

Official Information Act Request

Requester's details

Date: 11 October 2023

Name: Claire Bleakley

Organisation: GE Free NZ

Email: claire@gefrees.org.nz

Reference number: ENQ-46743-G7K8F9

Tēnā koe e Claire

I refer to your request, which was confirmed on 13 September 2023. Our responses are provided below your questions.

With regard to ERMA 200825:

1. We would like clarification on whether ERMA 200825 is still current as stated by the EPA reply to our OIA request (ENQ-46256-M7X7F5).

As advised in our response to you of 12 July 2023 (ENQ-46256-M7X7F5), the approval of ERMA 200825 is still valid and current. As the Ministry for Primary Industries (MPI) has stated in its reply to your Official Information Act 1982 (OIA) request to that agency, the approval is not being used at present. The fact that the approval holder is not presently using the approval does not mean that the approval is expired. This is because 1) no expiry date was imposed on the approval and, 2) as section 25(4) of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) states:

“If an organism has an approval for importation into containment, no further approvals are required for the importation into containment of the organism.”

This means anyone who can meet the conditions of the controls of the approval may use it. For the same reason, the fact that the company occupying the site where the approval was being used has changed its name does not mean that a section 67A amendment is required to account for this change.

2. Is there a reason for the absence of compliance inspection/monitoring between 2012 -2015 by MPI, as specified in the ERMA 200825 controls, and if so, what?

This information is not held by the EPA. This part of your request is therefore refused under section 18(e) of the OIA because it does not exist in the EPA's records. However, MPI may hold this information and may be able to assist you.

3. There was no report on the final facility closure, how the GE eucalyptus cells, cultures and plants were disposed of. We request the final report detailing the disposal protocols of all organisms developed under ERMA 200825. We note that the inspection officer mentioned that there had been a change of operator. The OIA reply (ENQ-46256-M7X7F5) said the EPA did not receive any 67A requests relating to the change of operator from 2012-2023.

As noted in the answer to question 1, the approval ERMA200285 is still active and current. There is no expiry on the approval, and the controls did not require the production or submission of Annual or Final reports. Therefore, this part of your request is being refused under section 18(e) of the OIA, because the information requested does not exist.

Also, as detailed in our response to Question 1, no section 67A amendment of the approval is required to account for any name changes to the company that was using the approval.

4. We would like clarification on when the change of operator took place, and a copy of the approval of the 67A application this for a change of operator in 2015 to rectify the non-compliance.

As advised in our response to you of 12 July 2023 (ENQ-46256-M7X7F5), we do not have any information on ERMA200825 facility management. There have been no amendments to this approval under section 67A of the HSNO Act. Again, as stated in our response to Question 1, the EPA is not aware of any non-compliance that needs to be rectified. Your concerns are covered by section 25(4) of the HSNO Act, which states, "If an organism has an approval for importation into containment, no further approvals are required for the importation into containment of the organism."

The application documents for ERMA200825 can be viewed on our website, here: [HSNO application register ERMA200825 | EPA](#)

- a. How does the EPA ensure compliance with controls regarding MPI monitoring?

As advised in our response to you of 7 September 2023 (ENQ-46479-G4K5Q1), Section 97A of the HSNO Act specifies MPI as the responsible agency for the enforcement of controls in respect of new organisms. The EPA and MPI maintain an ongoing dialogue with respect to compliance under the HSNO Act.

- b. Please provide the EPA application codes for the current GE laboratory approvals.

We provided a table of all 'import into containment of genetically modified organism approvals' in response to Question 4 of your OIA request that we responded to on 7 September 2023. Another copy is attached. We have also attached a table of development in containment approvals under Sections 42A and 45 of the HSNO Act, to cover the expansion of your request.

As outlined, information relating to final reports and inspection or monitoring that are specified in controls is publicly available, and may be found by searching for the relevant approvals from the following search page on our website: [Search | EPA](#). Enter the application number in the 'search' box under the heading 'Search results,' select 'HSNO application register' in the drop-down menu on the right, then click on the magnifying glass icon. Therefore, this part of your request is refused under section 18(d) of the OIA, because the information being requested is publicly available.

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz

We may publish your request and our response on our website, www.epa.govt.nz. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Nāku noa nā

A handwritten signature in blue ink that reads "Chris Hill".

Dr Christopher Hill
General Manager, Hazardous Substances and New Organisms