

Official Information Act Request

Requester's details

Date: 23 August 2024

Name: Claire Bleakley

Organisation: GE Free NZ

Email: claire@gefree.org.nz

Reference number: ENQ-48368-T5P8G2

Tēnā koe Claire

I refer to your request received on 13 August 2024 for:

“GE Free New Zealand has read that the Environmental Protection Authority is working with AgResearch (Pasture Biotechnology update #2) for an application to field trial of a non-GE ryegrass with a genetically engineered endophyte.

1. We would like to know if the ryegrass being trialled is defined as a null segregant in terms of its GMO status?

Please could we have all the data on

2. The strains of *Epichloë* endophyte/s that have been gene edited for use in the trial?

3. Why the endophyte needed to be gene edited?

4. The gene editing tool that was used, e.g. CRISPR/Cas, TALENs, ZFN or RNAi?

We are aware that the AR1 and AR37 *Epichloë* endophyte/s were trialled in the USA field trials and their the performance was identical to the non-GM ryegrass.

5. We request the documentation on this outcome?

6. May we have documentation to show if the genetically engineered ryegrass genes were transferred/up taken into either of the AR1 or AR37 *Epichloë* endophytes trials in the USA?”

Question 1

The Environmental Protection Authority (EPA) can advise that the ryegrass proposed for use in the trial are neither genetically modified organisms, nor null segregants as they are defined under statutory determination APP204173. However, because the ryegrass plants would be harbouring gene-edited *Epichloë* fungi, they must be treated as if they were GMOs themselves, to ensure that the *Epichloë* remain within the field test.

Questions 2 – 4

The EPA is unable to release the information requested in questions 2 – 4 as it relates to an application for an approval and is held by the EPA on behalf of a person in accordance with section 55(1) of the Hazardous Substances and New Organisms Act 1996. As such the provisions of the Official Information Act 1982 (OIA) do not apply to it until such time that the application has been received by the EPA.

Therefore, this part of your request is refused under section 18(c)(i) of the OIA, because releasing this information would be contrary to the provisions of a specified enactment.

Questions 5 – 6

The EPA does not hold any information in relation to questions 5 – 6. Therefore, this part of your request is refused under section 18(e) of the OIA, because the information requested does not exist.

I hope this information is helpful. You have the right to seek an investigation and review by the Ombudsman of this decision under section 28(3) of the OIA. 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

We may publish your request and our response on our website, www.epa.govt.nz. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Nāku noa nā



Dr Christopher Hill
General Manager, Hazardous Substances and New Organisms