

19-D-01782, 19-D-01784, 19-D-01785

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 27 August 2019 requesting the following under the Official Information Act 1982 (the Act):

This OIA request is relating to communications by Secretary for the Environment Vicky Robertson from October 2017 up until the date of request

I request all correspondence and advice by Secretary for the Environment Vicky Robertson relating to:

This OIA request is relating to communications by Deputy Secretary Cheryl Barnes from October 2017 up until the date of this request

I request all correspondence and advice by Deputy Secretary Cheryl Barnes relating to:

Please consider this an OIA request relating to communications by Martin Workman from October 2017 up until the date of this request.

I request all correspondence and advice relating to:

- *Agrichemical (including pesticides, herbicides, insecticides) pollution in freshwater*
- *Heavy metal pollution in freshwater*
- *Emerging organic contaminants in freshwater*
- *Endocrine disruption and endpoints of endocrine disrupting compounds*
- *Toxicity from 'cocktail' or mixture effects of environmental chemicals*

The Ministry for the Environment has identified four documents in scope of your request, as listed in the attached table. One document was found relating to correspondence from Martin Workman (19-D-01782); two from Cheryl Barnes (19-D-01784), and none from Vicky Robertson (19-D-01785). We have also included a response to an email sent to Cheryl Barnes, though the reply was sent by another staff member.

Some information within these documents has been withheld under the following sections of the Act: Information which would identify the correspondents has been withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment will publish responses to most of our requests for official information on our web site on our [OIA responses page](#) shortly after the response has been sent to you.

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Katherine Meerman', is written over a circular stamp or seal.

Katherine Meerman
Director, Water

Released under the provision of
the Official Information Act 1982

List of documents

19-D-10782 Martin Workman

Document no.	Document date	Title & document type	Decisions	OIA sections applied
1	14/03/2018	Email: Fwd: Minister Parker PFAS information request	Released in full	N/A

19-D-01784 Cheryl Barnes

Document no.	Document date	Title & document type	Decisions	OIA sections applied
2	11/04/2018	Email: Following up	Released with minor redactions	9(2)(a)
3	19/06/2019	Email: RE: Amendment to RMA	Released with minor redactions	9(2)(a)
4	25/06/2019	Re: Suffering Community	Released with minor redactions	9(2)(a)

19-D-01785 Vicky Robertson

No relevant documents

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the Official Information Act 1982

From: [Martin Workman](#)
To: [Martin Workman \(Parliament\)](#)
Subject: Fwd: Minister Parker PFAS information request
Date: Wednesday, 14 March 2018 9:23:54 AM
Attachments: [image001.png](#)

Sent from my iPhone

Begin forwarded message:

From: Glenn Wigley <glenn.wigley@mfe.govt.nz>
Date: 13 March 2018 at 3:40:49 PM NZDT
To: Martin Workman <martin.workman@mfe.govt.nz>
Cc: Brian Hallinan <Brian.Hallinan@mfe.govt.nz>, Mark Patchett <Mark.Patchett@epa.govt.nz>, Claire Richardson <Claire.Richardson@mfe.govt.nz>, Vicki Connor <Vicki.Connor@mfe.govt.nz>
Subject: Re: Minister Parker PFAS information request

Hi Martin

Below is an initial response on the history of consultation on fire fighting foams and PFAS

Note that we are working with Work Safe over the next few days to gain what occurred during the time that Work Safe and it's pre decessors were responsible for its enforcement.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Mark Patchett <Mark.Patchett@epa.govt.nz>
Date: 13/03/18 14:34 (GMT+12:00)
To: Glenn Wigley <glenn.wigley@mfe.govt.nz>, Hamish Campbell <Hamish.Campbell@mfe.govt.nz>
Cc: Brian Hallinan <Brian.Hallinan@mfe.govt.nz>, Sandra Balcombe <Sandra.Balcombe@epa.govt.nz>, Peter Dawson <Peter.Dawson@epa.govt.nz>
Subject: RE: Minister Parker PFAS information request

Hi Glenn,

Our response to the Ministers questions are:

As you know, PFAS is a large group of chemicals, most of which are legal in New Zealand. PFOS is the issue that we have been focusing on because that is the chemical in the firefighting foams that is now causing issues. The regulation of PFOS and PFOA is under the Fire Fighting Chemicals Group Standard 2006 issued under HSNO Act. That Group Standard says that firefighting foams (used to fight liquid fuel fires) must not contain PFOS or PFOA. Until 2006 there was no active regulation of the use of PFOS or PFOA. From 2000 until 2002, 3M (the manufacturer of PFOS foams) phased out the production of PFOS containing foams. The HSNO Act allows importers and manufacturers to decide if their products fit within the group standards, and in the usual course can do this without involving regulators

Questions

- 1 Information on what was done to make relevant organisations aware of the various restrictions or bans on PFAS that have come into effect since 2002.

