

ENQ-38872-G7L3Q4

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Via: [REDACTED]@gmail.com

Official Information Act Request

Dear [REDACTED]

I refer to your request received on 30 May 2020, for the following information:

“The existing classification of material aluminium dross and ouvea bagged material in Mātaura Mill.”

You also asked: *“...can a reassessment be done to accurately identify what it is...”*

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

Classification of Ouvea Premix

The Environmental Protection Authority (EPA) has not received a formal application for approval under Part 5, or for a determination under section 26 of the Hazardous Substances and New Organisms Act 1996 (HSNO) in respect of Ouvea Premix. Without such an application and subsequent assessment, the EPA is unable to classify Ouvea Premix.

However, the EPA has previously carried out a review of the status of Ouvea Premix in 2012 through a “status of substance request”. A “status of substance” was an informal service previously offered to importers or manufacturers of hazardous substances. This service provided informal advice that was based on the information provided by the applicant at the time. The EPA provided such guidance in good faith and accepts no liability for any claims arising out of its accuracy.

At that time in 2012, the EPA identified a *preliminary*, non-statutory hazard classification for Ouvea Premix as follows:

- 6.3A, skin irritant
- 6.4A, eye irritant
- 6.9B, target organ systemic toxicant (oral and inhalation)
- 9.1C, aquatic ecotoxicant.

Please note that this is not a complete and definitive classification of Ouvea Premix.

Classification of aluminium dross

Aluminium dross is a by-product of smelting, the electro-chemical process used to extract aluminium from aluminium-bearing ore. The dross has a high level of aluminium nitride, which can be hazardous when exposed to moisture, and can cause irritation to exposed skin, eyes and the respiratory tract. However, as a by-product, aluminium dross does not come under the scope of any HSNO approval. Consequently, aluminium dross does not have a HSNO classification.

Reassessment

A reassessment is a review of a hazardous substance that already has an approval for use in New Zealand. Neither Ouvea Premix nor aluminium dross has approval under HSNO, and therefore reassessment is not available.

I understand that your interest is in confirming the classification of Ouvea Premix so that the appropriate consents may be obtained, and to ensure that this material is handled safely. In light of this, a formal request for a determination under section 26 of HSNO may be made. However, to achieve an accurate assessment of the hazard classifications, either a knowledge of the full composition of the product, or scientific studies, are needed. Achieving a complete and definitive classification of Ouvea Premix may be complicated by variations in composition between batches of this substance. You can find out more about section 26 determinations on our website at: <https://www.epa.govt.nz/industry-areas/hazardous-substances/making-an-application>.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, or would like a copy of the "status of substance" application for Ouvea Premix, please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Ehlers', followed by a horizontal line extending to the right.

Dr Clark Ehlers
Acting General Manager, Hazardous Substances and New Organisms
Regulatory Systems and Operations