

Official Information Act Request

Requester's details

Date: 22 July 2022

Name: [REDACTED]

Organisation: [REDACTED]

Email: [REDACTED]

Reference number: ENQ-44227-V3C2J9

Dear [REDACTED]

I refer to your request received on 28 June 2022 for the following information:

"We are writing in connection with the decision by the Environmental Protection Authority ("EPA") to reassess hydrogen cyanamide (approval HSR002949) and hydrogen-cyanamide containing substances (HCR000001). We seek the information held by the EPA under the Official Information Act 1982 (OIA) covering the period from July 2019 to the date on which that the EPA made the decision to reassess hydrogen cyanamide. For the avoidance of doubt, we note that the latter date relates to the date that the EPA made the decision to reassess, not the date on which it determined there were grounds for reassessment.

1. The request for information is:

- (a) the date on which the EPA made the decision to reassess hydrogen cyanamide;
- (b) all correspondence (both internal and external), policy documents, memoranda, minutes, briefing notes, emails, documents, file notes, PowerPoints, meeting agendas, notes of decisions, or other records of meetings or conversations:
 - (i) that relate to the decision made by the EPA to reassess hydrogen cyanamide; and/or
 - (ii) including the decision to prioritise it ahead of substances identified as priority A, B or C for reassessment on the EPA's Priority Chemical list; and/or
 - (iii) that contain any information relevant to both:
 - (a) hydrogen cyanamide; and

(b) the matters and principles set out in sections 5 and 6 of the Hazardous Substances and New Organisms Act 1996.

2. For the avoidance of doubt, the request detailed at [1] above includes the period between July 2019 (when the application was received) and the date that the decision was made to reassess hydrogen cyanamide, as well as the exact date on which the application was received, and the exact date on which the decision was made.

3. We note that the information requested is relatively narrow and discrete (including the time period involved).

4. For the avoidance of doubt, the request for information below does not seek information that is publicly available on the EPA website.

5. We look forward to your response and receiving the information within the 20 working day statutory limit (consistent with the requirement to respond as soon as reasonably practicable and the principle of availability in the OIA).”

(a) the date on which the EPA made the decision to reassess hydrogen cyanamide;

New information about the effects of hydrogen cyanamide was included in an external applicant’s grounds for reassessment request received on 15 July 2019 under section 62 of the Hazardous Substances and New Organisms Act 1996 (HSNO Act). This was considered by an EPA Decision-making Committee which issued a decision on 4 September 2019 determining that grounds existed for reassessment.

Following further investigation of the new information during December 2019, a memo with a recommendation that the EPA proceed with a request for a reassessment was drafted. The memo and supporting documents were considered by the Chief Executive of the EPA and signed off on 16 December 2019. The request for a reassessment under section 63 of the HSNO Act was then prepared and submitted by the Chief Executive of the EPA on 20 September 2021.

Therefore, in answer to the question under part 1(a) of your request, the date that the Chief Executive of the EPA formally decided to request the EPA to proceed with a reassessment of hydrogen cyanamide-containing substances was 16 December 2019. The date that the application was submitted, and formally received by the EPA, was 20 September 2021.

(b) all correspondence (both internal and external), policy documents, memoranda, minutes, briefing notes, emails, documents, file notes, PowerPoints, meeting agendas, notes of decisions, or other records of meetings or conversations:

(i) that relate to the decision made by the EPA to reassess hydrogen cyanamide; and/or

(ii) including the decision to prioritise it ahead of substances identified as priority A, B or C for reassessment on the EPA's Priority Chemical list; and/or

(iii) that contain any information relevant to both:

(a) hydrogen cyanamide; and

(b) the matters and principles set out in sections 5 and 6 of the Hazardous Substances and New Organisms Act 1996.

The documents requested under part 1(b)(i) of your request include the memo headed 'Approval sought to reassess hydrogen cyanamide-containing substances, and 'Call for Information about hydrogen cyanamide use in New Zealand', which was signed by Dr Allan Freeth, Chief Executive, Environmental Protection Authority on 16 December 2019, as well as several related documents listed below.

Please find attached:

- Memorandum from Milana Blakemore to Allan Freeth dated 12 December 2019 (signed 16 December 2019): Approval sought to reassess hydrogen cyanamide-containing substances, and release Call for Information about hydrogen cyanamide use in New Zealand
- Hydrogen cyanamide (Hi-Cane) Problem Statement Matt Allen, 3 December 2019
- Notes on HiCane from the Science and Strategy Group dated 16 September 2019
- Letter from Gayle Holmes, Acting General Manager, Hazardous Substances and New Organisms, EPA to John Levers advising the EPA has decided to progress with a reassessment application of hydrogen cyanamide substances and their use in New Zealand dated 20 December 2019. Mr Levers' address has been withheld under section 9(2)(a) of the Official Information Act 1982 (OIA) to protect the privacy of Mr Levers. That privacy interest is not outweighed by any public interest in disclosing this information.

There are no specific documents that show how hydrogen cyanamide was determined to be reassessed ahead of priority chemicals. Part 1(b)(ii) of your request is therefore refused under section 18(e) of the OIA, on the basis that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

However, we can confirm that hydrogen cyanamide is not on the EPA's priority chemical list but was moved up the work programme for reassessment after the grounds for reassessment application was decided. We prioritise chemicals to reassess where we

believe there is a risk to human health and the environment. More detail of this is available on our website at [About the programme | EPA](#).

There are no further documents that relate specifically to hydrogen cyanamide and the matters and principles set out in sections 5 and 6 of the HSNO Act. Therefore part 1(b)(iii) of your request is refused under section 18(e) of the OIA, on the basis that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Consistent with your request no information has been included that is available on the EPA website at: [Hydrogen cyanamide reassessment | EPA](#) and [HSNO application register | EPA](#) (relating to the grounds for reassessment application)

I hope this information is helpful. 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



Dr Allan Freeth
Chief Executive