



Hazardous Substances (Classes 6, 8, and 9 Controls) Amendment Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of March 2015

Present:

The Hon Christopher Finlayson presiding in Council

Pursuant to sections 75, 76, and 140(1)(n) of the Hazardous Substances and New Organisms Act 1996, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with the requirements of section 141 of that Act.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	New Part 4 inserted	2

Part 4**Additional requirements relating to sodium
fluoroacetate**

52	Interpretation	2
53	Additional recording and notification requirements	3
54	Additional importation requirements	4

Regulations

- 1 Title**
These regulations are the Hazardous Substances (Classes 6, 8, and 9 Controls) Amendment Regulations 2015.
 - 2 Commencement**
These regulations come into force on the day after the date of their notification in the *Gazette*.
 - 3 Principal regulations**
These regulations amend the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 (the **principal regulations**).
 - 4 New Part 4 inserted**
After regulation 51, insert:

“Part 4
“Additional requirements relating to
sodium fluoroacetate
- “52 Interpretation**
In this Part, **sodium fluoroacetate**—
- “(a) means any quantity of sodium fluoroacetate (Chemical Abstracts Service (CAS) registry number 62-74-8); but
 - “(b) excludes any formulated substances containing sodium fluoroacetate.

- “53 Additional recording and notification requirements**
- “(1) Subclause (2) applies if, on the day on which this regulation comes into force, sodium fluoroacetate is present in a place of work.
- “(2) The person in charge of the place of work must provide the Authority with the following information:
- “(a) the name and address of the place of work; and
 - “(b) the person’s name; and
 - “(c) the quantity of sodium fluoroacetate present in the place; and
 - “(d) for any quantity not manufactured at the place, the supplier’s name.
- “(3) The information must be provided in writing no later than 20 working days after the day on which this regulation comes into force.
- “(4) If, at any time in a calendar year, sodium fluoroacetate is present in a place of work, the person in charge of the place must provide the Authority with the following information in respect of that year:
- “(a) the name and address of the place of work; and
 - “(b) the person’s name; and
 - “(c) the quantity or quantities of sodium fluoroacetate present in the place; and
 - “(d) for any quantity not manufactured at the place, the supplier’s name; and
 - “(e) the purpose or purposes for which it was obtained or manufactured; and
 - “(f) if any quantity was transferred to another place,—
 - “(i) how much was transferred; and
 - “(ii) the address of the place; and
 - “(iii) the identity of and position held by the person assuming responsibility for it at that place; and
 - “(iv) the date on which the transfer occurred; and
 - “(g) if any quantity was disposed of,—
 - “(i) the quantity disposed of; and
 - “(ii) how and where it was disposed of; and
 - “(iii) the date on which it was disposed of.
- “(5) The information must be provided in writing no later than 31 March of the following calendar year.

- “(6) The first year in which the requirement in subclause (4) must be satisfied is the 2015 calendar year. However, the information is required only in relation to the period starting on the day on which this regulation comes into force and ending on 31 December.
- “(7) To avoid doubt, subclause (4) applies even if the sodium fluoroacetate present in the place of work was obtained or manufactured in a previous calendar year.

“**54 Additional importation requirements**

- “(1) This regulation applies if a person imports sodium fluoroacetate into New Zealand.
- “(2) Before the sodium fluoroacetate is collected, the person must—
- “(a) give the Authority written notice of—
 - “(i) the supplier’s name; and
 - “(ii) the quantity to be collected; and
 - “(iii) the name of the person collecting it; and
 - “(b) obtain a signed certificate from the Authority confirming that the person has complied with paragraph (a); and
 - “(c) give the certificate to the New Zealand Customs Service together with written notice of the date on which and place from where the sodium fluoroacetate will be collected (or, alternatively, provide the documents electronically).”

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 to impose additional requirements in relation to the use of sodium fluoroacetate (commonly known as

1080 poison). The new requirements relate only to sodium fluoroacetate in its pure form, and not to derivative substances such as pellets to be used for pest control activities that contain 1 gram of sodium fluoroacetate per kilogram of pellets.

The regulations come into force on the day after the date of their notification in the *Gazette*.

The additional requirements are contained in *new Part 4*. *New regulation 52* defines sodium fluoroacetate (in the restrictive manner described above).

New regulation 53 requires a person in charge of a place of work to provide the Environmental Protection Authority (the **Authority**) with certain information in the following circumstances:

- if, on the day on which these amendment regulations come into force, any quantity of sodium fluoroacetate is present in the place of work; and
- if, at any time in a calendar year, any quantity of sodium fluoroacetate is present in the place of work (even if the quantity present was obtained or manufactured in a previous calendar year).

New regulation 54 requires a person who imports sodium fluoroacetate into New Zealand to provide the Authority and the New Zealand Customs Service with certain information (in hard copy or electronically) before the substance is collected.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 11 March 2015.

These regulations are administered by the Ministry for the Environment.
