GMO provisions – agreed wording – revised by expert planners 7 February 2019

B Definitions

Genetically Modified Organism (GMO)	Unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material: (a) have been modified by in vitro techniques; or (b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques. This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.
Genetically Modified Organism Field Trials	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.
Genetically modified organism release	To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987. A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.
Genetically Modified Veterinary Vaccine	A veterinary vaccine that is a genetically modified organism as defined in this Plan.
Genetically modified medical applications	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including Environmental Protection Authority approved releases, except for the outdoor cultivation of pharmaceutical producing organisms.
Viable Genetically Modified Veterinary Vaccine	A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

C Rules

C.1.8 Genetically Modified Organisms

C.1.8.1 Genetically modified organisms in the coastal marine area – permitted activities

The following activities in the coastal marine area involving genetically modified organisms are permitted activities:

1. research and trials within contained laboratories, and
2. medical applications (including vaccines) involving the use of viable and / or non-viable genetically modified organisms, and
3. veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is supervised by a veterinarian.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.2 Genetically modified organism field trials - discretionary activity

A genetically modified organism field trial in the coastal marine area is a discretionary activity provided:

1. The genetically modified organism field trial has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2. A Risk Management Plan is provided that addresses all matters set out in Policy D.5.33.
3. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

Notification:

Any application for resource consent under rule C.1.8.2 must be publicly notified.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))

- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.3 Viable genetically modified veterinary vaccines - discretionary activity

The use of any viable genetically modified veterinary vaccine that is not a permitted activity under rule *C.1.8.1 Genetically modified organisms in the Coastal Marine Area – permitted activities*, is a discretionary activity, provided:

1. The genetically modified veterinary vaccine has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.

2. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

Notification:

Any application for resource consent under rule C.1.8.3 must be publicly notified.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.4 Genetically modified organism releases – prohibited activity

Any:

1. genetically modified organism release (conditional or full), or
2. genetically modified organism field trial, or
3. use of any viable genetically modified veterinary vaccine,

that is not a permitted or discretionary activity in Section C.1.8 of this Plan, is a prohibited activity

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

D Policies

D.5 Coastal

D.5.28 Precautionary approach to managing genetically modified organisms

Adopt a precautionary approach to assessing and managing the:

1. risks,
2. uncertainty and lack of information, and
3. significance, scale and nature of potential adverse effects,

associated with the use of genetic engineering or the release of genetically modified organisms in the coastal marine area.

D.5.29 Adaptive approach to the management of genetically modified organism

Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism, including through periodic reviews of the genetically modified organism provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.

D.5.30 Avoiding adverse effects of genetically modified organism field trials

Ensure that any resource consent granted for genetically modified organism field trials avoids, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tangata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

D.5.31 Liability for adverse effects from genetically modified organism activities

Require consent holders for a genetically modified organism activity to be liable, including financial accountability, (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

D.5.32 Bonds for genetically modified organism activities

Require bonds as a condition of resource consents for the use of genetically modified organisms to provide for the redress of any adverse effects (including any adverse economic effects on third parties) that become apparent during or after expiration of a consent, including consideration of (but not limited to) the following:

(a) the significance, scale, nature and timescale of potential adverse effects,
(b) the proposed measures to be taken to avoid those effects,
(c) the monitoring proposed to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied, and
(d) the likely scale of costs associated with remediating any adverse effects that may occur.

D.5.33 Risk management plan for genetically modified organism field trials

A Risk Management Plan for genetically modified organism field trials must include, but is not limited to, the following:

1. The species, characteristics and lifecycle of the genetically modified organism
2. All research undertaken that characterises and tests the genetically modified organism, and the certainty associated with the accuracy of that information.
3. The areas in which the genetically modified organism, including discharges, is to be confined.
4. Proposed containment measures for the commencement, duration and completion of the proposed field trial.
5. The actual and potential adverse effects to the environment, cultural values and economy associated with the field trial, including in the event the genetically modified organism escapes from the contained area,
6. The proposed measures, including contingency measures, that will be taken to avoid, remedy or mitigate actual and potential adverse effects.
7. Details of the monitoring to be undertaken, including how and by whom monitoring will be undertaken
8. Reporting requirements
9. Recommended conditions of resource consent covering the matters listed above.
10. Provision for the systematic review and approval of any amendments to the Risk Management Plan by Council.

F Objectives

F.0.15 Use of genetic engineering and the release of genetically modified organisms

The coastal marine area is protected from adverse effects on the environment associated with the use of genetic engineering and the release of genetically modified organisms.