- a. The predecessor organisation of the EPA, ERMA (the Environmental Risk Management Authority), consulted on the Group Standard prior to it being made in 2006. The consultation was public, because that is required under the HSNO Act, and was also targeted towards importers of firefighting foams.
 - b. Prior to PFOS becoming a listed Stockholm Convention chemical in 2011 the Ministry for the Environment consulted on whether PFOS listing should be adopted into New Zealand law. The adoption into New Zealand law was approved by Cabinet, the HSNO Act was at this point amended to list PFOS as a Persistent Organic Pollutant. This finally occurred in August 2011. This meant PFOS was completely banned in NZ from everything, not just firefighting foams.
- 2 Agency responsible for ensuring compliance with the PFAS restrictions and what actions they took to inform people and to do follow up inspections.
- a. Until 1 December 2017, Worksafe and its predecessors were responsible for ensuring compliance. The EPA is now responsible for compliance. Regional Councils under the RMA are responsible for effects of discharges of contaminants and for management of contaminated land. We are unsure what Worksafe and its predecessors did to inform people or what follow up inspections were undertaken. Note that due to the exemption for the Minister of Defence under HSNO, the Ministry of Defence is not subject to compliance action.

Mark Patchett
General Manager
Strategic and Regulatory Services

+64 4 474 5485 | +64 27 809 6843



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This email message and any attachment(s) are intended for the addressee(s) only.
If you receive this message in error, please notify the sender and delete the message and any attachment(s).

From: Glenn Wigley [mailto:glenn.wigley@mfe.govt.nz]
Sent: Tuesday, 13 March 2018 1:06 p.m.
To: Mark Patchett <Mark.Patchett@epa.govt.nz>
Cc: Brian Hallinan <Brian.Hallinan@mfe.govt.nz>
Subject: Fwd: Minister Parker PFAS information request

Mark see below.

You may have this info.

Please work with Brian on it, or Peter or right person be available.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Glenn Wigley <glenn.wigley@mfe.govt.nz>
Date: 13/03/18 12:55 (GMT+12:00)

To: "Martin Workman (Parliament)" <Martin.Workman@parliament.govt.nz>, Claire Richardson <Claire.Richardson@mfe.govt.nz>
Cc: Brian Hallinan <Brian.Hallinan@mfe.govt.nz>, Hamish Campbell <Hamish.Campbell@mfe.govt.nz>, peter.dawson@epa.govt
Subject: Re: Minister Parker PFAS information request

Hi Martin

Thanks. As you are aware up in Auckland about to go into presentation.

Mark and Brian - could you please work together to get something to Martin this afternoon.

I won't be available next few hours.

Will text you both Brian and Mark to ensure you get this.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Martin Workman <Martin.Workman@parliament.govt.nz>
Date: 13/03/18 12:46 (GMT+12:00)
To: Claire Richardson <Claire.Richardson@mfe.govt.nz>, Glenn Wigley <glenn.wigley@mfe.govt.nz>
Subject: Minister Parker PFAS information request

Hi

Minister Parker has asked for information on what was done to make relevant organisations aware of the various restrictions or bans on PFAS that have come into effect since 2002. He wants to know what agency was responsible for ensuring compliance with the PFAS restrictions and what actions they took to inform people and to do follow up inspections.

He wants to be prepared for media questions on these issues and to have a better understanding of how we have ended up in the situation we find ourselves in today.

Given the potential media interest there is some urgency to get this information. Can you let me know when you think it will be available.

Martin Workman | Private Secretary (Environment)

DDI +64 4 81 7 88 74 | Mobile +64 22 5173268 | Email martin.workman@parliament.govt.nz

Office of Hon David Parker MP | Minister for the Environment | Attorney-General | Minister for Economic Development | Minister for Trade and Export Growth | Associate Minister of Finance

From: Cheryl Barnes
To: s 9(2)(a)
Subject: Following up
Date: Wednesday, 11 April 2018 1:06:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Kia ora s 9(2)(a),

Good to meet you at the Watershed event on Monday.

You asked me about the best source of information on agreed standards for water quality attributes, and the team here advise that the best place to look is in the National Objective Framework (NOF) in the National Policy Statement for Freshwater Management (NPSFM).

