

Hearing Statement by Climate Justice Taranaki Incorporated

Before the Taranaki Regional Council On Remediation (NZ) Ltd's Resource Consent Applications To Discharge contaminants to land and water (5838-3.0) To Discharge to air (5839-3.0)

The Devon Hotel, New Plymouth, 25 March 2021

1. Since we made our submission back in February 2019, our objection to Remediation New Zealand (RNZ)'s applications has become even stronger.
2. In this Hearing, we have heard from other submitters, notably Ngāti Mutunga and neighbours of the RNZ operation who have been badly affected. From listening to them and from reading the Regional Council Officer's Report (2 March 2021), it is clear that the company's operation has not met the basic requirements. Indeed, it now appears that the operation has not only caused unacceptable environmental and cultural effects, but also health impacts on the neighbouring community and their loss of amenity.

Breaches and non-compliances

3. As we pointed out in our original submission, the company has had numerous breaches and non-compliances of consent conditions over the years. The Officer's Report listed poor record keeping, non-compliance with management plans, receipt of unapproved material, lack of maintenance, monitoring or sampling, and unauthorised discharges as the main issues. Notably, the drilling waste, rather than being processed into compost, has been blended with bulking agents and then stockpiled on Pad 3 for at least 10 years (>20,000 tonnes remain); while pads 1 and 2 have doubled the size specified in the original consent conditions.
4. In the recent months between 1 Oct 2020 and 31 Jan 2021, eight incidents were recorded, 3 abatement notices and 6 infringement notices were issued.
5. The Council should use the 'serious breach' test by considering the cumulative effects of all the so-called minor breaches, rather than letting the company off, under the name of minor breaches.

Environmental contamination

6. The expert witnesses from Ngāti Mutunga have laid out their evidence and concerns over the significant adverse effects of the RNZ operation on the health of the Haehanga Stream and Awa Mimitangiatua. The expert evidence on air quality by Duncan Backshall and the health evidence provided by neighbours of the operation and the Urenui & Districts Health Group, all strongly demonstrate the risks and impacts on human health from the operation. We ask the Commission and Council to thoroughly consider this evidence.

Uncertainties, transparency, traceability and fate of materials

7. In our original submission, we pointed out that there appeared to be uncertainties or lack of transparency concerning the complete process and outputs of the operation.

8. A case in point is the non-disclosed, 'commercially-sensitive' amounts of poultry and dairy wastes proposed to be accepted if the consents are granted. Why are they 'commercially-sensitive'? How can any assessment of the potential impacts of such nitrogen-rich materials be done properly without knowing the amounts? Yesterday Ngāti Mutunga's expert witness pointed out the challenge in managing highly variable amounts of materials in a composting operation.
9. We have had reports from people who claimed to have bought trailer loads of materials from the Uruti site. While we cannot ascertain what materials these were, it does raise the question of whether there might have been movements of potentially contaminated materials offsite.

Product testing and potential impacts beyond the site

10. Although the company will no longer receive petroleum wastes under the proposed consents, the over 20,000 tonnes of stockpiled materials associated with drilling wastes remain to be a potential source of contamination, both in-situ and for materials leaving the site. The questions we raised in our original submission regarding the comprehensiveness of monitoring and testing of the various products that leave the site, remain.
11. For example, the testing of compost samples^{1,2} described in the Release of Final Product document do not include BTEX (benzene, toluene, ethylbenzene and xylenes) or PAH (polycyclic aromatic hydrocarbons).
12. In Sept and Oct 2020, we took samples from composts purchased directly from Revital (Bell Block New Plymouth), as BioGro certified organic compost, in a sealed bag and in bulk. During our purchase in October, we were told by the sales representative that the materials were sourced from the Uruti site. We sent three samples to the Hill Laboratories for testing.
13. The test results revealed excessive arsenic levels, elevated levels of copper, lead, cadmium, chloride and calcium, and low levels of hydrocarbons. The arsenic levels of two samples, at 21 and 20 mg/kg, were above or just within the BioGro Standard 2009. They are also above the MfE guideline of 17 mg/kg and Council's consent condition for soil. Lead (97 & 99 mg/kg) and cadmium (0.43 & 0.42 mg/kg) levels, though within BioGro Standards, were above most natural concentrations in soil (around 15 mg/kg for lead & 0.16 mg/kg for cadmium). These being heavy metals and cumulative, should not be on the market for gardeners to add to soil to grow food.
14. Some of the polycyclic aromatic hydrocarbons (PAHs) detected in the compost, notably Benzo[a]pyrene (BAP) and Benzo[b]fluoranthene are carcinogenic and endocrine disrupting³ at extremely low levels. The chloride levels detected in our compost samples were elevated, especially that from the truck load, which was at 606 mg/L, and similar to the levels in soil samples from the older irrigation areas at the Uruti site.
15. While we cannot prove that the composts were derived from or associated with drilling wastes, or even that they were made at Uruti (despite assurances at time of purchase), the results of

¹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/June2020Revisions/ApG2-June2020.PDF>

² <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/June2020Revisions/ApG3-June2020.PDF>

³ <https://endocrinedisruption.org/interactive-tools/tedx-list-of-potential-endocrine-disruptors/search-the-tedx-list>

the compost samples reinforced, rather than alleviated, our earlier concerns. If the composts were in fact from one of RNZ's certified organic operations, what would we expect the test results to be like from composts produced at RNZ's Uruti site which is not certified?

