

MACQUARIE UNIVERSITY

- ◆ Macquarie University fauna park

BAULKHAM HILLS COUNCIL

- ◆ Hunts Creek Reserve
- ◆ Excelsior Reserve

STATE FORESTS OF NEW SOUTH WALES

- ◆ Cumberland State Forest
- ◆ Darling Mills State Forest

4. States

New South Wales ONLY.

CONDITIONS OF PERMIT

1. POSSESSION OF FOXOFF FOX BAIT

- 1.1 For the purpose of this permit, the products Foxoff Fox Bait and Foxoff Econobait, will henceforth be referred to as "Foxoff 1080 baits" except where otherwise indicated.
- 1.2 This permit allows **Persons**, if they fully comply with **CONDITIONS OF PERMIT**, to undertake the following actions with Foxoff 1080 baits which contains 3 milligrams SODIUM FLUOROACETATE per bait as their only active constituent:
 - (i) have Foxoff 1080 baits in their possession for the purposes of use;
 - (ii) claim that Foxoff 1080 baits can be used for the purposes as outlined in 3. **DIRECTIONS FOR USE**.
- 1.3 FOXOFF 1080 baits must only be purchased from a Rural Lands Protection Board and must be used within 1 month of purchase or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.
- 1.4 Persons as stated under 1. **Persons** may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Foxoff products can only be possessed and stored in accordance with condition 1.3.

2. DIRECTIONS FOR USE - GENERAL RESTRICTIONS

- 2.1 A person must not place Foxoff 1080 baits in a position accessible to children, livestock, or domestic animals or pets.
- 2.2 A person must not feed Foxoff 1080 baits to wild or domestic birds.
- 2.3 A person must not allow Foxoff 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.4 Containers which have held Foxoff 1080 baits must not to be used for any other purpose and must be disposed of by deep burial.
Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, dispose of containers in a 1 metre deep disposal pit and cover with at least 500mm of soil on the property where the Foxoff 1080 baits were used.
- 2.5 A person must not contaminate dams, rivers, streams, waterways or drains with Foxoff 1080 baits or used containers.
- 2.6 Foxoff Fox Bait and Foxoff Econobait must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.
- 2.7 All unused Foxoff 1080 baits must be returned to the Rural Lands Protection Board in accordance with condition 1.3. At the end of a baiting program a person who has received Foxoff 1080 baits must ensure that all untaken baits at baiting locations are collected and removed. All untaken Foxoff 1080 baits must be disposed of, as soon as possible by burial in a 1 metre deep disposal pit. Buried Foxoff 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral). It is the responsibility of the person who has received Foxoff 1080 baits to ensure that unused Foxoff 1080 baits are returned and untaken Foxoff 1080 baits are properly disposed of.

3. DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

- 3.1 Foxoff 1080 baits must not be laid where they can be washed into or contaminate surface or groundwaters. Foxoff 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods may be used in those areas.
- 3.2 ***Boundaries and public thoroughfares (public roads and associated footpaths but not internal roads tracks or trails):***
- The minimum distance that Foxoff 1080 baits shall be laid from the boundary of a bushland reserve is 5 metres except for boundaries adjoining public thoroughfares.
- The minimum distance that Foxoff 1080 baits shall be laid from the boundary of a bushland reserve which adjoins a public thoroughfare is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.
- The minimum distance that Foxoff 1080 baits shall be laid from any public thoroughfare traversing the bushland reserve is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.
- 3.3 ***Internal roads, tracks and trails other than public thoroughfares traversing bushland reserves:***
- The minimum distance that Foxoff 1080 baits shall be laid from internal roads, tracks, trails is 2 metres except for the section of internal road, track or trail between the boundary of the bushland reserve and a position 150 metres into the bushland reserve.
- The minimum distance that Foxoff 1080 baits shall be laid from the section of internal road, track or trail between the boundary of the bushland reserve and a position 150 metres into the bushland reserve is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.

- 3.4 **Habitation (means the dwelling or other place where any person, other than of the owner/occupier carrying out the baiting, lives):**

No Foxoff 1080 baits shall be laid within 150 metres of a habitation.

- 3.5 **Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point from such as wells, bores, etc.):**

No Foxoff 1080 baits shall be laid within 10 metres of a domestic water supply.

4. PUBLIC NOTIFICATION

- 4.1 Public notification must include an advertisement in a prominent local area newspaper at least 5 days prior to the commencement of Foxoff 1080 baiting. Public notification may also include notification by telephone or personal contact, or, where this is not possible, by mail. Public notification must include appropriate details of the baiting program and the closure of bushland reserves to dogs.

5. 1080 POISONING NOTICES AND COMMUNITY NOTIFICATION

- 5.1 In every situation where Foxoff 1080 baits are laid in a bushland reserve specified under this permit, the person responsible for coordinating the use of Foxoff 1080 baits must ensure that 1080 poisoning notices are erected in that bushland reserve at least 5 days prior to the commencement of Foxoff 1080 baiting.

