



Decision

Date	13 June 2019
Application number	APP203795
Application type	Determination of whether or not any organism is a new organism under section 26 of the Hazardous Substances and New Organisms (HSNO) Act 1996
Applicant	Ministry for Primary Industries (MPI)
Date Application received	15 May 2019
Consideration date	13 June 2019
Considered by	A decision-making committee of the Environmental Protection Authority (the Committee) ¹ <ul style="list-style-type: none">• Dr John Taylor (Chair)• Dr Louise Malone
Purpose of the application	To determine if <i>Colossoma bidens</i> is a new organism under section 26 of the HSNO Act

Decision

1.1 The Committee has determined under section 26 of the Hazardous Substances and New Organisms (HSNO) Act 1996 that *C. bidens* is not a new organism for the purposes of the Act.

¹ The Committee referred to in this decision is the subcommittee that has made the decision on this application under delegated authority in accordance with section 18A of the Act.

1 Application and consideration process

- 1.2 The application was formally received on 15 May 2019.
- 1.3 The information that the Committee took into consideration included:
- the application; and
 - the EPA staff assessment report.
- 1.4 The determination was made in accordance with section 26 of the HSNO Act. Determinations under section 26 of the HSNO Act do not require public notification.
- 1.5 In accordance with section 26(5) of the HSNO Act, we identified the Department of Conservation (DOC) and the Ministry for Primary Industries (MPI) as the most likely government departments or Crown entities to hold further relevant information regarding *C. bidens*. As such, we provided these agencies with the opportunity to comment.
- 1.6 DOC stated that the unconfirmed donation of two pacu specimens “around 1994” is vague and does not establish beyond doubt the time when the donation occurred. DOC stated their preference for greater accuracy of the National Aquarium of New Zealand’s acquisitions and believed the two fish will have presumably been imported as part of a larger consignment of the species. DOC stated that the evidence presented is inadequate to base a decision on.
- 1.7 MPI did not provide any comments.

2 Reason for the decision

- 2.1 For an organism to be determined to be a new organism under section 26 of the HSNO Act, the organism must be shown to meet section 2A of the HSNO Act.
- 2.2 The Committee noted that the following section 2A(1) Act criteria were not applicable to this determination as the species;
- has not been prescribed as a risk species (section 2A(1)(b));
 - has not been approved to be held in containment or released with controls (sections 2A(1)(c) (ca) and (cb));
 - is not a genetically modified organism (section 2A(1) (d)); and
 - has not been eradicated from New Zealand (section 2A(1)(e)).
- 2.3 The Committee evaluated the available information regarding *C. bidens* against the section 2A(1)(a) criterion: a new organism is “*an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998*”.
- 2.4 The Committee considered the evidence submitted by the applicant to support the case of this organism being present in New Zealand prior to 29 July 1998.



- 2.5 The Committee noted that the National Aquarium of New Zealand confirmed in a letter to MPI that two individuals of *C. bidens* were donated by a fish keeper to the aquarium in 1994. In addition, two individuals of this species were donated to the aquarium in the late 1990s.
- 2.6 The Committee noted that six individuals of *C. bidens* are currently on display at the National Aquarium of New Zealand which indicates an ongoing presence of this species in New Zealand since at least 1994.
- 2.7 In addition, the Committee noted the presence of *C. bidens* in the aquarium of Wellington's Great India restaurant from 2008 to 2018 which indicated an existing and ongoing presence of this species in New Zealand.
- 2.8 Taking into account all the available information, the Committee considered that *C. bidens* does not meet the definition of a new organism as defined in section 2A(1)(a) of the HSNO Act, as this organism was present in New Zealand immediately before 29 July 1998.

3 Conclusion

- 3.1 In accordance with section 26 of the HSNO Act, and having regard to the relevant information, the Committee has determined that *C. bidens* is not a new organism for the purpose of the Act.

Signed by:



Environmental
Protection Authority
Te Mana Rauhi Taiao

Dr John Taylor Chair, Decision-making Committee Environmental Protection Authority	Date: 13 June 2019
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