

Greenpeace submission on the Hazardous Substance and New Organisms Bill

Submitter Details

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Introduction

1. We thank the Select Committee for the opportunity to submit on Hazardous Substance and New Organisms Bill (the Bill).
2. Greenpeace is a global, independent campaigning organisation that acts to protect and conserve the environment and to promote peace. Greenpeace is one of the world's largest and oldest environmental organisations, operating for half a century, since 1971, and now works in more than 55 countries. Greenpeace Aotearoa was founded in 1974 and represents many tens of thousands of supporters. Our mission is to ensure Earth's ability to nurture life in all its diversity.
3. Greenpeace is concerned that several proposed amendments in this Bill would weaken environmental safeguards and undermine the precautionary approach that has long been a cornerstone of the Hazardous Substances and New Organisms Act 1996 (HSNO Act).

Stronger protections for environmental and human health are required.

4. The HSNO Act is fundamentally a public protection statute. It exists to protect people, communities, ecosystems, and future generations from the risks posed by hazardous substances and new organisms. Its purpose is **not** to accelerate market access for hazardous substances or GMOs.

5. The Act and all regulatory processes surrounding it must be:
 - a. based on transparent, science-based decision-making;
 - b. grounded in precautionary principle and
 - c. have real independence from the agricultural and chemical industries that stand to profit from the use of hazardous substances and new organisms.

6. However. New Zealand's regulation of agrichemicals and other hazardous substances is already insufficient to protect human and environmental health. Numerous chemicals that have been restricted or prohibited overseas due to severe environmental and health impacts remain in use in Aotearoa. For example
 - a. Two neonicotinoids that are banned in the EU continue to be used in Aotearoa - clothianidin, imidacloprid - and will not even be reassessed by the EPA until in 2027.
 - b. Atrazine is banned in 44 countries but is still in use in NZ and there are not even any current plans by the EPA to reassess its use.

7. It is clear that we need a much stronger HSNO act. We submit that reform of the Act should:
 - a. Strengthen the precautionary approach.
 - b. Increase scrutiny of hazardous substances.
 - c. Accelerate the reassessment and phase-out of hazardous chemicals that are banned in other jurisdictions.
 - d. Improve transparency and public participation in the process.
 - e. Strengthen compliance and enforcement mechanisms.
 - f. Actively guard against regulatory capture and ensure there is real independence from the agricultural and chemical industries that stands to profit from hazardous substance and new organisms.
 - g. Maintain robust regulation of genetically modified organisms (GMOs).

8. Any reform of the Act should strengthen protections rather than reduce regulatory oversight, “cut red tape” or accelerate approval pathways for potentially harmful substances and organisms. However we are deeply concerned that the policy process underpinning this Bill appears to have been disproportionately influenced by industry stakeholders that stand to benefit financially from deregulation.
9. Following an Ombudsman's ruling requiring the Ministry for Regulation to release information withheld under the Official Information Act, Greenpeace obtained the list of stakeholders consulted during the regulatory review process (appendix 1). That list demonstrates extensive engagement with agricultural, chemical industry, and industry lobby groups, while environmental, public health, consumer, and community organisations were significantly underrepresented. Greenpeace was not invited to participate in this process. This imbalance casts serious doubt on whether the review adequately considered environmental protection, public health, and the broader public interest.
10. Greenpeace strongly opposes any moves toward deregulating hazardous substances and genetically engineered organisms in Aotearoa New Zealand.
11. We recommend that the Committee rejects all proposals that prioritise regulatory speed and convenience for industries that use these chemicals, substances and organisms, at the expense of environmental protection and human health.

Greenpeace opposes light-touch and temporary approval pathways

12. Greenpeace is highly concerned by the proposals to: “expand the use of proportionate, light-touch approval pathways”¹ and “enable temporary hazardous substance approvals to be sought, and granted.”²

¹ HSNO Bill - Explanatory Note.

² HSNO Bill - Explanatory Note.

13. These provisions risk allowing hazardous substances to enter the market before sufficient evidence has been gathered regarding their impacts on ecosystems, public health, and native and/or taonga species.
14. Temporary approvals effectively shift risk from applicants and chemical users onto the public and the environment. The precautionary principle requires that uncertainty should result in greater caution, not reduced scrutiny. Where uncertainty exists, the burden should remain on applicants to demonstrate safety before approval is granted.

Greenpeace supports more avenues and transparency for reassessment of hazardous chemicals

15. Greenpeace supports measures that improve reassessment processes and allow the Environmental Protection Authority (EPA) to act more quickly when new evidence of harm emerges. In particular, we support:
 - a. Publication of EPA reassessment work programmes.
 - b. Greater transparency around decision-making.
 - c. The ability of the EPA to initiate a reassessment based on changes made to the status of a hazardous substance by a recognised international regulator.
16. We recommend that the European Union be explicitly recognised as an international regulator for the purposes of reassessment, given its world-leading and thorough assessment approach.
17. However, reliance on overseas decisions and international regulators must not result in weaker standards. Any other international regulators that are recognised must have more robust assessment measures than the EPA. And New Zealand should maintain the ability to apply stronger protections where local ecosystems, species, and environmental conditions warrant additional safeguards.