16. On the 10th November 2020, our group sent the Commerce Commission the lab results as a follow-up complaint. It followed on from our complaint in March 2019, as a result of which the Commission wrote (16th August 2019) to Remediation NZ Revital Group, "*We consider the information provided in the complaint may, if further substantiated, give rise to possible breaches of sections 13(a) and 13(e) of the [Fair Trading] Act... Our decision to take no further action on this complaint does not prevent any other person from doing so.*" The response of the Commission to our follow-up complaint was that it's better dealt with by MfE and/or the MPI.
17. So we contacted both the MfE and MPI, with our concerns described above, as well as the pest problems at the site. These problems were documented in the 2018-2019 compliance monitoring report⁴, "*Significant vectors were observed in the form of a resident seagull population, feral cats, wild goats and pig tracks throughout the site...*" and mentioned yesterday at the hearing. It is our understanding that the Uruti valley is a popular hunting ground. To allow wild goats and pigs to roam a site with stockpile of contaminated and hazardous wastes is irresponsible. The company has also failed to complete its riparian fencing and planting obligation after a whole decade.
18. In recent years, the company has cut hay and silage from the irrigation paddocks and removed for composting or sold as animal fodder. It now proposes to cut four times annually. What sort of testing has been or will be done to ensure that the hay or silage are safe for the animals and the environment where they end up? Indeed, our concern for inadequate testing, traceability and potential cross-contamination of materials and products leaving the Uruti site persists.

Functional need and alternative solutions

19. It is clear that there is no functional need for an industrial-scaled composting facility to be located at the Uruti Valley. In fact, we have heard multiples times that the choice of location couldn't be worse. Rather than an alternative composting site, we believe there are alternative ways to deal with the organic wastes, especially animal wastes from industrial agriculture. We have also heard repeatedly that RNZ's Uruti operation provides a valuable service to Taranaki. But the supposed benefit only stacks up when compared with sending the wastes to a landfill.
20. We would like the regional and district councils to consider the following alternatives:
21. Anaerobic digestion of the organic wastes to produce bioenergy^{5,6}, to fuel the New Plymouth Wastewater Treatment Plan, rather than the current reliance on fossil fuels. The process would also generate electricity, process heat and biofertilisers.

⁴ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/2019onwards/MR19-Remediation.pdf>

⁵ <https://www.bioenergyfacilities.org/facility/awapuni-landfill-palmerston-north>

⁶ <https://www.nzherald.co.nz/rotorua-daily-post/news/new-zealands-first-food-waste-to-bioenergy-facility-gets-under-way-in-reporoa/AHNHBR3JPMTIWHNSTUGUBQXQSA/>

22. Smaller-scaled composting operations closer to the sources of the waste, returning the responsibilities to the waste generators and reducing the energy and emissions associated with the transport of the wastes. Household food waste can be dealt with at home, with a bit of help such as free compost bins and education. It can also be dealt with at the community level as is occurring now elsewhere in the country, to support local jobs, local food production and charity services^{7,8}.

Decisions sought

23. Given RNZ's history, we do not think that the company can effectively address the pollution issues in land, water and air, irrespective of conditions imposed.
24. We therefore request that the consent applications be REFUSED. We also request the following:
- RNZ to pay for an independent, technical feasibility study on the best way to properly remediate the stockpiled wastes associated with drilling wastes. One of the ways to be considered may be the complete removal of the wastes to a qualified treatment facility.
 - RNZ to pay for an environmentally and culturally acceptable reinstatement of the site.
25. If the consents are to be granted, we request the following:
- Full disclosure and maximum limits of the types and quantities of organic wastes to be received for processing.
 - The detailed consent conditions recommended in the Officer's Report be further strengthened, especially regarding contaminant limits and monitoring of water and soil.
 - Much more robust conditions on the air discharge consent, based on evidence and advice of independent air quality and health experts, to protect the health and amenity of neighbouring communities.
 - Much more robust conditions relating to product testing, traceability and safety assurance.
 - RNZ to pay for an independent, technical feasibility study on the best way to properly remediate the stockpiled wastes associated with drilling wastes. One of the ways to be considered may be the complete removal of the wastes to a qualified treatment facility.
 - Development of an environmentally and culturally acceptable site reinstatement plan.

⁷ <https://www.stuff.co.nz/nelson-mail/95595171/nelson-food-charity-kai-rescue-in-plea-for-wider-range-of-food-groups>

⁸ <https://compostcollective.org.nz/community-composting-hubs/>

10 November 2020

To the Commerce Commission:

Our group Climate Justice Taranaki would like to follow up with our complaint¹ on Revital Group and the Commerce Commission's decision on 30 May 2019 (as per email below). That decision concluded that our concerns had merit.

We have recently obtained laboratory test results of several samples of Revital's BioGro certified compost (attached 4 sets of Hill Lab results).

The key findings are as follows:

1. Arsenic levels of two samples (lab report of 7 Oct 20) are at or above the BioGro Standard 2009².
2. Copper levels of two samples (lab report of 7 Oct 20) are above BioGro Standard 2009.
3. Lead and Cadmium levels, though within BioGro Standards, are elevated above most natural concentrations in soils.
4. Hydrocarbons were detected in all samples at low levels. The BioGro Standards are silent on hydrocarbons.
5. The levels of Chloride and Calcium are elevated and indicative of an association with produced water from oil/gas production.

Here we further elaborate on our concerns. Heavy metals accumulate in the environment. It is not good practice to add compost with elevated levels of heavy metals to gardens, especially for food growing and where children may be involved.

High levels of Arsenic can be attributed to geological formations (e.g. petroleum drilling muds and produced water), poultry wastes and/or treated timber. The levels detected in our compost samples were above those of soil samples (4 to 6 mg/kg in 2018-2019) from the Remediation NZ composting site near Uruti where petroleum drilling wastes, poultry wastes and other organic wastes have been taken to produce Revital products (TRC report, Feb 2020)³.

Likewise, some of the Polycyclic Aromatic Hydrocarbons (PAHs) levels detected in the compost samples were above those of soil samples from the Remediation NZ Uruti site. Notably, Benzo[a]pyrene levels in soil samples on site were reported between <0.013 and <0.019 mg/kg during the same period while our compost samples yielded levels of 0.024, 0.03 and 0.06 mg/kg. Many of the PAHs such as Benzo[a]pyrene and Benzo[b]fluoranthene are carcinogenic and endocrine disrupting⁴ at extremely low levels, posing risks to children and those who are predisposed.

