

Official Information Act Request

Requester's details

Date: 12 July 2022

Name: [REDACTED]

Email: [REDACTED]

Reference number: ENQ-44092-H3K9F6

Dear [REDACTED]

Thank you for your request for information, which we received on 8 June 2022, and your additional question, which we received on 13 June 2022. We are responding to each question separately.

“Will EPA (as the Government agency responsible for regulating firework criteria), actively seek to confirm fireworks are being correctly assessed for noise levels this year? (I am aware that most of the complaints around the public use of fireworks, relates to the noise level and sensory damage to living creatures due to the sudden noise they create).”

Any person who has gone through the application process to become a delegated Fireworks Certifier has had their skills and experience, compliance history, methods, and testing processes and procedures assessed prior to becoming a delegated Fireworks Certifier. A certificate may only be issued by a certifier for all fireworks of any one type within an imported consignment if those fireworks comply with Regulation 11 of the Hazardous Substances (Fireworks) Regulations 2001.

Regulation 10 (Requirements for issue of certificates) states:

(1A) A certificate may be issued by a certifier for a retail fireworks package.

(3) For the purposes of subclause (1), all fireworks of any one type within an imported consignment comply with regulation 11 if—

(a) not less than 10 fireworks are selected at random from those fireworks of that type within the consignment, and each of the selected fireworks, when tested, complies with that regulation; or

(b) in a case where one of the fireworks selected under paragraph (a) does not comply with 1 or more of the requirements of regulation 11(1)(c), (f), (g), or (h), not less than 10 additional fireworks of the same type are selected at

random from the same consignment, and each of the selected fireworks, when tested, complies with regulation 11.

(5) If all fireworks of any one type within an imported consignment do not satisfy the requirements of subclause (3), a certificate must not be given for those fireworks.

The delegated certifier is required to submit every certificate to the EPA. These are reviewed by the EPA. The certificate certifies that the requirements have been met for the substances specified in the certificate. The certificate will indicate if a firework has failed to comply, and that any items failing to comply must not be sold or distributed and must be either exported or disposed of in accordance with the [Hazardous Substances \(Disposal\) Notice 2017](#).

“Your website states a sample of each firework consignment must be tested for compliance. Is this a sample of each different imported firework type / brand or just a random sample of each consignment? Who chooses which fireworks are actually tested? – The importer or the certifier, or ?”

The certifier tests a random sample of each imported firework type, and it is the certifier who chooses which fireworks are actually tested. These requirements are specified in [Regulation 10](#).

“Is there any exception criteria available to the 90db noise limits when fireworks are used at Public events?”

The only noise limit referred to in the Hazardous Substances (Fireworks) Regulations 2001 is the 90 dB limit in [Regulation 11\(1\)\(k\)](#). No exceptions are stated. However, WorkSafe New Zealand is responsible for regulating outdoor fireworks displays and may be able to assist with any further questions you may have about public events.

Under the Health and Safety at Work Act 2015, WorkSafe New Zealand has a role in the regulation of outdoor pyrotechnic displays.

The following links may provide you with some additional useful information

[Retail fireworks - who is responsible? | WorkSafe](#)

[Outdoor pyrotechnics display compliance certificates | WorkSafe](#)

[Explosives \(including pyrotechnics\) | WorkSafe](#)

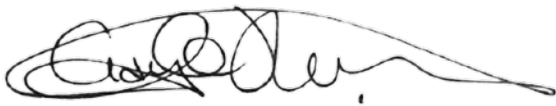
Your local council should also be able to provide you information on any local bylaws for the rules around using fireworks in your area.

I hope this information is helpful. 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 black ink, appearing to read 'Gayle Holmes', with a long, sweeping horizontal stroke extending to the right.

Gayle Holmes
General Manager, Compliance, Monitoring and Enforcement