



Soil & Health Association (Est. 1941)
Healthy Soil, Healthy Food, Healthy People

Submission on the ‘Draft Inputs Notice for Generic Substances’

<https://www.mpi.govt.nz/consultations/proposed-organics-notice-on-inputs-for-generic-substances>

To: Organics Consultation, Ministry for Primary Industries

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From: The Soil & Health Association of New Zealand

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Introduction

As the founder of the organic movement in New Zealand, we appreciate the opportunity to provide our thoughts on the shaping of the New Zealand organic regulations as they are written. Our feedback is provided in this document and in the attached spreadsheet, which is a copy of the Draft Inputs Notice with a column featuring our comments.

Background to this consultation: Our initial feedback on the Organic Standards Regulations 2025 following their promulgation on 15 September 2025

This latest consultation rounds offers us the first opportunity to provide some considered comment on the standards regulations

(<https://legislation.govt.nz/regulation/public/2025/0197/latest/LMS1510247.html>), in particular in relation to inputs to organics in New Zealand. We last provided our feedback to MPI on this in a two-day meeting in December 2024, but did not see the regulations following that until they were promulgated. Upon reading them, we see some inaccuracies which need further work. These relate to the work being done on supplementary notice content, so we begin with this.

Regulation 4 of the Organic Standards Regulations 2025 states:

4 Meaning of input

*(1) In these regulations, **input** means a substance that—*

(a) is brought within operation boundaries for the purpose of producing or processing an organic product; and

(b) is not—

(i) a live animal, plant, seed, vegetative propagation material, or fungal spawn or culture; or

(ii) feed, unless it is a feed additive or an animal nutrient; or

(iii) an ingredient.

*(2) In this regulation, **substance** includes—*

(a) a biological substance; or

(b) a mixture of substances.

There is a fundamental uncertainty around biological definitions in 4.1 as they relate to inputs. It clearly states that inputs cannot include live animals or fungal spawn, and yet these are all included in various places the Draft Inputs Notice on Generic Substances (e.g. ‘Naturally occurring organisms such as rhizobium bacteria, mycorrhiza fungi, yeasts, worms’ as a fertiliser or soil conditioner, or ‘Biological control agents, e.g. beneficial insects, mites and nematodes’ for crop protection). Insects, mites and worms are all animals. Mycorrhizae and yeasts are fungal spawn.

The wording of 4.2 is also very problematic. It is difficult to understand, and it is also a tautology, because there is no definition of the word ‘substance’ on its own (it essentially says a substance is a type of substance). So, what is a ‘mixture of substances’? On top of this uncertainty, substances also include minerals (e.g. calcium carbonate) and synthetic chemicals (e.g. potassium permanganate) which are not biological in origin. Regulation 4.2 makes no logical sense.

Furthermore, the first part of Regulation 12 of the Organic Standards Regulations 2025 states:

12 Prohibited methods, technology, processes, and things

(1) The following must not occur or be used in organic production or processing:

(a) gene technology:

(b) methods that—

(i) interfere with the molecular composition of organisms resulting in genetic material being altered in a way that is impractical or impossible to achieve through natural methods:

(ii) include the use of material to accelerate the process of cellular internalisation of gene-altering agents:

(c) an organism that is developed involving the use of gene technology or a method described in paragraph (b);

(d) a product made from or produced by an organism described in paragraph (c);

Regulation 3 Interpretation defines gene technology as follows:

gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms

This definition for gene technology and the additional prohibitions listed are not adequate for a organic regime that is true to the organic principles. We did not approve these prior to them being inserted and published. They were introduced into the document between December 2024 and September 2025 when PCO was processing the regulations into legal language. In so doing they have excluded gene silencing, gene editing and gene drives from the definition of gene technology by inserting the word "recombinant". This limits gene technology to methods that combine genes from two different sources. The prohibition section fails to exclude all genetic modification because it would allow lab-based genetic modification that is supposedly nature identical. This is a really serious issue for our NZ organic standard.

Moving to the notice content:

Section 1.1 (Definitions) of the Draft Inputs Notice for Generic Substances states:

“generic substance means a substance sold or supplied by reference to its generic name or description”.

This definition still does not define ‘substance’, which is problematic. Are we to understand a substance is just a “thing” that is brought onto the organic operation? If so, that thing is quite a broad category, because it includes both living and non-living material, as well as materials of natural or synthetic (human-made, lab-made) origin. There are some synthetic substances that are used in organic production, e.g. potassium permanganate. There are plenty of synthetic substances that are usually prohibited in organic production (e.g. most synthetic fertilisers), and these should ideally be published as unacceptable inputs at the same time as the acceptable inputs. There are also substances of natural origin that should be published as unacceptable inputs. See below for further detail on these matters.

