

To: Commerce Commission New Zealand

From: Climate Justice Taranaki Incorporated

Re: Complaint on Revital Group / Remediation NZ

Date: 11 March 2019

The issue

Business we are reporting

Revital Group / Remediation NZ

Location of business

208 de Havilland Drive, Bell Block New Plymouth

Our concerns

We believe Revital Group may have breached the Fair Trading Act by misleading the public as to the nature, manufacturing process and characteristics of its fertilizer products.

We are especially concerned about Revital's range of compost and vermicast products made in Taranaki where petroleum drilling and production wastes have been incorporated into the manufacturing processes.

We question the robustness of the product testing and traceability regimes and believe there is potential of harm to the public.

Misleading information

Revital Group's website emphasizes the organic nature of its products but fails to mention the use of inorganic materials in their production and the possibility of inorganic residues in the products.

e.g. The company's mission is *"To transform organic resources into valuable, marketable products through composting, vermiculture and quarrying, supported with quality service and innovation"* and *"All Revital sites are audited annually by BioGro NZ..."* <http://revital.co.nz/revital-group/about/>

e.g. *"Our Grow-all combines the power of nutrient – rich vermicast (worm castings) and high quality organic compost and is the all-natural, rich source of biological life for your soil!"* <http://revital.co.nz/project/grow-all/>

e.g. *"Our worm farms are located around the North Island of New Zealand, close to our organic composting sites where we can mix organic compost and vermicast together, for the best 'brew' available!... We feed our worms with totally organic stuff, which is why Biogro NZ has certified us organic."* <http://revital.co.nz/revital-group/vermicast/>

Documented information

Remediation NZ produces fertilizers under the trade name Revital. In Taranaki, the company runs three field sites: a composting and vermiculture operation at Mokau Road, Uruti (since 2001), and vermiculture operations at Waitara Road (since 1998) and Pennington Road (since 2001), in Brixton (Taranaki Regional Council, 2013)¹.

The report explained the operation at the Uruti site: *"Synthetic hydrocarbon contaminated drilling muds and cuttings are piled up on the remediation pad and the liquids are allowed to drain... remediated drilling wastes*

are blended with green waste and other organic matter for composting..." The report also stated that while the company was "no longer" incorporating drilling wastes directly into the two Brixton sites, the worm farms at the two sites were fed with composted materials from the Uruti site.

Clearly "*synthetic hydrocarbon contaminated drilling muds and cuttings*" are not "*all-natural*" or "*totally organic*", as claimed on Revital's website.

Remediation NZ's application (2017)² to renew its contaminant discharge consents at the Uruti site revealed that 2,000 tonnes of solid drilling waste and 3,000 m³ of liquid drilling wastes were used in the composting process, along with other organic wastes notably paunch grass, shredded green wastes and chicken mortalities. It explained the process, "*Drilling waste is received in a holding pond, where the material is blended with shredded greenwaste, sawdust, other organic matter, and wood shavings. It is then rowed up for composting, and finally it is processed through vermiculture...*"

The company was under the spotlight in 2013 when Radio NZ reported on local residents' complaints on river pollution caused by the Uruti operation³. Indeed, based on the various annual monitoring reports available on the Taranaki Regional Council website⁴, it is clear that there have been problematic effects from the discharges on the environment around the Uruti site. These include escalating chloride levels (since 2012-13) in the groundwater and in the Haehanga Stream, episodic presence of hydrocarbons in the soil, in the surface water of the stream and in stream sediment; BTEX detected in groundwater (meta-xylene and toluene) and irrigation fluids (benzene above drinking water standard in 2014-15)⁵, elevated levels of un-ionised ammonia in surface water, as well as deteriorated Macroinvertebrate communities. Our recent submission⁶ to the regional council on Remediation NZ's applications to extend their discharge consents at the Uruti site further elaborated our concerns.

These environmental effects are also clear indications of the 'un-natural' nature of the composting and wormfarming operation, contrary to what's portrayed on Revital's website and on their product packaging.

Moreover, our communications with BioGro NZ revealed that Remediation NZ's operation at the Uruti site is not certified and has not been audited by Biogro NZ as of the time of writing, contrary to what is being suggested on Revital's website (See attached email communications with Bio-Gro NZ, Feb 2019).

Product safety standards

We question the comprehensiveness of testing of the various products that leave the composting and vermiculture sites. E.g. the testing of compost samples^{7,8} did not include BTEX (benzene, toluene, ethylbenzene and xylenes) or PAH (polycyclic aromatic hydrocarbons), all known to be present in drilling wastes. Some of these chemicals are harmful to humans at extremely low concentrations, yet there are no set minimum guidelines of these chemicals in the company's final product protocol, 2018⁹.

Extent of detriment

Without proof of product safety, we are extremely concerned about the potential of harm on consumers should the marketed products contain any toxic residues from the operation. Revital claims, "*We manufacture over 80,000 cubic metres of organic certified compost and vermicast every year, making us one of the largest organic compost producers in New Zealand*¹⁰... *Each year we supply over 50,000 tonnes of compost and vermicast to the farming sector*¹¹..."

The products are marketed to pasture farmers¹², horticulturalists¹³ and home gardeners¹⁴. As such, the extent of detriment is potentially huge, including potential physical harm, crop failure and widespread impaired choice. There have been complaints from numerous local growers on the quality of Revital's various products, documenting germination failure and stunted growth following application of Growwell

potting mix and compost, resulting in loss of income and food production (See attached email communications between Derina Turner and Bio-Gro Dee's letter, Feb-March 2012).

We believe there is also potential detriment that is disproportionately more severe amongst the more vulnerable such as home gardeners and children who are likely to come into close contact with Revital products and produce grown from them. Even if there is no clear evidence of harm, surely the public have the right to clear and unbiased information as to the content and origin of the products, based on which informed consumers decisions could be made. This information would also facilitate fair competition, when there are companies producing similar products, but without petroleum wastes.

We believe Revital's misleading information may also result in significant adverse national and regional impacts on New Zealand's clean, green and safe product image.

Public interest

With the growing interest and demand for truly organic food production both nationally and overseas, there is likely to be widespread public interest in the issues raised in this complaint.

False or misleading representations

By claiming that the products are 'all-natural' or 'totally organic', and omitting critical information notably the incorporation of petroleum drilling wastes (including synthetic muds) in its composting and vermicultural processes, we believe Revital NZ is making false or misleading representation of its products, and thereby breaching the Fair Trade Act.

¹ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2013-RemediationNZ.pdf>

² <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/AEE/1RemediationAEE.PDF>

³ <https://www.radionz.co.nz/national/programmes/morningreport/audio/2568191/north-taranaki-residents-worried-composting-polluting-river>

⁴ <https://trc.govt.nz/council/plans-and-reports/environmental/consent-compliance-monitoring-reports/industry/>

⁵ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2015-RemediationNZ.pdf>

⁶ <https://climatejusticetaranaki.files.wordpress.com/2019/02/cjt-submission-on-remediation-nz-uruti-applications-11feb2019-final.pdf>

⁷ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/10Furtherinformation-AppendixH1.PDF>

⁸ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/11Furtherinformation-AppendixH2.PDF>

⁹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/9Furtherinformation-AppendixG.pdf>

¹⁰ <http://revital.co.nz/fertilisers/about/>

¹¹ <http://revital.co.nz/revital-group/about/>

¹² <http://revital.co.nz/fertilisers/pastoral/>

¹³ <http://revital.co.nz/fertilisers/horticulture/>

¹⁴ <http://revital.co.nz/growwell/about/>