

13 February 2026

Ref: Enquiry 26015

Claire Bleakley
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Tēnā koe Claire

I refer to your complaint received on 28 January 2026 relating to an OIA response (Reference: ENQ-50108-Q9L2V7). You asked the Environmental Protection Authority (EPA) to require confirmation that there is no heritable material by undertaking horizontal gene transfer (HGT) testing at the Ruakura site.

I understand your concern is that soil microbe testing is required by Control 15 of ERMA200223 (the approval the site operates under) and section 45A(2)(a) of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) to demonstrate that HGT has not occurred at the Ruakura site.

The EPA has reviewed the requirements of the ERMA200223 development with outdoor containment approval (the Approval), specifically what is required by s 45A(2)(a) and Control 15.

Control 15 was imposed by the Environmental Risk Management Authority (ERMA) in accordance with s 45A(2)(a) and provides:¹

The approval holder must have completed destruction (i.e. killing and disposal) of all heritable material and organisms held under this approval by:

- a) the date of expiry of this approval; or
- b) 12 months from the date which work under this approval ceases (whichever is the earliest).

Control 15 requires destruction by way of killing and disposal of all heritable material and organisms held under the Approval. Disposal of carcasses and animal tissue under the Approval is allowed to occur by placing them in offal holes.

I note that your excerpt of s 45A in your letter omitted s 45A(3). Therefore, I provide a copy of s 45A as a whole with this letter, as Appendix 1.

¹ ERMA200223 approval, Appendix 2.

Achieving destruction through killing and disposal is consistent with s 45A(3) of the Act as that provision clarifies that the word “destroyed” includes, “leaving genetic elements to break down or become inactive at the site of the development or field test.”²

Neither Control 15 nor the Act require testing to ensure that the heritable material has been destroyed. It is considered to have been destroyed for the purposes of s 45A when it has been left to break down or become inactive, as provided for by s 45A(3).

The Bioeconomy Science Institute, of which the former AgResearch is a part, has confirmed that, in compliance with the Approval, the animals under ERMA200223 were disposed of in offal holes on the field test site. The Bioeconomy Science Institute has further confirmed that there are no plans for construction in this area.

Given this, the EPA is satisfied that the disposal of the animals has occurred in accordance with the Approval and there is no basis in the Approval or the Act to require HGT testing.

Thank you for raising your concerns.

Nāku noa nā



Dr Allan Freeth
Chief Executive

² “Heritable material” falls within the definition of “genetic element” in the Act.

Appendix 1 – Section 45A of Hazardous Substances and New Organisms Act 1996

45A Controls required for certain developments and for all field tests

- (1) This section applies to an approval under section 45—
 - (a) to develop a new organism in containment that is a genetically modified organism, to the extent that the development does not take place in a containment structure; or
 - (b) to field test a new organism in containment if the new organism is a genetically modified organism.
- (2) An approval—
 - (a) must include controls to ensure that, after the end of the development or field test, the organism and any heritable material from the organism is removed or destroyed; and
 - (b) may include controls to ensure that, after the end of the development or field test and after heritable material is removed or destroyed, some or all of the genetic elements remaining from the organism are removed or destroyed.
- (3) In subsection (2), destroyed includes leaving genetic elements to break down or become inactive at the site of the development or field test.
(emphasis added)