Environmental Protection Authority
Te Mana Rauhī Taiao

Official Information Act Request

Requester's details
Date: 7 September 2023
Name: Claire Bleakley
Organisation: GE Free NZ
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Reference number: ENQ-46479-G4K5Q1

Tēnā koe e Claire

I refer to your request, which was clarified on 10 August 2023, for:

1. Who is responsible to ensure compliance with controls regarding MPI monitoring?
2. How does the EPA ensure compliance with controls regarding MPI monitoring of GE laboratory experiments?
3. How many GM laboratory approvals have requirements for annual reports, final reports, inspection or monitoring, specified in controls?
4. Information on all current laboratory (HSNO sec: 42B) approvals, both private and CRI, designated approval number they are assigned, and the controls required for reporting and MPI monitoring times.
5. Is there an audit of all the inspections that the EPA requires to be carried out?
6. May we have the documents relating to all the audit and inspection reports and final reports on expired approvals since 2016 referred to in Question 5.

As previously advised, we have transferred Questions 1 and 5 of your request to the Ministry for Primary Industries (MPI), as we don't have the information requested, but we believe MPI does. In these circumstances, we are required by section 14 of the Official Information Act 1982 (OIA) to transfer your request. You will hear further from MPI concerning your request. MPI may be contacted at: Official.InformationAct@mpi.govt.nz

Our responses to your other questions follow.

> 2. How does the EPA ensure compliance with controls regarding MPI monitoring of GE laboratory experiments?

Section 97A of the Hazardous Substances and New Organisms (HSNO) Act specifies the Ministry for Primary Industries (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 the administration of the HSNO Act.

> 3. How many GM laboratory approvals have requirements for annual reports, final reports, inspection or monitoring, specified in controls?

We have attached a table of all 'import into containment of genetically modified organism approvals' in response to Question 4. 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.

> 4. Information on all current laboratory (HSNO sec: 42B) approvals, both private and CRI, designated approval number they are assigned, and the controls required for reporting and MPI monitoring times.

Information about approved section 42B applications is provided in the attached table referred to in the previous question. Individual approval codes of the organisms within each application can be found in the decision documents for each application. Information about these and the controls required may be found using the search function described in our response to your previous question. Therefore, this part of your request is refused under section 18(d) of the OIA, because the information being requested is publicly available.

The EPA does not hold information on the monitoring times you refer to. Therefore, this part of your request is refused under section 18(e) of the OIA, because the information being requested does not exist. However, MPI may be able to assist you with this.

> 6. May we have the documents relating to all the audit and inspection reports and final reports on expired approvals since 2016 referred to in Question 5.

This question relates to the audits and inspection reports referred to in Question 5, which was transferred to MPI. The EPA does not hold these reports. Therefore, this part of your request is refused under section 18(e) of the (OIA), because the information being requested does not exist. However, we have suggested to MPI that, even though this question was not transferred to them, they may be able to assist you.

I hope this information is helpful. 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

Dr Christopher Hill
General Manager, Hazardous Substances and New Organisms