https://fyi.org.nz/request/35467-experimental-trials-of-plant-protection-substances-app205201-and-app205221

NEW ZEALAND ENVIRONMENTAL PROTECTION AUTHORITY.

OFFICIAL INFORMATION ACT REQUEST:

Experimental trials of plant protection substances (APP205201 and APP205221)

J R BRUNING. SEPTEMBER 15, 2026.

This request concerns the Environmental Protection Authority's recent approvals for field trials for experimental plant-protection substances under APP205201 (Syngenta) and APP205221 (Corteva).

MPI states that human-health and environmental concerns associated with agricultural chemicals are principally addressed by the EPA, while MPI's role in experimental trials principally concerns ACVM authorisation and approved operating plans. Workplace health and safety is separately governed under the Health and Safety at Work Act 2015 and administered by WorkSafe, whose guidance recognises personal exposure monitoring, biological exposure monitoring and health monitoring as potential components of worker-risk management.

This request concerns the approvals for incompletely characterised experimental pesticides:

Syngenta APP205201: application dated 15 June 2026; EPA decision notified 30 July 2026. That is 45 days from the date on the application to notified decision.

Corteva APP205221: application dated 27 July 2026; EPA decision notified 24 August 2026. That is just 28 days.

These active ingredients and their formulation compounds have not been publicly disclosed. There is no disclosure of the extent to which these active ingredients have been risk assessed by other jurisdictions such as the European Food Safety Authority:

- Corteva: ‘As no data exists on these compounds’
- Syngenta: ‘These include active ingredients that have been approved by regulatory authorities around the world, and novel compounds that are in the early stage of development and therefore have not been assessed by any overseas regulatory authority.’

The publicly available applications focus on efficacy, crop safety and residue data, and do not disclose any requirement for prospective worker-health monitoring or biomonitoring.

The applications raise unusual questions concerning the extent to which any risk assessment may have occurred at all for the secret substances. Syngenta expressly states that its application includes both active ingredients approved by regulators overseas and ‘novel compounds that are in the early stage of development and therefore have not been assessed by any overseas regulatory authority’. Corteva states that ‘no data exists on these compounds’ and only that overseas regulators ‘may also be aware’ of substances depending on their development stage and that many are being trialled internationally to generate efficacy and residue data.

Overseas awareness, experimental use and substantive regulatory assessment are different evidential thresholds.

Faster approval of previously assessed pesticides should therefore be distinguished from authorisation of previously unassessed experimental substances. Regulatory reliance can draw upon an existing evidential dossier and regulatory assessment. Experimental authorisation may instead occur while that evidence is still being generated. Indeed, the applications describe trials intended to generate efficacy, crop-safety and residue data.

There is no evidence that these chemicals or novel compounds have undergone comprehensive risk assessment in any foreign jurisdiction, for example, by the European Food Safety Authority (EFSA) to evaluate human toxicology, operator and worker exposure, environmental fate and degradation, metabolites and transformation products, groundwater exposure, ecotoxicology and effects on non-target organisms for each chemical, including novel substance.

For example the legally binding European Commission Regulation (EU) No 283/2013: Data requirements for active substances would require the following information:

- Identity and physicochemical properties
- Methods of analysis and monitoring
- Human toxicology and metabolism, including absorption, distribution, metabolism and excretion; acute, short- and long-term toxicity; carcinogenicity; reproductive and developmental toxicity; neurotoxicity and endocrine effects
- Residues, including metabolites and degradation products in food and feed
- Operator, worker, resident and bystander exposure
- Environmental fate and behaviour, including degradation, transformation products, persistence and movement through soil, water, sediment and air
- Groundwater contamination
- Ecotoxicology, including birds, mammals, aquatic organisms, bees and other arthropods, soil organisms, plants and other non-target organisms
- effects from single, prolonged or repeated exposure, including direct and indirect, reversible and irreversible effects
- impacts upon biodiversity and ecosystems.

Regulation 283/2013 explicitly requires analytical methods capable of measuring active substances and relevant metabolites in body fluids and tissues, including matrices used in operator, worker, resident and bystander exposure studies. (Page 20/84)

European regulatory approach to confidentiality and environmental information

We believe it is useful to outline that European pesticide regulation applies a substantially more structured approach to commercial confidentiality than what appears to be the case in New Zealand.

