Consultation on updating New Zealand’s Implementation of the Stockholm and Rotterdam Conventions

New Stockholm and Rotterdam Conventions chemicals

June 2018

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We seek public input

This document has been prepared by the Environmental Protection Authority (EPA) to inform and guide public consultation on proposed updates to New Zealand’s Implementation of the Stockholm and Rotterdam Conventions under the Hazardous Substances and New Organisms Act 1996 and Imports and Exports (Restrictions) Prohibition Order (No 2) 2004. We welcome your feedback.

We would like to hear what you think about the proposals outlined. To make this easier, you can download a submission form from the Public Consultations area of the EPA website.

The submission form includes the questions asked throughout the consultation document. Your views are welcome on any of the questions you are interested in. There is also an opportunity for general comments. There are a lot of questions, so please focus on those of interest to you, and don’t feel you should answer them all.

Closing date for submissions – 16 July 2018

Please complete the online submission form no later than 16 July 2018. Alternatively, you may send other submissions to: POPsConsultation@epa.govt.nz.

How we will consider your submissions

We will review and analyse the submissions received and prepare a report on submissions. This will be available to all submitters and placed on our website at www.epa.govt.nz. We will also post submissions on our website.

Privacy Statement

The Privacy Act 1993 establishes certain principles with respect to the collection, use, and disclosure of information about individuals by various agencies, including the EPA and the Ministry for the Environment (the Ministry). Any personal information you supply in the course of making a submission will be used only in conjunction with the matters covered by this document. We may also use your contact details for the purpose of requesting your participation in customer surveys. You may request that your personal information (other than your name) be withheld from publicly available information.

Disclaimer

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Summary

New Zealand is a party to two United Nations chemicals agreements: the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention). The parties to both Conventions meet every two years and may decide to add new chemicals to those subject to the Conventions. Chemicals added in 2017 to both Conventions have not yet been included in New Zealand’s domestic laws implementing these Conventions. In order to ensure New Zealand complies with its international obligations, amendments are required to the relevant New Zealand laws.

New Zealand fulfils its Stockholm Convention obligations for the elimination or restriction on importation, production, use, and disposal of Stockholm-listed persistent organic pollutants (POPs) through provisions in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and, for export, through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (the Order). Both of these instruments contain schedules that list the chemicals that are subject to the Stockholm Convention obligations.

Any new listings under the Rotterdam Convention are adopted in New Zealand through an amendment to the Order with respect to exports. As the HSNO Act does not control the export of substances, the obligation under the Rotterdam Convention for New Zealand to have a permitting system for the export of Rotterdam Convention chemicals and to obtain the prior informed consent of the importing country is implemented by regulations in the Order. Rotterdam Convention chemicals subject to permitting are listed in the second schedule of the Order.

This discussion document outlines the chemicals recently added to the two Conventions and the proposed regulatory changes, and seeks your views on them.

This consultation is being undertaken jointly by the EPA and the Ministry for the Environment (the Ministry). The EPA has responsibility for consulting on changes to the HSNO Act schedules while the Ministry is responsible for consulting on the Order. All submissions will be used by both agencies.

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1 While the Ministry for the Environment has policy responsibility for the Order, the Ministry for Business Innovation and Employment administers the Imports and Exports (Restrictions) Act 1988.
Background – the Conventions

Stockholm Convention

What the Stockholm Convention does

The Stockholm Convention on Persistent Organic Pollutants is a multilateral environmental agreement limiting the production and use of POPs, which are highly toxic chemicals that persist in the environment, build up in human and animal tissue, and are passed from species to species through the food chain. The Convention has three annexes in which chemicals are listed:

Annex A This lists POPs that are to be eliminated. The obligation is to eliminate production, use, import and exports of them, except for those specific exemptions allowed by the Convention listings of particular POPs, where a country has registered for those exemptions when accepting the listing. Most exemptions are short term.

Annex B This lists POPs that are to be restricted to uses that are specified in the annex. An example is DDT, which is prohibited except for use in disease vector control in accordance with World Health Organization guidelines and as an intermediate chemical in the production of the pesticide dicofol. Any party using DDT must also have notified the Convention that it will use this exemption.

Annex C This lists POPs that are produced and released as unintentional by-products of specific processes. The obligation is to take measures to avoid the unintentional production and releases of the listed POPs. An example is dioxins, which are a by-product of a number of industrial processes and combustion of some wastes.

The Convention also requires that countries manage stockpiles and wastes of chemicals listed in these Annexes (including when POPs must be destroyed), identify contaminated sites, and remediate these in an environmentally sound manner.

The Convention maintains a register of the countries making use of each of the specific exemptions and acceptable purposes listed in Annexes A and B. Parties need to register in order to make use of each exemption/acceptable purpose when the country adopts the obligations that the treaty imposes on parties for the listed POPs. Specific exemptions have a limited timeframe and expire at a specified time after the date of entry into force of the Convention with respect to that particular chemical, unless an earlier date is indicated in the register by the party or an extension is granted by the Conference of the Parties. Exemptions applying to all parties do not need to be notified and listed in the register. An example is the exemption that has applied to polychlorinated biphenyls (PCBs).

The Stockholm Convention also allows a party to notify the Secretariat that it continues to have articles containing listed POPs within its borders. This is known as an “articles in use” notification and is a means to deal with legacy issues and relates to articles containing POPs that were already in use before the relevant obligations came into force. Annexes A and B note that:

"Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party."
The articles in use notification covers the existing articles in use for the time they remain in use. It does not extend to enabling reuse or recycling of the article.

