

## Hazardous Substances (Importers and Manufacturers) Amendment Notice 2024

This notice is issued by the Environmental Protection Authority (“Authority”) under section 76A 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).

### Objective of Notice

This notice amends the Hazardous Substances (Importers and Manufacturers) Notice 2015 to require importers and manufacturers to provide additional information to the Authority. The objective of the notice is to provide for better management of hazardous substances.

The notice requires importers and manufacturers of certain substances to submit annual reports on the quantities of those substances imported or manufactured. The notice also requires all importers and manufacturers of hazardous substances to provide their New Zealand Business Number (if they have one) and the lawful authority for the substances that they import or manufacture. Manufacturers of certain explosives are further required to provide the Authority with the UN number, hazard classification, and proper shipping name of those explosives. Finally, the notice allows for the Authority to grant multi-shipment import certificates to importers of certain explosives.

### Extent of Consultation

The Authority publicly notified its intention to issue this notice on 13 December 2023 by publishing a proposal document on its website. It invited comments by 28 March 2024. The proposal document was also sent to relevant persons in accordance with section 76C(1)(c) of the Act, and other interested parties. Comments were received and taken into account by the Authority during the drafting of this notice.

### Part A: General

#### 1. Title

This is the Hazardous Substances (Importers and Manufacturers) Amendment Notice 2024.

#### 2. Information About This Notice

(1) This notice is an EPA notice issued under section 76A of the Hazardous Substances and New Organisms Act 1996. It is secondary legislation for the purposes of the Legislation Act 2019.

(2) The Environmental Protection Authority is the agency responsible for administering this notice.

(3) This notice is published on the Authority’s website at: [www.epa.govt.nz](http://www.epa.govt.nz). It is also available free of charge during normal business hours at the Authority’s premises at 366 Lambton Quay, Wellington 6011.

#### 3. Commencement

(1) Clauses 13, 14 and 15 of this notice come into force on 1 January 2025.

(2) The rest of this notice comes into force on 1 January 2026.

#### 4. Principal Notice

This notice amends the Hazardous Substances (Importers and Manufacturers) Notice 2015 (the principal notice).

### Part B: Amendment

#### 5. Clause 4 Amended (Definitions)

(1) In clause 4, insert the following definitions in their appropriate alphabetical order:

**agrichemical** has the meaning given to it in the Hazardous Substances (Hazard Classification) Notice 2020

**group standard title** means the title of the group standard authorising the import or manufacture of the substance as issued by the Authority under Part 6A of the Act

**HSNO approval number** means the number of the approval, referenced on the hazardous substances register maintained by the Authority, authorising the import or manufacture of the substance

**identified substance** means any substance included in the categories listed in Column A, Table 1 of Schedule 1 but excludes substances in the categories listed in Table 2 of Schedule 1

**Large animal** has the meaning given to it in Schedule 2 to the Veterinary Medicines (Limited Pack Size, Finished Dose) Group Standard 2020. **Companion animal** and **service or working animal** which are referred to in the definition of large animal, also have the meanings given to them in Schedule 2 to the Veterinary Medicines (Limited Pack Size, Finished Dose) Group Standard 2020

**NZBN** means a New Zealand Business Number entered on the register of New Zealand Business Numbers

**parasiticide** has the meaning given to it in the Veterinary Medicines (Limited Pack Size, Finished Dose) Group Standard 2020

#### 6. Title of Part B Amended

(1) Delete the heading for Part B and replace with “Part B: Information and annual reporting requirements”.

**7. Clause 5 Amended (duty to notify)**

- (1) Delete the heading and replace with “Duty of importer or manufacturer to provide prescribed information”.
- (2) Delete subclause (3).
- (3) In subclause (4)(b), after “the giving of written notice”, insert “under clause 9(2A)”.

**8. Clause 6 Amended (prescribed information)**

- (1) In the heading, after “Prescribed information”, insert “for all importers and manufacturers”.
- (2) Before the first sentence, insert subclause numbering “(1)”.
- (3) In subclause (1), in every instance of “; and”, delete “and”.
- (4) In subclause (1)(a), delete “the legal person who is”.
- (5) After subclause (1)(b), insert the following paragraph:

“(ba) the NZBN of the importer or manufacturer (if the importer or manufacturer is registered on the register of New Zealand Business Numbers); and”
- (6) At the end of subclause (1)(e)(iv), delete the “.” and add “; and”.
- (7) After subclause (1)(e), insert the following paragraph:

“(f) the HSNO approval number or group standard title for the substance imported or manufactured by the importer or manufacturer.”
- (8) After subclause (1), insert the following subclauses:

“(2) A manufacturer who manufactures a substance specified in clause 10(1) must also provide to the Authority the UN number, hazard classification and proper shipping name of the substance.

