

# Submission on the Proposed Bay of Plenty Regional Policy Statement 2010



UNDER SECTION 79 AND CLAUSE 6 OF SCHEDULE 1 TO  
THE RESOURCE MANAGEMENT ACT 1991

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## Submission can be:

**Posted to:** Proposed Regional Policy Statement  
Freepost Bay of Plenty Regional Council  
Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158

**Delivered to:** Bay of Plenty Regional Council offices at:

- 5 Quay Street, Whakatane
- 1125 Arawa Street, Rotorua
- 6 Rata Street, Mount Maunganui

**Faxed to:** 0800 ENV FAX (368 329)

**Emailed to:** [rps@envbop.govt.nz](mailto:rps@envbop.govt.nz)

**Submissions need to be received by 4 pm on Tuesday 8 February 2011.**

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## Your name and contact details:

Full name: NZ Forest Research Institute Limited (Scion)

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Rotorua 3046

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Contact person: Mark Dyer (Canmap Hawley Limited)t

Address and telephone number:  
Canmap Hawley Limited  
PO Box 396  
Rotorua 3040

Ph 07 349 8470

mdyer@canmaphawley.co.nz

*(if different from above)*

## Submission

**1 The specific parts of the proposed Regional Policy Statement that my submission relates to are as follows:**

Clause 1.7 Precautionary Approach and any consequential clauses in so far as it relates to genetically modified organisms (GMO)

The Proposed Regional Policy Statement contends that "current legislation may be inadequate to manage potential adverse effects from the use of genetically modified organisms in the region". It is proposed that the Council takes a cautionary approach to the release, control and use of genetically modified organisms within the region".

*(Clearly indicate which parts of the document you support, oppose or wish to have amendments made. Use separate sheet(s) if necessary)*

**2 My submission is that:**

We request that this position be reconsidered in light of the following:

1. There is no evidence provided to back up the assertion that current legislation is inadequate.
2. A government review of the HASNO Act is proposed. Any concerns related to the adequacy of the legislation should be managed through that process, rather than trying to add another layer of control.
3. Community concern can best be addressed on a case by case basis, through the current process designed to regulate the release, control and use of genetically modified organisms. This process is run by the Environmental Risk Management Authority (ERMA) and uses national and international experts (as required) to ensure effective decision making. It also has statutory powers that enable it to order a wide range of controls and/or limits on the release, control and use of genetically modified organisms. It has effective processes in place to ensure compliance with controls and to address non-compliance.
4. The adverse impact of this approach on Scion has not been considered. Scion is the only regionally-based Crown Research Institute and is a substantial contributor to the BOP regional economy:
  - Is a sizable local employer (approx 340 staff)
  - Uses many local suppliers (e.g. catering, lawn and tree maintenance, fencing, graphics and printing etc).

Scientific research using genetic modification is an integral part of Scion's business and its research work is for the benefit of New Zealand. Scion had had GM containment and field trials since 1996. In December 2010, approval was granted by ERMA for a field trial. The approval process used by ERMA was robust, took into account potential impact on, and perspectives of the local community, environmental groups, iwi, and other interested parties.

While the precautionary approach is a valid environmental principle, it is inappropriate to suggest that specific legislation relating to GMO fails to adequately manage the risks associated with GMO. Scion is the only regional Crown Research Institute and is working for the good of NZ. Any trials are strictly controlled and GMO trials can only be undertaken after the rigorous processes of ERMA have been fully complied with. The Regional Council has an opportunity to participate in the decision-making process by making submissions on application.

Scientific research using genetic modification is an integral part of Scion's business and their research work is for the benefit of New Zealand. Scion has had GM field trials since 1996 and have had no reason to doubt the adequacy of legislation.

Parliament has turned its mind to the specific issue of environmental risk of genetically modified organisms in the environment and the processes by which that risk is best managed. The Environmental Risk Management Authority (ERMA) was established under the Hazardous Substances and New Organisms (HSNO) Act 1996 (the Act).

The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.

All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, recognise and provide for the following principles:

- (a) the safeguarding of the life-supporting capacity of air, water, soil, and ecosystems:
- (b) the maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural well-being and for the reasonably foreseeable needs of future generations

Further, all persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, take into account the following matters:

- (a) the sustainability of all native and valued introduced flora and fauna:
- (b) the intrinsic value of ecosystems:
- (c) public health:
- (d) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna, and other taonga:
- (e) the economic and related benefits and costs of using a particular hazardous substance or new organism:
- (f) New Zealand's international obligations

Specifically in section 7 of the Act the Precautionary approach is addressed:

•All persons exercising functions, powers, and duties under this Act, including but not limited to, functions, powers, and duties under sections 28A, 29, 32, 38, 45, and 48, shall take into account the need for caution in managing adverse effects where there is scientific and technical uncertainty about those effects.

ERMA has been established to manage the specific risks of hazardous substances and new organisms and they are obliged to take a precautionary approach.

It is inappropriate to undermine the public confidence in the HSNO legislation and ERMA by statements in the RPS such as clause 1.7.

It is acknowledged that certain aspects of a proposal may require regional consents under RMA91. However, it is our submission that the regional matters considered should not duplicate, let alone intervene further into those matters considered under HSNO.

Further it is inefficient and unnecessary to require additional methods and interventions under the regional and district plans and consequentially develop further 'management mechanisms' to respond to risk over and above those matters considered by ERMA.

Scion is a significant contributor to the regional economy. Some 340 employees are directly employed by Scion. Many others, locally and regionally, enjoy flow-on benefits in terms of employment and income.

The benefits accruing from research and innovation have significant benefits to the local, regional, and national economy. Scion provides new technologies that are taken up by local and regional businesses.

*(State the reason for your submission. Please continue on separate sheet(s), if necessary)*

**3 I wish the Bay of Plenty Regional Council to make the following decision:**

The Proposed Regional Policy Statement should be amended to state:

"In regional and district plans, such activities should be provided for as complying where ERMA approval has been obtained and on the basis of ongoing compliance with ERMA controls. Where ERMA approval has not been obtained, any resource consents granted should be subject to whatever terms and conditions are necessary to avoid significant adverse effects on the environment."

Delete any reference to GMO and ERMA in relation to the precautionary approach, together with any consequential clauses specifically relating to GMO and the placement and location of trial and containment facilities.

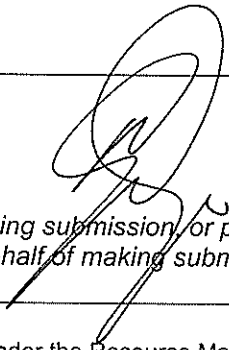
*(Give precise details. Please continue on separate sheet(s), if necessary)*

**Please tick applicable box(es)**

- I do wish to be heard in support of my submission.  
*(This means that you wish to speak at the hearing)*
- I do not wish to be heard in support of my submission.  
*(This means you have elected not to speak at the meeting).*
- If others make a similar submission. I will consider presenting a joint case with them at a hearing.

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**Signature:**

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a surname that is partially obscured by a horizontal line.

**Date:** 8/2/2011

*(Person making submission, or person authorised to sign on behalf of making submission)*

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Please note under the Resource Management Act 1991 all submissions must be made available for public inspection.