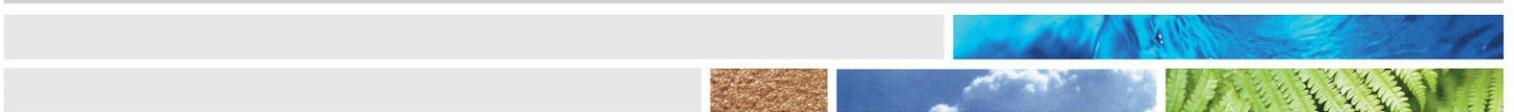




Environmental
Protection Authority
Te Mana Rauhi Taiao

EPA advice on application APP202047 – s26 determination on the new organism status of *Lonicera caerulea*

April 2014



ADVICE TO THE DECISION MAKING COMMITTEE

Executive summary and recommendation

Application APP202047, submitted by the Ministry for Primary Industries (MPI), seeks a determination on the new organism status of the deciduous shrub *Lonicera caerulea* (blue honeysuckle).

MPI provided the EPA with information concerning the present in New Zealand status of *Lonicera caerulea*. MPI considers *Lonicera caerulea* to be present in New Zealand based on this information.

After reviewing the information provided by MPI, we agree that *Lonicera caerulea* is present in New Zealand. Therefore, we recommend that the Hazardous Substances and New Organisms (HSNO) Decision Making Committee determine that *Lonicera caerulea* is not a new organism for the purposes of the HSNO Act.

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1. Introduction

- 1.1. This application from the Ministry for Primary Industries (MPI) (the applicant) was lodged under section 26 of the Hazardous Substances and New Organisms Act (HSNO Act) to determine whether *Lonicera caerulea* is new organism for the purposes of the HSNO Act.
- 1.2. The applicant provided information in regards to the presence of *Lonicera caerulea* in New Zealand. We have evaluated this and other readily sourced information against the legislative criteria for determining whether *Lonicera caerulea* is a new organism.

2. Organism description from the application

- 2.1. *Lonicera caerulea* is a deciduous shrub (1.5 – 2 m tall and wide) that produces dark blue/purplish berries.
- 2.2. Table 1 summarises the various taxonomic synonyms and vernacular names associated with *Lonicera caerulea*.

Table 1: The species that is the subject of this determination and its pseudonyms.

Taxonomic name
<i>Lonicera caerulea</i> L. (1753)
Synonyms
<i>Lonicera altaica</i> Pall., <i>Lonicera caerulea</i> var. <i>altaica</i> , <i>Lonicera caerulea</i> var. <i>glabrescens</i> auct., <i>Lonicera caerulea</i> subsp. <i>Pallasii</i> (Ledeb.) Browicz, <i>Lonicera caerulea</i> var. <i>pallasii</i> , <i>Lonicera caerulea</i> var. <i>dependens</i> , <i>Lonicera cauriana</i> Fernald, <i>Lonicera caerulea</i> var. <i>cauriana</i> , <i>Lonicera edulis</i> (Turcz. ex Herder) Freyn, <i>Lonicera caerulea</i> var. <i>edulis</i> , <i>Lonicera emphylocalyx</i> Maxim, <i>Lonicera caerulea</i> var. <i>emphylocalyx</i> , <i>Lonicera kamtschatica</i> (Sevast.) Pojark., <i>Lonicera caerulea</i> var. <i>kamtschatica</i> , <i>Lonicera stenantha</i> Pojark., <i>Lonicera turczaninowii</i> Pojark., <i>Lonicera villosa</i> (Michx.) Schult., <i>Lonicera caerulea</i> var. <i>villosa</i> ., <i>Xylosteon villosum</i> Michx.
Vernacular names
blue honeysuckle, blueberry honeysuckle, edible honeysuckle, fly honeysuckle, Kamchatka honeysuckle, mountain fly honeysuckle

- 2.3. *Lonicera caerulea* is native throughout cool temperate regions of the Northern Hemisphere, and is a naturalised plant species throughout Asia, India, Europe and North America.

- 2.4. *Lonicera caerulea* can survive a wide range of soil acidity from pH 3.9 – 7.7 (optimum 5.5 – 6.5); and requires high organic matter, well drained soils and lots of sunlight for optimum productivity.

