



GE Free New Zealand

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

8 December 2025

Re: Seeking an investigation and review by the Ombudsman

Tēnā koe Mr. Allen

We would like to make a complaint to the response we received under the Official Information Act Requests
We have two concerns over the response we received, namely the answer to the questions

- *What testing will be required to show that the genetically modified elements have broken down?*
- *Please may we have a comprehensive range of photographs that correspond to each of the trait trial's years of cows, goats and sheep both deformed and healthy? (OIA Request 15.10.2025)*

The EPA, partially transferred the request to AgResearch. However, to the following question,

- *What testing will be required to show that the genetically modified elements have broken down?*

We received these answers from the EPA and AgResearch respectively:

- *“There is no control in ERMA200223 requiring horizontal gene transfer testing.” (OIA reply 18.11.2025)*
- *“No testing of breakdown of genetically modified elements has been required. There will be ongoing monitoring for leachate.” (OIA reply 4.12.2025)*

Background

1. In April 2010 ERMA/EPA made a decision on the generic application ERMA200223 to allow the genetic modification of cattle, goats and sheep that would:

“produce human therapeutic proteins, and alter levels of endogenous gene activities and proteins for the study of gene function, milk composition and disease resistance. The trial would allow the production of genetically modified sheep, goat, cattle, embryos to be transferred to surrogate animals.”

These embryos would be transgenic and use viral particle-mediated transgenesis to modify the genes.

“The Regulatory elements include reporter and selectable marker genes and other features: The expression cassettes or episomal vectors may include standard or fully characterised regulatory elements including promoters, regulatory element binding sites, transcriptional activators, enhancers, terminators, recombination sites and multiple cloning sites and origins of replication. The vectors may also contain selectable marker genes, reporter genes, protein targeting, localisation and secretory signals, solubility enhancement tags, protein purification tags and affinity tags including epitope tags. .” (ERMA200223 Decision)

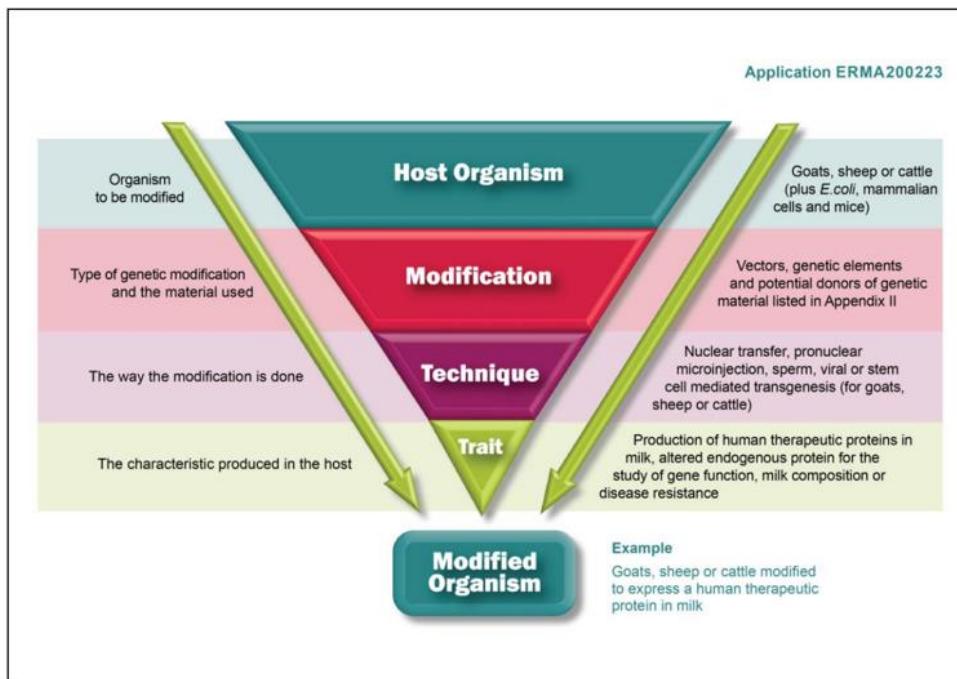


Figure 1: The components of a GMO.