The link to the latest version of the NPSFM is here:

<http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2014-amended-2017>

With more information about the NPSFM provided here:

<http://www.mfe.govt.nz/fresh-water/regulations/national-policy-statement-freshwater-management>

All attributes in the NOF have gone through a rigorous process and meet the following requirements:

1. The attribute can be linked to a national value.
2. The attribute can be measured and can be organised into bands with readily definable thresholds between bands (on a national scale).
3. The current state and improving and declining trends for the attribute can be evaluated.
4. The environmental state that the attribute defines can be robustly linked to actions on land, and limits on resource use, to achieve the desired state (i.e. the objective).
5. The implications and impacts of including the attribute in the National Objectives Framework can be evaluated.

We currently have national attributes for:

- lakes that include phytoplankton, total nitrogen, total phosphorus, ammonia toxicity, *E. coli*, and cyanobacteria (toxic algae), and
- rivers that include periphyton (nuisance algae), nitrate toxicity, ammonia toxicity, dissolved oxygen and *E. coli*.

The NPSFM also includes monitoring requirements for macroinvertebrates and *E. coli*.

The Ministry is currently in the process of developing attributes for sediment, estuaries and heavy metals.

Another useful source of information is the the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines) found here:

<http://www.mfe.govt.nz/fresh-water/technical-guidance-and-guidelines/anzecc-2000-guidelines>

The ANZECC 2000 Guidelines include trigger values, which indicate the upper range of an unmodified or slightly modified 'reference' ecosystem. Above these values further analysis and monitoring is recommended. Trigger values are provided for a wide range of variables including phosphorus, nitrogen, ammonia, dissolved oxygen, pH, clarity and turbidity.

I hope this is helpful. I've copied in Sheree, our Water Science Manager, who can help if you have further questions.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppard Place, Wellington



Ministry for the
Environment
Manatu Mo Te Taiao



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Aotearoa - He whenua mana kura mo te tangata



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From: Cheryl Barnes
To: Chris Baylis; Ministerials; Ilka Pelzer
Cc: Janice Rodenburg; Juliet Trevethick
Subject: RE: Amendment to RMA
Date: Wednesday, 19 June 2019 2:03:31 PM

Thanks Chris Would you mind drafting an email to that effect that I can send?

Thanks
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz
Kate Sheppard Place, Wellington

-----Original Message-----

From: Chris Baylis <Chris.Baylis@mfe.govt.nz>
Sent: Wednesday, 19 June 2019 1:39 PM
To: Ministerials <ministerials@mfe.govt.nz>; Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>; Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Juliet Trevethick <Juliet.Trevethick@mfe.govt.nz>
Subject: RE: Amendment to RMA

Hi Cheryl,

Juliet has provided the following useful information relating to the letter that Risha attached

"Let me give you some background on this Yesterday we responded to this submitter who was not happy with our advice that the EPA are the agency who makes decisions on the use of chemicals and controls on those substances

The submitter has OIA'd the EPA, met with them multiple times, the EPA CE has also written to him, he had an ombudsmen's review, written to us and the minister (we treated this as a departmental response) which he received yesterday He has also spoken with our manager Abbe Bull

The submitter is in contact with the EPA who are assisting him and he is happy with their support although I think he is wanting them to ban the use of certain chemicals such as Hi-Cane and the EPA are unable to do so without a significant change in risk factors/scientific evidence A chemical reassessment is a lengthy, costly and very involved process It sounds as though he is wanting to bring operational improvements around the use of the chemical to the EPA's attention such as site inspections, signage and other enforcement measures which is not something we can help him with He is currently receiving this support and advice from the EPA

Attached is the email chain from yesterday discussing his reply to the response and the letter we responded with From our point of view, we have said everything that we can from a policy perspective The EPA is the only agency who can assist him further with his request

My suggestion is that we refer to yesterday's letter and reiterate that there is little more that we can add

Chris

Chris Baylis – Senior Communications Advisor Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 022 517 3390 Email: chris.baylis@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143

-----Original Message-----

From: Ministerials <ministerials@mfe.govt.nz>
Sent: Wednesday, 19 June 2019 11:11 PM
To: Chris Baylis <Chris.Baylis@mfe.govt.nz>; Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>; Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>
Subject: RE: Amendment to RMA

Hi,

This the reply sent to John yesterday

Thanks,

Risha Manakandathil – Ministerial Coordinator Ministry for the Environment – Manatu Mo Te Taiao
Email: ministerials@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143

-----Original Message-----

From: Chris Baylis <Chris.Baylis@mfe.govt.nz>
Sent: Wednesday, 19 June 2019 12:57 PM
To: Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>; Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Ministerials <ministerials@mfe.govt.nz>
Subject: RE: Amendment to RMA

Is it possible to dig this out?