**Listing new chemicals**

Every two years, parties to the Stockholm Convention meet to discuss ongoing implementation of the Convention and, when required, can agree that additional POPs will be subject to international regulation. These additional POPs have undergone a three-stage assessment process by the Persistent Organic Pollutants Review Committee (POPs Review Committee), the Convention’s scientific review committee. Once agreed by the Conference of the Parties, the additional POPs are added to one or more of the annexes to the Convention.

In 2017, Parties to the Convention made two new listings, namely decabromodiphenyl ether (commercial mixture, c-DecaBDE) and short-chain chlorinated paraffins (SCCPs) in Annex A with specific exemptions. In addition, Hexachlorobutadiene (HCBD), which was already listed in Annex A, was added to Annex C.

**Obligations on New Zealand**

**Obligations of a party to the Convention**

New Zealand is a party to the Convention so is bound to comply with it. When a POP is listed in the annexes of the Convention, parties have obligations to impose prohibitions or restrictions on those chemicals.

The newly listed POPs are chemicals which have been or are used as component chemicals in products and manufactured articles in New Zealand. Obligations under the Convention extend to both the pure POP chemicals, and products and articles containing these, other than as unintentional trace contaminants. This means that we have to ensure that any existing articles in use containing the newly added POPs are managed and disposed of appropriately and, if the current use of existing articles is to continue, the existing use is reflected in our listings and is notified to the Convention Secretariat.

**When the obligations start to apply**

Under the Stockholm Convention, domestic implementation for newly listed chemicals is required by parties within 12 months of the formal notification of their listing under the Convention unless a notification of non-acceptance is filed with the United Nations. New Zealand has no non-acceptance notifications in place.

**Articles in use notification**

An articles in use notification may need to be made for DecaBDE, as it is known that this is present in existing articles such as some electrical and electronic equipment, and parts in some motor vehicles. An articles in use notification only applies to the continued use of articles that are used at the time of listing in New Zealand law. The notification does not allow any new articles to be brought into New Zealand.
Specific exemptions for the new POPs

There are a number of specific exemptions for use provided for under the listings of the two new POPs, decabromodiphenyl ether and short-chain chlorinated paraffins. These include exemptions for decabromodiphenyl ether for use in specified spare parts in the aircraft and motor vehicle industries. If a need for ongoing use in these applications can be demonstrated and justified, then New Zealand may need to register for some of the specific exemptions.

Rotterdam Convention

What the Rotterdam Convention does

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) was a response to concerns about the potential risks posed by hazardous chemicals and pesticides in the context of dramatic growth over recent decades in chemical production and trade.

The Convention creates legally binding obligations for the “Prior Informed Consent procedure” when chemicals subject to the Convention are exported. Under the procedure, the country of export must ensure the importing country has agreed to the import of the chemical prior to it being exported. The Prior Informed Consent procedure is intended to help countries monitor the import and use of these chemicals so as to avoid harm.

Chemicals that are subject to the Convention are listed in Annex III of the Convention. There are currently 50 chemicals listed: 34 pesticides, 15 industrial chemicals, and one chemical in both the pesticide and the industrial chemical categories. Examples of listed chemicals include pesticides such as DDT and lindane, and industrial chemicals such as asbestos and mercury compounds. Many of the listed chemicals are also POPs listed under the Stockholm Convention.

Listing new chemicals

The process for listing a chemical in Annex III of the Rotterdam Convention involves parties notifying the Secretariat of the Convention when the party has banned or severely restricted a chemical for health or environmental reasons. The parties are required to give consideration to adding a chemical to Annex III of the Convention once two countries have notified the Convention Secretariat of their individual actions to severely restrict the chemical. One notification has to be from each of two or more different regional groupings of the parties. Extremely hazardous pesticide formulations that present a risk under conditions of use in developing countries or countries with economies in transition may also be proposed for inclusion in Annex III.

The final decision to list chemicals in Annex III is taken by parties at a biannual Conference of the Parties. Once parties have agreed on listing a new chemical, it is added to Annex III of the Rotterdam Convention. Parties have nine months from the date of listing to prepare a response concerning the future import of the chemical. The response can be either a final decision (to allow the import of the chemical, not to allow import, or to allow imports subject to specified conditions) or an interim response. The import decisions are circulated, and exporting country parties must ensure that exporters within its jurisdiction comply with the decision.
In 2017, Parties agreed to the following four new listings:

- carbofuran (pesticide)
- short chain chlorinated paraffins (industrial chemical) – also adopted for listing under the Stockholm Convention
- tributyl tin compounds (as an industrial chemical)
- trichlorfon (pesticide).

**Obligations on New Zealand**

As a party the Rotterdam Convention, New Zealand has an obligation to notify the importing country, when exporting the chemicals listed in Annex III. Unless the importing country consents to the chemical import, the chemicals cannot be exported from New Zealand.
Implementing the Conventions in New Zealand law

Stockholm Convention


Hazardous Substances and New Organisms Act 1996

The HSNO Act was amended in 2003 to implement requirements of the Stockholm Convention. The legal obligation on New Zealand for eliminating or severely restricting the production and use of newly listed POPs is mainly met by including the POP in the list of POPs in Schedule 2A of the HSNO Act. Any exemptions applying are also specified in Schedule 2A. The HSNO Act prohibits any POP listed in Schedule 2A, or a product containing a POP, from being imported into, manufactured, or used in New Zealand (subject to some very limited exceptions).