In every situation where Foxoff 1080 baits are laid in a bushland reserve specified under this permit, the person responsible for coordinating the use of Foxoff 1080 baits must ensure that notices banning dogs are erected in that bushland reserve at least 5 days prior to the commencement of Foxoff 1080 baiting.

These notices must remain up for at least a minimum of 4 weeks from the last day of baiting and, Notices must be placed:

- (i) At every made entrance to the Bushland Reserve; and
- (ii) At the entrance to the baiting location; and
- (iii) At the extremities of and at 1 kilometre intervals along the boundaries where the bushland reserve adjoins a public thoroughfare; and
- (iv) At the extremities of and at 1 kilometre intervals along any public thoroughfare traversing the bushland reserve but not along internal roads, tracks or trails.

- 5.2 The Notices, indicating the presence of Foxoff 1080 baits, must specify which animal species is being poisoned, and the date the Foxoff 1080 baits are first laid or the dates between which Foxoff 1080 baits will be laid.

Any Notices banning dogs must clearly indicate that dogs must not be allowed to enter reserves closed to dogs during a baiting program.

- 5.3 All neighbours immediately adjoining the bushland reserve boundary, within 300 metres of the site where Foxoff 1080 baits will be laid, must be given a minimum of 5 days written notice prior to the commencement of the baiting program.

6. FOX CONTROL -DIRECTION FOR USE - BAIT NUMBERS AND DISTRIBUTION

- 6.1 A person who lays Foxoff 1080 baits must:
- (i) Not use an excessive amount of 1080 baits. Baiting locations must be a minimum distance of 100 metres apart and no more than ten Foxoff 1080 baits can be placed per kilometre per day. The only variation permitted is mound baiting using multiple baits (maximum three (3) Foxoff 1080 baits per mound) provided the total number of Foxoff 1080 baits used does not exceed one (1) bait per hectare; and
 - (ii) Lay the Foxoff1080 baits in such a way that any untaken Foxoff 1080 baits can be readily found and destroyed in accordance with condition 2.7
 - (iii) Each bait site will be made up of a sand pad about one metre in diameter. Foxoff 1080 baits must be buried to a depth of 10 centimetres to reduce the access by non-target species.
 - (iv) Free feeding must be undertaken at all sites for a minimum of 3 days prior to the commencement of 1080 baiting to establish the presence or absence of foxes and to determine

- if other non-target animals are visiting the site. The decision to lay 1080 Foxoff baits is determined by the results of free feeding and condition 7.1(ii) if required for dogs.
- (v) 1080 baiting must be discontinued during periods of heavy rainfall.

7. ***RISK TO DOMESTIC ANIMALS***

- 7.1 The following preventative measures must be undertaken to reduce the risks of domestic dogs taking poisoned bait:
- (i) Close Bushland Reserves to dogs during the baiting program.
 - (ii) If regular dog prints are recorded at bait stations during the free feeding period, further community notification and education should take place.
- 7.2 All untaken baits which are recovered must be destroyed by deep burial as per condition 2.7.

8. ***MONITORING OF NON-TARGET EFFECTS***

- 8.1 Adverse effects including deaths of wildlife and animals, other than foxes, must be reported to the Pest Management Officer, North Sydney Region, National Parks and Wildlife Service by telephone (02 9472 8953 or fax (02) 9457 8265

9. ***RISK TO HUMANS***

- 9.1 In addition to taking appropriate steps to inform the community of the baiting program, the following steps must be undertaken:
- (i) All Foxoff 1080 baits will be buried in sand pads as per condition 6.1(ii).
 - (ii) Where possible, inaccessible places will be chosen as baiting locations to reduce the chances of children or adults finding the bait stations.

9.2 ***SAFETY DIRECTIONS:***

VERY DANGEROUS. Poisonous if swallowed. When opening the container and using the baits, wear elbow-length PVC gloves or Nitrile gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.

9.3 ***FIRST AID:***

If poisoning occurs, contact a doctor or Poisons Information Centre (phone: 13 11 26). Give large quantities of water and induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

Issued by

Delegated Officer

Schedule 3

(CONDITION 10)

USE OF YATHONG FOX BAIT**1. Directions for use**

| Situation | Pest | Rate | Critical Comments |
|-----------------------|-------------|---|--|
| NSW NPWS MANAGED LAND | Fox | Apply up to 5 Yathong Fox Baits per km ² | Apply only by helicopter or fixed wing aircraft |

2. State

NSW only

3. Conditions on use of Yathong Fox Bait

3.1 NSW National Parks and Wildlife Service must only employ pilots for aerial application of Yathong Fox Bait if they meet the requirements for aerial licences under section 45 of the Pesticides Act 1999.

3.2 An Authorised Control Officer must:

- a. Give approval to any proposed aerial baiting programme; and
- b. Directly supervise the application of Yathong Fox Baits or be available to give instruction during the aerial application of Yathong Fox Baits