



19 April 2013

Mr J Muller  
Secretary  
GE Free New Zealand  
PO Box 13402  
Johnsonville  
**Wellington 6440**

Dear Mr Muller

**Official Information Act request**

Thank you for your email dated 19 March 2013, in which you requested the following information under the Official Information Act 1982 (OIA):

1. *The ERMA code that you assigned to the Beauveria bassiana fungus.*
2. *All the controls you put around the development of the fungus.*
3. *When you gave approval for B. bassiana to be tested in a glass house.*
4. *How long has the transgenic B. bassiana been used outside GM containment.*
5. *How it escaped and was mistaken as a "wild" type fungus.*
6. *All the risk assessments you did on the transgenic Beauveria bassiana fungus when approval was sought to develop it.*
7. *All the written and phone correspondence over the transgenic Beauveria bassiana breach that you have had between Lincoln and MPI.*

I note that Susan Thomson:

- telephoned you on 21 March 2013 seeking clarification on point 7. You emailed the next day advising that you wanted all the written and phone correspondence over the transgenic *B. bassiana* breach between the EPA and Lincoln and the EPA and MPI.
- emailed you on 22 March 2013 to advise that points 4 and 5 of your request were transferred to MPI for reply.
- emailed you on 28 March 2013 asking you for more specifics in relation to point 7. You emailed on 8 April 2013 advising that you wanted all the written and phone correspondence over the *B. bassiana* breach between the dates 1 March to 8 April 2013.

Please find our response as follows:

**Point 1**

*Beauveria bassiana* is not a new organism. However, genetically modified *B. bassiana* is a new organism and approvals have been given under the HSNO Act with the following approval codes:

- Lincoln University IBSC: Approval **APP201642** and **GMD05079** (this approval is for use at Lincoln University and/or AgResearch Lincoln).
- Plant and Food Research IBSC: Approval **GMD99090**.
- AgResearch IBSC: Approval **GMD01094**.

All these approvals were decided by an Institutional Biological Safety Committee (IBSC). An IBSC is a group of people from an organisation that have been delegated to make decisions on applications for low risk genetically modified organisms that will take place within approved containment facilities (indoor only).

**Point 2**

The controls applied by the IBSC are contained in the decision document. The decision documents are available on our website through the following links:

APP201642:

<http://www.epa.govt.nz/search-databases/Pages/applications-details.aspx?applID=APP201642>

GMD05079:

<http://www.epa.govt.nz/search-databases/Pages/applications-details.aspx?applID=GMD05079>

GMD01094:

<http://www.epa.govt.nz/search-databases/Pages/applications-details.aspx?applID=GMD01094>

GMD99090:

<http://www.epa.govt.nz/search-databases/Pages/applications-details.aspx?applID=GMD99090>

**Point 3**

The dates of approval by the IBSC are contained in the decision document as per the links provided in point 2.

Approval has not been given for GM *B. bassiana* to be conducted in a glass-house. For all the approvals mentioned above, approval was given for the genetic modification of *B. bassiana* to take place in a facility approved by MPI to the "MAF/ERMA New Zealand Standard: Facilities for Microorganisms and Cell Cultures: 2007a".

Non GM *B. bassiana* research work is not subject to any HSNO Act controls because the organism is not new; thus work would be allowed to be undertaken in any type of situation, including a glass-house.

I understand that, at the time Lincoln University was using *B. bassiana* in the glasshouse, they were not aware that the fungus was potentially GM.

**Points 4 and 5**

Transferred to MPI for reply.

**Point 6**

The risk assessments were conducted by the IBSC and are contained in the application, which are available on our website through the links provided in point 2. The applications can also be found in the documents provided under point 7.

**Point 7**

Your request for official information under point 7 has been refused in part. This is discussed in more detail at the end of this point.

The EPA has released the following information under the OIA:

*Written correspondence*

Please find attached copies of the following documents, which have been numbered for ease of reference:

1. email from Mike Aitkenhead (MPI) to Susan Thomson (EPA), 8 March 2013  
Subject: RE: notification of possible breach of containment (this email includes notification from Lincoln University about a possible breach of containment).
2. email from Barry Wards (MPI) to Susan Thomson, 8 March 2013  
Subject: RE: notification of possible breach of containment.