At present, Schedule 2A lists the 12 initial POPs, the nine POPs added to the Stockholm Convention in 2009, endosulfan (which was added in 2011), hexabromocyclododecane or HBCD (which was added in 2013), and three POPs added in 2015 (hexachlorobutadiene or HCBD, pentachlorophenol (PCP) and its salts and esters, and polychlorinated naphthalenes). These listings also cover any manufactured article containing one or more of those POPs, as per the definition of POP under section 2(1) of the HSNO Act (the definition was recently updated to include articles containing POPs).

The HSNO Act contains prohibitions, or in some cases imposes severe restrictions, on import, manufacture, and use of POPs (or products containing POPs) in line with the requirements of the Stockholm Convention. Residual POPs in New Zealand can no longer be used once they are listed in Schedule 2A except for any limited exemptions that may be given in the schedule. Residual POPs, including wastes and unused stocks of POPs, are subject to rules relating to collection, storage, and disposal that are specified in the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004. Once any new POP is added to Schedule 2A, this notice applies to the POP as it covers all POPs as listed in Schedule 2A.

Schedule 2A of the HSNO Act can be amended by an Order in Council as new chemicals are added to the Stockholm Convention. The full text of the Stockholm Convention is given in Schedule 1AA of the HSNO Act and this can also be amended by an Order in Council.

Prior to POPs being added to Schedule 2A, the HSNO Act requires the Minister for the Environment to request the EPA to consult with those who may be affected and for the EPA to report the results of this consultation back to the Minister, along with advice on best international practices and standards for the safe management of the hazardous substances. On 18 May 2018, the Minister requested the EPA to consult on the proposed amendments to Schedule 2A of the HSNO Act.
The Minister then needs to seek Cabinet approval for the proposed amendment to the Schedules 1AA and 2A, which subsequently needs to be approved by the Executive Council. The amendment is then promulgated by the Governor General through Order in Council and becomes part of the HSNO Act.

**Imports and Exports (Restrictions) Prohibition Order (No 2) 2004**

The Stockholm Convention also requires parties to strictly control the export of POPs to another party and prevents the export of POPs to countries that do not comply with the requirements of the Stockholm Convention. These obligations are implemented through the Order. Any export of POPs requires permits from the EPA. These permits can only be issued for exports of POPs, where these are going to another party and for uses that are allowed under the Stockholm Convention. In addition, permits may be issued for the export of waste POPs for disposal or destruction in an environmentally sound and efficient manner, which is in compliance with the Basel Convention on the Transboundary Movement of Hazardous Wastes and the requirements of the Stockholm Convention.

Schedule 1 of the Order lists the POPs covered by the Stockholm Convention.

**Rotterdam Convention**

New Zealand fulfils its principal obligations under the Rotterdam Convention through two pieces of legislation – the HSNO Act and the Order.

**Hazardous Substances and New Organisms Act 1996**

As the HSNO Act requires approval before any hazardous substances can be imported, no additional provisions are needed to implement the Prior Informed Consent procedure for the import of Rotterdam Convention chemicals.

**Imports and Exports (Restrictions) Prohibition Order (No 2) 2004**

As the HSNO Act does not control the export of hazardous substances, the obligation for Rotterdam Convention chemicals regarding permitting for export of those chemicals and obtaining the prior informed consent of the importing country is implemented by regulations in the Order.

The Rotterdam Convention chemicals are listed in Schedule 2 of the Order and adding chemicals to this schedule extends the permitting requirement to exports of them.

Amendments to the Order are made by Order in Council. In his letter of 18 May requesting the EPA to consult on the proposed changes to Schedule 2A of the HSNO Act, the Minister also asked the EPA to consult on the proposed amendments to the Order.
The new Stockholm Convention POPs and Rotterdam Convention chemicals

Stockholm Convention POPs

The new Stockholm Convention listings

The new listings to the Stockholm Convention that are not yet included in Schedule 2A of the HSNO Act are the following POPs added by decision of the 2017 Conferences of the Parties:

- decabromodiphenyl ether (commercial mixture, c-DecaBDE)
- short-chain chlorinated paraffins (SCCPs).

We therefore propose amending the HSNO Act by updating the Stockholm Convention text in Schedule 1AA to include these new POPs (in Annex A) and adding them to Schedule 2A. New Zealand may also register for all or some of the specific exemptions allowed under Annex A of the Convention.

In addition, we propose to update Schedule 1 of the Order by adding these new POPs.

Hexachlorobutadiene (HCBD)

The Parties to the Convention also added Hexachlorobutadiene (HCBD) to Annex C in 2017. This chemical is already listed in Annex A of the Convention and Schedule 2A of the HSNO Act. Therefore, it only needs to be added to Schedule 1AA of the HSNO Act to update the Stockholm Convention text.

Acceptance of the Stockholm Convention POPs listings

Once these amendments are made to Schedules 1AA and 2A of the HSNO Act and Schedule 1 of the Order, New Zealand can accept the Convention’s obligations. Provided changes to the schedules occur by 18 December 2018, New Zealand will not need to submit any notification of non-acceptance regarding the 2017 additions.

Clarification of PFOS listing in Schedule 2A of the HSNO Act

While Perfluorooctane sulfonic acid (PFOS) (CAS No: 1763-23-1), its salts and perfluorooctane sulfonyl fluoride (CAS No: 307-35-7) have been banned in New Zealand since 2011, we want to clarify the scope of the listing in Schedule 2A. This is to fully capture what is covered in the Stockholm Convention decision in 2009 (decision SC-4/17). We plan to follow the lead of the European Union and list it as:

- perfluorooctane sulfonic acid (PFOS), its salts, and any derivatives of the formula C₈F₁₇SO₂X, where X = halide, amide, esters, and other derivatives including polymers.

