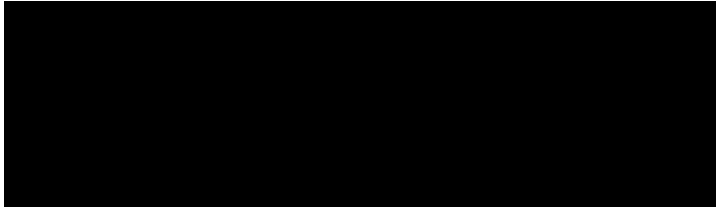




OIA 18-E-1068/docCM 5665434

31 January 2019



Thank you for your Official Information Act request to the Prime Minister, Rt Hon Jacinda Ardern, dated 3 December 2018. Your request has been transferred to the Department of Conservation for reply.

You requested the following:

Are you aware that the 1080 poison approval process has avoided Good Laboratory Practice (GLP) as stated in Appendix C of the EPA approval process?

And if you are aware, what monitoring have you put in place to protect the New Zealand Public water supplies and food supplies from this widespread toxin?

Also, are you aware that both the USA and NZ manufacturers of 1080 and 1080 baits both state in their Material Safety Data Sheets to AVOID contamination of any water supply. Are you also aware that the USA manufacturers state any poisoned animals' bodies must be buried under 3 feet of earth at least one-half mile from any water supply or human habitation? Now given these facts and the above avoidance of GLP for 1080, along with DOC and OSPRI's use of 1080 toxin in New Zealand water supplies, Kai gathering grounds, farms, rivers, lakes, how comfortable are you with this product being in your food chain?

Do you take an oath to take personal responsibility for the growing number of adverse effects that this 1080 toxin is having on New Zealand and the people within New Zealand?

Your questions and our responses are listed below.

- 1. Are you aware that the 1080 poison approval process has avoided Good Laboratory Practice (GLP) as stated in Appendix C of the EPA approval process?*

This question refers to the Evaluation and Review Report: Reassessment of 1080 (HRE05002) Appendix C: Ecotoxicity and Environmental Fate of 1080.

We do not agree that the application for reassessment of sodium fluoroacetate (1080) “avoided” or attempted to circumvent good laboratory practice (GLP), as your question implies. GLP is a quality management system set up in New Zealand under the Testing Laboratory Registration Act 1972. It specifies a set of procedures to be followed when undertaking experiments on hazardous substances to ensure high quality and reliable test data. The laboratory should be certified, have certain procedures in place and follow a ‘chain of evidence’ procedure when undertaking the trials.

As with any quality management system, GLP procedures have been updated several times since they were introduced in the 1980s. Early 1080 trials could not follow GLP, because the standards did not yet exist, and trials done in the 1980s and 1990s will not always meet the current updated GLP standards. Similarly, although GLP information may be included in unpublished technical reports, once the trials go into a published peer reviewed paper the author cannot report on every laboratory practice that was followed. This can lead to the published paper being reported as non-compliant with GLP.

Studies that are flagged in Appendix C may not meet current guidelines, but this does not mean the results of the trials are incorrect or invalid. The department would not expect trials or experiments to be repeated solely because they do not meet current GLP.

2. *And if you are aware, what monitoring have you put in place to protect the New Zealand Public water supplies and food supplies from this widespread toxin?*

The government agency responsible for regulating activities that affect New Zealand's environment is the Environmental Protection Authority (EPA). The EPA decides how 1080 may be applied in New Zealand and monitors its safe use. The Department of Conservation closely follows EPA guidelines in order to keep the public safe.

All department 1080 operations are controlled by strict health and environment regulations. There are 15 separate pieces of legislation that govern toxins use in New Zealand, ensuring a high level of safety and assurance.

Information about this is publicly available on the department website www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/1080-safety-and-transparency/

The department's position on 1080 and water is also available here www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/1080-and-water/

3. *Also, are you aware that both the USA and NZ manufacturers of 1080 and 1080 baits both state in their Material Safety Data Sheets to AVOID contamination of any water supply. Are you also aware that the USA manufacturers state any poisoned animals' bodies must be buried under 3 feet of earth at least one-half mile from any water supply or human habitation? Now given these facts and the above avoidance of GLP for 1080, along with DOC and OSPRI's use of 1080 toxin in New Zealand water supplies, Kai gathering grounds, farms, rivers, lakes, how comfortable are you with this product being in your food chain?*

Yes, we are aware of manufacturers warnings. In New Zealand, the merits and risks of placing baits over/near waterways are determined on a case by case basis through the public health permission process for pesticide operations, as described on the department website, linked above.

It is also important to recognize that the contexts for 1080 use are very different in the United States and New Zealand. In the USA "1080 is used solely for localised and very target-specific predator control in the Livestock Protection Collar (LPC), mainly to protect sheep against coyotes"¹. It is used in farming areas where there are many non-target indigenous mammal species needed protection from by-kill. By contrast, in New Zealand, we have only two native land-based mammals, and 1080 is used in remote and rugged areas. Our operations and communication processes are strictly regulated and inform and warn people who enter treatment zones to be responsible for themselves and their dogs.

Please see www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/why-we-use-aerial-1080/

In addition, monitoring shows 1080 has never contaminated New Zealand's drinking water supplies. In natural waterways, 1080 dilutes to harmless levels within 24 hours and breaks down into non-toxic products. The department is satisfied that the wealth of scientific data collected over more than 60 years confirms that, when used in accordance with New Zealand regulations, 1080 presents little risk to humans or the environment. It is biodegradable and leaves no permanent or accumulative residue in water, soil, plants or animals.

4. *Do you take an oath to take personal responsibility for the growing number of adverse effects that this 1080 toxin is having on New Zealand and the people within New Zealand?*

¹ Charles T. Eason, Lee Shapiro, Shaun Ogilvie, Carolyn King & Mick Clout (2017) Trends in the development of mammalian pest control technology in New Zealand, *New Zealand Journal of Zoology*, 44:4, 267-304, DOI: 10.1080/03014223.2017.1337645

I note that your question was originally addressed to the Prime Minister but has been transferred to this Department, so I take it that what you really wanted was a response from the Prime Minister personally. That said, your question is a leading, and loaded, question. It asserts, without proof, as part of the foundation for the question, the purported, "*growing number of adverse effects that this 1080 toxin is having on New Zealand and the people within New Zealand*". I do not accept the false premise for your question.

Your request is therefore declined under section 18(h) of the Official Information Act as it is vexatious.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Yours sincerely



Matt Barnett
Director Threats, Biodiversity (Acting)
for Director-General