



OIA 19-E-0026/docCM 5685348

13 February 2019

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Dear ██████████

OFFICIAL INFORMATION REQUESTS

Thank you for your emailed request for information to the Director-General, Lou Sanson, dated 14 January 2019. Your request has been allocated to me to answer under the Official Information Act 1982 (OIA). You also sent the same email to the Ministry for Primary Industries (MPI) and the Environmental Protection Authority (EPA). EPA transferred your request to us for reply on January 23. I understand that MPI is responding on their own behalf.

Your questions concerned the possible spread of kauri dieback and other biosecurity risks from the cereal used in 1080 baits. You wrote that *"[i]t has occurred to me that cereal poison baits may potentially spread spores and toxins over our native forests and waterways and contribute to the spread of kauri dieback and other disease"*.

The department's position is that this is NOT a credible biosecurity risk. The scientific work on which we base our knowledge of kauri dieback does not in any way suggest aerial baits are a likely vector of *Phytophthora agathidicida*. Kauri dieback has been detected in areas where 1080 baits have never been used, and, in addition, we know soil movement is the most critical factor in the spread of kauri dieback.

Your questions are set out below in italicised, underlined print and the Department of Conservation's responses to them follow in un-italicised print.

1. *What if any food or other quality standards apply to cereal grain that is used for pre-feed or in toxic poison baits?*
2. *What type of cereals are used in prefeed and in poison baits, what countries do these cereals routinely or occasionally come from, what if any sources or levels of contamination are prohibited for aerial discharge of prefeed and/or poison baits, and what if any criteria apply to ensure the grains used in cereal baits for predator control are not creating and contributing to a biosecurity risk by spreading potentially toxic spores of phytophthora (sic) or any other fungal or other contamination when they are aurally spread*

around New Zealand?

3. What if any food or other quality standards apply to the manufacture and/or to the storage and/or use of prefeed and/or poison baits to avoid the risk of fungal or other contaminants building up in the baits before they are aerially spread over forest, water and/or watercourses?

The Department of Conservation relies on the Environmental Protection Authority and the Ministry for Primary Industries to regulate quality standards for the manufacture of toxic baits. Because the department does not manufacture baits, it does not hold the information requested in questions 1-3. I am therefore refusing this part of your request under section 18(g) of the OIA.

4. Which authority is responsible for testing and/or certifying the quality of cereal used in pre-feed and toxic 1080 or brodifacoum poison baits and the quality of the baits at the time they are discharged?

The manufacturer is responsible for quality assurance of its products. While no authority is responsible for testing or certifying the quality of the cereal used in toxic baits, the department understands that stability data is required as part of the registration process for vertebrate toxic agents (VTAs). The department does not use a VTA once its shelf life is expired, as required under the Agricultural Compounds and Veterinary Medicines Act.

5. What steps are taken by your organisation to ensure that cereal that does not meet quality standards for human or stock food is not used in prefeed or in 1080 or brodifacoum poison baits? Please include any policies, rules, procedures etc to identify and avoid any such risk.

As in the reply to questions 1-3, the Department of Conservation does not hold this information. I am therefore refusing this part of your request under section 18(g) of the OIA.

6. What if any testing, other quality control checks are, or have been routinely or occasionally done on the quality of cereal used in prefeed and/or in poison baits to assess fungal or other contamination before the baits are aerially spread?

There is no evidence to suggest this risk exists, and the department has not undertaken any testing of the qualities such as you describe prior to their aerial application. Nor is the department aware of such testing having been done by other agencies. The department therefore does not hold information on this issue and has no grounds for believing that such information is held by another department, organisation or local authority. I am therefore refusing this part of your request under section 18(g) of the OIA.

7. Please could you provide copies of the results of all such criteria, policies etc and all such testing and results of this testing that has been undertaken in the last 5 years.

This information does not exist. I am therefore refusing this part of your request under section 18(e) of the OIA. I have borne in mind section 18B of the OIA but have concluded that use of this provision would not assist in this case.

8. What if any other assessment has been done to assess and avoid the risk of kauri dieback and other fungal diseases and/or other borne biosecurity risks or other diseases being spread to New Zealand's forest, water, watercourses, coastal marine areas and/or to native wildlife by aerially spread prefeed and/or poison baits or the dust from those baits?

This question is based on a false premise. As stated at the outset, the department does not consider aerial prefeed or baits to pose a credible biosecurity risk. The scientific work on which the department bases its knowledge of kauri dieback does not in any way suggest aerial baits are a likely vector of *Phytophthora agathidicida*. Kauri dieback has been detected in areas where 1080 has never been used, and, in addition, we know that soil movement is the most critical factor in the spread of kauri dieback, so this is not a credible line of research. No information is therefore held by the department on this matter and your request is refused under section 18(e) of the OIA. I have borne in mind section 18B of the OIA but have concluded that use of this provision would not assist in this case.

9. What responsibilities apply to entities such as DoC and Ospri and regional councils which commission the aerial discharge of prefeed cereal baits and 1080 and brodifacoum poison baits to ensure that the grains in the baits do not contain spores or other biosecurity risks?

There is no evidence the department is aware of to suggest the risk you are claiming does in fact exist. The department is not aware of any such responsibilities and accordingly does not hold any information on this issue. The department also has no grounds for believing that such information is held by another department, organisation or local authority. Therefore, this part of your request is refused under section 18(g) of the OIA.

10. What advice does MPI, the EPA or any other authority provide to the importers, manufacturers or distributors of cereal and cereal baits about these risks and where can this information be found?

The department has no knowledge of such advice and therefore this information is not held by the department. Therefore, this part of your request is refused under section 18(g) of the OIA.

11. How confident are you that fungal or other contamination of cereal used for the aerial deposit of cereal prefeed and/or in 1080 or brodifacoum poisons baits does not contribute in any way to kauri dieback or any other environmental health risk and what peer reviewed research or other information do you rely on for this assessment?

I note that you are asking for an opinion, as opposed to a request for official information, therefore the department may decline this part of your request. However, I note that the department is very confident that cereal used for baits does not contribute in any way to kauri dieback, and it is not aware of any evidence which suggests any other form of environmental health risk.

You are entitled to seek an investigation and review of my decisions, by way of written complaint to an Ombudsman, under section 28(3) of the OIA.

Please note that this letter (with your personal details removed) will be published on the department's website.

Yours sincerely



Amber Bill
Director, Threats Biodiversity
for Director-General