

HIGH COURT GE DECISION A VICTORY FOR NEW ZEALANDERS

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The High Court has ruled against ERMA's decision to allow genetically engineered (GE) animals, after an appeal by GE Free New Zealand. The appeal success against these bizarre and open-ended applications for GE animals by Crown Research Institute AgResearch supports the feelings of most New Zealanders, according to the Soil & Health Association of New Zealand.

The June 5 High Court judgement ordered that "*ERMA's decision to accept the Applications as applications under s 40 of HSNO is set aside and ERMA **is to take no further steps towards hearing and assessing the Applications.***"

Polling commissioned by Soil & Health and the animal advocacy organisation SAFE last year (1) confirmed that most New Zealanders oppose GE in animals. More than 1700 people submitted against the applications of AgResearch that potentially allowed 18 types of animal to be genetically modified with animal cell lines (including human and monkey) and E.coli and yeast, at Ruakura and other unidentified facilities. The animals included cows, goats, sheep, pigs, deer, llama, horses, rats, mice, guinea pigs, rabbits, chickens and the cell-lines from humans and monkeys.

"The AgResearch applications did not specify which GE constructs would be used, or on what animals, or where in New Zealand the GE laboratory experiments, or field trials, would take place, therefore making risk analysis by the public very difficult, and the High Court has agreed," said Soil & Health spokesperson Steffan Browning.

"Our poll showed twice as many New Zealanders oppose GE in animals than support it, and like GE Free NZ, Soil & Health and hundreds of submitters to the AgResearch applications, the High Court has agreed that "*the applications are simply too generic to enable the risk assessment called for by the Hazardous Substance's and New Organism's Act (HSNO) to be meaningfully undertaken.*"

Judge Clifford had also stated, "that the information necessary for effective public input here has not been made available," and ... "To enable

effective public participation, sufficient particularity is required at the application stage."

"Every ERMA approved field trial, whether plant or animal, has fallen down on its conditions. For AgResearch to be loosely applying for a veritable zoo to play with, was risky, unethical and went against New Zealand's point of difference in the world: clean green, 100% Pure and essentially GE Free," said Mr Browning.

"AgResearch's applications continued the arrogance displayed by other CRIs. Scion disregarded consent conditions originally imposed by ERMA with its GE pine tree field trial, and Plant & Food Research allowed GE brassicas to illegally flower at its Lincoln site. ERMA effectively ignored hundreds of submitters opposed to those trials and the submitters concerns were later realised with the CRIs flouting community concern and the few conditions imposed by ERMA."

"We are very pleased that ERMA's complicity with poor compliance of the HSNO Act has been showed up again by this High Court judgement. The high level of complicity with Scion last year by ERMA and MAF Biosecurity New Zealand, and slow action against Plant & Food Research following its December 2008 breaches, shows that the regulatory bodies in New Zealand appear to be manipulated by the pro GE science lobbyists."

"The High Court decision noted the use of a Mr Slattery as a consultant providing advice to AgResearch on the applications and that previously he had been employed by ERMA as Applications Manager, and that his evidence did not differ greatly from that of the current Application manager. Soil & Health suspects an element of revolving door with Mr Slattery having appeared in another forum as an independent consultant and not declaring his genuine interest."

The High Court also quoted Environment Minister Nick Smith from a 1996 select committee (2) discussing ERMA's role, "*Neither this Parliament nor the community should want an airy-fairy authority that will make decisions on the whim of the politics of the day. We want an authority **that will base its decisions on rigour and science.***"

Minister of the day, Simon Upton was quoted from the same select committee notes, "*So the likelihood of the authority making a mistake in terms of the facts of a particular approval is very remote. It is more likely that any mistake will be the result of inadequate or inaccurate information being provided by the application.*"

"Soil & Health hopes that the current Environment Minister will ensure that New Zealand follows a clean green Brand New Zealand vision that has no GE in the environment, and that regulatory authorities are robust, making decisions on rigour and science, that are also precautionary and don't allow high risk activities. AgResearch, Scion and Plant & Food Research seem hell-bent on continuing down a GE path, yet have demonstrably shown a lack of responsibility or capacity to manage," said Mr Browning.

"Science is showing repeatedly that GE is not safe and the economic risk has not been taken into account correctly by ERMA. As shown by Scion and Plant & Food, Mr Upton's vision has failed and the likelihood of the Authority making mistakes is no longer '*remote*' but standard."

There are no legally operating GE field tests in New Zealand currently with Plant & Food's previously approved GE alliums on hold while the investigation of the failed GE brassica trial continues, and AgResearch's GE cattle are unable to be experimented on as the trial consent has expired and now their next applications have been shown to be seriously wanting

ERMA has indicated to Soil & Health that the penalty for Plant & Food's serious breach is unlikely to be as severe as we would hope for.

"The consistent mess from the GE community and risks to our clean green image should ensure that Plant & Food do not proceed with any GE field trials. Euthanasia of AgResearch's current GE herd and elimination of all GE field tests will be better for New Zealand's environmental and economic future," says Mr Browning.

Soil & Health promotes an Organic 2020 with food and environment free from GE.

- (1) Soil & Health and SAFE GE Animal Poll media release. Text below
- (2) Select Committee Quotes re ERMA. Text below.

(1) Soil & Health and SAFE GE Animal Poll media release.

12 October 2008

KIWI POLL REJECTS GE ANIMALS

Most New Zealanders are strongly opposed to the genetic engineering of animals in New Zealand, with farmers as ardently opposed as the rest of the community, a new survey shows.

A Colmar Brunton *Omnijet* survey of over 1000 people, commissioned by the Soil & Health Association of New Zealand and the national animal advocacy organisation SAFE, found that only 27 per cent of New Zealanders, and just 28 per cent of farmers, support genetic engineering (GE) of animals. However six out of ten farmers (61%) who stated an opinion in the survey said they do not support GE of animals, and almost a third of all farmers surveyed (28%) stated they 'don't know.'

The two organisations that commissioned the poll, along with GE Free NZ and the Green Party, mounted nationwide campaigns last month to vehemently oppose four applications submitted by AgResearch to conduct broad-ranging genetic research and the commercialisation of GE animals.

The groups warn the applications threaten New Zealand's clean green image and could result in potentially catastrophic environmental disasters in addition to animal suffering.

"Twice as many New Zealanders oppose GE than support it," says Soil & Health spokesperson Steffan Browning. "These AgResearch applications effectively threaten our entire nation by proposing commercial production, and go much further than just small-scale, contained research."

SAFE campaign director Hans Kriek said today: "The majority of New Zealanders are opposed to GE animals (55%) and almost one in five (18%) want more information about what is being planned, the risks involved, the effect on the animals and who will really benefit. New Zealanders have an inherent distain for the genetic engineering of animals. When you consider the foetal abnormalities, deformities and congenital health defects of cloned GE animals, kiwis have very valid reasons to oppose GE."

The survey shows two thirds (67%) of people who expressed an opinion are opposed.

Opposition is equally strong across different ethnicities: among those with Maori descent who expressed an opinion nine out of ten (86%) are opposed.

For further details of the survey or for more information please contact:

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<http://safe.org.nz/Campaigns/Genetic-engineering-of-animals/> OR

<http://www.gefree.org.nz/geanimals.htm> OR <http://www.organicnz.org>