



OIA-19-E-0206 / DOC-5910594

30 April 2019

Mr H Enderby

Email: [fyi-request-9982-56d085c8@requests.fyi.org.nz](mailto:fyi-request-9982-56d085c8@requests.fyi.org.nz)

Dear Mr Enderby

Thank you for your Official Information Act request to the Department of Conservation, dated 2/04/2019. You requested the following:

- 1. Can you please outline for me the penalties for a person who has laid poison on the ground and has killed native birds.*
- 2. Can you also please give me a list of all the incidents where this has happened and the penalties that were handed down or at least if they were taken to court for these offences.*

### **The Department's use of 1080 in predator control programmes**

We note that aspects of your request appear to be directed at the use of 1080 in predator control programmes. The Department's involvement in the conservation of New Zealand's native wildlife is a matter of national importance. Ensuring that the public are properly informed about the merits of the use of 1080 in our predator control programmes is essential to our achieving that crucial function.

In saying that we note that information previously provided under the Official Information Act concerning the use of 1080 has subsequently been edited and republished. This has been conducted in a manner that misrepresents the scientific evidence and facts around the use of 1080 in predator control programmes in New Zealand.

Accordingly, before providing our response, we set out the following contextual information which may assist your understanding in relation to our use of 1080 and its effects on native birds.

### **Native birds and 1080**

About 80% of our bird species are at risk of extinction. The biggest threat to our wildlife is predation by introduced pests such as rats, stoats and possums.

We know from the monitoring that we conduct that using 1080 in our predator control programmes increases both the survival rates and likelihood of species reaching breeding age.

Our monitoring has also helped us determine that a small number of native birds may be poisoned in the course of the lawful application of 1080 but that this is offset by survival rates following the eradication of predators. We are aware that the figures

surrounding those unintended losses have been greatly exaggerated on various forums on social media.

One such example is discussed at the following link which relates to a viral hoax that claimed 50 kiwi had been killed following its application:

<https://www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/fake-1080-news/>

As you will see, the story on social media was simply not true. We have monitored more than 600 kiwi during and after 1080 operations over the last 10 or more years, and none has ever been killed by 1080.

Furthermore, without predator control only 5% of kiwi chicks hatched in the wild will make it until they are old enough to breed – their 4th birthday. In comparison, when we use 1080 to control predators up to 60% of kiwi chicks hatched in the wild will survive to breeding age.

We do accept that limited deaths of other native birds can occur following the lawful application of 1080. However, as mentioned, those deaths are actually offset by the much better nesting success after predator control.

For example, we know that before pest control for every three breeding pairs of who only two who ducklings made it to fledgling. After predator control the number of who ducklings to make it to fledgling rose to six ducklings.

Monitoring on the West Coast shows kea nests in areas protected by 1080 produce up to four times as many chicks as nests in unprotected areas.

Recently released results of one of the department's long-term studies show the effects on bird numbers of a 20-year long predator control programme using both traps and aerial 1080 poison. This study found that native bird numbers have doubled over the 20-year predator control programme. You can find the relevant information at:

[www.doc.govt.nz/news/media-releases/2018/native-bird-numbers-double-after-long-term-predator-control/](http://www.doc.govt.nz/news/media-releases/2018/native-bird-numbers-double-after-long-term-predator-control/)

The simple fact is that notwithstanding any unintended native bird deaths resulting from aerial operations, 1080 is a pivotal and highly effective tool in our efforts to save our native birds.

### **The science supports the use of 1080**

DOC relies on external, independent scientific advice to assess risks associated with 1080 use. A wealth of scientific data has been collected over more than 60 years confirming that, when used in accordance with New Zealand regulations, 1080 presents little risk to humans or the environment.

1080 presents very little risk to the environment. It dilutes very quickly in water and is almost undetectable in waterways a short time after a drop. It does not bio-accumulate in soils, invertebrates or plants, including those used in cultural harvest. Its use is strictly regulated and openly communicated.

That view draws heavily on robust science conducted by independent research agencies. Much of this science is published in international scientific journals and quality checked by the 'peer review' process in which independent experts verify accuracy and quality.

Major research is also conducted by respected agencies such as Landcare Research, the National Institute of Water and Atmospheric Research (NIWA), Cawthron Institute and Universities in New Zealand and abroad.

More information about the use of 1080 in our predator control programmes can be found at the following link:

<https://www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/>

### **Our response**

We now deal with each of your questions in turn below.

*1. Can you please outline for me the penalties for a person who has laid poison on the ground and has killed native birds.*

Under the Wildlife Act 1953, the majority of native New Zealand vertebrate species are protected by law, and may not be hunted, killed, eaten or possessed. Violations may be punished with fines of up to \$100,000.

*2. Can you also please give me a list of all the incidents where this has happened and the penalties that were handed down or at least if they were taken to court for these offences*

We can confirm that no prosecutions have been taken under the Wildlife Act 1953 in respect of the act you describe. Accordingly, this aspect of your request is refused under section 18(e) of the Official Information Act as no such list exists.

### **Further research and reading**

In the hope that it will further inform your understanding of our use of 1080 in predator control programmes in New Zealand we also refer you to the following:

Eason, C.; Miller, A.; Ogilvie, S.; Fairweather, A. 2010. An updated review of the toxicology and ecotoxicology of sodium fluoroacetate (1080) in relation to its use as a pest control tool in New Zealand (external site). *New Zealand Journal of Ecology* 35(1): 1–20.

Eason, C.; Wickstrom, M.; Turck, P.; Wright, G. 1999: A review of recent regulatory and environmental toxicology studies on 1080: results and implications (external site). *New Zealand Journal of Ecology* 23(2): 129–137.

Parliamentary Commissioner for the Environment. 2011. Evaluating the use of 1080: predators, poisons and silent forests (external site).

<https://www.pce.parliament.nz/media/1294/evaluating-the-use-of-1080.pdf>

**Queries and publication**

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at [www.ombudsman.parliament](http://www.ombudsman.parliament), or by calling 0800 802 602.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Department's website.

Yours sincerely



Hilary Aikman  
Director, National Operations