

28 May 2026

Ref: OIA 26061

Spencer Jones

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Tēnā koe Spencer

I refer to your follow-up request for official information received on 26 March 2026, relating to the Environmental Protection Authority (EPA) search methodology, underlying records and record availability of the information provided in our previous Official Information Act 1982 (OIA) response (ref 26006). We have responded to your questions in turn below.

#### 1. **Underlying Records Behind Summary (s16(1)(e))**

You provided information in summary form under section 16(1)(e).

Please provide:

- a) Copies of the underlying documents, datasets, or records used to generate the summary figures (e.g. transshipment applications, import exemptions, incident reports)
- b) If any underlying records are withheld, please specify the relevant section(s) of the Act relied upon and provide the section 9(1) public interest test
- c) Confirmation of whether the summary represents a complete extraction of all relevant records, or a subset.

[Section 16\(1\)\(e\)](#) of the OIA allows agencies to provide a summary or excerpt of the information relevant to the request. The summary explained the records we hold in scope of your request. We provided a summary because there was a significant amount of information to work through to release it to you in full, which we consider would have had an onerous impact on the operation of our organisation.

We have provided more specific details below about the information we summarised and our further consideration of releasing information to you.

- a) Regarding “underlying datasets”, the EPA uses both an internal Customer Relationship Management (CRM) system and excel spreadsheets to manage information relating to hazardous substances. We are not in a position to release these datasets to you in full as most of the information would not be relevant to your request. This is why we summarised the relevant information in our earlier reply – an approach the Ombudsman recommends when agencies are dealing with large requests for information.
- b) Copies of underlying documents/records:

### **OLPA (Ozone Layer Protection Act 1996)**

We have decided to release a copy of the most recently approved application from the New Zealand Defence Force (NZDF) application for the import of halon fire extinguishers. The permit number has been withheld under section 6(c) of the OIA as the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

### **IERA (Imports and Exports (Restrictions) Act 1988)**

We have decided to release a copy of the permit to export hazardous waste, which allowed the MT Endeavour Ship to be exported to India. The permit number has been withheld under section 6(c) of the OIA as the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

While we do hold more information about this export application, we consider that collating it for release would be a significant amount of work for our staff and this would have an onerous impact on the operations of our organisation. Therefore, the remainder of this part of your request is refused under section 18(f) of the OIA as the information requested cannot be made available without substantial collation and research.

### **HSNO Act - Transhipments**

As our previous reply indicated, under section 3(2) of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the NZDF is not directly subject to the HSNO Act. That is, it does not apply to any hazardous substance controlled by the Minister of Defence.

While there are some caveats to this under sections 3(3) to 3(8) of the HSNO Act, the EPA does not have a regulatory role in the NZDF's compliance with the HSNO legislation.

The NZDF has been noted in seven transhipment applications made to the EPA since 2018 as having goods on board a ship that is transshipping goods that require a transhipment approval within New Zealand. The applications only relate to the NZDF in passing as it received some goods from the shipment.

These applications contain substances/articles that are either not approved within New Zealand or are unable to comply with relevant approvals while transshipping. The EPA does not publish these applications and they are not made available to the public due to concerns around human safety. We are refusing this part of your request under section 6(d) of the OIA as the making available of the information would be likely to endanger the safety of any person.

## **2. Search Methodology**

Please provide full details of how information within scope was identified, including:

- a) All systems, databases, registers, or repositories searched (e.g. application systems, compliance systems, document management systems, email systems)

- b) Whether email systems (including staff inboxes and shared mailboxes) were searched
- c) The specific search terms, keywords, or identifiers used (including any Boolean or advanced logic)
- d) Any filters applied (e.g. date ranges, business units, application types)
- e) Whether searches were conducted centrally or relied on staff knowledge/recollection

When the EPA received your original OIA request on 18 January 2026, we considered the request to be very broad, and it covered a significant period of time. We undertook an electronic search of our records (an IT sweep), and the search indicated more than 80GB of data that we would need to further examine to find potential information in scope of your request.

For this exercise, we used the search terms **New Zealand Defence Force, NZDF, complaints, incident, contamination, chemical agents, herbicides, hazard, monitoring** within the timeframe indicated (2000-2025).

We then asked you to clarify/narrow the request, which you agreed to. However, given the still wide-ranging and broad nature of your request, our final reply was answered based on both staff knowledge and searching internal databases. This task was done to the best of our knowledge and staff expertise.

We searched spreadsheets, databases, personal emails, generic email inboxes, an internal Microsoft SharePoint system, and our CRM for the information relevant to your request.

