



Parliamentary Commissioner
for the **Environment**

Te Kaitiaki Taiao a Te Whare Pāremata

PO Box 10 241
Wellington 6143
Tel 64 4 471 1669
Fax 64 4 495 8350
www.pce.parliament.nz

3 June 2011

Hon Dr Nick Smith
Minister for the Environment
Parliament Buildings
Wellington

Dear Nick

Report on evaluating the use of 1080

I have attached for your information an embargoed copy of my next report *Evaluating the use of 1080: Predators, poisons and silent forests*. It will be released and tabled in the House on 8 June 2011.

If you or your caucus are interested in receiving a briefing please contact [REDACTED] on email [REDACTED]@pce.parliament.nz or telephone 04 495 8354.

Yours sincerely

Dr Jan Wright
Parliamentary Commissioner for the Environment



Parliamentary Commissioner
for the **Environment**
Te Kaitiaki Taiao a Te Whare Pāremata

PO Box 10 241
Wellington 6143
Tel 64 4 471 1669
Fax 64 4 495 8350
www.pce.parliament.nz

28 September 2012

Hon Amy Adams
Minister for the Environment
Parliament Buildings
WELLINGTON

Dear Hon Amy Adams

PCE report - *Evaluating the use of 1080: Predators, poisons and silent forests*

In June last year I released the report *Evaluating the use of 1080: Predators, poisons and silent forests*. My office is preparing an update of the report and is seeking information on what has been done, or is intended to be done, in response to the recommendations I originally made. Understanding how our reports are used allows us to evaluate the impact of our recommendations and improve our processes and results.

I would very much appreciate it if you could provide a summary of progress with respect to the recommendation below, and an indication of intended actions.

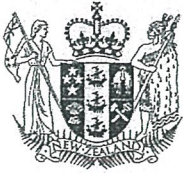
Recommendation:

1. The Minister for the Environment investigate ways to simplify and standardise the way 1080 and other poisons for pest mammal control are managed under the Resource Management Act and other relevant legislation.

I would appreciate a reply by 26 October 2012. If you require any further information please do not hesitate to call [REDACTED] on (04) [REDACTED] [REDACTED]@pce.parliament.nz.

Yours sincerely

Dr Jan Wright
Parliamentary Commissioner for the Environment



Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister for the Environment

Minister for Communications and Information Technology

Associate Minister for Canterbury Earthquake Recovery

- 7 NOV 2012

ENV 9477

Dr Jan Wright
Parliamentary Commissioner for the Environment
PO Box 10 241
WELLINGTON 6143

Dear Dr Wright

Thank you for your letter dated 28 September 2012 regarding your update of the report *Evaluating the use of 1080: Predators, poisons and silent forests*.

I am happy to provide a summary of progress and intended actions resulting from your recommendation that 'the Minister for the Environment investigate ways to simplify and standardise the way 1080 and other poisons for pest mammal control are managed under the Resource Management Act (RMA) and other relevant legislation'.

While I am not specifically investigating simplification in relation to 1080 I agree that the legislation that controls 1080 and hazardous substances in general, is complex and can create confusion for users. As you are aware a number of statutes deal with managing hazardous substances. The primary pieces of legislation are the Hazardous Substances and New Organisms (HSNO) Act and the RMA. I have asked the Ministry for the Environment to look at ways to simplify controls under the HSNO Act.

As you will be aware the Government is looking at amendments to improve the operation of the RMA, including the development of regional and district plans. I am also aware that the interface between the RMA and the HSNO Act has resulted in duplication of controls. The Ministry for the Environment has examples relating to substances that are widely used, and whose effects could be expected to be relatively well-understood.

The Ministry is currently finalising updated guidance which will encourage councils to only impose RMA controls on hazardous substances in a limited number of circumstances where they can be satisfied that the HSNO Act controls are not adequate to address the adverse effects. I expect this guidance to be available in the near future. The Ministry will also consider if other actions (such as legislative change) would assist in further clarifying the RMA and HSNO interface.

The current statutory process for amending hazardous substance controls could give the Environmental Protection Authority the ability to adjust controls responsively based on feedback from those working with 1080, including reducing unnecessary complexity that may be causing confusion.

Yours sincerely

Hon Amy Adams
Minister for the Environment



20 May 2013

Hon Amy Adams
Minister for the Environment
Parliament Buildings
WELLINGTON



Dear Hon Amy Adams

Update report on 1080

As you know, in June 2011, I released a report titled *Evaluating the use of 1080: Predators, poisons and silent forests*. I am planning to release an update of this report including responses to recommendations by the end of the financial year.

On 28 September 2012, I wrote to you to seek your response to one of the recommendations, namely:

“The Minister for the Environment investigate ways to simplify and standardise the way 1080 and other poisons for pest mammal control are managed under the Resource Management Act and other relevant legislation.”

Thank you for your very useful reply in a letter dated 7 November 2012. I am writing again to seek further clarification with regard to three matters.

First, you have asked the Ministry for the Environment to look at ways to simplify controls under the HSNO Act. It would be helpful to have some additional detail on any progress that has been made by the Ministry to date. For example, are policy papers or amendments to legislation being drafted?

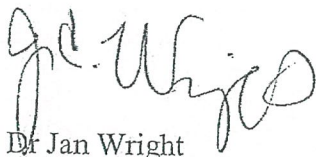
Second, you wrote that the Ministry was finalising updated guidance to encourage councils to only impose RMA controls on hazardous substances where the HSNO controls were deemed inadequate. I would appreciate a copy of the guidance as it may well also be of assistance in my investigation into fracking.

