

Official Information Act Request

Requester's details

Date: 9 November 2023

Name: Claire Bleakley

Organisation: GE Free New Zealand in Food and Environment Inc

Email: claire@gefrees.org.nz

Reference number: ENQ-46907-B2C1L0 / ENQ-46953-R4P3H2

Tēnā koe e Claire

I refer to your Official Information Act 1982 (OIA) request dated 15 October 2023 for information regarding activities under ERMA200223, which you have summarised as, "Please provide the documentation and replies in the ERMA200223 Annual report, 2023 they should have been provided by August 31 2023."

As per our letter to you of 20 October 2023, your request was transferred in part to AgResearch under section 14(b)(i) of the Official Information Act 1982 (OIA).

I also refer to your OIA request to AgResearch dated 16 October 2023 for information regarding activities under ERMA200223. As per AgResearch's letter to you of 20 October 2023, this was transferred to the Environmental Protection Authority (EPA) in part under section 14 of the OIA.

The part of your OIA request that the EPA is responding to corresponds with what AgResearch has transferred to the EPA for response, namely:

"We regard the oversight and consideration by the EPA on the ERMA200223 Annual report as poor. The EPA has ignored the missing data and unreported activities and considerable delays in providing the reports between 01/06/2022 - 31/5/2023. This constitutes a serious breach of the required controls regarding ERMA200223 annual reports information provided to the EPA."; and:

Please explain why the EPA has not addressed the absence of information in the 2023 ERMA200223 Annual report from 31/1/2023 – 01/06/2023?" Control 11 (Annual reporting) states:

The approval holder must provide an annual report to ERMA New Zealand by 31 August of each year while this approval is in use.

Each annual report will be made available to the public and must include a description of:

- a) any outdoor development activities;
- b) any unforeseen adverse effects resulting from the genetic modifications;
- c) any relationship development and management initiatives undertaken with any iwi liaison group

The provision of the Ruakura Animal Ethics Committee (RAEC) reports by AgResearch are above and beyond reporting required under Control 11, which specifies no requirement for the provision of such reports to the EPA, provided that there are no unforeseen adverse effects.

As has been noted before (for example in documents associated with application APP204212), the issues described in the RAEC reports are neither unforeseen effects, nor are they effects that result from the genetic modifications. Therefore, any gaps in dates relative to the dates covered by the annual reports are not relevant to AgResearch's compliance. Rather, they speak to AgResearch's efforts to be as transparent as possible in its reporting of its activities under ERMA200223.

Your request is refused under section 18(e) of the OIA on the basis that the information requested does not exist.

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