The Chloride levels detected in our compost samples were elevated, especially that from the loose (non-bagged) compost, being at 606 mg/L. This level was noticeably higher than those in soil samples from new irrigation areas at the Remediation NZ site, but similar to those from the older irrigation areas which have received more significant amounts of irrigation

fluids over time (TRC report, Feb 2020). The irrigation fluids contain largely of leachate and contaminated stormwater from areas where petroleum drilling muds, fluids and cuttings and organic wastes material are being processed. The elevated Chloride levels detected are also consistent with excessive levels in many of the surface and groundwater samples on the site. Research has shown that a compost with Chloride levels over 500 mg/L (based on the saturated extract method of measurement) could be harmful to sensitive plants⁵. Similarly, the levels of Calcium in the compost samples are elevated and reflect those in soil samples from the older irrigation areas on site, also indicative of an association with petroleum wastes.

We believe that Revital NZ may have breached the Fair Trade Act and there is substantial ground for an investigation based on the established enforcement criteria. The bases of our complaint filed in March 2019 remain valid and are further strengthened by the results of the compost testing as laid out above.

We request that the Commerce Commission embark on an investigation on Revital products, building on the previous assessment, decision, and the additional information we provide here. Please let us know if you require further information or clarifications.

Yours sincerely,

[REDACTED]

Climate Justice Taranaki

www.climatejusticetaranaki.info

[REDACTED]

¹ <https://climatejusticetaranaki.files.wordpress.com/2019/06/cjt-complaint-to-commerce-commission-re-revital-11march2019.pdf>

² https://static1.squarespace.com/static/5f349fc8fa865066fb314de0/t/5f433c8209e9764cd3fae27f/1598241924375/Appendix_A_May%2B2009.pdf

³ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/2019onwards/MR19-Remediation.pdf>

⁴ <https://endocrinedisruption.org/interactive-tools/tedx-list-of-potential-endocrine-disruptors/search-the-tedx-list>

⁵ <https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em9217.pdf>



Certificate of Analysis

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Client:	[REDACTED]	Lab No:	2448942	CPV1
Contact:		Date Received:	03-Oct-2020	
		Date Reported:	07-Oct-2020	
		Quote No:	107525	
		Order No:		
		Client Reference:	[REDACTED]	
		Submitted By:	[REDACTED]	

Sample Type: COMPOST, General

Sample Name:	Bagged Compost (5136)	Loose Compost	Guideline NZS 4454:2005*	BioGro Std 2009 Appendix A**	
Lab Number:	2448942.1	2448942.2			
Water Extractable Results					
pH	pH Units	7.4	7.5	5.0 - 8.5	-
Chloride*	mg/L	311	606	-	-
Total Analysis Results - Dry Weight Basis					
Organic Matter*	%	25.8	30.1	Greater than 25	-
Total Carbon*	%	15.0	17.5	-	-
Total Nitrogen*	%	1.30	1.53	Greater than 0.6 (if a contribution to plant nutrition is claimed)	-
C/N Ratio*		11.5	11.4	-	-
Dry Matter*	%	51.7	50.7	-	-
'Total' Phosphorus*	mg/kg	3,780	3,420	-	-
'Total' Phosphorus*	%	0.38	0.34	Greater than 0.1 (if a contribution to plant nutrition is claimed)	-
'Total' Sulphur*	mg/kg	2,380	2,310	-	-
'Total' Sulphur*	%	0.24	0.23	-	-
'Total' Potassium*	mg/kg	7,590	9,130	-	-
'Total' Potassium*	%	0.76	0.91	-	-
'Total' Calcium*	mg/kg	20,500	18,590	-	-
'Total' Calcium*	%	2.05	1.86	-	-
'Total' Magnesium*	mg/kg	3,970	3,850	-	-
'Total' Magnesium*	%	0.40	0.38	-	-
'Total' Sodium*	mg/kg	1,591	1,921	-	-
'Total' Sodium*	%	0.16	0.19	-	-
'Total' Iron*	mg/kg	24,000	21,000	-	-
'Total' Manganese*	mg/kg	840	710	-	-
'Total' Zinc*	mg/kg	270	250	Less than 600	Less than 300
'Total' Copper*	mg/kg	90	81	Less than 300	Less than 60
'Total' Boron*	mg/kg	28	26	Less than 200	-
'Total' Chromium*	mg/kg	19.9	22	Less than 600	Less than 150
'Total' Arsenic*	mg/kg	21	20	Less than 20	Less than 20
'Total' Lead*	mg/kg	97	99	Less than 250	Less than 250
'Total' Nickel*	mg/kg	6.1	5.8	Less than 60	Less than 60
'Total' Mercury*	mg/kg	< 0.12	< 0.12	Less than 2	Less than 1
'Total' Cadmium*	mg/kg	0.43	0.42	Less than 3	Less than 1



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

* New Zealand Standard Composts, Soil Conditioners and Mulches: NZS 4454:2005, Table 3.1. Test results apply to the sample(s) submitted for analysis and do not necessarily imply that the product meets all the requirements of the standard. Note that the laboratory methods used for these test results may differ slightly to those referred to in the standard.

** Bio-Gro NZ Organic Standards 2009, Appendix A, Table A3: Limits for Heavy Metals in Soils and Composts: BioGro Standard for compost - ingredients other than household waste. Other limits apply for compost with ingredients including household waste.

