

EPA's compliance, monitoring and enforcement (CME) activities during the COVID-19 pandemic

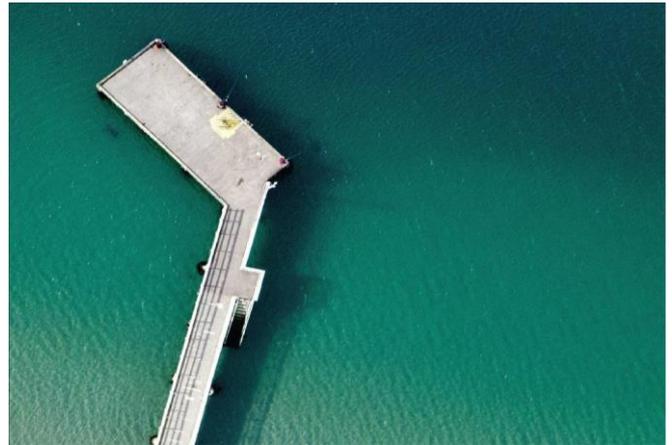
09 April 2020

Response to the COVID-19 pandemic

From 27 March 2020 New Zealand's COVID-19 pandemic response has been at Alert Level 4, which has resulted in a nationwide lockdown. This creates an unprecedented situation for us all.

During this time, compliance teams that manage our Hazardous Substances, Emissions Trading and Exclusive Economic Zone laws will continue to perform their regulatory functions.

While the country is at Level 4, site inspections and investigations would only take place if requested by, and in consultation with, other relevant authorities (e.g. police, FENZ, Ministry of Health officials, or Civil Defence).



Communication to duty holders

The EPA expects duty-holders to continue to comply with relevant legislation and rules while the country is at Level 4.

This assumes that there is no modification order in place for any of the legislation we administer. This approach will be reviewed in light of any reduction from Level 4, or any relevant alterations to the declaration of a state of emergency, or epidemic notices / management plans.

The EPA will continue to perform all its regulatory functions, with priority given to providing advice, assistance and support to those duty holders providing essential services to New Zealanders. Compliance issues that raise significant environmental and public health risks will continue to be prioritised.

The EPA will take into account the effects of the pandemic, when able under the law, in responding to any compliance issues. Where there are statutory processes (such as waivers, or amendment processes) for addressing compliance issues that arise from the pandemic's impact, we encourage you to utilise these. If, as a duty-holder you have any queries, please contact us to discuss these as soon as you can.

How we will work

During the COVID-19 pandemic, the EPA will continue to investigate duty-holder notifications of incidents and complaints.

We will continue to work on investigations and other enforcement activities where this can be done in line with operational requirements at Level 4, and government advice around the pandemic. This means we will use as many remote techniques as possible to ensure we balance the need to regulate against the imperatives imposed under the national response to COVID-19.

The EPA will continue to take appropriate enforcement actions in response to breaches of the legislation during the COVID-19 pandemic.

- The EPA's statutory powers and functions remain in force
- Inspections will typically be undertaken remotely, with inspectors collecting information, documentation and evidence through tele/video conferences and via written requests to the duty holders to limit COVID-19 exposure risks
- We will consult with duty-holders when developing inspection schedules
- We will continue to assess compliance through monitoring regulatory reports or information provided by duty holders and follow up on notifications of incidents or complaints
- As always, the circumstances in which any compliance issues arise will be considered
- We understand that some actions normally required to comply with consents, permits or authorisations may not be possible during the COVID-19 pandemic. Duty-holders unable to fulfil requirements, should contact us for further guidance or clarity of their situation. It cannot be assumed that the impacts of COVID-19 will necessarily provide a justification for a failure to comply with a legal requirement. We urge duty-holders to contact us as soon as possible if you are having issues with meeting your compliance obligations.

Given these unique circumstances, we will be developing and adjusting what we do as we learn how we can best prevent risks to health, safety and the environment.

Legislation

The EPA has CME functions under the following legislation:

- a. Oversight of the HSNO Act: s 11(1)(b) HSNO
- b. Ensure compliance with the ETS: s 87(1)(e) CCRA
- c. Protecting human health under OLPA: s 4(1)(a) OLPA
- d. Monitor and enforce the requirements of the EEZA: ss 13(1)(b) and (c) EEZA

Contact us

If you are unsure or unclear on how the current situation may affect your responsibilities as a duty holder, please contact us as you normally would via our email inboxes or to the allocated officer who usually deals with your queries.

EEZ Compliance:

EEZ.Compliance@epa.govt.nz

Hazardous Substance Compliance:

HSCompliance@epa.govt.nz

ETS Compliance:

emissionstrading@epa.govt.nz