

BEFORE THE ENVIRONMENT COURT ENV-2012-AKL-000146

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals pursuant to clause 14 of Schedule 1
to the Act

BETWEEN **NZ FOREST RESEARCH INSTITUTE LIMITED
(SCION)**

Appellant

AND **BAY OF PLENTY REGIONAL COUNCIL**

Respondent

**EVIDENCE OF CLAIRE ANNETTE BLEAKLEY ON BEHALF OF
SOIL AND HEALTH ASSOCIATION OF NEW ZEALAND INCORPORATED
& OTHER SECTION 274 PARTIES**

Dated 16th September 2013

Counsel Acting:

Robert Makgill
Barrister
PO Box 77-037, Mt Albert
AUCKLAND 1350

Phone: (09) 815 6750 | Fax: (09) 849 7742
Email: robert@robertmakgill.com

INTRODUCTION

1. My name is Claire Bleakley. I am the President of GE Free NZ.
2. GE Free NZ in Food and Environment is an Incorporated Society. It is a non-Governmental Organisation with a Board and large membership. It represents its members when making submissions and helps with gathering and disseminating information concerning genetically modified organisms (“**GMO**”) to its members and the public through regular newsletters and its website (www.gefree.org.nz).
3. Our members in the Bay of Plenty have asked GE free NZ to be involved in this process on their behalf. They are very concerned about New Zealand Forest Institute Limited’s (“**Scion**”) appeal against the inclusion of a precautionary approach to GMOs under the Regional Policy Statement (“**RPS**”), as they consider it reflects community concerns about how the Regional Council should approach GMO activities within the region.

SCOPE OF EVIDENCE

4. My evidence will address the following matters:
 - (a) The difficulties community groups face having their concerns address through the Environmental Protection Authority (“**EPA**”) decision making framework’
 - (b) That GMO incidents have already occurred in New Zealand and under Scion’s watch; and
 - (c) It is the Regional Council’s role to safeguard the interests of local communities when faced with uncertainty about environmental effects.

COMMUNITIES FIIND IT DIFFICULT PARTICIPATING IN EPA DECISION-MAKING

5. I have found the EPA to be generally unresponsive to concerns raised by community groups during GMO applications under the Hazardous Substances and New Organisms Act 1996 (“**HSNO**”). In my experience the EPA only seems to be concerned with the site-specific effects of any proposal, and not issues such as how GMO activities might be safely rolled out within the wider environment.

6. It is similarly my experience that local authorities the most appropriate bodies to address local concerns in decision-making.

GMO INCIDENTS IN NEW ZEALAND

7. I acknowledge all the valuable scientific work that Scion undertakes through the development of sustainable and environmentally friendly forestry materials, as identified in the evidence of Dr. Parker and Dr. Thorley. It is important to acknowledge, however, that much of this work has been achieved through non-genetic engineering (“**GE**”) methods.
8. I am particularly concerned that there has been no mention of the breaches of the GM field trials that have occurred at the Scion Rotorua facility. This is an important oversight on the part of Scion’s witnesses, as it illustrates that things can go wrong.
9. I have been notified through the Ministry of Agriculture and Forestry (“**MAF**”) and Environmental Risk Management Authority (“**ERMA**”) that there have been there have been many biosecurity breaches of laboratory and field trial controls in GM trials throughout New Zealand. These have mainly occurred through human error in all trial sites. A map of trial sites in New Zealand in which errors have occurred is **attached** to my evidence as “**A**”.
10. I would like to highlight three breaches, two that were at the Scion site and one in Lincoln involving a flowering brassica in December 2008.
11. I was involved at the ERMA hearing where the Scion was given approval to conduct two field trials on herbicide resistant and reproductive altering *Pinus radiata* and *Picea abies* (GMF99001 & 99005). These field trails were to be carried out at the Scion facility in Rotorua.
12. The trial started in 2003 and the first breach occurred in January 2007, the second occurred on April 2012. In both incidences the perimeter fence was breached and GM trees were cut down. MAF Biosecurity, who was called in to look into any threat that the breach might have posed, considered both of these incidents a biosecurity risk. The Incident report is attached to my evidence as “**B**”.
13. A further biosecurity breach occurred in December 2008 at a secret Crop and Food site in Lincoln where a GM brassica field test was being undertaken. A GM brassica plant was found flowering and had produced a seedpod in the site.

14. MAF Biosecurity issued a Critical Situation Report where they found that there was a further incidence of a biosecurity risk that occurred earlier in the trial and the site was closed down. I understand that this was due to the environmental risks that these incidents posed and serious errors of judgment that the report identified. The ERMA New Zealand Inquiry Report INQ08001 is **attached** to my evidence as “**C**”.
15. Seed specialist nurseries and farms surrounding the GM Brassica site could have been adversely affected if the untested GM pollen had escaped into their fields.
16. I have been told that the Bay of Plenty is a food bowl, and growers within the region rely on its ability to produce GMO Free produce for international markets. I am aware of overseas incidents that show unforeseen weather events, pollen drift and accidental GM seed spillage have contaminated non-GMO farms which has caused a high eradication cost and economic loss. A copy of an article discussing the consequences of such contamination is **attached** to me evidenced as “**D**”.
17. I am concerned that if a GMO contamination incident occurred in New Zealand it would seriously effect non-GMO producers (not just organic producers) and threaten our natural produce export markets.

THE ROLE OF THE REGIONAL COUNCIL

18. Feed back from our Bay of Plenty members has made me aware that many of them make their livelihood from arable farming, horticulture and forestry. They are very concerned about the risks posed to their businesses given past evidence of human error in GMO activities. They are particularly concerned that Regional Council's address risks posed by GMOs on a regional level and develop mechanisms for mitigating those risks within their planning documents.
19. I consider that the proposed RPS provides a long-term vision for the Bay of Plenty community. I understand that in time it is possible that there will be full-scale release of GMOs on a commercial level within the Bay of Plenty. Local authorities must be able to plan for those activities and their effects on other activities.

Dated 12th September 2013

Claire Annette Bleakley