

Official Information Act Request

Requester's details

Date: 14 July 2021

Name: [REDACTED]

Email: [REDACTED]

Reference number: ENQ-41522-M5H0W8

Dear [REDACTED]

Thank you for your request received on 13 May 2021 for the following information:

“With respect to APP204104:

1. Please describe the bioagents/technologies/active ingredients (or the chemical class of active ingredient if the active ingredient is proprietary information);
2. Please describe any inert or other ingredients that are used to facilitate dispersal or uptake of the pesticides;
3. Please describe the intended means of delivering these agents (e.g. topical gel, spray, ingestion, inhalation);
4. Please advise the intended use (including target organism(s)), mechanism of pesticidal action, and evaluation of toxicity to non-target organisms including people;
5. Please advise the New Zealand region/s where the field and glasshouse trials have been/will be undertaken;
6. Please show provide copies of all emails, and other documents, (including appendices), involved in communication and consultation with local Iwi, local authorities and technical experts; and
7. Please show provide copies of all documents from the applicant explaining how this bioagent/hazard will be managed, including the safety procedures for containment, and EPA evaluations of these management procedures.”

On 10 June 2021, we wrote to you to advise you of an extension to the time limit for our response to 16 July 2021 to allow us to undertake consultation. This consultation has now concluded.

APP204104

On 21 August 2020, the Environmental Protection Authority (EPA) formally received an application under section 31 of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) from Dow AgroSciences (NZ) Limited (the applicant) to import or manufacture nine hazardous substances (the substances) in containment.

The EPA has published the application form and the decision document for APP204104 on our website. The documents include information about the risk assessment, containment procedures and the decision document which contains the controls placed on the substances.

<https://www.epa.govt.nz/database-search/hsno-application-register/view/APP204104>

Question 1 and 2

The substances are agricultural chemicals that include fungicides, herbicides and insecticides. They contain active ingredients that are either new to New Zealand or part of existing active ingredients in approved substances.

The specific active ingredients, inert and other ingredients are being withheld under section 9(2)(b)(ii) of the Official Information Act 1982 as the making available of the information would unreasonably prejudice the commercial position of the applicant. I do not consider that the withholding of the information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

Question 3

Condition 27 of the approval requires the substances only to be applied using ground-based methods. No other control restricts the means of delivery of the substance.

Question 4

Prior to the start of a trial the approval holder will provide information to the EPA on the type of crop or pest that the substance will be applied to.

The substances' mechanism of action and toxicity will be determined by the trial. Therefore, we do not hold information on the mechanism of action or toxicity. In general, containment approvals are for research and development purposes to test whether the substance is effective or not. Based on the information available it was determined that these substances may cause adverse effects to human health and the environment. The potential adverse effects are expected to be like other plant protection substances that are already approved under the Act for import or manufacture with controls.

Question 5

Control 50 of the approvals requires the applicant to notify the EPA of the physical address of the field trial location. As of 20 May 2021, the EPA has been notified of trials which will be undertaken in Canterbury and Waikato. The EPA may be advised of other trial locations throughout the duration of the approval APP204104, which expires on 19 November 2023.

Question 6

The application was non-notified; hence no communication or consultation was required with local iwi, or local authorities, or technical experts. Section 5 of the application provides information about the risks to Māori and their culture and traditions.

The EPA can request further information from the applicant if we believe the information in Section 5 is not sufficient. In this instance further information was not requested.

Question 7

The applicant included a trial management plan with the application. This plan is enclosed. Further information about the proposed containment system is included in section 4 of the application document. Our evaluation of the proposed containment system is enclosed. The containment system is assessed against Schedule 3 (Part 3) of the HSNO Act.

Some information is being withheld from the trial management plan under section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons. I do not consider that the withholding of the information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

Our Compliance, Monitoring and Enforcement group is responsible for ensuring that the controls placed on the applicant are being followed.

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.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Allan Freeth', with a stylized flourish at the end.

Dr Allan Freeth
Chief Executive
Environmental Protection Authority