(3) Subclause (2) does not apply to a substance that is:

  - (a) manufactured at the place of use; and
  - (b) manufactured for imminent use; and
  - (c) not further packaged or distributed.

(4) The transitional provision in Schedule 2 has effect according to its terms.”

**9. New Clauses 6A, 6B and 6C (annual reports)**

- (1) After clause 6, insert the following new clauses:

**“6A. Duty to file annual reports on identified substances**

- (1) In the period beginning on 1 January and ending on 31 May each year, an importer or manufacturer who imports or manufactures an identified substance must file with the Authority an annual report containing the information prescribed in clause 6B in respect of all identified substances imported or manufactured in the preceding calendar year.
- (2) For the purposes of subclause (1), manufacture means to make, prepare or produce an identified substance.
- (3) This clause does not apply to:
  - (a) an individual who imports or manufactures a hazardous substance exclusively for that individual’s personal use; or
  - (b) an importer or manufacturer who only imports or manufactures an identified substance in accordance with a containment approval issued under section 32 of the Act.
- (4) An importer or manufacturer is not required to file an annual report prior to 1 January 2026.

**6B. Annual reports on identified substances**

- (1) An annual report must contain the following information:
  - (a) In respect of the importer or manufacturer:
    - (i) the name of the importer or manufacturer; and
    - (ii) if different from the name referred to in paragraph (i), the full trading name of the importer or manufacturer; and
    - (iii) the NZBN of the importer or manufacturer (if the importer or manufacturer is registered in the register of New Zealand Business Numbers).
  - (b) In respect of each identified substance imported or manufactured in the calendar year for which the annual report is filed:
    - (i) the name of the substance; and
    - (ii) the category in column A of Table 1 of Schedule 1; and
    - (iii) the HSNO approval number and/or group standard title; and

(iv) the quantity expressed in the reporting unit listed in column B of Table 1 of Schedule 1.

(2) For the purposes of subclause (1)(b), manufacture means to make, prepare or produce an identified substance.

(3) Subclause (1)(b) does not apply to any identified substance imported or manufactured in accordance with a containment approval issued under section 32 of the Act.

#### **6C. Duty to file annual reports on certain explosives**

(1) In the period beginning on 1 January and ending on 31 May each year, a manufacturer who manufactures a substance specified in clause 10(1) must file with the Authority an annual report containing information on the quantity of each substance specified in clause 10(1) manufactured in the preceding calendar year.

(2) Subclause (1) does not apply to a substance that is:

- (a) manufactured at the place of use; and
- (b) manufactured for imminent use; and
- (c) not further packaged or distributed."

#### **10. Clause 7 Amended (purpose for collection of information)**

(1) In the heading, delete "prescribed".

(2) Delete the body of clause 7 and replace with:

"The purpose for which the Authority collects all information under this notice is to assist it in exercising the functions, duties and powers referred to in section 11 of the Act, including, but not limited to:

- (a) the carrying out of its compliance and enforcement functions under the Act; and
- (b) collating, analysing and reporting on information collected under this notice."

#### **11. Clause 8 Amended (manner information to be provided)**

(1) In the heading, delete "prescribed".

(2) In subclause (1), delete "The prescribed information must be notified" and replace with "All information required under this notice must be provided and updated".

(3) In subclause (2):

- (a) in the first line, delete "notification to be carried out" and replace with "information to be provided"; and
- (b) in the second line, delete "notification be carried out by" and replace with "information be provided"; and

(4) In subclause (3):

- (a) in the first line, delete "notification" and replace with "information to be provided";
- (b) in the second line, delete "notification" and replace with "information";
- (c) in the second line, delete "notice" and replace with "information";
- (d) in paragraph (a) delete "notification" and replace with "the information"; and
- (e) in paragraph (b) delete "notification and replace with "information".

#### **12. Clause 9 Amended (duty to maintain accuracy and currency of information)**

(1) In subclause (1):

- (a) delete "promptly"
- (b) at the end of the sentence, insert "within 30 days of such change occurring".

(2) After subclause (2), insert the following new subclause:

"(2A) If the Authority determines that it is not necessary to continue to hold information about a manufacturer or importer that the Authority has collected under this notice, the Authority may issue a notice to the importer or manufacturer advising that it intends to dispose of the information."

(3) Delete subclause (3).

#### **13. Clause 10 Amended (information and certificate)**

(1) In the heading, delete "Obligation" and replace with "Importing explosives: obligation".

(2) In subclause (2):

- (a) delete "Prior to uplifting the substance from a Customs controlled area following importation," and replace with "For the purposes of a single-shipment import certificate"; and
- (b) delete "and Worksafe".