### 3. **Scope of EPA Regulatory Records**

Please clarify whether the EPA holds, or has ever held, any of the following in relation to Defence facilities or Defence-contracted activities:

- a) Environmental monitoring data or reports
- b) Contamination assessments or site investigations
- c) Complaints or incident records (beyond those summarised)
- d) Compliance, enforcement, or audit records
- e) Correspondence with the New Zealand Defence Force or Ministry of Defence

For each category:

- confirm whether such records exist or have existed
- if not held, confirm whether they were ever created

When we received your original OIA request, our Compliance, Monitoring and Enforcement team (CME), searched its internal databases and found no compliance issues with the NZDF. As we indicated in our original OIA reply, our records show there have been two instances of unintentional halon release by the NZDF, which it alerted the EPA to. This happened in Canada in 2019 and 2021 during maintenance activities being undertaken by a NZDF navy ship. In both cases, the EPA determined no non-compliance had occurred and

the cases were closed. We consider that providing a summary of this information to you complies with our obligations under the OIA.

#### **PFAS and PFOS (per- and poly-fluoroalkyl substances)**

In December 2017, the EPA began a national investigation into whether certain firefighting foams were present at airports and other locations in New Zealand. The foams under investigation contain a banned chemical, perfluorooctanesulfonate (PFOS). PFOS foams were restricted in New Zealand in 2006 when they were excluded from the Firefighting Chemicals Group Standard, meaning PFOS-containing foams could no longer be imported into New Zealand or be manufactured here.

The EPA's report from April 2019 describing the outcome of the initiative is available on the EPA website:

[PFAS report - Findings of the EPA national investigation into firefighting foams containing PFOS - FINAL](#)

We consider that we have put significant effort and resource into answering your request given its still wide-ranging and broad nature. Therefore, anything that has not been captured by this answer for this part of your request is refused under section 18(f) of the OIA as the information requested cannot be made available without substantial collation and research.

#### **4. "Not Retrievable" Information**

Your response states that some historical information is "not retrievable".

Please provide:

- a) The specific records or categories of records that are not retrievable
- b) The reason they are not retrievable (e.g. deletion, system migration, format obsolescence, indexing limitations)
- c) Any applicable retention or disposal authority under the Public Records Act 2005
- d) Whether any backups, archives, or legacy systems exist from which the information could be recovered

There was one item not retrievable relating to OLPA. This information is likely stored in our offsite archives in hard copy. We believe that the relevant information is very likely the same as OLPAL-2, which our original answer noted.

#### **5. Recordkeeping and System Architecture**

Please provide:

- a) A description of the systems used to manage:
  - hazardous substances applications
  - exemptions and approvals
  - incident or compliance reporting
- b) Whether any systems include fields or tagging for Defence-related activities

c) Whether the EPA maintains any centralised register of Defence-related regulatory interactions

The EPA uses a variety of systems to manage and store its information for hazardous substances applications, exemptions and approvals, and incident or compliance reporting. This includes our CRM, excel spreadsheets, and an internal Microsoft SharePoint system.

The systems do not include fields or tagging for Defence-related activities.

The EPA does not have a centralised register of Defence-related regulatory interactions.

## 6. Completeness and Limitations

Please explain:

a) Any limitations in your search process

b) Whether relevant information may not have been captured due to:

- inconsistent terminology (e.g. "Defence", "NZDF", contractor names)
- lack of classification or tagging
- storage in unstructured systems

c) Whether the completeness of your response can be independently verified

As explained above, our response to your OIA was to the best of our knowledge and staff expertise. Agencies normally respond to requests based on the information provided in the request itself. We searched for the relevant information using the search criteria we believed were reasonable to respond to the request. We do not have one master repository of information that allows us to search for information that matches exactly how OIA requests are worded.

It is not normal practice across government to have OIA responses independently verified.

## 7. Transfers and Other Agencies

Please confirm:

a) Whether any information within scope is more closely connected with the functions of another agency (e.g. NZDF, Ministry of Defence, Ministry for the Environment)

b) If so, whether any part of this request should be transferred under section 14 of the Act

For clarity, this request is intended to understand how your previous response was constructed and whether all relevant information has been identified.

When we received your original OIA request, we contacted the NZDF about your request, given that it is also closely connected to its functions. The NZDF advised it had already received a similar request from you on the same subject, and therefore a transfer wasn't required. In situations like this, agencies are not required to transfer the request under section 14 of the OIA. The Ombudsman provides guidance on this situation on page 21 of this document: [The OIA for agencies.pdf](#)

I hope this information is helpful. You have the right to seek an investigation and review by the Ombudsman of this decision under section 28(3) of the OIA. You can contact the Ombudsman on 0800 802 602, or by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

If you have any further queries, please do not hesitate to contact us via [ministerials@epa.govt.nz](mailto:ministerials@epa.govt.nz)

We may publish your request and our response on our website, [www.epa.govt.nz](http://www.epa.govt.nz). We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Nāku noa nā



Dr Fernando Torres-Vélez  
**General Manager, Hazardous Substances and New Organisms**