3. email from Susan Thomson to Barry Wards, 8 March 2013  
Subject: FW: Background on Beauvaria bassiana – FYI.
4. email from Susan Thomson to Barry Wards, 12 March 2013  
Subject: RE: Background on Beauvaria bassiana – FYI.
5. email from Susan Thomson to Barry Wards, 13 March 2013  
Subject: Application GMD01094.
6. email from Kirsty Allen (EPA) to Barry Wards, 14 March 2013  
Subject: GMO05-LU007 application.pdf.
7. email from Kirsty Allen to Barry Wards, 14 March 2013  
Subject: Second email.
8. email from Susan Thomson to Barry Wards, 15 March 2013  
Subject: RE:GM12-LU002.
9. email from Sian Howard (MPI) to Amanda Strong (EPA), 15 March 2013  
Subject: Lincoln comms material – in confidence.
10. email from Amanda Strong to Sian Howard, 15 March 2013  
Subject:RE: Lincoln comms material – in confidence.
11. email from Susan Thomson to Barry Wards, 19 March 2013  
Subject: RE: Background on Beauvaria bassiana – FYI [BT]
12. email from Amanda Strong to Sian Howard, 19 March 2013  
Subject:Got your message
13. email from Susan Thomson to Barry Wards, 19 March 2013  
Subject: RE: GM Beauvaria bassiana 2013: B.bassiana etc
14. email from Susan Thomson to Barry Wards, 20 March 2013  
Subject: latest MPI FAQs etc
15. email from Susan Thomson to Barry Wards, 20 March 2013  
Subject:GMO99/HRPN002: application as requested
16. email from Barry Wards to Susan Thomson, 21 March  
Subject: Lincoln QA 19 March
17. email from Susan Thomson to Barry Wards, 25 March 2013  
Subject: RE: Emailing 03083 (2013) Steffan Browning etc
18. email from Susan Thomson to Barry Wards, 25 March 2013  
Subject: RE: Emailing 03083 (2013) Steffan Browning etc
19. email from Susan Thomson to Barry Wards, 26 March 2013  
Subject: FW: Steffan Browning questions (for written answer) to Minister for Primary Industries.

*Phone correspondence*

The EPA had three telephone conversations with Lincoln University on Monday 11 March 2013, Tuesday 12 March 2013 and Friday 15 March 2013. The following items were discussed:

- the university's IBSC was informed that MPI is the lead agency for HSNO Act compliance, and where possible they were to assist with the investigation.
- the role of the IBSC was clarified relating to their HSNO Act delegated decision-making function and their institutional compliance oversight function.

- the university's IBSC provided a briefing on the experiments conducted that led researchers to suspect the *B. bassiana* line they were using may have been GM.

Some information that falls within the scope of point 7 has been withheld by the EPA:

- under s 6(c) of the OIA, on the ground that "the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial".
- under s 9(2)(f)(iv) of the OIA, because "the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials".

The following information has been withheld under s 6(c) of the OIA:

- A set of 15 MPI Response Strategic Leadership Team updates for the period 12 March 2013 to 5 April 2013.
- a set of ten MPI Response Management Team updates for the period 12 March 2013 to 21 March 2013.

The following information has been withheld under s 6(c) and 9(2)(f)(iv) of the OIA:

- MPI briefing to the Minister for Primary Industries, 13 March 2013.
- A set of five MPI updates to ministers for the period 13 March 2013 to 27 March 2013.

In making the decision concerning s 9(2)(f)(iv) of the OIA, the EPA has considered, in terms of s 9(1) of the OIA, whether the interest in withholding the information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

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

Yours sincerely



Rob Forlong  
**Chief Executive**



**Susan Thomson**

**From:** Mike Aitkenhead (Mike Aitkenhead) <Mike.Aitkenhead@mpi.govt.nz>  
**Sent:** Friday, 8 March 2013 7:33 a.m.  
**To:** Susan Thomson  
**Subject:** RE: notification of possible breach of containment

Hi Susan

Mark Brooker is the Christchurch inspector. [Mark.brooker@mpi.govt.nz](mailto:Mark.brooker@mpi.govt.nz). Ph 3-943 1728

Regards  
Mike

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**From:** Susan Thomson [<mailto:Susan.Thomson@epa.govt.nz>]  
**Sent:** Friday, 8 March 2013 7:20 a.m.  
**To:** Mike Aitkenhead (Mike Aitkenhead); Barry Wards (Barry)  
**Subject:** FW: notification of possible breach of containment

As you will see Graham Kay notified Amy of this. Has MPI been notified and I've forgotten the name of the new MPI Inspector for the region. Can you let me know thanks

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**From:** Amy Rowe  
**Sent:** Thursday, 7 March 2013 5:07 p.m.  
**To:** Susan Thomson  
**Subject:** FW: notification of possible breach of containment

Hi Susan,

I've just received this email from Graham Kay at Lincoln. Please let me know if there is anything else I need to do.