(3) After subclause (2), insert the following new subclause:

"(2A) For the purposes of a multi-shipment import certificate the importer must provide information to the Authority relating to the following matters:

- (a) the importer of the substance;
  - (b) the manufacturer of the substance;
  - (c) the estimated quantity of substance to be imported in the period for which the certificate is issued;
  - (d) the HSNO approval number of the substance;
  - (e) the description of the substance;
  - (f) the UN number, hazard classification, and proper shipping name of the substance;
  - (g) the proposed location(s) for the storage of the substance(s), and location compliance certificates (if applicable);
  - (h) the intended certified handler(s) of the substance (if applicable);
  - (i) the controlled substance licence of the person(s) intended to be in control of the substance (if applicable); and
  - (j) any other information that the Authority considers relevant.”
- (4) In subclause (3), after the words “subclause (2)” insert “and (2A)”.
- (5) In subclause (4):
- (a) after “uplifted”, insert “from a Customs controlled area”.
  - (b) after “that”, delete all words and replace with:  
“it holds either –
    - (a) a current single shipment import certificate for the substance; or
    - (b) a current multi-shipment import certificate for the substance.”

**14. New Clause 11 (import certificates for explosives)**

- (1) After clause 10, insert a new clause 11 as follows:

**“11. Import certificates for certain explosives**

(1) This clause applies to any substance specified in clause 10(1).

(2) An importer importing a substance to which this clause applies must hold a current import certificate issued under this clause.

(3) The Authority must issue a single-shipment import certificate to an importer seeking to import a substance to which this clause applies if –

- (a) the importer has supplied the information in clause 10(2) to the satisfaction of the Authority; and
- (b) the substance has an approval under section 29 of the Act.

(4) The Authority may issue a multi-shipment import certificate to an importer seeking to import a substance to which this clause applies, taking into account the matters in subclause (6), if –

- (a) the importer has supplied the information in clause 10(2A) to the satisfaction of the Authority; and
- (b) the substance has an approval under section 29 of the Act.

(5) A multi-shipment import certificate may be issued for a period of up to 12 months during which time the importer may import multiple shipments of the substance identified in the certificate.

(6) When determining whether or not to issue a multi-shipment import certificate the Authority may take into account the following matters:

- (a) the substance;
- (b) the estimated quantity of the substance to be imported;
- (c) the intended use of the substance;
- (d) the importer’s compliance history; and
- (e) any other matter that the Authority considers relevant.

(7) The Authority may amend or revoke a multi-shipment import certificate at any time taking into account the matters set out in subclause (6).

**15. New Clause 12 (duty to notify each shipment under a multi-shipment import certificate)**

- (1) After clause 11, insert a new clause 12 as follows:

**“12. Duty to notify each shipment under a multi-shipment import certificate**

An importer importing a substance under a multi-shipment import certificate issued under clause 11(4) must provide the Authority with the following information no later than 48 hours before each shipment authorised by the certificate enters New Zealand –

- (a) importer of the substance;
- (b) multi-shipment import certificate number issued by the Authority;

- (c) intended port or place from which the explosive is shipped;
- (d) maximum quantity of substance to be uplifted;
- (e) description of the substance;
- (f) intended date and place of uplift; and
- (g) intended flight number, or name, of the vessel transporting the substance.”

**16. New Schedule 1 (identified substances)**

Insert a new Schedule 1 as follows:

**Schedule 1**

**Identified Substances**

**Table 1: Identified substances**

<b>Column A: Categories of identified substances</b>	<b>Column B: Reporting unit per substance</b>
Agrichemical	Active ingredient (in kilograms)
Timber treatment chemical	Active ingredient (in kilograms)
Antisapstain chemical	Active ingredient (in kilograms)
Antifouling paint	Active ingredient (in kilograms)
Parasiticides used as veterinary medicines in large animals	Active ingredient (in kilograms)

**Table 2: Excluded substances**

Fertiliser
Methyl bromide
Ethanedinitrite (EDN)

**17. New Schedule 2 (transitional provision)**

Insert a new Schedule 2 as follows:

**Schedule 2**

**Transitional Provision**

An importer or manufacturer who has already complied with clause 5 at first importation or first manufacture must provide to the Authority the information in clause 6(1)(ba), (f) and 6(2) (if applicable) within the 30 day period after the commencement date of clause 8 of the Hazardous Substances (Importers and Manufacturers) Amendment Notice 2024.

Signed at Wellington this 12th day of June 2024.

STEVEN (TĪPENE) WILSON, Chairperson (Acting), Environmental Protection Authority.