3. Summary and review of information

- 3.1. The applicant has provided evidence of *Lonicera caerulea* listed in the *New Zealand Alpine Garden Society (Incorporated) 1998 Seed List* (Appendix A). The New Zealand Alpine Garden Society (NZAGS) Seed List denotes a collection of alpine plant seeds donated to NZAGS by society members for distribution to other society members. Considering NZAGS seed collection closing dates have fallen within either March or April (pers. comm. Adrian Bliss from NZAGS, 2014), we can reasonably assume the 1998 Seed List is a list of seeds donated before 29 July 1998.
- 3.2. The applicant has also provided a Dunedin Botanic Gardens accession entry for *Lonicera stenantha* dated 13 May 1977 (Appendix B). *Lonicera stenantha* is an internationally accepted subspecies¹ of *Lonicera caerulea* (Tropicos online database).
- 3.3. The Landcare Research New Zealand Plants database acknowledges the Dunedin Botanic Gardens *Lonicera stenantha* accession entry, however, it notes that there “*is no record of any living plants surviving*”.
- 3.4. A recent TradeMe auction of “*SWEET FRUITING RUSSIAN BLUEBERRY PLANTS*” or “*Lonicera Edulis*” (Appendix C) in September 2013 suggests *Lonicera caerulea* still persists in New Zealand. *Lonicera edulis* is an internationally accepted subspecies¹ of *Lonicera caerulea* (Tropicos online database).
- 3.5. Furthermore, a publicly accessible stock catalogue lists *Lonicera caerulea* as being commercially available from the Edible Gardens nursery in Taupaki, Auckland (The Catalogue, Edible Gardens). However, the nursery has not stocked *Lonicera caerulea* for more than two years (pers. comm. Ministry for Primary Industries (MPI), 2013).
- 3.6. The Department of Conservation was notified of application APP202047 under section 26(2)(b) of the HSNO Act. DOC did not provide any novel information, and did not raise any concerns.

¹ A subspecies is either a taxonomic rank subordinate to species, or a taxonomic unit in that rank.

4. Evaluation against statutory criteria

4.1. For an organism to be determined as “not new” under section 26 of the HSNO Act, the organism must be shown to lie outside of the meaning of “*new organism*” as it is defined under section 2A(1) of the HSNO Act: *A new organism is –*

a) an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:

b) an organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation:

c) an organism for which a containment approval has been given under this Act:

ca) an organism for which a conditional release has been given:

cb) a qualifying organism approved for release with controls:

d) a genetically modified organism:

e) an organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.

4.2. The following HSNO Act criteria were not applicable to this determination as *Lonicera caerulea*:

- has not been prescribed as risk species (section 2A(1)(b));
- has not been approved to be held in containment or released with controls (sections 2A(1)(c) (ca) and (cb));
- is not a genetically modified organism (section 2A(1)(d)); and
- has not been eradicated from New Zealand (section 2A(1)(e)).

4.3. After evaluating the information provided in section 3 of this document, we consider there is sufficient evidence to conclude *Lonicera caerulea* was present in New Zealand before 29 July 1998 and thus consequently outside the definition of “*new organism*” under section 2A(1)(a) of the HSNO Act.

4.4. Furthermore, we consider there is sufficient evidence to show *Lonicera caerulea* has remained present in New Zealand since before 29 July 1998.

5. Impact on international obligations

5.1. We are not aware of any international obligations that may be impacted by this determination.

6. Conclusion

- 6.1. Given that section 2A(1)(a) of the HSNO Act states that a new organism must belong to “a *species that was not present in New Zealand immediately before 29 July 1998*”, and evidence has been provided that *Lonicera caerulea* was present in New Zealand immediately before 29 July 1998, we recommend that *Lonicera caerulea* be regarded as not a new organism for the purposes of the HSNO Act.

