



Cabinet

CAB Min (04) 13/13

Minute of Decision

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Minister for the **Environment**

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RECEIVED

29 APR 2004

MFE
BY

Improving the Workability of the Hazardous Substances Sections of the Hazardous Substances and New Organisms Act 1996: Discussion Paper

On 26 April 2004, following reference from the Cabinet Business Committee (CBC), Cabinet:

Hazardous substances strategy

- 1 1.1 **noted** that the short term actions under the Hazardous Substances Strategy announced by the Minister for the Environment in June 2003 are now complete [CAB Min (03) 21/10];
- 1.2 **noted** that the release of the two volume discussion paper "*Hazardous Substances Strategy: Proposals to Amend the Hazardous Substances and New Organisms Act 1996*", attached to the submission under CAB (04) 156, initiates the longer term actions;

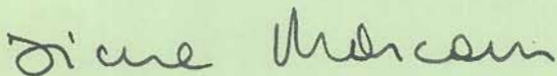
Discussion paper content

- 2 **noted** that Volume 1 of the discussion paper contains proposals to address the longer term actions noted in the Strategy:
 - 2.1 increasing the flexibility of application pathways for new and transferred substances, to reduce costs and reflect the risks;
 - 2.2 providing alternatives to codes of practice and regulations that make controls easier to understand;
 - 2.3 strengthening hazardous substances enforcement arrangements including clarifying the roles of the Environmental Risk Management Authority (ERMA), territorial authorities and regional councils;
 - 2.4 closing some of the gaps and correcting some overlaps with other pieces of legislation, particularly the Resource Management Act and the Agricultural Compounds and Veterinary Medicines Act;
- 3 **noted** that Volume 2 of the discussion paper contains proposals to address technical issues identified since Cabinet's consideration of the strategy. These are to:
 - 3.1 improve the workability of exposure limit controls for toxic and ecotoxic substances;
 - 3.2 facilitate the movement of speciality substances between research institutions;
 - 3.3 provide for substances imported for export only to be covered by the existing containment approvals mechanism in the Hazardous Substances and New Organisms (HSNO) Act;
 - 3.4 improve compliance, monitoring and enforcement by:
 - 3.4.1 requiring HSNO approval numbers on labels;
 - 3.4.2 providing for a register of test certificates;
 - 3.4.3 giving the Environmental Risk Management Authority the power to revoke an approved handler test certificate;
 - 3.4.4 ensuring that if an unapproved substance is imported, it must be re-exported;
 - 3.4.5 providing for enforcement agencies, when doing HNSO work, to use powers of entry and inspection that they have under other legislation;
 - 3.4.6 taking a fresh look at HSNO systems to report hazardous substance related injuries;
 - 3.5 review data protection provisions for agrichemicals;

- 3.6 develop new pathways to:
 - 3.6.1 enable "rapid approval" for substances needed in an environmental emergency;
 - 3.6.2 provide for "rapid reassessment" if the approval pathway used was "rapid assessment";
- 4 **agreed** to the release of the discussion paper attached to the submission under CAB (04) 156, subject to minor editorial change;
- 5 **directed** the Ministry for the Environment to report back to the Cabinet Policy Committee by 1 October 2004 with proposals to amend the HSNO Act as a result of the consultation on the discussion paper;
- 6 **noted** that the Minister for the Environment will publicly release the Cabinet paper under CAB (04) 156 and this minute after the minute is released;

Consultation

- 7 **noted** that the Minister for the Environment indicates that consultation is not required with the government caucuses or other parties represented in Parliament.



Secretary of the Cabinet

Reference: CAB (04) 156; CBC (04) 4/23