Analyst's Comments
<p>Samples 1-2 Comment: Note 1: Reporting Units. % = g/100g = g analyte/100g compost (dry weight basis) mg/kg = ppm = mg analyte/kg compost (dry weight basis) Electrical Conductivity units mS/cm = dS/m</p> <p>Note 2: % x 10 = kg/T</p> <p>Note 3: To calculate results to a fresh weight basis: Result (dry matter basis) x (Dry Matter % / 100) = Result (fresh weight basis)</p> <p>Samples 1-2 Comment: Organic Matter Note: The relationship between carbon and organic matter varies according to organic matter type and soil type if soil is present in the product. Commonly used conversion factors range from 1.65 to 2.2 (Ref: NZS 445:2005). A Loss on Ignition (LOI) test may be requested if a more accurate organic matter value is required.</p>

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: COMPOST, General			
Test	Method Description	Default Detection Limit	Sample No
'Total' Sulphur*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	45 mg/kg	1-2
'Total' Sulphur*	Calculated from 'Total' Sulphur result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
pH	1:1.5 (v/v) Water extraction followed by potentiometric pH determination. In-house.	0.1 pH Units	1-2
Chloride*	1:1.5 (v/v) Water extraction followed by Potentiometric Titration. In-house.	6 mg/L	1-2
Total Carbon*	Sample dried and ground and analysed by Dumas combustion. Results expressed on a dry weight basis.	0.2 %	1-2
Total Nitrogen*	Sample dried and ground and analysed by Dumas combustion. Results expressed on a dry weight basis.	0.04 %	1-2
Organic Matter*	Dumas combustion. Organic Matter is 1.72 x Total Carbon.	0.2 %	1-2
Dry Matter*	Weight loss on drying at 105°C for 24 hours.	0.5 %	1-2
'Total' Phosphorus*	Calculated from 'Total' Phosphorus result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
'Total' Phosphorus*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements. In-house.	65 mg/kg	1-2
'Total' Potassium*	Calculated from 'Total' Potassium result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
'Total' Potassium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	70 mg/kg	1-2
'Total' Calcium*	Calculated from 'Total' Calcium result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
'Total' Calcium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	100 mg/kg	1-2

Sample Type: COMPOST, General			
Test	Method Description	Default Detection Limit	Sample No
'Total' Magnesium*	Calculated from 'Total' Magnesium result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
'Total' Magnesium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	40 mg/kg	1-2
'Total' Sodium*	Calculated from 'Total' Sodium result for mg/kg (reported on a dry weight basis).	0.01 %	1-2
'Total' Sodium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	20 mg/kg	1-2
'Total' Iron*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	40 mg/kg	1-2
'Total' Manganese*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1-2
'Total' Zinc*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1-2
'Total' Copper*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1-2
'Total' Boron*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	6 mg/kg	1-2
'Total' Chromium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.2 mg/kg	1-2
'Total' Arsenic*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.2 mg/kg	1-2
'Total' Lead*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.10 mg/kg	1-2
'Total' Nickel*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.2 mg/kg	1-2

Sample Type: COMPOST, General			
Test	Method Description	Default Detection Limit	Sample No
'Total' Mercury*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.10 mg/kg	1-2
'Total' Cadmium*	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-MS. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	0.02 mg/kg	1-2

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 05-Oct-2020 and 07-Oct-2020. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.

Chrystal Kelly MSc (Hons) BSc (Tech)
Laboratory Technician - Agriculture



Certificate of Analysis

Client:		Lab No:	2449098	SPv2
Contact:		Date Received:	03-Oct-2020	
		Date Reported:	16-Oct-2020	(Amended)
		Quote No:	107525	
		Order No:		
		Client Reference:		
		Submitted By:		

Sample Type: Mature Compost

Sample Name:	Bagged Compost (5136)	Loose Compost			
	02-Oct-2020	02-Oct-2020			
Lab Number:	2449098.1	2449098.2			

Individual Tests

Parameter	Unit	Bagged Compost (5136) 02-Oct-2020	Loose Compost 02-Oct-2020			
Dry Matter	g/100g as rcvd	46	49	-	-	-
Total Recoverable Barium	mg/kg dry wt	182	158	-	-	-
1-Methylnaphthalene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
2-Methylnaphthalene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Acenaphthylene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Acenaphthene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Anthracene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Benzo[a]anthracene	mg/kg dry wt	< 0.03	0.05	-	-	-
Benzo[a]pyrene (BAP)	mg/kg dry wt	0.03	0.06	-	-	-
Benzo[b]fluoranthene + Benzo[j]fluoranthene	mg/kg dry wt	0.04	0.09	-	-	-
Benzo[e]pyrene	mg/kg dry wt	0.02	0.05	-	-	-
Benzo[g,h,i]perylene	mg/kg dry wt	0.03	0.05	-	-	-
Benzo[k]fluoranthene	mg/kg dry wt	< 0.03	0.03	-	-	-
Chrysene	mg/kg dry wt	< 0.03	0.05	-	-	-
Dibenzo[a,h]anthracene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Fluoranthene	mg/kg dry wt	0.03	0.11	-	-	-
Fluorene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Indeno(1,2,3-c,d)pyrene	mg/kg dry wt	0.03	0.06	-	-	-
Naphthalene	mg/kg dry wt	< 0.11	< 0.10	-	-	-
Perylene	mg/kg dry wt	< 0.03	< 0.02	-	-	-
Phenanthrene	mg/kg dry wt	< 0.03	0.03	-	-	-
Pyrene	mg/kg dry wt	0.02	0.09	-	-	-

BTEX in Solids by Headspace GC-MS

Parameter	Unit	Bagged Compost (5136) 02-Oct-2020	Loose Compost 02-Oct-2020			
Benzene	mg/kg dry wt	< 0.19	< 0.17	-	-	-
Toluene	mg/kg dry wt	< 0.19	< 0.17	-	-	-
Ethylbenzene	mg/kg dry wt	< 0.19	< 0.17	-	-	-
m&p-Xylene	mg/kg dry wt	< 0.4	< 0.4	-	-	-
o-Xylene	mg/kg dry wt	< 0.19	< 0.17	-	-	-

