

ENQ-40479-S6S6R3

20 January 2021

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Via: ████████████████████

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## Official Information Act Request

Dear ██████████

I refer to your request received on 3 December 2020 for the following information:

*“When did waste/used oil cease to be a hazardous waste and become a hazardous substance?”*

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

Your question was answered by our response to your previous request for information, made on 19 February 2020, when you asked for a timeline of events of the legal status of waste/used oil.

We responded on 17 March 2020, advising that the EPA had notified changes to definitions relating to used oil in ‘Management and Handling of Used Oil – HSNOCOP 63’. This is a code of practice which was approved on 11 November 2013 and published in the New Zealand Gazette on 21 November 2013. It may be accessed on the EPA website: [Management and Handling of Used Oil](#).

This code of practice was developed following the release by the EPA in February 2012 of information that advised the change in status of used/waste oil and that it was now considered to be a hazardous substance and therefore subject to the relevant Hazardous Substances and New Organisms (HSNO) controls. An information sheet was widely circulated at that time to industry stakeholders, HSNO test certifiers, and enforcement agencies. It noted that, “Collectors or users storing used/waste oil in bulk tanks may also need to get HSNO certification for the tanks to verify they are safe”.

For the purposes of approval as a hazardous substance under the HSNO Act, used oil is defined as, “any oil that has been refined from crude oil, or any synthetic hydrocarbon oil, that has been used, and as a result of such use, has become unsuitable for its original purpose due to the presence of impurities or contaminants or the loss of original properties.” See Page 7 of the code of practice.

The status of used oil under the HSNO Act is explained on pages 7-9 and the controls are outlined on pages 9-11 of the code of practice. Of particular note are the requirement for test certificates for stationary container systems on page 10, and requirements for transport of oil on page 11.

I trust this information will be helpful. If you require any further information about dealing with waste oil in the workplace, please note that this falls under the jurisdiction of WorkSafe New Zealand. Their contact details may be found here: [www.worksafe.govt.nz/contact-us/](http://www.worksafe.govt.nz/contact-us/)

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](mailto:info@ombudsman.parliament.nz). If you have any further queries, please do not hesitate to contact us via [ministerials@epa.govt.nz](mailto:ministerials@epa.govt.nz).

We will publish your request and our response on our website, [www.epa.govt.nz](http://www.epa.govt.nz), within 10 working days from today. 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 "Chris Hill". The signature is written in a cursive style with a large initial "C".

Dr Chris Hill  
General Manager, Hazardous Substances and New Organisms  
**Regulatory Systems and Operations**