



GE Free New Zealand

In Food And Environment Inc.

PO Box 13402, Wellington, NZ

15 November 2017

Re: Proposed Northland Regional Plan 2017.

Dear Chair and Regional Council Members,

Thank you for allowing us to make a submission to the proposed Northland Regional Plan (PNRP) 2017

We would like to be heard.

GE Free NZ in Food and Environment is a voluntary organisation with many members in the Northland region. We support our members by making submissions and by providing information to the members and the public concerning Genetic Engineering on a local, national and international level.

We note that the Northland Regional Council (NRC) has reserved its decision on including the GMO provisions (2.6 (m) / (g) (possible numbering error), 6.1.2 & 6.1.5) in their plan until the relevant legal Court cases have been dealt with. We support the inclusion of GMO rules in the PNRP as signalled in the Northland Regional Policy Statement (NRPS), because in recent years there have been Resource Management Act (RMA) changes and several legal decisions giving, "*jurisdiction under the RMA for regional councils to make provision for control of the use of GMOs through regional policy statements and plans.*" as stated by Judge LJ Newhook (2015),

The cases and decisions are

1. The Environmental Court, NZ Forest Research Institute Ltd (Scion) v Bay of Plenty Regional Council ENV-2013-AKL-146 and
2. Federated Farmers of New Zealand v Northland Regional Council ENV 2013 AKL 0001610, Decision No. [2015] NZEnvC 89).
3. The High Court (CIV-2015-488-0064 [2016] NZHC 2036)
4. The Appeal Court, Federated Farmers of New Zealand had abandoned their Court of Appeal case CA 541/2016 (31 October 2017).

These legal decisions can be found on the GE Free NZ website - <http://www.gefree.org.nz/ge-free-court-council-submissions/>

On 18 September 2017, the Resource Management Act (RMA) officially set down in law the right to place GMO Rules in Council plans without Ministerial interference in section 360D (2).

GE-Free New Zealand in Food and Environment has evidence that genetically modified organisms (GMO's), including new genetic technologies recently developed (as defined by the Hazardous Substances and New Organisms Act, 2A) have many unknown dangers and pose a serious threat to both the health and the economy of the regions if released into the environment. Our members still have serious concerns that these, if released in Northland, will endanger the environment, native species, people's businesses, and livelihoods.

Research has shown that GMOs have serious effects on soil, water, and air. These effects have an adverse impact on biodiversity and the ecosystem generally. The discharge contaminants of hazardous substances

related to GMO's are cumulative and deleterious to water, soil, and air and adversely affect natural systems and the coastal marine environment which endangers indigenous flora and fauna.

In the Northland Regional Policy Statement (NRPS), GMOs, as they relate to natural and physical resources, are clearly defined as an issue of significance to tangata whenua, issue (2.6 (m), NRPS 2016, p.26). They are also a concern to all other cultures.

We support the GE management wording in the NRPS, (highlighted in yellow, and is not yet operative):

GE / GMO management regime

The use of genetic engineering (GE) and release of genetically modified organisms (GMOs) to the environment is an issue of significance to tangata whenua in the region. GE / GMO is managed under the Hazardous Substances and New Organisms Act 1996. However, to recognise this as an issue for tangata whenua and to respond to community concern, the RPS includes a policy (Policy 6.1.2) which requires a precautionary approach be taken towards activities whose effects are scientifically uncertain, unknown, or little understood but potentially significant. This precautionary approach includes all outdoor uses of GE/GMO. (NRPS 2016, p.28).

The Inter-council Working Party on GMO Risk Evaluation and Management Options (ICWP) spent ten years evaluating and consulting with Northland and Auckland communities on the issues involving GMOs. The ICWP outlined planning provisions for GMO where they had identified specific areas of concern. The provisions prohibited the release of GMOs to the environment and made field trialling of GMOs a discretionary activity, subject to strict liability conditions for any environmental or economic harm that may eventuate.

The Whangarei District Plan #131 and The Far North District Plan #18 policy statements and the provisions in the Auckland Unitary plan adopted the recommendations establishing a consistent approach to GMOs across the council regions.

We support as outlined below, the precautionary approach of Policy 6.1.2 in the Northland Regional Policy Statement 2016 that has been identified in relation to food related or non-food related GMO releases.

6.1.2 Policy –Precautionary Approach *adopt a precautionary approach towards the effects of climate change and introducing genetically modified organisms to the environment where they are scientifically uncertain, unknown, or little understood, but potentially significantly adverse. (NRPS 2016, p.112)*

The NRPS 6.1.5 says that councils should apply 6.1.2 when reviewing their plans. We would like to ask that the Northland Regional Council place a Rule in the PNRP making any and all releases of GMOs to the environment a Prohibited Activity, and making the Field trialling of GMOs a discretionary activity.

We fully support the submission of Soil and Health.

In summary:

We ask that you

1. Give effect to the GMO 6.1.2 policy in the Northland Regional Policy Statement 2016, as outlined.
2. Adopt the same approach to GMOs that the Whangarei District Council Plan #131 and The Far North District Council Plan #18 and the GMO provisions in the Auckland Unitary Plan have, so there is consistency to GMO management across the Council regions.
3. Establish a new Rule, making all GMOs to the environment, a Prohibited Activity, and,
4. The Field trialling of GMOs, a discretionary activity, subject to strict liability conditions for any environmental or economic harm that may eventuate.

Sincerely,

Jon Muller
Secretary GE Free NZ in Food and Environment.