7. References

1. Tropicos; <http://www.tropicos.org>.
2. The Catalogue, Edible Gardens nursery in Taupaki, Auckland (NZ); <http://www.planetearth.co.nz/images/EdibleGardensCatalogue.pdf>

Appendix B: Dunedin Botanic Gardens accession entry for *Lonicera caerulea* from the application

ACCESSIONS (BG-BASE) - 4 pages - [ACCESSIONS_ENTRY_1A (using personal 'skin')]

File Edit Browse Configure Multimedia Window S/List Shortcuts Help

SST 30 AUG 00 SST 30 AUG 00

Accession # 19770213 *Lonicera stenantha*

Acc date D 13 MAY 1977 CAPRIFOLIACEAE

Name num 7434 first accession of this name no records in PLANTS table

Lineage num 19770213 unchecked name

Material received

Recd as *Lonicera stenantha*

Recd how SD seed

Recd dt D Recd size Recd amt Container

Recd notes e; Restriction Do not sell or give away. Missing source inform

Prov type Sample

Seed source Prop hist

Source information (first value is current) (use Ctrl-N to create a blank line for a more recent source)

Source #	Source name	Source acc #	IS yr	IS item	Q>	Acc dt	Misc

Lonicera stenantha is not listed on the Tropicos online database, however, *Lonicera stenantha* is listed. Therefore, we assume the former is a typographic error.

Appendix C: TradeMe auction of SWEET FRUITING RUSSIAN BLUEBERRY PLANTS (Listing number: 640119824)

Home > Home > living > Outdoor, garden & conservatory > Plants & trees > Shrubs

This item was sold to another member.
Browse Outdoor, garden & conservatory

SWEET FRUITING RUSSIAN BLUEBERRY PLANTS
Reserve met | Closed: Tue 24 Sep 2013, 8:45 pm | Listing # 640119824

Lonicera Edulis
Native to Russia and Canada, this edible member of the Honeysuckle family has large, dark blue-black elongated tasty berries ripening in early summer.

Prized by Russian folk, where it is a great family occasion to forage for the wild blue berries in summer. In Russian, the plant name translates to Zhimolist or Jimolist.

Very hardy and vigorous growing, they are naturally pest and disease resistant making them an ideal fruiting plant to grow organically.

Russian Blueberry plants are deciduous over winter (lose their summer foliage and become dormant until spring).
More than one plant is required for cross pollination.

Russian Blueberries are very easy plants to grow. They are ornamental looking, very prolific fruiting with loads of healthful benefits - even more so than the American cultivated Blueberry.

You can eat or use the berries in exactly the same way you would with traditional blueberries.

Russian Blueberries thrive in warm sheltered sunny spots. They like good draining but moisture retentive organically fertile slightly acidic soils.

You are bidding on ONE new seasons cutting grown Russian Blueberry plant in a 2lit pot standing approx 30cm tall from top of pot to top of branched growth. The plants are putting on fast spring growth now. Very limited stock this season.

They will grow naturally to approx 1 - 1.5m tall if left unpuruned (best to prune back in late winter).

Full cultural growing information provided.

Happy to combine freight with any of my other listings.

S=R
nchun

Buying
Watchlist
Items I won
Items I lost
My favourites
Recently viewed

Selling
List an item
Items I'm selling
Sold items
Unsold items

Drumroll please?
Introducing our smashing new home loan rates with up to \$2,000 cash to help get you moving.
Find out more

Minimum 20% equity
New building & other eligibility conditions apply
Weapoo New Zealand Limited

Appendix D: EPA HSNO Decision Path – Figure 17 (S26 – present in New Zealand)

Figure 17: Decision path for applications under Section 26 for determination as to whether an organism is a new organism

Context

This decision path describes the decision-making process for applications under Section 26 for determination as to whether an organism is a new organism.

Introduction

The purpose of the decision path is to provide the HSNO decision maker¹ with guidance so that all relevant matters in the HSNO Act and the Methodology have been addressed. It does not attempt to direct the weighting that the HSNO decision maker may decide to make on individual aspects of an application.

In this document 'section' refers to sections of the HSNO Act, and 'clause' refers to clauses of the Methodology.

The decision path has two parts –

- Flowchart (a logic diagram showing the process prescribed in the HSNO Act and the Methodology to be followed in making a decision), and
- Explanatory notes (discussion of each step of the process).

Of necessity the words in the boxes in the flowchart are brief, and key words are used to summarise the activity required. The explanatory notes provide a comprehensive description of each of the numbered items in the flowchart, and describe the processes that should be followed to achieve the described outcome.