Under the EU Transparency Regulation and the General Food Law, confidentiality is an exception rather than something determined by the applicant. A request must fall within a legally permitted category and be supported by verifiable justification demonstrating significant harm to the applicant's interests. The applicant provides confidential and non-confidential versions and

identifies the grounds for each claim. The responsible authority then conducts a concrete and individual examination and issues a reasoned decision. Information for which confidentiality is not justified is made public.

For pesticides, these protections sit within an additional environmental transparency framework. Regulation (EC) No 1107/2009 expressly preserves the operation of Directive 2003/4/EC on public access to environmental information.

The Court of Justice confirmed in Bayer CropScience v Stichting De Bijenstichting (C-442/14) that information concerning pesticide emissions into the environment extends beyond the simple identity of a product. It can encompass the nature, composition, quantity, date and place of releases, environmental residues and drift, and information concerning medium- and long-term environmental consequences. Commercial or industrial confidentiality cannot simply be invoked to prevent disclosure of information falling within this environmental-emissions protection.

This European approach is particularly relevant to New Zealand because the EPA itself places considerable reliance on assessments by European and other overseas regulators. In declining to find grounds to reassess glyphosate, for example, the EPA expressly relied upon conclusions reached by regulators in the European Union, Australia and the United States, and continues to describe those bodies as comparable international regulators whose assessments inform its own regulatory position.

There is therefore an important question of regulatory consistency.

If New Zealand relies upon European regulatory assessments as evidence supporting pesticide approvals or decisions not to reassess, to what extent does it also recognise the evidential, transparency and confidentiality disciplines under which those European assessments are produced?

In APP205201 and APP205221, the public documentation does not make discernible an equivalent process requiring each confidentiality claim to fall within prescribed categories, demonstrate significant commercial harm, undergo an individual regulatory assessment, and be balanced against the public interest in environmental information.

OIA REQUEST

The relatively short assessment periods suggest that the substantive records relied upon should be concentrated within the two application files and among the EPA officials directly responsible for assessing and deciding them.

To keep this request reasonably bounded, I am not asking EPA to undertake an organisation-wide search or to create new information. Unless specifically requested below, please limit searches to:

the complete EPA application and decision files for APP205201 and APP205221, including confidential material, assessments, advice, notes and records supplied to or generated by the officials responsible for assessing or deciding the applications; and

substantive correspondence concerning these applications between those EPA officials and the applicants, MPI or WorkSafe.

Routine administrative correspondence, meeting scheduling, duplicate records and internal email chains that contain no substantive assessment or advice may be excluded.

Where the requested information is already consolidated within an application file, assessment, memorandum, decision record, confidential appendix, SDS, operating plan or substantive correspondence, please provide that record rather than undertaking additional searches for duplicate information.

Against that background, please provide the following information.

1. RESPONSIBLE OFFICIALS

Please identify the EPA official(s) responsible for assessing, reviewing and approving each application, including the decision-maker. I anticipate this will comprise approximately 1–3 principal officials for each application.

2. IDENTITY, REGULATORY HISTORY AND HAZARDS

Please provide existing records identifying, for the substances authorised under APP205201 and APP205221:

(a) substance/development code and active ingredient, where held;

(b) pesticide/functional class and whether novel;

(c) whether previously assessed by an overseas regulator and, if so, which regulator;

(d) hazard classifications;

(e) technological class, including whether a conventional chemical/small molecule, biological or microbial agent, peptide/protein, nucleic-acid or RNA-based substance (including dsRNA/RNAi), or another technology; and

(f) whether the substance contains, consists of, is produced by, or is intended to act upon an organism through genetic modification, gene editing, gene silencing, RNA interference or another technology acting upon genetic material or gene expression.

For any substance involving an organism, microorganism, biological agent, nucleic acid or technology acting upon genetic material or gene expression, please provide any existing EPA record considering whether it was regulated solely as a hazardous substance or whether the HSNO provisions governing new organisms, genetically modified organisms or field testing of new organisms were also applicable, including any determination, classification or legal/scientific advice relied upon.

Where EPA determined that such a substance or technology did not constitute or involve a new organism or genetically modified organism for HSNO purposes, please provide the existing record supporting that determination.