This will remove any doubt that all PFOS-related compounds covered by the PFOS listing should be banned from use in New Zealand. The amended listing will cover compounds that contain the PFOS grouping, which can break down in the environment to release PFOS. These PFOS-related compounds were always intended to be captured but they are not specifically covered in the current listing.
### The POPs table

Table 1 shows the new POPs added to the Stockholm Convention in 2017, and possible articles in use or specific exemptions.

#### Table 1: New POPs added to the Stockholm Convention in 2017

<table>
<thead>
<tr>
<th>Year listed</th>
<th>Chemical added to the Convention</th>
<th>Description and uses</th>
<th>Current status in New Zealand</th>
<th>Articles in use notification / Specific exemptions</th>
</tr>
</thead>
</table>
| 2017        | Decabromodiphenyl ether (commercial mixture, c-DecaBDE) CAS No. 1163-19-5 | C-decaBDE is primarily used as an additive flame retardant. C-decaBDE consumption peaked in the early 2000’s but it is still used worldwide. Available production data indicate that about 75% of all the world production of PBDEs was c-decaBDE. Today c-decaBDE is manufactured only in a few countries globally. Many countries have already restricted or initiated voluntary programs to phase out the production of c-decaBDE. Total production of c-decaBDE in the period 1970-2005 was between 1.1-1.25 million tonnes. C-decaBDE has a variety of applications including in plastics, textiles, adhesives, sealants, coatings and inks. C-decaBDE containing plastics are used in electrical and electronic equipment, wires and cables, pipes and carpets. In textiles, c-decaBDE was mainly used in upholstery, window blinds, curtains and mattresses for public and domestic buildings, and in the transportation sector. The amount of c-decaBDE used in plastics and textiles globally varies but up to about 90% of c-decaBDE ends up in plastic and plastics used in electronics while the remainder is used in coated textiles, upholstered furniture and mattresses. DecaBDE is highly persistent, has a high potential for bioaccumulation and food-web biomagnification, as well as for long-range transport. Adverse effects are reported for soil organisms, birds, fish, frog, rat, mice, and humans. A number of non-POP chemical alternatives are already on the market for the substitution of c-decaBDE in plastics and textiles. Furthermore, non-chemical alternatives and technical solutions such as non-flammable materials and physical barriers, respectively, are also available. | There is currently no HSNO Act approval issued for this substance, but it is listed on the EPA’s Inventory of Chemicals and may be used as a component chemical in products under group standards. | Possible articles in use notification (allowing continued use of articles in use in 2018). In addition, exemptions may be considered for (see the Stockholm Convention decision SC-8/10 in Appendix 2):  
- Parts for use in vehicles specified in paragraph 2 of Part IX of Annex A (see appendix 2)  
- Aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft. This exemption expires at the end of the service life of the aircraft  
- Textile products that require anti-flammable characteristics, excluding clothing and toys |
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<tr>
<th>Year listed</th>
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<tr>
<td></td>
<td>Trade names for decaBDE include DE-83R, DE-83, Bromkal 82-ODE, Bromkal 70-5, Saytex 102E, FR1210, Flamecut 110R, and FR-300-BA.</td>
<td></td>
<td></td>
<td>- Additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part</td>
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<td></td>
<td>Chlorinated paraffins, including SCCPs, have been produced commercially since the 1930s. Production occurred only in the USA until 1977, when production began in Europe and Japan. Currently, China is the largest producer of chlorinated paraffins. The production of SCCPs has decreased globally as jurisdictions have established control measures. Use of SCCPs in metalworking and for fat liquoring of leather was prohibited in the EU in 2003. From 13 000 t per year in 1994 (EU-15), the use decreased to an estimated 530 t per year in 2010 (EU-27). In 2012 the use of SCCPs in the EU was further restricted to use as fire retardants in rubber used in conveyor belts in the mining industry, and as fire retardants in dam sealants. The US prohibited use of SCCPs in 2013. Japanese industry discontinued the use in metalworking voluntarily in 2007. In Canada, the production of chlorinated paraffins had stopped by 2008, and the manufacture, use, sale, offer for sale and import of SCCPs were prohibited in 2013. Main SCCP applications have been as a plasticizer in polyvinylchloride (PVC), in metal-working fluids, paints, coatings, sealants, rubber, as a fire-</td>
<td></td>
<td>- Polyurethane foam for building insulation</td>
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<tr>
<td>Short-chain chlorinated paraffins (SCCPs)</td>
<td>CAS No. 85535-84-8</td>
<td>Possible articles in use notification (allowing continued use of articles in use in 2018). Exemptions may also be considered for (see the Stockholm Convention decision SC-8/11 in Appendix 2):</td>
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<td>- Additives in the production of transmission belts in the natural and synthetic rubber industry</td>
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<td>CAS No. 68920-70-7</td>
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<td></td>
<td>- Spare parts of rubber conveyor belts in the mining and forestry industries</td>
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<td>CAS No. 71011-12-6</td>
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<td>CAS No. 85536-22-7</td>
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<td></td>
<td>CAS No. 85681-73-8</td>
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<td></td>
<td>CAS No. 108171-26-2</td>
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<td>(Note: the listing does not apply to mixtures where the quantity of SCCPs is less than 1% by weight.)</td>
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<td></td>
<td>CAS No. 85535-84-8 (trade name: Witaclor 149). For CAS No. 68920-70-7 and CAS No. 108171-26-2, there are no HSNO Act approvals, but they are listed in the Inventory of Chemicals and may be used as component chemicals in products under group standards. For CAS No. 71011-12-6, CAS No. 85681-73-8,</td>
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<td>Year listed</td>
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<td>retardant, or a water-repellent. They have also been used in leather production. SCCPs have been used to replace PCBs, and many of the uses are similar. However, SCCPs have been reported to not be suitable for uses requiring high heat stability (e.g., capacitors, transformers). SCCPs have been used in the production of flame-resistant, water repellent and rot-preventing textile finishes in sail cloths and industrial protective clothing and tarpaulins that could be purchased by the public. The major historical use of chlorinated paraffins was in military tenting and other textile applications where fire risk must be controlled. SCCPs were mainly applied as a flame retardant for back-coating of textiles in the EU and less for waterproofing. Technically feasible alternatives are commercially available for all known uses of SCCPs. Synonyms for SCCPs include alkanes, chlorinated; alkanes (C10-13), chloro (60%); alkanes (C10-13), chloro (50-70%); chlorinated alkanes; chlorinated paraffins; chloroalkanes; chlorocarbons; paraffin, chlorinated; paraffins, chloro; paroils, chlorinated; polychlorinated alkanes; polychloroalkanes. The synonyms are general in nature, and may encompass much more than the substance represented by either the CAS number given or C10-13 chlorinated alkanes in general. The following generic trade names are usually accompanied by a suffix indicating a specific product (IARC, 1990): A 70; A 70 (wax); Adekacizer E; Arubren; Cereclor; Chlorinated paraffins (CPs); Chlorosane; Chlorez; Chlorofin; Chloroflo; Chlorparaffin; Chlorowax. Chlorowax 500AO; Chlorowax 45AO; Chlorowax 52AO; Cloparin; Cloparol; Clorafin; CW; Derminolfett; Derminöl; EDC-tar; Electrofine; Enpara; Hordafiam; Hordaflex; Hordalub; Hulz; KhP; Meflex; Monocizer; Paroil; Poliks; Tenekil; Toyoparax; Unichlor; CP F, FL X, Diablo. and CAS No. 85536-22-7, there are no HSNO Act approvals and they are not listed on the Inventory of Chemicals as being able to be used as component chemicals in products.</td>
<td>• Leather industry, in particular fatliquoring in leather • Lubricant additives, in particular for engines of automobiles, electric generators and wind power facilities, and for drilling in oil and gas exploration and petroleum refining to produce diesel oil • Tubes for outdoor decoration bulbs • Waterproofing and fire-retardant paints • Adhesives • Metal processing • Secondary plasticizers in flexible polyvinyl chloride, except in toys and children’s products</td>
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</tbody>
</table>
Why we list Stockholm Convention chemicals

