



GE Free New Zealand

PO Box 13402, Wellington, Aotearoa | NZ
www.gefree.org.nz

28 January 2026

Tēnā koe Mr Freeth,

I wrote to the EPA before Christmas regarding the AgResearch Ruakura site (20 Nov 2025).

I would like to make a complaint regarding the information that we did receive regarding the clean up of the GM Animal Ruakura field trials site.

The EPA has just replied to us after we asked about the testing of the site and the reason they transferred the question to AgResearch/Bioeconomy Science Institute - saying that - "Question 4 was transferred because there is no control in ERMA200223 requiring horizontal gene transfer testing" (Email 18 November ENQ-49954-J2Y4T2) and "No testing of breakdown of genetically modified elements has been required. There will be ongoing monitoring for leachate." (OIA reply 4.12.2025).

Further, it is clearly written in the ERMA200223 Decision ¹ Controls providing for the end of the development (p14)

5.2.17 HSNO 45A (2) (a) ² requires that controls be included to ensure that, after the end of the development, the organism and any heritable material from the organism is removed or destroyed.

5.2.18 Therefore the Committee has imposed Control 15 which requires that the destruction (i.e. killing and disposal) of all heritable material and organisms held under this approval must be completed before the expiry of the approval, or 12 months after work under this approval ceases, whichever is earliest. The Committee notes that destruction of the heritable material or the organisms would not be required if the applicant has subsequently obtained new approvals that cover the organisms approved under this approval.

The site is currently being developed by Tainui Holdings (<https://www.ruakura.co.nz/>) as an industrial and residential hub, yet there has been no clean up of the site or testing to know if there is any heritable material still on the site.

The speed with which the Ruakura facility was shut down and the Tainui Development began does not give enough time to prove that heritable material was removed unless Horizontal Gene Transfer testing was conducted to show an absence of heritable material that could lead to

¹ <https://www.epa.govt.nz/assets/FileAPI/hsno-ar/ERMA200223/ERMA200223-decision-FINAL.pdf>

² <https://www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html>

dangerous microbial mutagens. This potentially is a threat to those living near the area especially families.

There is increasing research on Horizontal Gene Transfer of genetic elements like antibiotic resistant genes within and between soil microbes. We ask that you immediately implement³ testing of the Ruakura Field Test site to ensure all heritable material has been destroyed and soil microbes have not acquired the genetic material from the area, such as antibiotic resistance genes, bacterial or viral promoters or DNA from the human gene constructs. This is ensure that there is no risk to any person living or working on the site.

The lack of adherence to the ERMA200223 decision, as specified in the Hazardous Substances and New Organisms Act 1996 section 45A (2), is a breach of controls as it appears there was no clean up of the soil and the only way that the absence of heritable GE material can be confirmed is if horizontal gene transfer testing completed.

We ask that you require confirmation that there is no heritable material by undertaking HGT testing as required in the ERMA200223 decision control 15 as specified in cl 5.1.7 and 5.1.8 before any further development of the Ruakura site is undertaken.

Ngā mihi,

Claire

Claire Bleakley
President GE Free NZ
027 348 6731
claire@gefree.org.nz

References:

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

(1) This section applies to an approval under section 45—

(a) 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. requires at the end of a field test all heritable material the unless there is testing of the soil where the heritable material was sprayed and the possibility of the the unlined carcass pits leaching into the soil and ground water there can be no assurance that there is an absence of heritable material. The lack of controls to ensure that heritable material has been removed is a breach of the legislative requirements as specified under Hazardous substance and New Organisms Act section 45A (2).

Goh, YX., Anupoj, S.M.B., Nguyen, A. *et al.* Evidence of horizontal gene transfer and environmental selection impacting antibiotic resistance evolution in soil-dwelling *Listeria*. *Nat Commun* **15**, 10034 (2024). <https://doi.org/10.1038/s41467-024-54459-9>

³ <https://www.nature.com/articles/s41467-024-54459-9>

