

Official Information Act Request

Requester's details

Date: 1 February 2022

Name: [REDACTED]

Organisation: University of Auckland

Email: [REDACTED]

Reference number: ENQ-43233-P3X2F7

Dear [REDACTED]

I refer to your request received on 22 December 2021 for the following information in relation to erionite and why it was included in Schedule 4 of the Cosmetic Products Group Standard:

- “written documents, reports, memos, letters, notes, emails and draft documents;
- non-written documentary information, such as material stored on or generated by computers and databases, video and tape recordings, maps and photographs; and
- information which is known to an agency but which has not yet been recorded in writing or otherwise.”

In terms of why erionite is on the schedule of prohibited compounds, New Zealand takes the European Union's (EU) lead on cosmetic regulation. When the Environmental Risk Management Authority (ERMA)¹ first made the Cosmetics Products Group Standard in 2006, it used the prohibited compounds list in the EU Cosmetics Directive (which was replaced by the EU Cosmetics Regulation in 2009). Erionite is listed in prohibited compounds in EU next to asbestos. The EU holds an official classification for erionite as a known carcinogen (Carc 1A).

The Environmental Protection Authority has no records of erionite in our hazardous substances database, therefore it has no classification in New Zealand, and it is not on our inventory of chemicals – so it is not able to be used as a substance (or part of a mixture) in a group standard. This means that essentially it is not currently allowed to be used intentionally as a hazardous substance itself, or as part of hazardous substances in New Zealand. Further, the Group Standards which can accommodate carcinogens also have strict provisions on when a new carcinogenic substance could be ascribed to that group standard.

¹ The predecessor to the Environmental Protection Authority.

Because of the way erionite was added to the schedule of prohibited compounds, the specific documentation you are seeking does not exist. I am therefore refusing your request under section 18(g) of the Official Information Act 1982, as the information requested is not held by the Environmental Protection Authority (EPA) and we have no grounds for believing that the information is either held by another department, or connected more closely with the functions of another department.

You have the right to seek an investigation and review by the Ombudsman of this decision. 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

We may publish your request and our response on our website, www.epa.govt.nz. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Allan Freeth', with a stylized flourish at the end.

Dr Allan Freeth
Chief Executive