Best international practices

The Stockholm Convention has a subsidiary technical body called the POPs Review Committee to examine POPs considered for listing. This includes examination of the availability of alternatives and the best international practices for managing specific POPs, including socio-economic considerations. There are extensive reports and guidance materials prepared by the POPs Review Committee available on the Stockholm Convention website. This information is summarised in draft decision documents that are considered by the parties when making listing decisions. Links to some of this information are included in Appendix 1.

Possible benefits

The benefits to New Zealand in listing the POPs include:

- Preventing the use of the POPs in New Zealand will reduce the exposure of New Zealanders to these chemicals.
- Preventing the use of the POPs will also ensure that there will be no or only negligible amounts of POPs in our primary products exports.
- New Zealand will continue to comply with international obligations and best practices.

Possible costs

The costs to New Zealand of adopting the new POPs listed in the Stockholm Convention are thought to be low because:

- The use of the POP chemicals in New Zealand is thought to be negligible. However, there may be existing articles in use containing the POP chemicals such as c-decaBDE. Exemptions are available for the continued use of existing articles that contain them, and for any essential ongoing uses for which alternatives are not technically feasible or available.
- The supply of products containing the POPs will decline as other countries eliminate the use of the POPs and implement their obligations under the Convention.
- The cost of switching to alternatives will not likely be significant. Prior to listing, POPs Review Committee has explored alternatives to the POPs and found that these are becoming available at reasonable cost.

Possible articles in use notifications

The Stockholm Convention allows a party to notify the Convention Secretariat that the country continues to have articles containing listed POPs within its borders. This is known as an “articles in use” notification and is a means to deal with legacy issues for articles containing POPs that were already in use before the relevant international obligations came into force. Following Consultation, if necessary residual uses of the newly listed POPs are identified, we will need to notify these to the Stockholm Convention Secretariat.
Consultation questions on decabromodiphenyl ether (commercial mixture, c-DecaBDE)

A. Do you agree that decabromodiphenyl ether (commercial mixture, c-DecaBDE) be listed in Schedule 2A of the HSNO Act?

B. Do you agree that c-DecaBDE should be added to Schedule 1 of the Order?

C. Do you have any information regarding c-DecaBDE on the following:
   - current use in New Zealand
   - stockpiles, as chemicals or products
   - waste stocks containing c-DecaBDE
   - sites contaminated by c-DecaBDE
   - products being used which may contain c-DecaBDE
   - imports of c-DecaBDE or articles containing c-DecaBDE
   - exports of c-DecaBDE or articles containing c-DecaBDE?