Temporary restrictions during reassessment should be strengthened

18. Greenpeace supports the proposal allowing temporary restrictions on hazardous substances while reassessments are underway. However, many hazardous substances cause harm to particular species rather than causing immediately demonstrable harm across entire ecosystems. Requiring proof of risk to the wider environment may unnecessarily delay action. Furthermore, the protection of vulnerable species should be sufficient grounds for precautionary regulatory intervention.
19. The Act should therefore explicitly allow temporary restrictions where evidence demonstrates a significant risk to a particular species, not just to a wider ecosystem.

Greenpeace opposes changes that weaken oversight of Genetically Modified Organisms (GMOs)

20. New Zealand's robust and long-standing approach to regulating genetically engineering and GMOs has delivered significant benefits and helped to protect:
 - a. Biodiversity and ecosystems;
 - b. Market access for agricultural exports;
 - c. The country's international environmental reputation;
21. Greenpeace strongly opposes provisions that would weaken oversight of GMOS or create pathways for GMO release into the environment, including those that have been created using newer gene editing techniques.
22. The HSNO Bill, ACVM Bill and gene technology bill are progressing simultaneously. Given the ongoing controversy surrounding the Gene Technology Bill and the absence of broad public consensus on deregulation of genetic engineering and GMOs, it is inappropriate to make amendments to the HSNO framework that anticipate or facilitate future changes under the stalled Gene technology bill.

23. Furthermore, the interaction between these legislative reforms has not been adequately explained or assessed. Submitters and the public have not been provided with sufficient information to understand the full implications of the proposed changes. There has been no comprehensive assessment of the combined impacts of these reforms on:
- a. Biodiversity and environmental health;
 - b. Human health;
 - c. Māori rights and interests;
 - d. International trade and market access;
 - e. New Zealand's environmental reputation.
 - f. Effects on the organics sector.
24. We are particularly concerned about the proposed new Part 5A of the bill which would empower the EPA to declare, by notice, that an organism or class of organisms is not a "new organism" for the purposes of the Act. We are concerned that this could be applied to organisms that have been created using genetic engineering techniques.
25. The EPA would determine whether a proposal has "relevant significant effects" and therefore whether consultation is required. The Bill does not establish clear, objective criteria for making this determination.
26. Further, consultation is limited to persons whom the EPA considers likely to be directly affected. This narrow and subjective test risks excluding iwi, environmental organisations, scientific experts, and wider communities with legitimate interests in these decisions.
27. Decisions about whether an organism should be regulated under the HSNO Act are matters of significant public interest and should not be determined through administrative notice-making powers with limited oversight and consultation requirements.
28. We are highly concerned these provisions could create a mechanism through which genetically engineered organisms could effectively be

removed from regulatory oversight without full public scrutiny. We recommend that part 5A and consequential amendments, including definitions related to it are removed from the bill

Te Tiriti o Waitangi

29. Decisions relating to hazardous substances and GMOs can have profound and long-lasting impacts on whenua, wai, biodiversity, mahinga kai, and taonga species. The Crown therefore has obligations to ensure that Māori are able to exercise tino rangatiratanga and kaitiakitanga in decisions regarding these substances and organisms.
30. We are concerned that several provisions in the Bill reduce opportunities for meaningful public participation and could diminish Māori involvement in decision-making processes affecting environmental and cultural values.

Recommendations Summary

31. Greenpeace recommends that the Committee:
 - a. Reject any provisions that reduce scrutiny of hazardous substances or create light-touch approval pathways.
 - b. Remove provisions enabling temporary approvals before full assessments have been completed.
 - c. Strengthen the precautionary principle throughout the Act.
 - d. Accelerate reassessment and phase-out of hazardous substances that have been restricted or banned in other jurisdictions.
 - e. Strengthen temporary restriction powers to allow intervention where particular species, including taonga species, face significant risk.
 - f. Remove proposed Part 5A and all associated provisions allowing organisms to be declared "not new organisms" by notice.
 - g. Remove provisions designed to align with or anticipate the Gene Technology Bill.
 - h. Undertake a comprehensive assessment of the combined impacts of the HSNO Amendment Bill, ACVM Amendment Bill, and Gene Technology Bill before further progressing these reforms.

Conclusion

32. The HSNO Act is fundamentally a public protection statute. Its purpose is not to accelerate market access for hazardous substances or genetically engineered organisms, but to protect people, ecosystems, and future generations from harm.

33. New Zealand already faces significant challenges arising from the continued use of hazardous chemicals that have been restricted elsewhere. The appropriate response is stronger regulation, faster reassessment of harmful substances, and more robust public oversight—not deregulation.

34. Greenpeace therefore urges the Committee to reject provisions that weaken scrutiny of hazardous substances or genetically engineered organisms and instead strengthen the precautionary framework that underpins the HSNO Act.