

17 June 2026

Ref: OIA 26107

Nigel Gray

fyi-request-34770-21420c87@requests.fyi.org.nz

Tēnā koe Nigel

I refer to your request for official information received on 22 May 2026:

“Following the EPA’s response dated 21 May 2026 (Ref: OIA 26083), I request the following information, limited to the EPA’s Communications Team, Legal Team, and Risk / Hazardous Substances Team.

1. Communications Team — Use of the Term “Safe”

Please provide:

all internal emails, drafts, briefing notes, messaging guidelines, or communication strategy documents that discuss, reference, justify, or approve the use of the word “safe” in the EPA’s public mission statement or website content;

any internal discussions regarding the decision to rely on the dictionary definition of “safe” for public communications;

any internal review, risk assessment, or sign-off relating to the accuracy or appropriateness of using “safe” in public-facing material.

If no such documents exist, please provide the Communications Team’s section 23 explanation for using the term “safe” in public communications despite the absence of any internal definition, criteria, or framework.

2. Legal Team — Interpretation and Risk of Using “Safe”

Please provide:

all legal advice, internal memos, or discussions concerning the legal implications of using the term “safe” in EPA communications;

any analysis of whether the use of “safe” could mislead the public or imply a regulatory assurance the EPA cannot substantiate;

any legal review of the EPA’s reliance on the dictionary definition of “safe.”

If no such documents exist, please provide the Legal Team's section 23 explanation for the EPA's continued use of the term "safe" without any internal definition or criteria.

3. Risk / Hazardous Substances Team — Operational Meaning of "Safe"

Please provide:

any documents, emails, or internal discussions that address how the EPA operationalises or interprets "safe" in the context of hazardous substances, approvals, controls, or risk management;

any internal analysis of the statement in the EPA's letter that "we do not describe approved substances as 'safe'";

any documents explaining how the EPA reconciles this position with the public claim of "enhancing a safe way of life."

If no such documents exist, please provide the Risk Team's section 23 explanation for the EPA's operational use of the term "safe" in the absence of any definition or criteria.

4. Cross-Team Coordination

Please provide:

any cross-team communications (Comms ↔ Legal ↔ Risk) relating to the EPA's use of the term "safe";

any internal discussions triggered by OIA 26083 or earlier OIAs concerning the meaning or use of "safe".

As stated in our previous reply of 21 May 2026 (reference 26083), the Environmental Protection Authority (EPA) does not hold any documents or information on the use of and the meaning of the word "safe", nor does it hold information relating to any part of your request. For explanations about our use of the word "safe" in our communications and publications, please refer to our previous reply.

We are refusing your request under section 18(e) of the Official Information Act 1982 (OIA) as the documents alleged to contain the information requested do not exist.

Regarding your request for a "section 23 explanation", in the absence of definitions or criteria, it is our view that this section of the Act is not relevant to the decision making on your OIA request. Our decision on your OIA request is related to *the request for information itself*; it is not about any decision or recommendation about you in your personal capacity. You can read more about this in the Ombudsman guidance: [Requests for reasons for a decision or recommendation - A guide to section 23 of the OIA and section 22 of the LGOIMA.pdf](#)

Regarding your request for information about our decision-making on your previous OIAs, in 2012 the Chief Ombudsman ruled that “comments during the decision-making process on OIA requests may be withheld under section 9(2)(g)(i). Disclosure would be likely to inhibit advisors or officials from expressing or recording free and frank advice on OIA requests in the future. It is in the interests of the effective conduct of public affairs for there to be no constraint in either the discussion or recording of the reasons or recommendations for making decisions on OIA requests”. Therefore, your request for specific information relating to the discussions and communications during the decision-making process for your previous OIA (reference 26083) is refused under section 9(2)(g)(i) of the OIA.

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.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz

We may publish your request and our response on our website, 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



Catherine Spiller

Head of Communications and Customer