Reasons we are asking for your assistance

1. The AgResearch Ruakura GM animal facility closed down in 2025 and the animals were all euthanised. The EPA placed controls on the ending. Of the facility regarding the removal of any GM material as stated in the Controls of the Approval -

15. 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).* (ERMA200223, Decision, Appendix 2 Controls on Approval cl:15).

As the facility has been given back to Tainui for an industrial and residential Hub, the lack of any regulatory requirement for removal or testing for GM genetic elements in the soil by AgResearch is of concern for future residents/families who will live in the area.

As genetically modified DNA is constructed to be stable, so that it doesn't break down easily. It is not known if there are stable viable transgenic elements and if they can be taken up by soil microorganisms - a likely prospect. The long term risk effects are unknown, and there has been no testing, e.g., for Horizontal Gene Transfer (HGT), of GM elements in the contaminated site. (HSNO, s:2 interpretation-effect).

We refer to two documents that we have printed from the AgResearch ERMA200223 annual reports and OIA replies. One of these documents, "GE Animals: The First Fifteen Years" has a picture of the area where the blood and milk products were sprayed. (p.17) On the hill in the facility there are 60 unlined carcass pits for transgenic animal waste. A description of the HGT testing with an expert evaluation by Professor Jack Heinemann is given on p.18. This was done when there were only a few carcass pits and "*was below what would be sufficient for assurance that risk management controls were met.*" (p.19)

We are highly concerned that the facility has not followed the protocols of legislation that ensure the facility has removed all heritable GM material or organisms from the soil. (HSNO s: 45A,(2)(a),(b)).

2. *Please may we have a comprehensive range of photographs that correspond to each of the trait trial's years of cows, goats and sheep both deformed and healthy? (OIA Request 15.10.2025*

We asked AgResearch for the photographs taken of the GM animals over the last 25 years. These were not given, even though the requirement to produce annual reports called for each annual report to include any adverse effects resulting from the genetic modifications. (ERMA200223 Decision Appendix 2, Controls on Approval, Annual Reports -cl: 11 (b))

We are requesting the photos, because these GM animals are now dead and the facility has closed down. This means that there is no ability to distort the perception of the effects of GM or to threaten research funding. (Reply-PRF Ref: OIA.25.009, pt 6). There is, however, much public interest surrounding the risk and safety of any experimental GM animal research. This is why it is important to keep a photographic record of the GM animals, so that we are able to properly evaluate whether such a programme should recommence in the future.

The outcome of your investigation:

We would like the Ombudsman to look into the failure of the GM animal trials, to ensure that contamination of any transgenic GM bacterial, viral or microbial elements, will not affect the residential area of the new Tainui Industrial Hub. We also request that soils and any leachate from the dead carcass pits, be required to be tested for HGT for the next 7 years.

We ask the Ombudsman to allow the release of the GM animals photos, as there is currently much public interest around the use of genetic engineering in New Zealand. This is why it is important to keep a photographic record of the GM animals, so that we can properly evaluate the future prospects of such a programme.

Ngā Mihi,

Claire Bleakley
President GE Free NZ
027 348 6731

Cc: Jon Muller
Jon Carapiet
Kara Vandeleur

References and Attachments –

ERMA 200223 Decision <https://www.epa.govt.nz/assets/FileAPI/hsno-ar/ERMA200223/ERMA200223-decision-FINAL.pdf>

GE Animals in New Zealand: Genetically Engineered Animals: First Fifteen Years
<https://www.gefree.org.nz/assets/pdf/GE-Animals-in-New-Zealand.pdf>

GE Animals in New Zealand: Genetically engineered animals, Part 2 The Second Fifteen Years.
<https://www.gefree.org.nz/assets/Uploads/GE-Animals-in-NZ-Part-2-FIN-WEB.pdf>

Attachment 1: GE Free New Zealand Official Information Act Request: Regarding ending of ERMA200223

Attachment 2: Official Information Act Transfer Environmental Protection Agency Reference number: ENQ-49954-J2Y4T2.