Chris

Chris Baylis – Senior Communications Advisor Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 022 517 3390 Email: chris.baylis@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143

-----Original Message-----

From: Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>
Sent: Wednesday, 19 June 2019 12:56 PM
To: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>; Chris Baylis <Chris.Baylis@mfe.govt.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Ministerials <ministerials@mfe.govt.nz>
Subject: RE: Amendment to RMA

Thanks, John has written a very similar request to Vicky and MFE has responded. So I suggest we refer to our recent reply. Thanks

Ilka Pelzer – Executive Assistant to Vicky Robertson, Secretary for the Environment Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 022 517 3266 Website: www.mfe.govt.nz Environment House, 23 Kate Sheppard Place, Thorndon, PO Box 10362, Wellington 6143

-----Original Message-----

From: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Sent: Wednesday, 19 June 2019 12:27 PM
To: Chris Baylis <Chris.Baylis@mfe.govt.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>
Subject: FW: Amendment to RMA

Hi Chris - another for advice on a response please

Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz Kate Sheppard Place, Wellington

-----Original Message-----

From: s 9(2)(a)
Sent: Wednesday, 19 June 2019 12:21 PM
To: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>; s 9(2)(a) Ilka Pelzer <Ilka.Pelzer@mfe.govt.nz>; s 9(2)(a)
Subject: Amendment to RMA

Dear Cheryl,

Myself and s 9(2)(a) have raised concerns around the appalling practices of the Kiwifruit Industry. Sadly out of all our concerns raised we received a letter advising us the EPA is the department responsible.

Our main concern is the lethal sprays used in and around our community and environment. There are several orchards that have planted next to water ways, my neighbor one of the worse offenders. Every time he sprays the drift goes straight into the Puketotara River. I have found dead eels, ducks and even a dead mud fish after spraying. I believe this is a matter for the MFE. Yes we are working with the EPA to get these chemicals banned but in the mean time, we need an urgent amendment to the RMA, to insure all future Kiwifruit orchards need to apply for a resource consent prior to any planting. We must insure our waterways are protected for future generations. The Kiwifruit Industry has no regard for the environment, their only concern is profits. Please have a look at the attached link about the chemical Calypso.

<https://www.cropscience.bayer.co.nz/-/media/inter/B/CS/NZ/CP/CropScience%20NZ/Product%20Downloads/Insecticides/Calypso/Label%20Calypso%20P5664%204113.ashx>
This chemical is regularly sprayed next to our waterways with no shelter in place. It breaks all the controls around this product. The Kiwifruit Industry cannot be trusted to police their own growers, so there must be legislation to insure the safety of communities and the environment.

I have written to the UN in particular the OHCHR whom we hope will get some action. I have sent you a copy of that letter. I will also attach the spray plan for my neighbors orchard, as you will see they use a lot of sprays and all drift and run off going into the towns water supply. We have tried tirelessly to get NZKGI to act, all we are told is they are working on Grower and Public awareness programs. Well they no the rules and the public know how lethal these chemicals are, so an awareness program is useless, what we need to action. The Kiwifruit industry was never self policing which never works. They need to be governed by the RMA so as, we can be assured future planting does not pose a risk to our waterways and environment. Please Cheryl give this your most urgent attention, the kiwifruit industry is planting about triple the amount of Kiwifruit at the moment. They need to be policed.

Regards
s 9(2)
(a)

Released under the Official Information Act 1982

From: [Chris Baylis](#)
To: [Ella Tisdall](#)
Subject: FW: Re: Suffering Community
Date: Monday, 23 September 2019 2:58:13 PM

From: Andrea Szujo **On Behalf Of** Glenn Wigley
Sent: Tuesday, 25 June 2019 8:53 AM
To: s 9(2)(a)
Subject: Re: Suffering Community

Dear s 9(2)(a),

Thank you for your email dated Wednesday 19 June. I note that you have previously raised similar concerns with us and the Environment Protection Authority (EPA). We previously provided you with a response to your concerns on 19 June.

As we understand it, there are two parts to your correspondence. The first is the appropriateness of the on-going use of hazardous substances (Hi Cane), and the second is the ability to enforce controls on those substances which you feel are not being followed.

The Ministry for the Environment does not have an operational function with regards to the ongoing use of hazardous substances. The EPA is the agency responsible for controlling the use of Hi-Cane and the other chemicals you mention. Accordingly, they are the responsible agency that set controls for the use of chemicals and monitor their use along with the Regional Council. We understand that you are engaging with the EPA about this matter.

The second point you raise relates to the compliance and enforcement of chemicals used in Kiwifruit orchards in Northland. In this case, Northland Regional Council are responsible for managing activities such as inappropriate spraying of hazardous substances approved by the EPA. If you have concerns regarding spraying in high wind situations we recommend that you call the Northland Regional Council hotline (0800 504 639) immediately. If reporting occurs at a later time, the options are limited.

Regards,

Glenn Wigley
Director, Natural and Built System