Third, one of the ongoing issues around the use of aerial 1080 is that in some regions it is a permitted activity and in others it is not. This can cause delays and unnecessary cost; the delays are potentially serious when the Department of Conservation is trying to respond quickly to a masting event. A letter from the Hon Kate Wilkinson when she was Minister of Conservation refers to an investigation into making aerial 1080 a permitted activity under the RMA. This could be done in a timely manner using a National Environmental Standard. (I am aware and supportive of your intent to eliminate unnecessary variation between council plans but clearly that will take time.)

Could you confirm whether any work on such an NES has been undertaken and if so, what is the expected timeframe for its development?

I would appreciate a response by 7 June 2013 – I apologise in advance for the tight timeframe. If you require any further information, please do not hesitate to contact [REDACTED] n (04) [REDACTED] or [REDACTED]@pce.parliament.nz.

Yours sincerely



Dr Jan Wright
Parliamentary Commissioner for the Environment



Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister for the Environment

Minister for Communications and Information Technology

Associate Minister for Canterbury Earthquake Recovery

21 MAY 2013

23 MAY 2013

Ref: ENV10506

Dr Jan Wright
Parliamentary Commissioner for the Environment
PO Box 10241
WELLINGTON 6143

Dear Dr Wright

Thank you for your correspondence of 20 May 2013 regarding the release of the Update report on 1080.

Consideration is currently being given to the matters you raise, and you may expect a reply from the Minister as soon as possible.

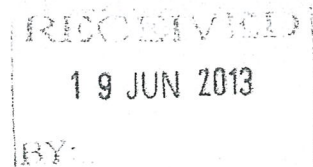
Yours sincerely

Sam Fleming
Private Secretary, Environment



Office of Hon Amy Adams

Member of Parliament for Selwyn
Minister for the Environment
Minister for Communications and Information Technology
Associate Minister for Canterbury Earthquake Recovery



17 JUN 2013

ENV 10506

Dr Jan Wright
Parliamentary Commissioner for the Environment
PO Box 10241
WELLINGTON 6143

Dear Jan

Thank you for your letter of 20 May 2013 regarding the release of the Update Report on 1080.

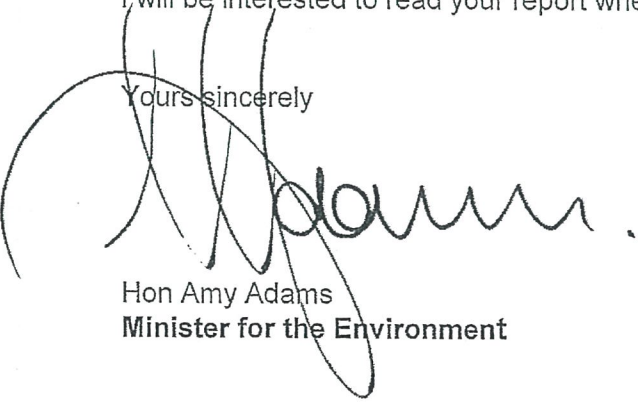
My officials are currently examining ways to make HSNO controls simpler for users to understand and comply with, while still achieving the same level of risk management. Officials are currently preparing policy papers for my consideration and I expect that legislative amendments to facilitate simplification may be introduced before the end of 2013.

In response to your concern over avoiding duplication between HSNO and the RMA, the Ministry for the Environment (the Ministry) has recently provided updated guidance on managing hazardous substances in RMA plans, which specifically outlines that councils do not need to control matters already assessed under HSNO. A copy of this guidance is available from the Ministry website www.qualityplanning.org.nz/index.php/planning-tools/hazar/managing-hazardous-facilities-under-the-rma. The Ministry is likely to further refine this guidance in late 2013 which should provide some tangible examples of where RMA controls are appropriate and it may include reference to 1080. The work on avoiding duplication should encourage councils to review their controls in RMA plans and avoid duplicating matters sufficiently covered by other legislation.

Regarding work on a National Environmental Standard (NES) for the use of aerial 1080, I understand my officials have recently met with representatives from Waikato Regional Council, the Animal Health Board and the Department of Conservation to discuss the issues and the most appropriate method of addressing them. Work on two other NESs (forestry, and ecological flows and water levels) is currently on hold until the resource management and freshwater reforms are completed. It makes sense to me for scoping work on more NESs to wait until the outcome of those reforms is established. This will allow us to make the best use of any new legislative framework.

I will be interested to read your report when it is released.

Yours sincerely



Hon Amy Adams
Minister for the Environment



Parliamentary Commissioner
for the **Environment**
Te Kaitiaki Taiao a Te Whare Pāremata

PO Box 10 241
Wellington 6143
Tel 64 4 471 1669
Fax 64 4 495 8350
www.pce.parliament.nz

19 June 2013

Office of Hon Amy Adams
Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

Dear Hon Amy Adams

Office Acknowledgement

I am writing to acknowledge receipt of your letter dated 17 June 2013.

Thank you for taking the time to write to us. Your letter is currently with the Commissioner for her consideration.

Yours sincerely

Office Administrator/Receptionist
Office of the Parliamentary Commissioner for the Environment

<Your Name>
<Job Title>