



Hazardous Substances (Exempt Laboratories) 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 section 140(1)(g) 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.

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Regulations

1 Title

These regulations are the Hazardous Substances (Exempt Laboratories) 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 (Exempt Laboratories) Regulations 2001 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

In regulation 3, insert in its appropriate alphabetical order:

“**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”.

5 New regulations 17 to 19 and cross-heading inserted

After regulation 16, insert:

*Additional requirements relating to sodium
fluoroacetate held in laboratory*

“17 Additional recording and notification requirements

“(1) A laboratory manager must provide the Authority with the following information if, on the day on which this regulation comes into force, sodium fluoroacetate is held at the laboratory:

- “(a) the name and address of the laboratory; and
 - “(b) the laboratory manager’s name; and
 - “(c) the quantity of sodium fluoroacetate held at the laboratory; and
 - “(d) for any quantity not manufactured at the laboratory, the supplier’s name.
- “(2) The information must be provided in writing no later than 20 working days after the day on which this regulation comes into force.
- “(3) If, at any time in a calendar year, a laboratory holds, obtains, or manufactures sodium fluoroacetate, the laboratory manager must provide the Authority with the following information in respect of that year:
- “(a) the name and address of the laboratory; and
 - “(b) the laboratory manager’s name; and
 - “(c) the quantity or quantities of sodium fluoroacetate held, obtained, or manufactured; and
 - “(d) for any quantity not manufactured at the laboratory, the supplier’s name; and
 - “(e) the purpose or purposes for which it was held, 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.
- “(4) The information must be provided in writing no later than 31 March of the following calendar year.
- “(5) The first year in which the requirement in subclause (3) 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.

“(6) To avoid doubt, subclause (3) applies even if the sodium fluoroacetate held by the laboratory was obtained or manufactured in a previous calendar year.

“**18 Additional storage requirements**

A laboratory manager must ensure that any sodium fluoroacetate held in the laboratory is secured so that a person, when not dealing with the substance, can access it only by using a tool or key or any other device used to operate a lock.

“**19 Additional importation requirements**

“(1) This regulation applies if a laboratory imports sodium fluoroacetate into New Zealand.

“(2) Before the sodium fluoroacetate is collected, the laboratory manager 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 laboratory manager 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 (Exempt Laboratories) 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*.

New regulation 17 requires a laboratory manager 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, the laboratory holds any quantity of sodium fluoroacetate:
- if, in any calendar year, a laboratory holds, obtains, or manufactures sodium fluoroacetate (even if the quantity held was obtained or manufactured in a previous calendar year).

New regulation 18 requires a laboratory manager to ensure that any sodium fluoroacetate held in the laboratory is securely stored when not in use.

New regulation 19 requires a laboratory manager to provide the Authority and the New Zealand Customs Service with certain information (in hard copy or electronically) before any sodium fluoroacetate imported for the laboratory 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.
