

Date 16 December 2019

Via: [REDACTED]@gmail.com

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Dear [REDACTED]

I refer to your email to the Environmental Protection Authority (EPA), received on 28 November 2019, in which you ask for the following information:

1. *Have EPA prosecuted anyone in the last 5 years for not meeting labelling requirements of any chemicals being sold to the New Zealand market in containers and amounts under 5 litres?*
2. *How many prosecutions have there been?*
3. *Have EPA warned anyone in the last 5 years for not meeting labelling requirements of any chemicals being sold to the New Zealand market in containers and amounts under 5 litres?*
4. *How many warnings have been issued?*

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

On 1 December 2017, amendments to the Hazardous Substances and New Organisms Act 1996 (the HSNO Act) gave the EPA enforcement powers in respect of classification controls, which include the requirements for labelling. Before this time, the EPA did not have the power to enforce or prosecute non-compliance with controls or regulations.

The EPA checks compliance with labelling requirements for importers and manufacturers of hazardous substances when inspections are conducted, or when complaints or tip-offs are received. In response to your questions:

1. The EPA has not prosecuted anyone in the last 5 years for not meeting labelling requirements of any chemicals being sold to the New Zealand market in containers and amounts under 5 litres.
2. There have been no prosecutions for the above.
3. The EPA has not formally warned anyone in the last 5 years for not meeting labelling requirements for the above.
4. No formal warnings have been issued for the above.

Prosecutions and warnings are not the only options we have to bring about compliance or prevent or manage adverse effects. For example, the EPA Hazardous Substances Compliance team conducted an inspection campaign in the last 12 months, with a focus on importers and manufacturers of pesticides and agricultural chemicals. These inspections assessed these companies' compliance with a range of HSNO Act requirements, including the labelling and packaging of hazardous substances. Where potential and actual issues were identified, we required the companies concerned to address the issues in a timely fashion. We also have powers to require that products be withdrawn from the market. We welcome reporting by the public of concerns they may have with the labelling of any hazardous substances, by emailing us at HScompliance@epa.govt.nz.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely



Gina de Graaff

Acting Director Compliance, Monitoring and Enforcement
Environmental Protection Authority