D. If so, please provide details.

E. Do you have any information on any “articles in use” (so these old or existing items may continue to be used in New Zealand) that contain c-DecaBDE?

F. If so, please provide details.

G. Should New Zealand register for any of the specific use exemptions available (as shown in table 1) for products that contain c-DecaBDE?

H. If so, please provide details, including justification for exemption and consideration of any alternatives (why those alternatives cannot be used).

Consultation questions on short-chain chlorinated paraffins (SCCPs)

A. Do you agree that short-chain chlorinated paraffins (SCCPs) be listed in Schedule 2A of the HSNO Act?

B. Do you agree that SCCPs should be added to Schedule 1 of the Order?

C. Do you have any information regarding SCCPs on the following:
   - current use in New Zealand
   - stockpiles, as chemicals or products
   - waste stocks containing SCCPs
   - sites contaminated by SCCPs
   - products being used which may contain SCCPs
   - imports of SCCPs or articles containing SCCPs
   - exports of SCCPs or articles containing SCCPs?

D. If so, please provide details.

E. Do you have any information on any “articles in use” (so these old or existing items may continue to be used in New Zealand) that contain SCCPs?

F. If so, please provide details.

G. Should New Zealand register for any of the specific use exemptions available (as shown in table 1) for products that contain SCCPs?

H. If so, please provide details, including justification for exemption and consideration of any alternatives (why those alternatives cannot be used).
Consultation questions on clarification of the PFOS listing

A. Do you know of any PFOS-related compounds, which contain any derivatives of the formula C₈F₁₇SO₂X, where X = halide, amide, esters, and other derivatives including polymers, currently in use?

B. If so, please provide details.

Rotterdam Convention chemicals

The new Rotterdam listings

In 2017, the following new listings were added to the Rotterdam Convention:

- carbofuran (pesticide)
- short chain chlorinated paraffins (industrial chemical) – also adopted for listing under the Stockholm Convention
- trichlorfon (pesticide)
- tributyl tin compounds (as an industrial chemical).

We propose to add the first three new listings to Schedule 2 of the Order.

Inconsistency between the Order and Rotterdam Convention listings

While Annex III of the Rotterdam Convention lists chemicals by use category, Schedule 2 of the Order only lists the chemical. This means the Order effectively lists all use categories for the chemical. This results in inconsistency between the listings in the Rotterdam Convention and the Schedule 2 chemicals.

Tributyl tin compounds has been added to the Convention as an industrial chemical in 2017. However, it is already listed in Schedule 2 of the Order – it was listed when it was added to the Convention as a pesticide.

There are other inconsistencies between the Order and the Convention listing. For example, the Rotterdam Convention lists mercury compounds only under the pesticide category. However, Schedule 2 of the Order lists them for all categories and thus extends coverage beyond the Convention listing.

To resolve the current inconsistency described above, we intend to replace Schedule 2 of the Order with the listings in Annex III of the Rotterdam Convention to add the relevant CAS Registry Number² and category for each chemical listed.

² A CAS Registry Number, or CAS Number is a unique numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature to provide a unique, unmistakable identifier for chemical substances.
Clarification of the Order to enable exports to our trading partners

The current wording of the Order prevents the export of chemicals to a country that is not a party to the Rotterdam Convention. For example, the Order does not allow the export of ethylene oxide (used to sterilise surgical equipment) to Fiji, as Fiji is not a party to the Rotterdam Convention. However, the intention of the Rotterdam Convention is to create a Prior Informed Consent procedure for parties to the Convention, rather than explicitly restrict trade with non-parties, like other multinational environmental agreements do. Therefore, we are seeking to amend the wording of the Order to align it more closely with the Rotterdam Convention.
### Table 2: Rotterdam Convention chemicals to be added to Schedule 2 of the Order

<table>
<thead>
<tr>
<th>Year listed</th>
<th>Chemical added to the Convention</th>
<th>Current status in New Zealand</th>
<th>Category</th>
<th>Impact on stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Carbofuran (pesticide) CAS No. 1563-66-2</td>
<td>Approval of carbofuran was revoked under the HSNO Act in 2013 and there are no products registered under the ACVM Act.</td>
<td>Pesticide (herbicide)</td>
<td>Low as already prohibited under the HSNO Act.</td>
</tr>
<tr>
<td></td>
<td>Short chain chlorinated paraffins (industrial chemical) – also adopted for listing under the Stockholm Convention CAS No. 85535-84-8 CAS No. 68920-70-7 CAS No. 71011-12-6 CAS No. 85536-22-7 CAS No. 85681-73-8 CAS No. 108171-26-2</td>
<td>There is an HSNO Act approval for this substance under CAS No: 85535-84-8 (trade name: Witaclor 149). For CAS No. 68920-70-7 and CAS No. 108171-26-2, there are no HSNO Act approvals, but they are listed in the Inventory of Chemicals and may be used as a component chemical in products under group standards. For CAS No. 71011-12-6, CAS No. 85681-73-8, and CAS No. 85536-22-7, there are no HSNO Act approvals and they are not listed on the Inventory of Chemicals as being able to be used as component chemicals in products.</td>
<td>Industrial chemical</td>
<td>There may be some minor impact as there is currently an approval, also some compounds may be used as component chemicals in products. However, as this is to be also listed as a Stockholm chemical, all uses will need to come to an end unless a specific exemption is registered. If this occurs, then the Rotterdam Prior Informed Consent process does not impose any requirements on importers in New Zealand.</td>
</tr>
<tr>
<td></td>
<td>Trichlorfon (pesticide) CAS No. 52-68-6</td>
<td>Approval of trichlorfon as a pesticide was revoked under the HSNO Act in 2011, but retained for uses as a veterinary medicine. There are currently no products registered under the ACVM Act.</td>
<td>Pesticide</td>
<td>Low as already prohibited under the HSNO Act.</td>
</tr>
</tbody>
</table>
Consultation questions on new Rotterdam chemicals

