

Hazardous Substances (Importers and Manufacturers Information) Notice 2015

This notice is issued by the Environmental Protection Authority (“Authority”) under section 76A(d) and (h) of the Hazardous Substances and New Organisms Act 1996 (“Act”). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2).

Part A: General

1. **Title**—This is the Hazardous Substances (Importers and Manufacturers Information) Notice 2015.
2. **Commencement**—This notice comes into force 28 days after the date of its notification in the *Gazette*.
3. **Application**—This notice applies to importers and manufacturers of hazardous substances.
4. **Definitions**—(1) In this notice, unless the context otherwise requires:

Act means the Hazardous Substances and New Organisms Act 1996.

Authority means the Environmental Protection Authority established under the Environmental Protection Authority Act 2011.

container, in relation to a hazardous substance, means anything in or by which a hazardous substance is wholly or partly encased, covered, enclosed, contained or packed, including anything necessary for the container to perform its function as a container.

importation has the same meaning as in the Act, and **import** has a corresponding meaning.

importer, in relation to a hazardous substance, means a person by or for whom a hazardous substance is imported; and includes the consignee of the hazardous substance and a person who is or becomes the owner of or entitled to the possession of or beneficially interested in the hazardous substance on or at any time after its importation and before it has ceased to be subject to the control of the New Zealand Customs Service.

label, in relation to a hazardous substance, means a group of written, printed, pictorial or graphic information elements concerning a hazardous substance, that is affixed to or printed on, or attached to the immediate container of that hazardous substance, or to the outside of the packaging of the hazardous substance and includes fold-out labels, multilayer booklets and tie-on tags, and **to label** has a corresponding meaning.

manufacture, for the purposes of this notice:

- (a) means make, prepare, produce, label or pack (including packing into a container) a hazardous substance; and
- (b) includes repacking or relabelling a hazardous substance.

manufacturer, in relation to a hazardous substance, means a person who manufactures the hazardous substance.

personal use, in relation to a hazardous substance, means use by an individual in the individual’s personal capacity.

prescribed information means the information prescribed in clause 6 of this notice.

workplace has the meaning given to it in the Health and Safety at Work Act 2015.

(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

Part B: Information requirements

5. Duty of importer or manufacturer to notify Authority

(1) This clause applies when:

- (a) an importer first imports a hazardous substance for the purposes of:
 - (i) supply to another person; or
 - (ii) use by the importer in a workplace; or
- (b) a manufacturer first manufactures a hazardous substance for the purposes of:
 - (i) supply to another person; or
 - (ii) use by the manufacturer in a workplace, other than immediate use.

(2) An importer or manufacturer must notify the Authority of the prescribed information within the 30-day period after the date of importation or manufacture (as the case may be).

(3) There is no need to re-notify the Authority merely because the importer imports, or the manufacturer manufactures, a different hazardous substance at a later time.

(4) For the purposes of subclause (1), the first importation or first manufacture must be treated as meaning the first importation or the first manufacture that occurs after:

- (a) the commencement of this notice; or
- (b) the giving of written notice by the Authority to the importer or manufacturer that the Authority intends to dispose of the prescribed information about the importer or manufacturer that the Authority holds for the purpose of this notice.

(5) This clause does not apply to an individual who imports or manufactures a hazardous substance exclusively for that individual's personal use.

6. Prescribed information

For the purposes of clause 5, the prescribed information is:

- (a) the name of the legal person who is the importer or manufacturer; and
- (b) if different from the name referred to in paragraph (a), the full trading name of the importer or manufacturer; and
- (c) the importer or manufacturer's business address or, if that is not available, residential address, which must, in either case, include a physical address in New Zealand; and
- (d) if the importer or manufacturer maintains a website associated with its business, the website address; and
- (e) contact details for a natural person in New Zealand who is authorised by the importer or manufacturer to act as a contact person, including the person's:
 - (i) name;
 - (ii) email address;
 - (iii) telephone number; and
 - (iv) relationship to the importer or manufacturer.

7. Purpose for which prescribed information collected

The purpose for which the Authority collects the prescribed information is to assist the Authority to perform or exercise the functions, duties and powers referred to in section 11 of the Act including, but not limited to, the carrying out of its compliance and enforcement functions under the Act.

8. Manner in which prescribed information to be provided

- (1) The prescribed information must be notified in a manner and form that is acceptable to the Authority.
- (2) The Authority may establish an electronic facility that allows notification to be carried out by electronic means, and may require that notification be carried out by using that electronic facility.
- (3) In any case in which the Authority permits or requires notification by post or by an electronic means, and notification is provided by that means, the notice must be treated as having been received by the Authority on whichever is the earlier of:
 - (a) the date the Authority receives notification; or
 - (b) five working days after the notification was sent.

9. Duty to maintain accuracy and currency of prescribed information

- (1) An importer or manufacturer must promptly notify the Authority of any changes to the prescribed information that are required to make it accurate and current.
- (2) For the purpose of allowing the Authority to decide whether it is necessary to continue to hold information about a manufacturer or importer that the Authority has collected under this notice, the Authority may require an importer or manufacturer to advise the Authority whether it has imported or manufactured a hazardous substance within the preceding two years.
- (3) Clause 8 applies for the purposes of advising the Authority under this clause.

Signed at Wellington this 15th day of October 2015.

KERRY PRENDERGAST, Chair, Environmental Protection Authority.

Objective of notice

This notice will improve the efficient and effective management of hazardous substances through ensuring the Authority has access to business contact information about businesses that import into or manufacture hazardous substances in New Zealand.

