



## Meeting note: Joint ministers meeting on gene technology regulator – 8 May 2024

**Date submitted:** 6 May 2024

**Tracking number:** BRF-4707

**Security level:** Unclassified

Actions sought from ministers	
<i>Name and position</i>	<i>Action sought</i>
To Hon Penny SIMMONDS <b>Minister for the Environment</b>	None

Appendices and attachments
Appendix 1: Talking points for joint ministers meeting on gene technology regulator – 8 May 2024

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Mitchell Clark	027 2819 358	
Responsible Manager	Sarah Kenward	027 2889 374	
General Manager	Glenn Wigley	027 4917 806	✓

# Meeting note: joint ministers meeting on gene technology regulator – 8 May 2024

## Purpose

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1. Minister Collins is chairing a joint ministers' meeting on the proposed gene technology regulator at 8:00 pm on 8 May 2024. This document provides you with notes and talking points to support you if you are able to attend. Glenn Wigley, General Manager Waste and HSNO Policy will be attending the meeting in the event you are unable to attend.

## Context

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### ***Ministry views on genetic modification work***

1. You have been provided with a briefing (ref # 2324-3096) from Minister Collins KC, ahead of this meeting. This briefing discusses some of the key issues that Cabinet will have to decide on before drafting new gene technology legislation.
2. The briefing covers the scope and definitions of the required legislation and what authorisations should be included. Ministry of Business, Innovation and Employment (MBIE) officials will be providing Minister Collins KC with another briefing in late May on other aspects that will need Cabinet decisions. MBIE officials are proposing a paper be taken to Cabinet Economic Policy Committee (ECO) on 24 July 2024 and Cabinet on 29 July 2024.
3. Officials from the Ministry for the Environment (MfE) have reviewed the current briefing and are broadly supportive of the proposals. MBIE are proposing a modified version of the Australian Government's approach to gene technology, with changes to improve risk proportionality and the ability to incorporate decisions from other regulators.
4. MfE officials wish to highlight the importance of effective monitoring in the proposed gene technology regime. This relates not only to the new gene technology regulator but also other, existing regulators like the Environmental Protection Authority (EPA) and the Ministry for Primary Industries (MPI). We think this should be considered a guiding principle for these reforms, especially given the level of public interest in this work.
5. Two staff from MfE are seconded to MBIE to work on the gene technology regulator, including MfE's only dedicated biotechnology expert.

### ***Methane inhibitors and streamlining approvals under HSNO***

6. In a previous joint minister's meeting on the gene technology regulator on 26 March 2024, ministers and Matt Burgess (Chief Policy Advisor to the Prime Minister) discussed the methane inhibitor Bovaer and the desire to see it approved for use in New Zealand. It was decided that the necessary changes needed to speed up the approval of methane inhibitors would be performed at the same time as the work to establish the gene technology legislation.
7. Methane inhibitors are chemical interventions and do not contain biological material. They would not fall in scope of the gene technology regulator. Additionally, not all

methane inhibitors are hazardous substances, meaning that they do not all require approval under the Hazardous Substances and New Organisms (HSNO) Act 1996. However, they are all considered agricultural compounds under the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997 and require registration with the MPI. Cabinet ECO Committee recently considered a paper submitted by Minister Hoggard that sought to extend an exemption for registration of inhibitors.

8. Earlier this year, you asked Ministry for the Environment (MfE) officials to investigate where improvements could be made regarding the approval of hazardous substances under the HSNO Act and the Environmental Protection Authority (EPA). Officials have been working with industry bodies and relevant government agencies to determine appropriate improvements. This may involve legislative changes to the HSNO Act and officials are considering all options. A legislative bid has been submitted and approved. The bid has been approved as category 7, meaning that policy work will continue beyond 2024, with the intention of seeking policy approval in the first quarter of 2025.
9. We are preparing advice for you on potential options for streamlining approvals of hazardous substances. However, any potential improvements to the HSNO regime would occur at a slower rate than the work to establish the proposed gene technology regime.
10. Please note that the EPA's role as an independent decision maker is important to ensure positive outcomes for New Zealand's environment and economy.

#### ***Non-GM new organisms***

11. The proposed gene technology regime will replace some of the new organism aspects from the HSNO Act. MfE is currently progressing some work to determine what aspects of the new organism regime will remain after the gene technology aspects are removed. These changes will not involve the hazardous substances aspects of the HSNO Act.
12. The aspects of the new organism regime that will remain include (but are not limited to):
  - a. Identifying whether an organism should be classified as new and the process of "denewing" (reclassifying an organisms as new longer "new").
  - b. Regulating zoo animals, such as the snow leopards brought into Wellington Zoo, to ensure they cannot escape and harm to human health and the environment.
  - c. Regulating the import of new organisms that are not genetically modified into containment, such as bringing microorganisms into New Zealand for laboratory-based research and diagnostic work.
  - d. Regulating the unconditional release of biocontrol agents into the environment, such as the release of two parasitoid wasps to help control the invasive German and common wasps.
13. MfE officials are working with MBIE officials to determine how the remaining new organism regime will interact with the new gene technology regime. It will be important to understand how the various regulators interact with each other and what issues, if any, they may have overlapping responsibilities for.
14. MfE officials will provide you with a briefing on this work later this month.



## **Appendix 1: Talking points for joint ministers meeting on gene technology regulator – 8 May 2024**

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- MfE officials are broadly supportive of the approach proposed by MBIE regarding the legislation to support the gene technology regulator.
- Establishing the gene technology regime will require amendments to the *New Organisms* part of the HSNO Act as genetically modified organisms are considered new organisms. MfE officials are working on the remaining new organism regime and how it will interact with the gene technology regime. However, this will not require changes to the hazardous substances parts of the Act as this operates separately.
- Officials from the Ministry for the Environment are developing options for streamlining approvals of hazardous substances under the HSNO Act, but these changes will happen at a different timeline to the work to establish the gene technology regulatory.
- Methane inhibitors are chemical interventions and do not contain any biological material. Additionally, not all methane inhibitors are hazardous substances and those that aren't do not require approval under HSNO. All methane inhibitors require registration under the ACVM Act.
- The EPA's role as an independent decision-making body is important. The new gene technology regulator will likely have the same kind of independence.