Hazardous Substances (Importers and Manufacturers) Amendment Notice 2018

Date of signing 6 September 2018
Date of commencement 1 October 2018

EPA NOTICE
UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

New Zealand Government
Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Importers and Manufacturers) Amendment Notice 2018

This notice is issued by the Environmental Protection Authority (the Authority) under section 76A of the Hazardous Substances and New Organisms Act 1996 (the Act). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2). The Authority now approves it for publication in the Gazette.

Signed at Wellington

This 6th day of September 2018

By Julie Hardaker

Chair
Environmental Protection Authority
Hazardous Substances (Importers and Manufacturers) Amendment Notice 2018

This notice is issued by the Environmental Protection Authority (the Authority) under section 76A of the Hazardous Substances and New Organisms Act 1996 (the Act). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2).

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Administrative information: Date of notification in New Zealand Gazette: 12 September 2018
Objective of notice

This notice amends the Hazardous Substances (Importers and Manufacturers) Notice 2015 requirements, which oblige importers of specified class 1 substances (explosives) to provide certain information to the New Zealand Customs Service and the Authority. It amends the prescribed information that the importers must provide to the New Zealand Customs Service, the Authority, and WorkSafe New Zealand (WorkSafe). It applies these requirements to importers of explosives for which a controlled substance licence is required, and importers of fireworks (except novelty and noise-maker fireworks as specifically defined). Controlled substance licences are required under the Health and Safety at Work (Hazardous Substances) Regulations 2017.

Extent of consultation

The Authority publicly notified its intention to issue this notice on 24 July 2018 by publishing a proposal document on its website. It invited comments by 8 August 2018. As the result of omitting a reference to a particular regulation in the Health and Safety at Work (Hazardous Substances) Regulations 2017, a further consultation occurred on 16 August 2018 closing on 30 August 2018. The proposal document was also sent to relevant persons in accordance with section 76C(1)(c) of the Act, and other interested parties. Comments were received and taken into account by the Authority during the drafting of this notice.

Further information about EPA notices

EPA notices are tertiary instruments that are administered by the Authority. They are classed as disallowable instruments under the Legislation Act 2012 (the Legislation Act). This means that the notice must be tabled in the House of Representatives who may, by resolution, disallow the notice. The Regulations Review Committee is the select committee responsible for considering instruments such as this notice under the Legislation Act.
Part A: General

1 Title
This is the Hazardous Substances (Importers and Manufacturers) Amendment Notice 2018.

2 Commencement
This notice comes into force on 1 October 2018.

3 Principal notice amended
This notice amends the Hazardous Substances (Importers and Manufacturers) Notice 2015 (the principal notice).

Part B: Amendment

4 Clause 4 of principal notice (Definitions) amended
(1) In clause 4(1), insert in its appropriate alphabetical order:

 Customs-controlled area has the meaning given to it in the Customs and Excise Act 2018

5 Clause 10 of principal notice amended
(1) Replace clause 10 with:

<table>
<thead>
<tr>
<th>10</th>
<th>Obligation to provide information and certificate</th>
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<tbody>
<tr>
<td></td>
<td>(1) This clause applies to—</td>
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<td></td>
<td>(a) any class 1 substance (explosive) in a quantity for which a controlled substance licence is required under regulations 9.5 and 9.6 of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and</td>
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<td></td>
<td>(b) fireworks with the hazard classification 1.3G, 1.4G, or 1.4S, other than the following:</td>
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<td>(i) those bonbon crackers, snaps, or similar pyrotechnic novelties or noise makers containing less than 1.7 mg of pyrotechnic substance; or</td>
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<td></td>
<td>(ii) those amorces, crackshots, or similar pyrotechnic novelties or noise makers containing less than 5 mg of pyrotechnic substance; or</td>
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<td></td>
<td>(iii) those party poppers, streamer bombs, handblasters, or similar pyrotechnic novelties or noise makers containing less than 20 mg of pyrotechnic substance.</td>
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<tr>
<td></td>
<td>(2) Prior to uplifting the substance from a Customs-controlled area following importation, the importer must provide information to the Authority and WorkSafe relating to the following matters:</td>
</tr>
<tr>
<td></td>
<td>(a) the importer of the substance;</td>
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<td>(b) the manufacturer of the substance;</td>
</tr>
</tbody>
</table>
(c) the intended port or place from which the explosive is shipped;
(d) the maximum quantity of substance to be uplifted;
(e) the HSNO approval number of the substance;
(f) the description of the substance;
(g) the UN number, hazard classification, and proper shipping name of the substance;
(h) the intended date and place of uplift;
(i) the intended flight number, or name, of the vessel transporting the substance;
(j) the proposed location for the storage of the substance, and the location compliance certificate (if applicable);
(k) the intended certified handler of the substance (if applicable); and
(l) the controlled substance licence of the person intended to be in control of the substance (if applicable).

(3) The information required by subclause (2) must be provided in a form specified by the Authority.

(4) Before a substance to which this clause applies may be uplifted following importation, the importer must give to the New Zealand Customs Service evidence that—
(a) the information required by subclause (2) has been supplied to the Authority; and
(b) the Authority has certified that the substance has an approval under section 29 of the Act.

(5) The evidence required by subclause (4) must be in a form requested by the New Zealand Customs Service.

Explanatory note

This note is not part of the notice but is intended to indicate its general effect.

This notice amends the Hazardous Substances (Importers and Manufacturers) Notice 2015 requirements, which oblige importers of specified class 1 substances (explosives) to provide certain information to the New Zealand Customs Service and the Authority.

It amends the prescribed information that the importers must provide to the New Zealand Customs Service, the Authority, and WorkSafe. The importers must provide evidence to the New Zealand Customs Service that they have an import certificate. This will also confirm certain information has been provided to the Authority, unless the New Zealand Customs Service asks for further information, before the explosives can be uplifted.
It applies these requirements to importers of explosives for which a controlled substance licence is required, and importers of fireworks (except novelty and noise-maker fireworks as specifically defined). Import certificates are not required for novelty fireworks such as Christmas crackers and party poppers, and a number of lower risk explosives such as marine safety flares and railway track signal explosives (sometimes referred to as railway detonators).