

Official Information Act Request

Requester's details

Date: 26 May 2021

Name: [REDACTED]

Title: [REDACTED]

Organisation: Salters Cartage Ltd

Email: [REDACTED]

Reference number: ENQ-41449-T3C2J6

Dear [REDACTED]

Thank you for your request for information. This request was transferred from MfE to the EPA on 6 May 2021.

You have asked when waste / used oil ceased to be a hazardous waste and became a hazardous substance.

You stated that your request relates only to what you have described as “the rule change”, not the code of practice *Management and Handling of Used Oil – HSNOCOP 63* (code of practice). However, for us to elaborate in any meaningful detail, it is unavoidably necessary to refer to this code of practice, which we referred you to when we responded to your previous requests on 19 February and 3 December 2020.

It may be found here: <https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Guidance/72a32c03d4/HSNOCOP-63-Management-and-handling-of-used-oil.pdf>

The development of this code of practice followed the release of an Information Sheet by the EPA in February 2012, which advised of the change in the 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. The notification in February 2012 of this change of status can be taken to be the date of what you describe as the “rule change”

This 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 to verify that they are safe.

The status of used oil under the HSNO Act, and controls on used oil under the HSNO Act, are described in sections 1.3 and 1.4 of the code of practice (pages 8 – 11), including the requirements for test certificates for stationary container systems.

I hope this resolves your question to your satisfaction. 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 are interested in the timing for compliance with the provisions resulting from the change of status, there were case by case requirements for individual sites, including the specific time period provided. To obtain the compliance information for your site, and thereby the date when the new requirements came into effect for you, you would need to contact WorkSafe, since these requirements were transferred to the Health and Safety at Work (Hazardous Substances) Regulations in 2017.

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

We will publish your request and our response on our website, 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, flowing style.

Dr Chris Hill
General Manager Hazardous Substances & New Organisms