Polycyclic Aromatic Hydrocarbons Screening in Solids*

Parameter	Unit	Bagged Compost (5136) 02-Oct-2020	Loose Compost 02-Oct-2020			
Benzo[a]pyrene Potency Equivalency Factor (PEF) NES*	mg/kg dry wt	< 0.06	0.08	-	-	-
Benzo[a]pyrene Toxic Equivalence (TEF)*	mg/kg dry wt	< 0.06	0.08	-	-	-



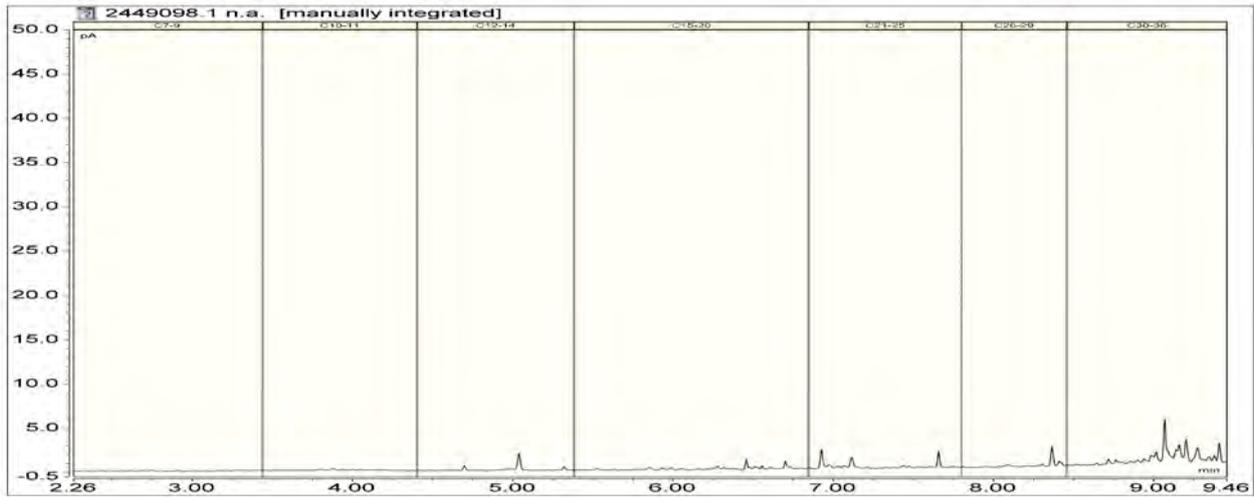
This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

Sample Type: Mature Compost

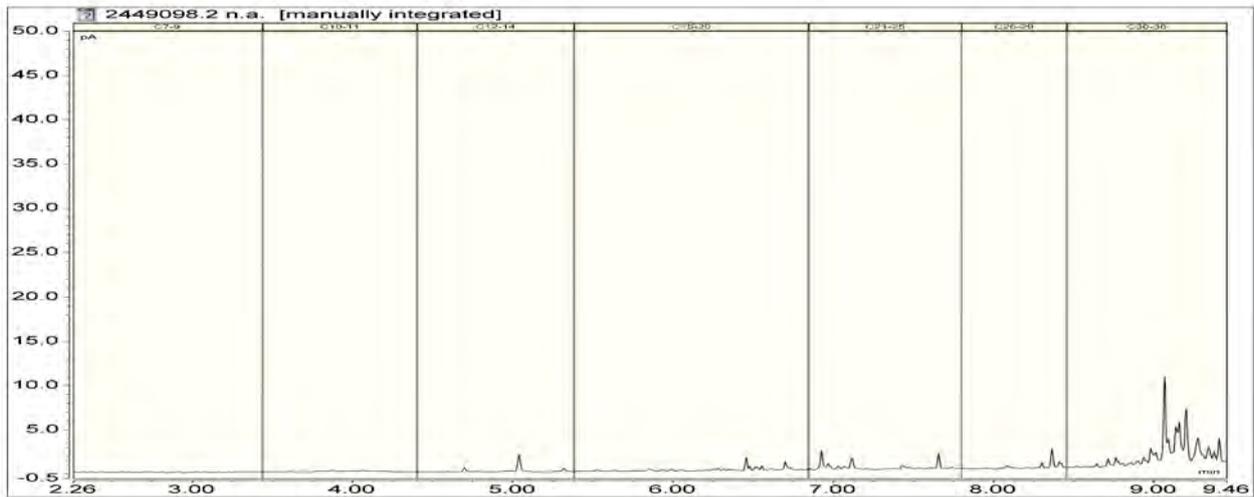
Sample Name:	Bagged Compost (5136) 02-Oct-2020	Loose Compost 02-Oct-2020			
Lab Number:	2449098.1	2449098.2			

Total Petroleum Hydrocarbons in Solids					
C7 - C9	mg/kg dry wt	< 30	< 30	-	-
C10 - C14	mg/kg dry wt	53	< 50	-	-
C15 - C36	mg/kg dry wt	540	600	-	-
Total hydrocarbons (C7 - C36)	mg/kg dry wt	590	640	-	-

2449098.1
 Bagged Compost (5136) 02-Oct-2020
 Client Chromatogram for TPH by FID



2449098.2
 Loose Compost 02-Oct-2020
 Client Chromatogram for TPH by FID



Analyst's Comments

Amended Report: This certificate of analysis replaces report '2449098-SPv1' issued on 12-Oct-2020 at 3:38 pm. Reason for amendment: Following a query by the customer regarding the high detection limits, the analysis has been repeated. The results reported are from the samples being analysed at full weight where it was analysed on a half weight originally.