Attachment 3: Official Information Act Request Environmental Protection Agency Reference number: ENQ-49954-J2Y4T2.

Attachment 4: Bioeconomy Science Institute Official Information Act Request (PFR Ref. OIA.25.009),

Meressa E.M., Tseha B.A. (2024) Horizontal gene transfer: the hidden health risks of genetic engineering, *Journal of Life Science and Biomedicine*, Vol: 14, Issue 4: 99-108;
<https://dx.doi.org/10.54203/jlsb.2024.10>



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15 October 2025

Official Information Act Request: Regarding ending of ERMA200223

Atamarie Ms Kento,

Regarding the activities under HSNO Act approval ERMA200223 at the AgResearch Ruakura GM animal facility were destroyed in July 2025.

This site is now going to be used for industrial or residential development by Tainui.

At the end of a Field Trial as defined in HSNO, Schedule, 45A (2) and specified by Control 15 of the ERMA200223 approval, concerning completion of the field trial, requires that:

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

the date of expiry of this approval; or

12 months from the date which work under this approval ceases (whichever is the earliest). (ERMA 200223, condition 15, p44)

As the dead genetically modified animals and surrogate animals (a mixture of sheep, goats and cows) that carried transgenic foetuses, have been disposed of on site in 58 pits. These animals were engineered with many different traits some with communicable diseases that were heritable. We understand that transgenes are also heritable and have the ability to transfer their genetic material to the microorganisms in the soil therefore potentially becoming vectors for disease.

Questions:

1. How does the transfer of viable material to Australia fit into condition 15 of the ERMA200223 control condition?
2. How long has the EPA put on the site for the transgenic and engineered material to break down?
3. Do the controls ERMA200223 have in relation to the clean-up of the site on the ending of a field trial operation require the heritable material contained in the 58 animal disposal pits and the soil where the milk, effluent and birthing and dead animal material be tested for Horizontal Gene Transfer of the transgenic and gene edited material?
4. What testing will be required to show that the genetically modified elements have broken down.
5. If not we demand that HGT testing is a required condition for cleaning up the site before any residential or industrial development is consented.
6. Please may we have a comprehensive range of photographs relating to each of the trait trials years of cows, goats and sheep both deformed and healthy?

If you require any further clarification to process this request, please let me know as soon as possible.

I am requesting this information under the Official Information Act 1982.

Ngā mihi ,

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

Official Information Act Transfer

Date: 6 November 2025

Name: Claire Bleakley

Organisation: GE Free NZ

Email: p.bleakley@orcon.net.nz

Reference number: ENQ-49954-J2Y4T2

Tēnā koe Claire

I refer to your official information request received on 15 October 2025 for information relating to the approval ERMA200223.

The Environmental Protection Authority (EPA) does not hold part of the information you have requested specifically: questions one, four and six. However, we believe the New Zealand Institute for Bioeconomy Science Limited does. Therefore, we have transferred this part of your request to Bioeconomy Science Limited under section 14(b)(i) of the Official Information Act 1982.

You will hear further from Bioeconomy Science Limited concerning that part of your request. You can contact their team at: media@agresearch.co.nz

Nāku noa nā



Anna Richardson
Senior Advisor, Official Correspondence

Official Information Act Request

Requester's details

Date: 18 November 2025

Name: Claire Bleakley

Organisation: GE Free New Zealand

Email: p.bleakley@orcon.net.nz

Reference number: ENQ-49954-J2Y4T2

Tēnā koe Claire

I refer to your Official Information Act 1982 (OIA) request received on 15 October 2025 regarding the end of development activities requiring outdoor containment of large animals in application ERMA200223.

On 6 November 2025, we advised you that the Environmental Protection Authority (EPA) does not hold part of the information you have requested. Questions 1, 4, and 6 of your request were transferred to the Bioeconomy Science Institute (previously AgResearch) under section 14(b)(i) of the OIA.