For proper interpretation of the decision path it is important to work through the flowchart in conjunction with the explanatory notes.

¹ The HSNO decision maker refers to either the EPA Board or any committee or persons with delegated authority from the Board.

Figure 17 Flowchart: Decision path for applications under Section 26 for determination as to whether an organism is a new organism

For proper interpretation of the decision path it is important to work through the flowchart in conjunction with the explanatory notes.

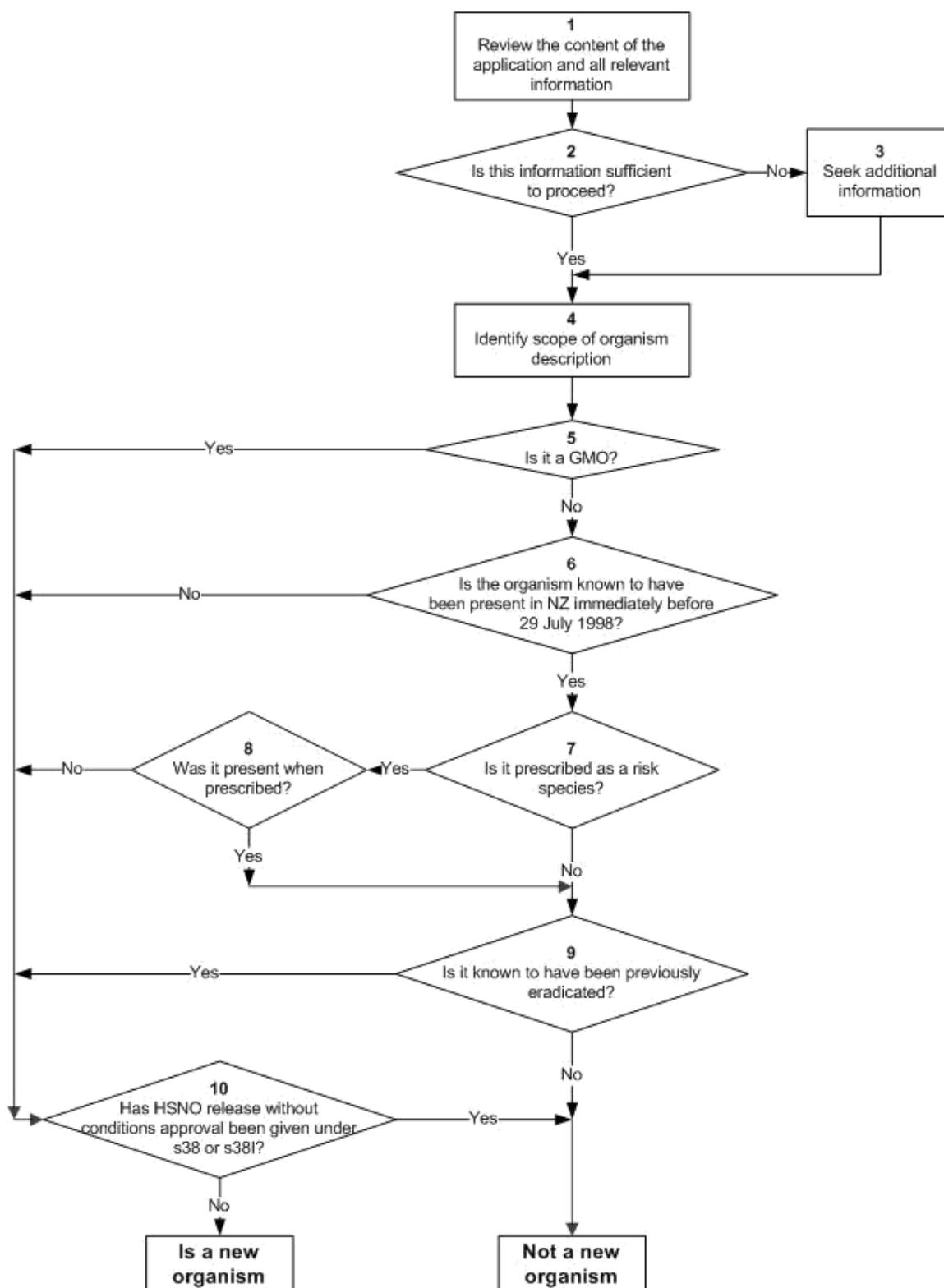
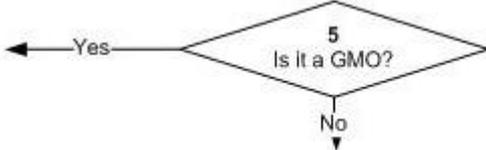


