

ENQ- 38757-M2R1C9

11 June 2020

Name Wendy Pond

Via: fyi-request-12799-0dd9eaaf@requests.fyi.org.nz

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Official Information Act Request

Dear Wendy,

I refer to your Official Information Act request made to the Ministry of Health on 15 April 2020. Part two of your request was transferred to the Environmental Protection Authority (EPA) on 14 May 2020. You asked for the following information:

“Please provide the legislation that governs the requirements for audit of aerial 1080 operations. If it is not a MoH responsibility please tell me whose responsibility it is and under what legislation.”

I also refer to your Official Information Act request made to Minister David Parker on 7 May 2020, and transferred to the EPA on 19 May 2020. You asked for the following information:

“It has been customary for HSNO enforcement officers/ Public Health Officers to lodge an audit of the aerial 1080 operations they give permission for. Please provide the legislation that governs the requirement for an audit of the use of a VTA on each occasion that there is an aerial operation. Who is responsible for reviewing the audits?”

Your requests have been treated as requests for information under the Official Information Act 1982 (OIA). The response to your requests is as follows.

The EPA has the power to approve hazardous substances under the Hazardous Substances and New Organisms Act 1996 (HSNO). As part of this process, the EPA has approved substances which are classed as Vertebrate Toxic Agents (VTAs). In certain cases, the EPA has also imposed additional controls with respect to VTAs requiring a person to obtain a permission under section 95A of the HSNO Act from the Authority prior to applying substances.

Under section 19 of the HSNO Act, the EPA may delegate its powers under s95A to other persons. In March 2016, the EPA delegated specific powers with respect to a limited number of VTAs to Medical Officers of Health and Health Protection Officers who have been appointed as Enforcement Officers (EO) under the HSNO Act.

The delegation gives Enforcement Officers the powers to grant permissions for aerial 1080 operations if there is a risk to public health and if the operation is to occur in a catchment area from which water is drawn for human consumption. The delegation is subject to seven conditions.

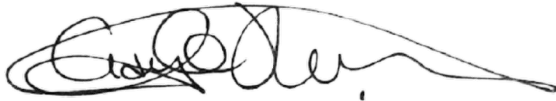
One of these conditions is that the Enforcement Officer will audit each permission issued in accordance with the Ministry of Health’s Guidelines or the documented alternative procedure.

The Ministry of Health is responsible for ensuring that Enforcement Officers regularly audit permitted operations.

You have the right to seek an investigation and review of this decision by the Ombudsman. 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gayle Holmes', with a long, sweeping horizontal stroke extending to the right.

Gayle Holmes
General Manager
Compliance, Monitoring and Enforcement