

# Official Information Act Request

## Requester's details

Date: 29 November 2021

Name: [REDACTED]

Email: [REDACTED]

Reference number: ENQ-42909-N6M9C0

Dear [REDACTED]

Thank you for your request received on 6 November 2021. You have asked for an explanation of the processes involved in certifying someone to certify fireworks imported into New Zealand. You have enquired what processes are in place to ensure the certification process is robust and achieving its goals particularly in relation to the 90db noise limit. You have also expressed concern that many fireworks seem to exceed this limit.

An applicant must complete an *Application to become a delegated Fireworks Certifier* before they can become a retail fireworks certifier. They must provide evidence of their relevant skills and experience. They have to explain their testing processes, to ensure retail fireworks meet statutory requirements, and this includes test firing procedures. They need to describe the equipment they intend to use. This includes demonstrating that their sound measuring devices comply with Regulation 11(1)(k) of the Hazardous Substances (Fireworks) Regulations 2001 (the regulations).

They are also required to send us their proposed health and safety measures and record keeping procedures, information about their previous compliance, and any conflicts of interest.

They must also complete our *Fit and Proper Assessment* form and undergo a criminal record check.

They need show the Environmental Protection Authority (EPA) that their sound measuring device has been annually and independently calibrated and verified as meeting the requirements of regulation 11(1)(k)(ii) of the regulations. They must also supply a completed field assessment form, their health and safety plan, and worksite safety plan for a fireworks testing session/location. They must also provide insurance certificates.

When the EPA receives an application, it contacts WorkSafe New Zealand. It asks them for information about the applicant's compliance and audit history, industry experience, and details of any complaints, concerns, prosecutions, and non-compliance, if applicable.

If the applicant is (or formerly was) a delegated fireworks certifier seeking renewal, the EPA will review a selection of certificates they had previously submitted.

The EPA will then assess any other compliance history it holds about the applicant. If they are a new applicant, there will be a face-to-face interview. This may also be required for renewals.

After this information has been assessed, reviews of the assessment and recommendation memo will be carried out by the EPA's Principal Scientist, legal team, and a manager or general manager. The final decision will be made by the Chief Executive of the EPA.

With regard to the noise level of fireworks, this is tested by a delegated Fireworks Certifier. Regulation 11(1)(k) of the regulations limits the noise produced by fireworks to no more than 90db. This is measured at a horizontal distance of 15 metres from, and at a height of one metre above, the location of the firework tested. It is not the EPA's role to set this limit, only to regulate and ensure compliance with it.

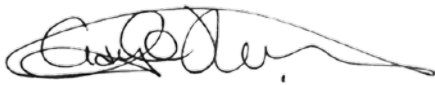
Further information about retail fireworks may be found on the Explosives page on our website: [Explosives | EPA](#).

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](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 may publish your request and our response on our website, [www.epa.govt.nz](http://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**