Where chemical or biological identity is withheld, please provide the remaining information that can be released without disclosing that identity.

Please also provide the existing human-health and environmental assessment relied upon by EPA for substances not previously assessed by an overseas regulator, including any assessment of toxicology, occupational exposure, environmental fate/persistence, metabolites or transformation products, mobility/leaching/run-off/drift, bioaccumulation and ecotoxicology.

Please provide any record identifying material uncertainties or evidence gaps considered by EPA and how these affected the controls or decision.

3. CONFIDENTIALITY AND PUBLIC INTEREST

Please provide the confidential appendices, Project Plans, Trial Management Plans and SDSs for APP205201 and APP205221, with only information EPA determines should lawfully be withheld redacted.

Please provide EPA's existing record of its consideration of the confidentiality claims, including the withholding provision relied upon and consideration of the public interest in disclosure, particularly concerning active-substance identity, hazard classification, technological class and environmental-fate information for substances authorised for outdoor field trials.

If no such assessment or record exists, please confirm this.

4. SCALE OF EXPERIMENTAL USE AND ENVIRONMENTAL MONITORING

These approvals encompass 104 experimental substances: 84 under APP205201 and 20 under APP205221. Please provide existing records showing the scale of field use authorised or anticipated under the approvals, including the number of substances that may be field-trialled, quantities, number and maximum size of trial sites, maximum area that may be treated per substance and in aggregate, number or frequency of applications, and any limits on repeated trials across sites, crops or growing seasons.

Please also provide the criteria or assessment relied upon by EPA in determining that the authorised activity constitutes “small-scale”, including whether EPA assessed the potential cumulative land area and aggregate quantity of experimental substances that may be applied over the life of each approval.

Please also provide any requirement or assessment concerning:

(a) baseline testing of trial-site soil, water or biota;

(b) monitoring during or after trials for the experimental substance, active ingredient, biologically active material or nucleic-acid sequence, metabolites, degradation or transformation products, as applicable;

(c) persistence, degradation, mobility, leaching, run-off, drift, bioaccumulation, biological activity, effects on gene expression, or effects on target and non-target organisms, as applicable; and

(d) post-trial environmental sampling or monitoring to determine whether the experimental substance or biologically active material persists, remains biologically active, or produces unintended effects. Where no baseline or post-trial environmental monitoring is required, please provide any existing record explaining why EPA considered this unnecessary.

Please also identify the statute, regulation, EPA notice, approval control or other instrument that EPA considers responsible for ensuring environmental effects from experimental pesticide field trials are detected and fed back into subsequent regulatory decision-making.

5. WORKER EXPOSURE AND HEALTH

Please provide EPA's existing assessment of occupational exposure and worker-health risks for APP205201 and APP205221, including where addressed:

(a) dispensing, mixing, application and handling of treated material;

(b) inhalation, dermal exposure and field/glasshouse re-entry;

(c) complete formulations, co-formulants, tank mixtures or combined exposures; and

(d) the evidence supporting PPE, re-entry, ventilation and decontamination requirements.

Please also provide any EPA consideration of personal exposure monitoring, biological exposure monitoring or health monitoring, including any existing record identifying applicable workplace exposure standards, biological exposure indices, validated biomarkers or occupational health-surveillance requirements.

Where novel substances lack established exposure standards or biomarkers, please provide any existing assessment addressing how occupational exposure or emerging adverse health effects would be detected.

This is particularly relevant because Corteva identifies personnel applying the substances as facing the most likely risk and states that PPE is selected according to the known hazardous properties of each substance.

6. MPI, WORKSAFE AND PRECAUTIONARY ASSESSMENT

Please provide substantive scientific, environmental, occupational-health or risk-assessment advice or correspondence concerning APP205201 or APP205221 exchanged between the responsible EPA officials and the applicants, MPI or WorkSafe.

Please confirm whether WorkSafe was consulted before approval and whether it was provided with the identities/SDSs of the experimental substances.

Finally, please provide EPA's existing assessment of uncertainty and precaution for these applications, including its consideration of Corteva's response to the “Precautionary approach” section:

> *‘Not provided as none of the risks identified in section 9.1 are considered to be significant.’*

If EPA holds no substantive assessment or record responsive to any individual component above, please simply confirm that no such record is held.