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Mature Compost

Test	Method Description	Default Detection Limit	Sample No
Individual Tests			
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%.	-	1-2
Environmental Solids Sample Preparation	Air dried at 35°C and sieved, <2mm fraction. Used for sample preparation May contain a residual moisture content of 2-5%.	-	1-2
Dry Matter (Env)	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	1-2
Total Recoverable digestion	Nitric / hydrochloric acid digestion. US EPA 200.2.	-	1-2
Total Recoverable Barium	Dried sample, sieved as specified (if required). Nitric/Hydrochloric acid digestion, ICP-MS, screen level. US EPA 200.2.	0.4 mg/kg dry wt	1-2
Total Petroleum Hydrocarbons in Solids			
Client Chromatogram for TPH by FID	Small peaks associated with QC compounds may be visible in chromatograms with low TPH concentrations. QC peaks are as follows: one peak in the C12 - 14 band, the C21 - 25 band and the C30 - 36 band. All QC peaks are corrected for in the reported TPH concentrations.	-	1-2
C7 - C9	Solvent extraction, GC-FID analysis. In-house based on US EPA 8015.	8 mg/kg dry wt	1-2
C10 - C14	Solvent extraction, GC-FID analysis. Tested on as received sample. In-house based on US EPA 8015.	20 mg/kg dry wt	1-2
C15 - C36	Solvent extraction, GC-FID analysis. Tested on as received sample. In-house based on US EPA 8015.	40 mg/kg dry wt	1-2
Total hydrocarbons (C7 - C36)	Calculation: Sum of carbon bands from C7 to C36. In-house based on US EPA 8015.	70 mg/kg dry wt	1-2

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 07-Oct-2020 and 16-Oct-2020. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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Ara Heron BSc (Tech)
Client Services Manager - Environmental



Certificate of Analysis

Page 1 of 3

Client:		Lab No:	2438365	CPv1
Contact:		Date Received:	16-Sep-2020	
		Date Reported:	22-Sep-2020	
		Quote No:	107163	
		Order No:		
		Client Reference:	RNL	
		Submitted By:		

Sample Type: COMPOST, General					
Sample Name:		General Compost		Guideline NZS 4454:2005*	BioGro Std 2009 Appendix A**
Lab Number:		2438365.1			
Total Analysis Results - Dry Weight Basis					
Organic Matter	%	27.6		Greater than 25	-
Total Carbon	%	16.0		-	-
Total Nitrogen	%	1.07		Greater than 0.6 (if a contribution to plant nutrition is claimed)	-
C/N Ratio		14.9		-	-
Dry Matter	%	58.0		-	-
'Total' Phosphorus	mg/kg	3,000		-	-
'Total' Phosphorus	%	0.30		Greater than 0.1 (if a contribution to plant nutrition is claimed)	-
'Total' Sulphur	mg/kg	5,990		-	-
'Total' Sulphur	%	0.60		-	-
'Total' Potassium	mg/kg	5,580		-	-
'Total' Potassium	%	0.56		-	-
'Total' Calcium	mg/kg	25,000		-	-
'Total' Calcium	%	2.50		-	-
'Total' Magnesium	mg/kg	3,620		-	-
'Total' Magnesium	%	0.36		-	-
'Total' Sodium	mg/kg	1,225		-	-
'Total' Sodium	%	0.12		-	-
'Total' Iron	mg/kg	18,800		-	-
'Total' Manganese	mg/kg	570		-	-
'Total' Zinc	mg/kg	200		Less than 600	Less than 300
'Total' Copper	mg/kg	62		Less than 300	Less than 60
'Total' Boron	mg/kg	26		Less than 200	-

* New Zealand Standard Composts, Soil Conditioners and Mulches: NZS 4454:2005, Table 3.1. Test results apply to the sample(s) submitted for analysis and do not necessarily imply that the product meets all the requirements of the standard. Note that the laboratory methods used for these test results may differ slightly to those referred to in the standard.

** Bio-Gro NZ Organic Standards 2009, Appendix A, Table A3: Limits for Heavy Metals in Soils and Composts: BioGro Standard for compost - ingredients other than household waste. Other limits apply for compost with ingredients including household waste.

Analyst's Comments

Sample 1 Comment:

Note 1: Reporting Units.

% = g/100g = g analyte/100g compost (dry weight basis)

mg/kg = ppm = mg analyte/kg compost (dry weight basis)

Electrical Conductivity units mS/cm = dS/m

Note 2: % x 10 = kg/T

Note 3: To calculate results to a fresh weight basis:

Result (dry matter basis) x (Dry Matter % / 100) = Result (fresh weight basis)

Sample 1 Comment:

Organic Matter Note: The relationship between carbon and organic matter varies according to organic matter type and soil type if soil is present in the product. Commonly used conversion factors range from 1.65 to 2.2 (Ref: NZS 445:2005). A Loss on Ignition (LOI) test may be requested if a more accurate organic matter value is required.

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: COMPOST, General

Test	Method Description	Default Detection Limit	Sample No
'Total' Sulphur	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	45 mg/kg	1
'Total' Sulphur	Calculated from 'Total' Sulphur result for mg/kg (reported on a dry weight basis).	0.01 %	1
Total Carbon	Sample dried and ground and analysed by Dumas combustion. Results expressed on a dry weight basis.	0.2 %	1
Total Nitrogen	Sample dried and ground and analysed by Dumas combustion. Results expressed on a dry weight basis.	0.04 %	1
Organic Matter	Dumas combustion. Organic Matter is 1.72 x Total Carbon.	0.2 %	1
Dry Matter	Weight loss on drying at 105°C for 24 hours.	0.5 %	1
'Total' Phosphorus	Calculated from 'Total' Phosphorus result for mg/kg (reported on a dry weight basis).	0.01 %	1
'Total' Phosphorus	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements. In-house.	65 mg/kg	1
'Total' Potassium	Calculated from 'Total' Potassium result for mg/kg (reported on a dry weight basis).	0.01 %	1
'Total' Potassium	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	70 mg/kg	1
'Total' Calcium	Calculated from 'Total' Calcium result for mg/kg (reported on a dry weight basis).	0.01 %	1
'Total' Calcium	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	100 mg/kg	1
'Total' Magnesium	Calculated from 'Total' Magnesium result for mg/kg (reported on a dry weight basis).	0.01 %	1
'Total' Magnesium	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	40 mg/kg	1
'Total' Sodium	Calculated from 'Total' Sodium result for mg/kg (reported on a dry weight basis).	0.01 %	1

