

# Official Information Act Request

## Requester's details

**Date:** 2 August 2021

**Name:** [REDACTED]

**Address:** [REDACTED]

**Reference number:** ENQ-42047-V1H5J8

Dear [REDACTED]

Thank you again for your official information request of 9 July 2021.

You have asked who (the scientist) approved and set the regulations for 1080 and brodifacoum levels in drinking water, and the approval for aerial 1080 drops. You have also asked to be informed about the process for challenging the approval.

As outlined in our letter of 13 July, we have transferred part of your request – specifically: who (the scientist) approved and set the regulations for 1080 and brodifacoum levels in drinking water – and the process for challenging that approval – to Manatū Hauora Ministry of Health. This letter is our response to the remainder of your request, which was for information about the approval of aerial 1080 drops and the process for challenging it.

Permission is required under s95A of the Hazardous Substances and New Organisms (HSNO) Act 1996 before vertebrate toxic agents (VTAs) such as 1080 can be applied. While the Environmental Protection Authority (EPA) is responsible for approvals to manufacture and import hazardous substances such as 1080 in New Zealand, and sets the base controls for their use, the power to issue permissions for 1080 has been delegated under s19 of the HSNO Act to the Department of Conservation (DoC) and district health boards (DHBs) .

When 1080 is used on land administered or managed by DoC, the power to issue permissions is delegated to DoC, and when 1080 is used in an area where there is drinking water or where there may be a risk to public health, the power to issue permissions is delegated to medical officers of health and health protection officers, who are employed by DHBs. They can set extra terms and conditions depending on where and how 1080 is being used and may also consult with the public before deciding whether to issue the permission to use 1080. MoH and DOC can audit the permissions they issue to make sure operators have followed the conditions of their permissions. MoH's guidelines for public health units issuing permissions for the use of VTAs may be of interest:

<https://www.health.govt.nz/system/files/documents/publications/guidelines-issuing-permission-for-using-vertebrate-toxic-agents-march13.pdf>

If you want to challenge these permissions, you will need to approach DoC or the relevant DHB.

The EPA audits permissions that have been issued under delegation to ensure that all regulatory requirements under HSNO are complied with and can be demonstrated, and that the risks of harm to the environment, human health, and non-target species through the use of VTAs are mitigated.

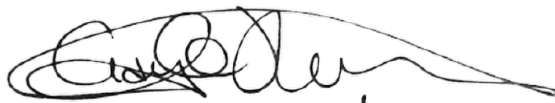
WorkSafe New Zealand also sets specific workplace use controls, including the requirements for aircraft that carry out aerial 1080 applications, restricting access to the vicinity where 1080 is being applied, and certified handler requirements.

We trust this answers your questions. 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](mailto:info@ombudsman.parliament.nz)

If you have any further questions, please do not hesitate to contact us via [ministerials@epa.govt.nz](mailto:ministerials@epa.govt.nz)

We may publish your request and our response on our website, [www.epa.govt.nz](http://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 black ink, appearing to read 'Gayle Holmes', with a long, sweeping horizontal line extending to the right.

Gayle Holmes  
General Manager,  
**Compliance, Monitoring and Enforcement**