On 12 November 2025, we advised you that we were extending the time to respond to your request to 3 December 2025.

I address your remaining questions below.

2. How long has the EPA put on the site for the transgenic and engineered material to break down?

The EPA did not impose a control on the time required for the degradation of any genetically modified material.

3. Do the controls ERMA200223 have in relation to the clean-up of the site on the ending of a field trial operation require the heritable material contained in the 58 animal disposal pits and the soil where the milk, effluent and birthing and dead animal material be tested for Horizontal Gene Transfer of the transgenic and gene edited material?

5. If not we demand that HGT testing is a required condition for cleaning up the site before any residential or industrial development is consented.

There is no control in ERMA200223 requiring horizontal gene transfer testing.

You have the right to seek an investigation and review by the Ombudsman of this decision under section 28(3) of the OIA. 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

A handwritten signature in black ink, appearing to read "Lm Fleury".

Dr Lauren Fleury
General Manager (Acting), Hazardous Substances and New Organisms



4 December 2025

Claire Bleakley
President
GE Free NZ

By email: claire@gefree.org.nz

Dear Claire,

Official Information Act Request (PFR Ref. OIA.25.009)

We write to respond to your request for information, originally to the Environmental Protection Agency, which was transferred to the Bioeconomy Science Institute in part per the EPA's notice to you on 6 November 2025. The questions that were transferred to the Bioeconomy Science Institute were as follows:

1. *How does the transfer of viable material to Australia fit into condition 15 of the ERMA200223 control condition?*
4. *What testing will be required to show that the genetically modified elements have broken down.*
6. *Please may we have a comprehensive range of photographs relating to each of the trait trials years of cows, goats and sheep both deformed and healthy?*

Our responses to each of your questions are below:

1. *How does the transfer of viable material to Australia fit into condition 15 of the ERMA200223 control condition?*

The work under ERMA200223 is on hold for an indetermined period. The approval expires on 30 April 2030. The Bioeconomy Science Institute (as the successor to AgResearch) continues to hold material, representing a substantial investment over many years, under the terms of the approval. Were future funding sourced to carry out further work, that would most likely be in Australia where there are appropriate facilities. Any material transfer to Australia would be in accordance with both countries' regulatory requirements, as well as any international agreements, but this hasn't occurred to-date and there are no immediate plans for this to happen.

4. *What testing will be required to show that the genetically modified elements have broken down.*

No testing of breakdown of genetically modified elements has been required. There will be ongoing monitoring for leachate.

6. *Please may we have a comprehensive range of photographs relating to each of the trait trials years of cows, goats and sheep both deformed and healthy?*

You have previously asked AgResearch for photos of animals from the transgenic programme. These requests have been declined under section 9(2)(ba)(ii) of the Official Information Act, where the withholding of information is necessary to:

9(2)(ba) "protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information –

(ii) would be likely otherwise to damage the public interest”

Our view is that those photos you have previously requested remain subject to obligations of confidentiality and the reasons for withholding still apply. The Bioeconomy Science Institute remains of the view that genetic modification is a sensitive topic and that the release of these earlier photos could be used to distort perception of the effects of genetic modification. We do not consider it is in the public interest as a distortion for the research could jeopardise further funding for research in the area. We do not consider there are other countervailing public interest considerations that override the grounds for withholding. We have accordingly decided to not release those earlier photos on those same grounds.

However, our more recent work is not subject to the same obligations of confidentiality. We have accordingly decided to send to you via post (to the GE Free PO Box 13402, Wellington) a USB drive containing a PowerPoint presentation with a range of photographs of animals generated in recent years under ERMA200223. We have included some notes on the animals in the presentation. The majority of the photographs are of cattle from our Climate Smart Cattle programme, which were photographed more regularly due to the work relating to the observable coat colour of the animals. We have included one slide with lambs and we have been able to locate no photos of goats – we believe these animals were not generally photographed due to not having observable traits.

You have the right to seek a review by the Ombudsman in relation to your request and our response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,

Nick Barracough
Chief Legal Counsel