Sample Type: COMPOST, General			
Test	Method Description	Default Detection Limit	Sample No
'Total' Sodium	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	20 mg/kg	1
'Total' Iron	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	40 mg/kg	1
'Total' Manganese	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1
'Total' Zinc	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1
'Total' Copper	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	4 mg/kg	1
'Total' Boron	Nitric/hydrochloric digestion (based on US EPA 200.2) followed by ICP-OES. (Total recoverable nutrients reported on a dry weight basis) The levels from this method are referred to as 'Totals' in quotation marks, as they will be a slight under-estimation of the true Totals for some elements.	6 mg/kg	1

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 18-Sep-2020 and 22-Sep-2020. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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Wendy Homewood
Operations Support - Agriculture



Certificate of Analysis

Client:		Lab No:	2438028	SPv1
Contact:		Date Received:	16-Sep-2020	
		Date Reported:	18-Sep-2020	
		Quote No:	107163	
		Order No:		
		Client Reference:	RNL	
		Submitted By:		

Sample Type: Mature Compost

Sample Name:	Mature Compost				
	15-Sep-2020 9:30 am				
Lab Number:	2438028.1				

Individual Tests

Dry Matter	g/100g as rcvd	59	-	-	-	-
Total Recoverable Barium	mg/kg dry wt	210	-	-	-	-

BTEX in Solids by Headspace GC-MS

Benzene	mg/kg dry wt	< 0.14	-	-	-	-
Toluene	mg/kg dry wt	< 0.14	-	-	-	-
Ethylbenzene	mg/kg dry wt	< 0.14	-	-	-	-
m&p-Xylene	mg/kg dry wt	< 0.3	-	-	-	-
o-Xylene	mg/kg dry wt	< 0.14	-	-	-	-

Polycyclic Aromatic Hydrocarbons Screening in Solids*

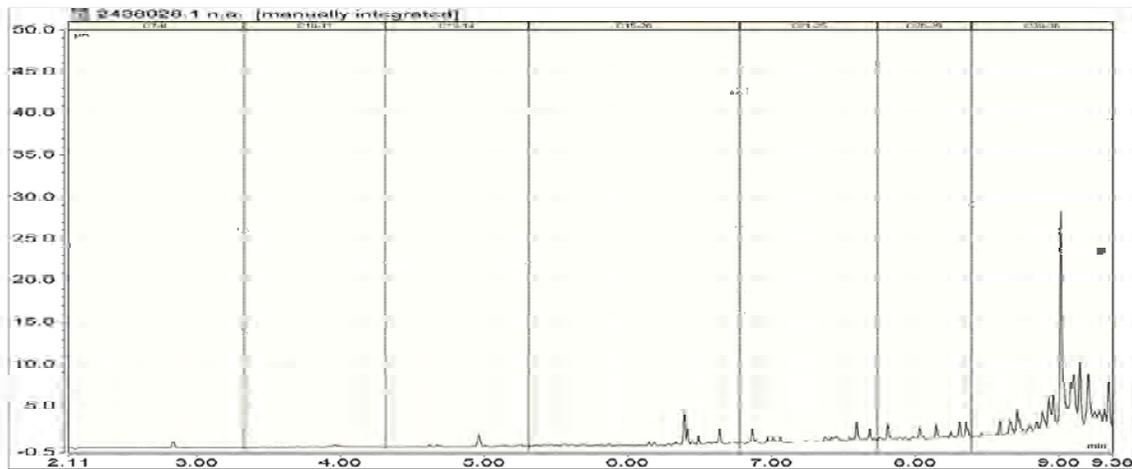
1-Methylnaphthalene	mg/kg dry wt	< 0.017	-	-	-	-
2-Methylnaphthalene	mg/kg dry wt	< 0.017	-	-	-	-
Acenaphthylene	mg/kg dry wt	< 0.017	-	-	-	-
Acenaphthene	mg/kg dry wt	< 0.017	-	-	-	-
Anthracene	mg/kg dry wt	< 0.017	-	-	-	-
Benzo[a]anthracene	mg/kg dry wt	< 0.017	-	-	-	-
Benzo[a]pyrene (BAP)	mg/kg dry wt	0.024	-	-	-	-
Benzo[a]pyrene Potency Equivalency Factor (PEF) NES*	mg/kg dry wt	< 0.05	-	-	-	-
Benzo[a]pyrene Toxic Equivalence (TEF)*	mg/kg dry wt	< 0.05	-	-	-	-
Benzo[b]fluoranthene + Benzo[j]fluoranthene	mg/kg dry wt	0.044	-	-	-	-
Benzo[e]pyrene	mg/kg dry wt	0.032	-	-	-	-
Benzo[g,h,i]perylene	mg/kg dry wt	0.022	-	-	-	-
Benzo[k]fluoranthene	mg/kg dry wt	< 0.017	-	-	-	-
Chrysene	mg/kg dry wt	0.019	-	-	-	-
Dibenzo[a,h]anthracene	mg/kg dry wt	< 0.017	-	-	-	-
Fluoranthene	mg/kg dry wt	0.034	-	-	-	-
Fluorene	mg/kg dry wt	< 0.017	-	-	-	-
Indeno(1,2,3-c,d)pyrene	mg/kg dry wt	0.026	-	-	-	-
Naphthalene	mg/kg dry wt	< 0.09	-	-	-	-
Perylene	mg/kg dry wt	< 0.017	-	-	-	-
Phenanthrene	mg/kg dry wt	< 0.017	-	-	-	-
Pyrene	mg/kg dry wt	0.022	-	-	-	-



