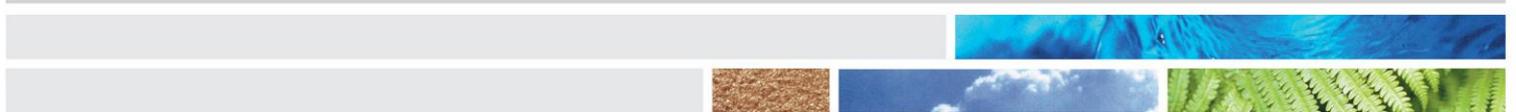




Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# Hazardous Substances (Forms and Information) Notice 2017

JULY 2017



## EPA NOTICE

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

New Zealand Government



## Hazardous Substances and New Organisms Act 1996

### Hazardous Substances (Forms and Information) Notice 2017

This notice is issued by the Environmental Protection Authority (the Authority) under section 76A of the Hazardous Substances and New Organisms Act 1996 (the **Act**). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2). The Authority now approves it for publication in the Gazette.

Signed at Wellington

This 27<sup>th</sup> day of July 2017

By Kerry Prendergast

A handwritten signature in black ink, appearing to read "Kerry Prendergast". The signature is written in a cursive, flowing style.

**Chair**  
**Environmental Protection Authority**

## Hazardous Substances (Forms and Information) Notice 2017

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### Table of Contents

<b>Objective of notice</b> .....	<b>4</b>
<b>Extent of consultation</b> .....	<b>4</b>
<b>Further information about EPA notices</b> .....	<b>4</b>
<b>Part A: General</b> .....	<b>5</b>
1 Title .....	5
2 Commencement .....	5
3 Definitions .....	5
<b>Part B: Information required for applications relating to hazardous substances</b> .....	<b>5</b>
4 Requirement for all applications .....	5
5 Specific information for applications under sections 28, 31, and 47 .....	5
6 Additional information for applications under section 28 .....	6
<b>Part C: Form of compliance order</b> .....	<b>6</b>
7 Form of compliance order in Schedule .....	6
<b>Schedule</b> .....	<b>7</b>
<b>Form of compliance order</b> .....	<b>7</b>

*Administrative information: Date of notification in New Zealand Gazette: 3 November 2017.*

## Objective of notice

The objective of this notice is to specify requirements, additional to those required under the Act, for applications relating to hazardous substances, and to set out the form of any compliance order issued by an enforcement officer. The contents of this notice were formerly set out in the Hazardous Substances (Forms and Information) Regulations 2001.

## Extent of consultation

The Authority publicly notified its intention to issue this Notice on 19 September 2016 by publishing a proposal document on its website. It invited comments by 14 October 2016. The paper 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.

## Further information about EPA notices

EPA notices are tertiary instruments that are administered by the Authority. They are classed as disallowable instruments under the Legislation Act 2012 (the **Legislation Act**). This means that the notice must be tabled in the House of Representatives who may, by resolution, disallow the notice. The Regulations Review Committee is the select committee responsible for considering instruments such as this notice under the Legislation Act.

At the time of making this notice, the relevant empowering provision in section 76A of the Act has not come into force. However, pursuant to section 11 of the Interpretation Act 1999, the power may be exercised before it comes into force to make this notice. The exercise of this power is necessary or desirable in order to bring the enactment into operation. The notice will not come into force before the power to make the notice comes into force.

## Part A: General

### 1 Title

This is the Hazardous Substances (Forms and Information) Notice 2017.

### 2 Commencement

This notice comes into force on 1 December 2017.

### 3 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

**benefit** means the value of a particular positive effect expressed in monetary or non-monetary terms

**cost** means the value of a particular adverse effect expressed in monetary or non-monetary terms

**risk** means the combination of the magnitude of an adverse effect and the probability of its occurrence.

(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 required for applications relating to hazardous substances

### 4 Requirement for all applications

Every application relating to a hazardous substance must contain sufficient information to enable the Authority to carry out its powers, functions, and duties in relation to the application.

### 5 Specific information for applications under sections 28, 31, and 47

(1) Every application must identify and assess the risk posed by the hazardous substance, which must include:

- (a) the nature of the adverse effects of the substance; and
- (b) the probability of occurrence and magnitude of each adverse effect; and
- (c) an assessment of the risk of each adverse effect; and
- (d) options and proposals for managing the risks identified; and
- (e) the uncertainty bounds on the information contained in the assessment, expressed quantitatively where possible but otherwise by narrative statement.

(2) Every assessment of risks must include—

- (a) distributional effects over time, space, and groups in the community; and
- (b) the uncertainty intervals associated with an estimate of the distributional effects.

## **6 Additional information for applications under section 28**

- (1) Every application relating to a hazardous substance that is made under section 28 of the Act must include information about the costs and benefits of the hazardous substance.
- (2) The costs and benefits information must include:
  - (a) the nature of the costs and benefits associated with the substance, and whether the costs and benefits are monetary or non-monetary; and
  - (b) the magnitude or expected value of the costs and benefits, and the uncertainty bounds on the expected value.
- (3) The costs and benefits must—
  - (a) relate to New Zealand and arise as a result of approving the application for the substance; and
  - (b) include long-term, short-term, direct, and consequential costs and benefits.
- (4) Every assessment of costs and benefits must include—
  - (a) distributional effects over time, space, and groups in the community; and
  - (b) the uncertainty intervals associated with an estimate of the distributional effects.

## **Part C: Form of compliance order**

### **7 Form of compliance order in Schedule**

A compliance order under section 106 of the Act relating to hazardous substances must be in the form set out in the Schedule.

## Schedule

### Form of compliance order

To *[name and address]*

- (1) The reasons for this order are:
- (2) The action required to be taken or ceased or not taken is: *[give precise details]*
- (3) The period within which the action must be taken or cease starts when this order is served and is: *[specify period]*
- (4) The name of the enforcement officer serving this order is: *[name]*
- (5) The name and address of the agency whose enforcement officer is serving this order is: *[specify]*
- (6) The District Court at which any appeal against this order must be lodged is: *[specify]*

#### Notes

You have the right to appeal to a District Court against the whole or any part of this order (see section 125(3) of the Hazardous Substances and New Organisms Act 1996). You may also apply to change the District Court at which the appeal must be lodged. If you lodge an appeal, you may apply to the District Court for a stay of the compliance order until determination of the appeal.

#### Consequences of failing to comply with this order

If you do not comply with this order, or do not lodge a notice of appeal against it, you may be liable to prosecution under section 109 of the Hazardous Substances and New Organisms Act 1996.

.....  
[Signature of enforcement officer]

.....  
[Date]



Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

Level 10, 215 Lambton Quay, Wellington 6011, New Zealand

