PSGR NZ
Physicians & Scientists for Global Responsibility

Email: info@PSGR.org.nz
Social: @PSGRNZ
Website: PSGR.org.nz

June 4, 2026.

Simon Upton

Parliamentary Commissioner for the Environment.

Dear Mr Upton,

PSGRNZ recently completed a detailed review of the Hazardous Substances and New Organisms Amendment Bill (304-1) and wished to draw several matters to your attention.

In reviewing the Bill, we were struck by the extent to which its underlying policy architecture appears to have been derived from the Ministry for Regulation's Agricultural and Horticultural Products Regulatory Review. We note that you provided substantive advice (Sept 2024) during that review process and raised concerns regarding both the narrow stakeholder engagement and the need to give environmental and public health interests equal weight alongside industry considerations.

Having reviewed both the Regulatory Review Report (January 2025) and the subsequent Regulatory Impact Statement (May 2025), we are concerned that the substance of your advice was not meaningfully reflected in either process.

While your concerns were formally acknowledged, it is difficult to see how they were given substantive effect in the recommendations that ultimately informed the Bill. The Review cites your findings, yet many of the systemic concerns you identified regarding regulatory capability, environmental risk governance, and deficiencies in the current assessment framework do not appear to have materially influenced the policy direction that followed.

This, in turn, raises a broader public-law question. We question whether your advice was treated as a material consideration in the development of the recommendations that ultimately informed the Bill. In particular, it is difficult to reconcile the Review's conclusion that existing systems are effective at managing risk with your findings that New Zealand lacks the information, tools, resources, and regulatory framework necessary to adequately identify, assess, and manage environmental chemical risks.

We were particularly concerned by the targeted consultation that then informed the Regulatory Impact Statement (page 3). This was undertaken in March 2025. In the year since, much broader consultation 'might' have taken place. In our assessment, the process disproportionately involved organisations with direct commercial or institutional interests in faster approvals, including the agrichemical sector and Crown Research Institutes actively engaged in biotechnology development and commercialisation. By contrast, independent toxicologists, public health organisations and researchers, environmental health advocates, consumer representatives, and broader community interests appear to have been largely absent from the policy-development process.

Our submission to the Primary Production select committee concludes that the resulting Bill creates a significant risk of undermining the purpose, principles, and precautionary architecture of the HSNO Act itself.

At a fundamental level, we consider the policy sequence is effectively, upside down. The Government has acknowledged that the NZEPA's risk assessment models are outdated and require redevelopment. In our view, the appropriate course would have been to first review, modernise, and validate the scientific assessment framework, and then consider legislative amendments informed by that work. Instead, we consider that Parliament is being asked to expand approval pathways before the evidential and methodological foundations of those pathways have been rebuilt.

We are also concerned by a number of features within the Bill itself, including the introduction of novel regulatory terminology such as 'denewed', the reassignment of the ecological term 'vagrant' into a regulatory category without clear statutory definition, the apparent ability to remove an organism from the definition of a 'new organism' through administrative processes, and provisions that appear difficult to reconcile with a 2014 High Court interpretation of the Act.

If Parliament intends to depart from the interpretation adopted by the High Court, has it done so consciously, transparently, and with sufficient explanation as to why?

We also draw your attention to a matter of particular concern: the increasing reliance on overseas regulatory decisions without clear criteria for assessing the quality, independence, transparency, or recency of those decisions. Reliance on foreign approvals, without requiring the NZEPA to assess the quality and robustness of the underlying scientific process, the treatment of uncertainty, and the relevance of those decisions to New Zealand conditions, risks substituting confidence in foreign regulators for independent scrutiny under the HSNO Act. The Bill provides no clear mechanism by which the NZEPA can determine whether the originating assessment is sufficiently robust to support New Zealand's statutory obligations or uphold the purpose and principles of the Act.

We are also concerned that the timing of the reforms may substantially limit the ability of the incoming EPA Chief Executive to meaningfully contribute to, or influence, the redesign of the agency's risk-assessment systems, governance arrangements, and regulatory culture at a time when significant reform appears necessary.

Finally, we draw your attention to a series of recommendations published through the Make New Zealand Healthy initiative concerning regulatory governance, transparency, accountability, and risk-assessment capability of the New Zealand Environmental Protection Authority. We believe these recommendations may be relevant to wider questions regarding the future stewardship of hazardous substances and new organisms in New Zealand.

We hope the observations, also discussed in our submission to the Primary Production select Committee, are of interest and would welcome any opportunity to discuss the issues further.

Yours sincerely,

Jodie Bruning

For the Trustees of

The Physicians and Scientists for Global Responsibility New Zealand Charitable Trust.