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Sample Type: Mature Compost						
Sample Name:		Mature Compost				
		15-Sep-2020 9:30 am				
Lab Number:		2438028.1				
Total Petroleum Hydrocarbons in Solids						
C7 - C9	mg/kg dry wt	< 11	-	-	-	-
C10 - C14	mg/kg dry wt	< 30	-	-	-	-
C15 - C36	mg/kg dry wt	580	-	-	-	-
Total hydrocarbons (C7 - C36)	mg/kg dry wt	600	-	-	-	-

2438028.1
Mature Compost 15-Sep-2020 9:30 am
Client Chromatogram for TPH by FID



Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Mature Compost			
Test	Method Description	Default Detection Limit	Sample No
Individual Tests			
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%.	-	1
Environmental Solids Sample Preparation	Air dried at 35°C and sieved, <2mm fraction. Used for sample preparation May contain a residual moisture content of 2-5%.	-	1
Dry Matter (Env)	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	1
Total Recoverable digestion	Nitric / hydrochloric acid digestion. US EPA 200.2.	-	1
Total Recoverable Barium	Dried sample, sieved as specified (if required). Nitric/Hydrochloric acid digestion, ICP-MS, screen level. US EPA 200.2.	0.4 mg/kg dry wt	1
Total Petroleum Hydrocarbons in Solids			
Client Chromatogram for TPH by FID	Small peaks associated with QC compounds may be visible in chromatograms with low TPH concentrations. QC peaks are as follows: one peak in the C12 - 14 band, the C21 - 25 band and the C30 - 36 band. All QC peaks are corrected for in the reported TPH concentrations.	-	1
C7 - C9	Solvent extraction, GC-FID analysis. In-house based on US EPA 8015.	8 mg/kg dry wt	1
C10 - C14	Solvent extraction, GC-FID analysis. Tested on as received sample. In-house based on US EPA 8015.	20 mg/kg dry wt	1
C15 - C36	Solvent extraction, GC-FID analysis. Tested on as received sample. In-house based on US EPA 8015.	40 mg/kg dry wt	1
Total hydrocarbons (C7 - C36)	Calculation: Sum of carbon bands from C7 to C36. In-house based on US EPA 8015.	70 mg/kg dry wt	1

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 17-Sep-2020 and 18-Sep-2020. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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Martin Cowell - BSc
Client Services Manager - Environmental

16 August 2019

Kerry O'Neill
Revital Group
208 de Havilland Dr
Bell Block
New Plymouth 4373

By email only: kerry@revitalfert.co.nz

Dear Kerry,

Fair Trading Act 1986: notice of complaint

1. As discussed, the Commerce Commission (Commission) recently received a complaint about Revital Group (Revital) that may raise issues under the Fair Trading Act 1986 (Act).
2. We have done a preliminary assessment of this complaint. Based on what we have found, we do not intend to further investigate the complaint made against you at this time. However, we are writing to you to bring this complaint to your attention to assist you in complying with your obligations under the Act.

The complaint

3. We received a complaint alleging Revital has made false or misleading representations about the BioGro organic certification for its sites.
4. We have reviewed the representations on the Revital website at <http://revital.co.nz/revital-group/about/>. On the website, Revital states, "All Revital sites are audited annually by BioGro NZ to ensure compliance with their Organic certification standards."
5. We have reviewed correspondence supplied by the complainant which includes information that confirms BioGro does not annually audit all Revital sites.
6. We consider the representations made by Revital may mislead consumers to believe all Revital sites and compost products are organic certified by BioGro when they may not be.
7. We consider the information provided in the complaint may, if further substantiated, give rise to possible breaches of sections 13(a) and 13(e) of the Act. These provisions are provided as **Attachment A**.

The law

8. We have published a series of fact sheets and other resources to help businesses comply with the Act and the other legislation we enforce. These are available on our website at www.comcom.govt.nz. We encourage you to visit our website to better understand your obligations and the Commission's role in enforcing the Act.
9. You can also view the Act and other legislation at www.legislation.co.nz.

The Commission's role

10. The Commission is responsible for enforcing and promoting compliance with a number of laws that promote competition in New Zealand, including the Act. The Act prohibits false and misleading behaviour by businesses in the promotion and sale of goods and services.

Penalties for breaching the Fair Trading Act

11. Only the courts can decide if there has actually been a breach of the Act. The court can impose severe penalties where it finds the law has been broken.
12. A company that breaches the Act can be fined up to \$600,000 and an individual up to \$200,000 per offence. Where a company is a repeat offender, directors and those involved in the management of the company can be banned from involvement in the management of any company for a period of up to 10 years.

Further information

13. Our decision to take no further action on this complaint does not prevent any other person from doing so.
14. We recommend you seek legal advice on complying with the law and encourage you to regularly review your compliance procedures and policies.
15. Please contact me on (04) 924 3607 or by email at jon.keyzer@comcom.govt.nz if you have any questions in relation to this letter.

Yours sincerely,



Jon Keyzer
Compliance Adviser
Competition and Consumer Branch

Attachment A – The law

Fair Trading Act 1986

13 Misleading representations

No person shall, in trade, in connection with the supply or possible supply of goods or services or with the promotion by any means of the supply or use of goods or services,—

- (a) make a false or misleading representation that goods are of a particular kind, standard, quality, grade, quantity, composition, style, or model, or have had a particular history or particular previous use; or [...]
- (e) make a false or misleading representation that goods or services have any sponsorship, approval, endorsement, performance characteristics, accessories, uses, or benefits; [...]