Cheers,

**Amy Rowe PhD.**  
Environmental Risk Advisor, New Organisms  
APPLICATIONS AND ASSESSMENT

Environmental Protection Authority • Level 10 • 215 Lambton Quay • Private Bag 63002 • Wellington 6140 • New Zealand  
Tel +64 4 916 2426 • Fax +64 4 914 0433 • DDI +64 4 474 5465 • [www.epa.govt.nz](http://www.epa.govt.nz)

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**From:** Kay, Graham [<mailto:Graham.Kay@lincoln.ac.nz>]  
**Sent:** Thursday, 7 March 2013 4:57 p.m.  
**To:** [mark.brooker@mpi.govt.nz](mailto:mark.brooker@mpi.govt.nz); Amy Rowe  
**Cc:** Rixecker, Stefanie  
**Subject:** notification of possible breach of containment

Dear Mark and Amy

Wild type beauveria bassiana isolated from pine trees (2010E17-P), has been used at Lincoln University to inoculate plants to study it's endophytic action. Genetic analysis of this historic isolate however suggests it carries GFP and antibiotic resistant transgenes.

The organism has been used in the following 3 locations at the University:

- a) Non-PC lab B716 in Burns Building as sealed microorganism cultures
- b) Non-PC incubator room B719 in Burns building as sealed microorganism cultures

c) Non-PC Glasshouse ('Fletcher Green House') as inoculated plants

I have met with the Senior Researcher and staff and post graduate students associated with all aspects of the work.  
I have inspected the 3 locations.

**Action:**

1. Restricted access imposed on all 3 locations until further notice.
2. Wearing of protective clothing, nothing to leave the location.
3. Extensive sampling and testing to be carried out immediately.
4. Ban on removing items from these areas.
5. Decontamination using 2% bleach which is toxic to beauveria.

Testing: samples will have to be cultured for approximately a week. If any antibiotic resistant organisms are found, they will be subject to genetic analysis to establish if they carry a transgene.

The senior researcher and team are establishing a time line of the use of this organism.

**Graham W Kay (PhD)**  
**Biosafety Officer, Lincoln University**

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Lincoln University 7647  
Christchurch, New Zealand

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**Lincoln University, Te Whare Wanaka o Aoraki**  
**New Zealand's Specialist Land Based University**



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**Susan Thomson**

**From:** Barry Wards (Barry) <Barry.Wards@mpi.govt.nz>  
**Sent:** Friday, 8 March 2013 8:29 a.m.  
**To:** Kay, Graham  
**Cc:** Mike Aitkenhead (Mike Aitkenhead); Susan Thomson; Mark Brooker  
**Subject:** RE: notification of possible breach of containment

Graham

I've just been updated on this an hour ago and will be liaising with Mark Brooker and the EPA. Please keep us directly informed of any further information. Some initial questions and points I will be looking at are:

1. Has the operator been informed and does he concur with your actions?
2. Has all work been identified that possibly involves *B. bassiana* and restrictions placed on further work?
3. How long do you suspect that work with this strain of *B. bassiana* has been going on?
4. Why was the genetic analysis undertaken – was there some trigger or suspicion?
5. What HSNO approvals that you hold would relate to the genetic signature identified?
6. Has the University moved any *B. bassiana* to another laboratory that could be GM and, if so, have these labs been alerted?
7. Are you following a planned contingency plan for dealing with this – please provide further detail ASAP?

*Barry*

Dr Barry Wards | Specialist Adviser (HSNO), Agency Technical  
Verification Services Directorate | Verification & Systems Branch  
Ministry for Primary Industries – Manatū Ahu Matua | Pastoral House 25 The Terrace | PO Box 2526 | Wellington | New Zealand  
Telephone: 64-4-894 0475 | Facsimile: 64-4-894 0747 | Mobile: 029-894 0475 | Web: [www.mpi.govt.nz](http://www.mpi.govt.nz)

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**Graham W Kay (PhD)**  
**Biosafety Officer, Lincoln University**

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