Specific responses to MPI consultation questions:

1. Is the list of generic substances accurate?

The short answer is: not yet. It still requires a lot of gap-filling and tightening up. We hope that this is just the first round, and we suggest another consultation before the end of 2025 to check the next iteration of the list.

The Draft Inputs Notice should use CAS numbers for every chemical in the notice. These are listed in the US and EU regulations and our Environmental Protection Authority (EPA) relies on CAS numbers as a standard part of the chemical regulatory framework.

Further general conditions are needed for generic substances intended for composting on organic properties, for example, see BioGro organic standard Appendix A. We suggest that an organic composting notice should be written as a separate supplementary notice or guidance document for operators.

Further conditions are needed for trace element fertilisers (micronutrient fertilisers) and trace element crop protection sprays. The use of trace element inputs should not be allowed to cause soil toxicity on organic operations. In particular, there need to be conditions placed on:

- Use of trace element fertilisers only to remedy a demonstrated soil deficiency
- Limits on trace element spray use for crop protection in relation to exceeding toxic concentrations of those same elements in the soil (e.g. copper sprayed on orchards should not be allowed to contaminate orchard soil)
- Heavy metal contamination of trace element fertilisers. There are no standards for this in NZ. There is only a voluntary standard for Fertiliser Association members regarding cadmium contamination of the macronutrient phosphate fertilisers.

e.g. table below from EU fertiliser regulations <https://eur-lex.europa.eu/eli/reg/2019/1009/oj/eng>

Contaminant	Limit values of contaminants expressed in mg, in relation to the total micronutrient content expressed in kg (mg/kg of total micronutrient content, which means boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn))
Arsenic (As)	1,000
Cadmium (Cd)	200
Lead (Pb)	600
Mercury (Hg)	100
Nickel (Ni)	2,000

(Please note, the figures above relate only to micronutrient fertilisers).

2. Should any other generic substances be added or removed?

The Draft Inputs Notice is lacking listings for some substances which are authorised in the US and Europe. Given that only items listed as acceptable will be able to be used, the list as it stands would be limiting to organic producers and processors as soon as it is enacted, in particular for those who export. The Draft Inputs Notice needs further comparative work with relevant EU and USA regulations, e.g.

USA National List of allowed and prohibited substances:

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G>

EU organic regulations:

https://eur-lex.europa.eu/eli/reg_impl/2021/1165/oj

2025 amendments to EU organic regulations:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32025R0973>

The NZ Draft Inputs Notice does not appear to contain any of the 2025 EU amendments, which are generally low-risk active substances, fertilisers, feed materials, feed additives, and food additives. MPI should go through the 2025 EU amendments systematically and add in the ones that are now approved in EU and relevant now or in the future to NZ. We have added the ones that we support in the attached spreadsheet, labelled INSERTED.

An unacceptable input list should be added, in accordance with organic principles, to underline the difference between organic production and non-organic production. It is understood that anything not on the list is unacceptable, however, there should be some specific prohibitions.

For example, the USDA National List of Allowed and Prohibited Substances lists the following in one section:

‘Nonsynthetic substances prohibited for use in organic crop production.

The following nonsynthetic substances may not be used in organic crop production:

- (a) Ash from manure burning.
- (b) Arsenic.
- (c) Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.
- (d) Lead salts.
- (e) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.
- (f) Rotenone (CAS # 83-79-4).
- (g) Sodium fluoaluminate (mined).

(h) Sodium nitrate—unless use is restricted to no more than 20% of the crop's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005.

(i) Strychnine.

(j) Tobacco dust (nicotine sulfate).'

There are further sections of prohibitions in the US list (MPI please read through all the US prohibitions and include in our NZ notice).

We have also identified multiple substances used in organic production currently in NZ but are not listed in the Draft Inputs Notice. These are also detailed in the spreadsheet, with suggested conditions if appropriate. Our additions to the list have been completed by volunteers on zero budget, and within a limited timeframe, so there is likely still more work to be done on it. We would like to look at the next version of the list before it becomes finalised.

3. Do you agree that the conditions listed are correct?

There need to be much clearer restrictions placed on some of the generic substances. These are detailed in the notes from Soil & Health in the spreadsheet.

For microbiological inputs, there should be a general condition that these are only from non-GMO strains and non-GMO culture media. All inputs of animal, plant, fungal and microbial origin should be non-GMO, and the operator should have checked and obtained assurance that they are. As noted earlier, we do not feel that the gene technology definition and further two exclusions in Regulation 12 of the Act are sufficient to exclude all GMOs.

A general condition should be applied (from OER): Only use agricultural compounds that are registered for use in New Zealand under the ACVM Act 1997 or are exempt from registration.

4. Are the circumstances for use correct?

Please see notes in the attached spreadsheet.