A. Do you agree that new Rotterdam Convention chemicals listed above should be added to Schedule 2 of the Order?

B. Are you importing or exporting any of the newly listed chemicals?

C. If so, please provide details (for example, chemical names, trade names, or products containing the chemicals).

D. Do you (or do you intend to) export Rotterdam chemicals to a non-Rotterdam Convention country such as Fiji? If so, please provide details.

Why we list Rotterdam Convention chemicals

Possible benefits

The benefits of listing the new Rotterdam Convention chemicals include:

- compliance with international obligations and norms
- the Prior Informed Consent procedure provides an added line of enforcement on the introduction of very high hazard chemicals into New Zealand
- New Zealand has continued access to the listed chemicals that are approved for use in New Zealand under the HSNO Act, as parties to the Rotterdam Convention can still supply them to countries that comply with the requirements of the Rotterdam Convention.

Possible costs

The costs to New Zealand are thought to be low as:

- New Zealand does not produce any of the chemicals newly listed and adopting the new listing only adds obligations with respect to the export of the listed chemicals. In addition, as SCCPs will also be subject to restrictions under the Stockholm Convention, they are not likely to be available for potential export.
- The costs of permitting are minimal to the applicant and the EPA cannot charge for applications for export permits for Rotterdam Convention chemicals. The process for obtaining consent from other importing countries to the import of those chemicals is streamlined.
- The costs to the Government of administering the Prior Informed Consent procedure for additional chemicals are low.
Full list of consultation questions

Consultation questions on decabromodiphenyl ether (commercial mixture, c-DecaBDE)

1. Do you agree that decabromodiphenyl ether (commercial mixture, c-DecaBDE) be listed in Schedule 2A of the HSNO Act?

2. Do you agree that c-DecaBDE should be added to Schedule 1 of the Order?

3. Do you have any information regarding c-DecaBDE on the following:
   - current use in New Zealand
   - stockpiles, as chemicals or in products
   - waste stocks containing c-DecaBDE
   - sites contaminated by c-DecaBDE
   - products being used which may contain c-DecaBDE
   - imports of c-DecaBDE or articles containing c-DecaBDE
   - exports of c-DecaBDE or articles containing c-DecaBDE?

4. If so, please provide details.

5. Should New Zealand notify any “articles in use” to the Secretariat (so these old or existing items may continue to be used in New Zealand) that contain c-DecaBDE?

6. If so, please provide details.

7. Should New Zealand register for any of the specific use exemptions available (as shown in table 1) for products that contain c-DecaBDE?

8. If so, please provide details, including justification for exemption and consideration of any alternatives (why those alternatives cannot be used).

Consultation questions on short-chain chlorinated paraffins (SCCPs)

9. Do you agree that short-chain chlorinated paraffins (SCCPs) be listed in Schedule 2A of the HSNO Act?

10. Do you agree that SCCPs should be added to Schedule 1 of the Order?

11. Do you have any information regarding SCCPs on the following:
   - current use in New Zealand
   - stockpiles, as chemicals or in products
   - waste stocks containing SCCPs
   - sites contaminated by SCCPs
   - products being used which may contain SCCPs
   - imports of SCCPs or articles containing SCCPs
   - exports of SCCPs or articles containing SCCPs?

12. If so, please provide details.

13. Should New Zealand notify any “articles in use” to the Secretariat (so these old or existing items may continue to be used in New Zealand) that contain SCCPs?

14. If so, please provide details.

15. Should New Zealand register for any of the specific use exemptions available (as shown in table 1) for products that contain SCCPs?

16. If so, please provide details, including justification for exemption and consideration of any alternatives (why those alternatives cannot be used).
Consultation questions on clarification of the PFOS listing

17. Do you know of any PFOS-related compounds, which contain any derivatives of the formula C8F17SO2X, where X = halide, amide, esters, and other derivatives including polymers, currently in use?

18. If so, please provide details.

Consultation questions on new Rotterdam chemicals

19. Do you agree that new Rotterdam Convention chemicals listed above should be added to Schedule 2 of the Order?

20. Are you importing or exporting any of the newly listed chemicals?

21. If so, please provide details (for example, chemical names, trade names, or products containing the chemicals).

22. Do you (or do you intend to) export Rotterdam chemicals to a non-Rotterdam Convention country such as Fiji? If so, please provide details.
Appendix 1: Sources of additional information

The Rotterdam Convention website
http://www.pic.int/

The Stockholm Convention website
http://chm.pops.int/

This website includes an introduction to the listed POPs on:

More detailed material on each of the POPs is included under the Convention in the reports and decisions items for both the Conference of the Parties and the POPs Review Committee.
http://chm.pops.int/Procedures/Articlesinuseandclosedsystem/tabid/4647/Default.aspx
Appendix 2: Stockholm Convention decisions on decabromodiphenyl ether (commercial mixture, c-decaBDE) and Listing of short-chain chlorinated paraffins (SCCP)