Figure 17 Explanatory Notes

Item 1	<p>Review the content of the application and all relevant information</p> <p>Review the application, Agency advice and any relevant information held by other Agencies, and advice from experts. Determine whether further information is required.</p>
Item 2	<p>Is this information sufficient to proceed?</p> <p>Review the information and determine whether or not there is sufficient information available to make a decision.</p>
Item 3:	<p>Seek additional information</p> <p>If the HSNO decision maker considers that further information is required, then this may be sought either from the applicant (if there is an external applicant) or from other sources.</p> <p>If the HSNO decision maker considers that the information may not be complete but that no additional information is currently available, then the HSNO decision maker may proceed to make a determination².</p> <p>If the application is not approved on the basis of lack of information (or if the organism is considered new) and further information becomes available at a later time, then the HSNO decision maker may choose to revisit this determination. In these circumstances the HSNO decision maker may choose to adopt a precautionary approach under section 7 of the Act.</p>
Item 4:	<p>Identify scope of organism description</p> <p>The identification of the organism must be at an appropriate taxonomic classification. For applications involving potentially genetically modified organisms, the organism should be identified by describing the host organism and the processes to which it has been subjected to (for example injection with a non-replicative, non-integrative plasmid DNA vaccine).</p>
Item 5:	<div style="text-align: center;">  </div> <p>Is it a GMO?</p> <p>Determine whether the organism is a GMO using the definitions in Section 2 of the Act and in the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Regulations 1998.</p>
Item 6:	<p>Is the organism known to have been present in NZ immediately before 29 July 1998?</p> <p>Determine on the basis of the available information whether on balance of probabilities the organism is known to belong to a species that was present in New Zealand immediately prior to 29 July 1998.</p> <p>For the purposes of making a section 26 determination an organism is considered to be present in New Zealand if it can be established that the organism was permanently existing in New Zealand and was not present solely by way of being contained in a recognised safekeeping facility, immediately prior to 29 July 1998. The key phrases 'permanently existing', 'recognised</p>

² Alternatively the application may lapse for want of information.

	safekeeping facility' and 'immediately' are defined in the Protocol <i>Interpretations and Explanations of Key Concepts</i>
Item 7:	<p>Is it prescribed as a risk species?</p> <p>Determine whether the organism has been prescribed as a risk species by regulation established under section 140(1)(h) of the Act.</p> <p>Note: at this point it may become apparent that the organism is an unwanted organism under the Biosecurity Act. If this is the case, then MAF BNZ and DOC may be advised (they may already have been consulted under items 1, 2 and 3).</p>
Item 8:	<p>Was it present when prescribed?</p> <p>If the organism is prescribed as a risk species, determine whether it was present when it was prescribed. The organism is a new organism if it was not present in New Zealand at the time of the promulgation of the relevant regulation (Section 2A (1)(b) of the Act).</p>
Item 9:	<p>Is it known to have been previously eradicated?</p> <p>Determine whether the organism is known to have been previously eradicated.</p> <p>Eradication does not include extinction by natural means but is considered to be the result of a deliberate act (see the interpretation in the <i>Protocol Interpretations and Explanations of Key Concepts</i>¹).</p>
Item 10:	<p>Has HSNO release without conditions approval been given under section 38 or 38I of the Act?</p> <p>If a HSNO release approval has been given under section 35 of the Act, then the organism remains a new organism.</p> <p>If a release approval has been given under section 38 of the Act then the organism is not a new organism.</p> <p>If a release approval has been given under section 38I of the Act, then if the approval has been given with controls then the organism remains a new organism, however, if this approval has been given without controls then it is not a new organism.</p>



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