SC-8/10: Listing of decabromodiphenyl ether

The Conference of the Parties,

Having considered the risk profile, the risk management evaluation and the addendum to the risk management evaluation for decabromodiphenyl ether (commercial mixture, c-decaBDE) as transmitted by the Persistent Organic Pollutants Review Committee,3

Taking note of the recommendation by the Persistent Organic Pollutants Review Committee that decabromodiphenyl ether (BDE-209) of c-decaBDE be listed in Annex A to the Convention with specific exemptions,4

1. Decides to amend part I of Annex A to the Stockholm Convention on Persistent Organic Pollutants to list decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether therein, with specific exemptions for the production and use of commercial decabromodiphenyl ether, by inserting the following row:

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Activity</th>
<th>Specific exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether (CAS No: 1163-19-5)</td>
<td>Production</td>
<td>As allowed for the Parties listed in the Register</td>
</tr>
<tr>
<td>Use</td>
<td>In accordance with Part IX of this Annex:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Parts for use in vehicles specified in paragraph 2 of Part IX of this Annex</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Textile products that require anti-flammable characteristics, excluding clothing and toys</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Polyurethane foam for building insulation</td>
<td></td>
</tr>
</tbody>
</table>

3 UNEP/POPS/POPRC.10/10/Add.2; UNEP/POPS/POPRC.11/10/Add.1; UNEP/POPS/POPRC.12/11/Add.4.
4 UNEP/POPS/COP.8/13.
2. Also decides to insert a new part IX in Annex A, as follows:

**Part IX**

**Decabromodiphenyl ether**

1. The production and use of decabromodiphenyl ether shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it in accordance with Article 4.

2. Specific exemptions for parts for use in vehicles may be available for the production and use of commercial decabromodiphenyl ether limited to the following:
   (a) Parts for use in legacy vehicles, defined as vehicles that have ceased mass production, and with such parts falling into one or more of the following categories:
      (i) Powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;
      (ii) Fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;
      (iii) Pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);
      (iv) Suspension and interior applications such as trim components, acoustic material and seat belts.
   (b) Parts in vehicles specified in paragraphs 2 (a) (i)–(iv) above and those falling into one or more of the following categories:
      (i) Reinforced plastics (instrument panels and interior trim);
      (ii) Under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));
      (iii) Electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);
      (iv) Fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.

3. The specific exemptions for parts specified in paragraph 2 (a) above shall expire at the end of the service life of legacy vehicles or in 2036, whichever comes earlier.

4. The specific exemptions for parts specified in paragraph 2 (b) above shall expire at the end of the service life of vehicles or in 2036, whichever comes earlier.

5. The specific exemptions for spare parts for aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 shall expire at the end of the service life of those aircraft.
SC-8/11: Listing of short-chain chlorinated paraffins

The Conference of the Parties,

Having considered the risk profile and the risk management evaluation for short-chain chlorinated paraffins as transmitted by the Persistent Organic Pollutants Review Committee,\(^5\)

Taking note of the recommendation by the Persistent Organic Pollutants Review Committee that short-chain chlorinated paraffins be listed in Annex A to the Convention with controls to limit the presence of short-chain chlorinated paraffins in other chlorinated paraffin mixtures, with or without specific exemptions,\(^6\)

1. Decides to amend part I of Annex A to the Stockholm Convention on Persistent Organic Pollutants to list short-chain chlorinated paraffins therein, with specific exemptions, by inserting the following row:

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Activity</th>
<th>Specific exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-chain chlorinated paraffins (Alkanes, C(<em>{10-13}), chloro)**: straight-chain chlorinated hydrocarbons with chain lengths ranging from C(</em>{10}) to C(_{13}) and a content of chlorine greater than 48 per cent by weight.</td>
<td>Production Use</td>
<td>As allowed for the Parties listed in the Register</td>
</tr>
<tr>
<td>For example, the substances with the following CAS numbers may contain short-chain chlorinated paraffins:</td>
<td></td>
<td>• Additives in the production of transmission belts in the natural and synthetic rubber industry</td>
</tr>
<tr>
<td>CAS No. 85535-84-8;</td>
<td></td>
<td>• Spare parts of rubber conveyor belts in the mining and forestry industries</td>
</tr>
<tr>
<td>CAS No. 68920-70-7;</td>
<td></td>
<td>• Leather industry, in particular fatliquoring in leather</td>
</tr>
<tr>
<td>CAS No. 71011-12-6;</td>
<td></td>
<td>• Lubricant additives, in particular for engines of automobiles, electric generators and wind power facilities, and for drilling in oil and gas exploration and petroleum refining to produce diesel oil</td>
</tr>
<tr>
<td>CAS No. 85536-22-7;</td>
<td></td>
<td>• Tubes for outdoor decoration bulbs</td>
</tr>
<tr>
<td>CAS No. 85681-73-8;</td>
<td></td>
<td>• Waterproofing and fire-retardant paints</td>
</tr>
<tr>
<td>CAS No. 108171-26-2.</td>
<td></td>
<td>• Adhesives</td>
</tr>
</tbody>
</table>

2. Also decides to insert a new note (vii) in part I of Annex A, as follows:

   (i) Note (i) does not apply to quantities of a chemical that has a plus sign (“+”) following its name in the “Chemical” column in Part I of this Annex that occurs in mixtures at concentrations greater than or equal to 1 per cent by weight.

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\(^5\) UNEP/POPS/POPRC.11/10/Add.2 and UNEP/POPS/POPRC.12/11/Add.3.

\(^6\) UNEP/POPS/COP.8/14.