Strategy for Improving the Workability of Hazardous Substances Provisions of the Hazardous Substances and New Organisms Act

Published in June 2003 by the
Ministry for the Environment
PO Box 10-362, Wellington, New Zealand

ISBN: 0-478-24093-7
ME number: 476

This document is available on the Ministry for the Environment's website:
www.mfe.govt.nz

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1 Introduction

The purpose of the Hazardous Substances and New Organism Act (HSNO) is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. We consider that there are workability issues that mean that the Act is not achieving its purpose with respect to hazardous substances. We also consider that improving HSNO's workability will support the government's growth and innovation objectives by removing barriers to innovation and encouraging sustainable economic growth. To improve workability, we consider that the Environmental Risk Management Authority (ERMA) needs more flexibility to prevent or manage the adverse effects of hazardous substances on the basis of the risk the substances pose. We propose new tools and methods that will enable ERMA to do that.

2 Summary of Strategy

Short-term actions: deliver on promises to establish some credibility

We recommend that compliance monitoring and enforcement is a high priority for the strategy. We propose that:

1. **ERMA takes a more directive role in compliance monitoring and enforcement**, particularly to clarify for local authorities what they need to do for HSNO compliance monitoring. To do this the Ministry for Environment (MfE) should put funding proposals to the government by 31 July 2003 so ERMA can develop service-level agreements or contracts with enforcement agencies.

Transfer of substances into the HSNO regime has been promised for some time but not delivered on. Transfer is relatively easy to address, will improve the HSNO Act's workability and consequently restore some credibility to it. To get transfer back on track, we recommend that:

2. **Explosives are transferred in July/August 2003**. People are expecting other substances to be transferred on 1 July 2003 as well as explosives. However, we propose to transfer just explosives because the necessary work is nearly completed and the transfer could be an easy run on the board. We propose that the transfer process is simplified before other substances are transferred.

3. **Control regulations are completed this year.** The control regulations contain the list of default controls that ERMA can draw on to assign to a substance when they approve a new application or transfer a substance to HSNO controls. ERMA has no control options for hazardous substances that are contained in bulk storage tanks for example. Substances like petrol and diesel cannot be transferred until these controls are complete. Again this is a relatively easy step for the government to take and considered overdue by stakeholders.

4. **The transfer process is simplified** by changing HSNO in 2003 so ERMA can transfer about 500 substances on 1 April 2004 (amendment to s160).

5. **Enable ERMA to apply use controls** where they are considered necessary to adequately manage the risks of a hazardous substance and to **enable ERMA to substitute new controls** for the default controls in the HSNO regulations, where the same outcome could be achieved via a more cost effective and practical means (amendments to s160, s154 and s77 may be necessary).

We propose that short-term easy gains can be made by two non-regulatory steps: one to make HSNO controls easier to understand and two to reduce compliance costs for applicants. We recommend that:

6. **User friendly guidance** be developed to interpret the HSNO controls for businesses. This is a high priority because the risk that the hazardous substances pose to the environment and people increase significantly if people can't understand and follow the HSNO controls. We propose that a group including ERMA, industry and MfE is formed to determine what the priority for New Zealand user-friendly guidance and codes of practice are, and how they should be funded.

7. ERMA take steps to **reduce the information provision costs for applicants**. The costs of getting information together for an application are much higher than the fees ERMA charges for processing an application and a significant cost to industry. ERMA will clarify for potential applicants what overseas data they accept and in what circumstances reduced information is acceptable.

Longer-term actions: change HSNO to improve workability

We propose that ERMA be given new tools to remove redundancies from the HSNO system and better link HSNO to how everyday people use products with hazardous properties. We consider that with new tools, ERMA can take advantage of the opportunity that transferring 70,000 toxic substances provides to simplify the whole HSNO regime. We believe our proposals will have a significant impact on improving compliance with the HSNO regime and remove unnecessary compliance costs. We recommend that:

1. MfE prepares papers for ministers by October/November 2003 on new tools for ERMA including:
    - the use of conditions on approvals and standard sets of controls;
    - a quick and largely automatic low risk pathway for substance transfer and approvals; and
    - 'generic' approvals for key groups of similar products that attract the same controls. This will reduce the number of new substance applications necessary.

We also propose that in October/November 2003, MfE report to ministers on proposals to:

2. Change HSNO to clarify the role of ERMA, territorial authorities and regional councils with respect to compliance monitoring and enforcement.

3. Address gaps and overlaps between HSNO and other legislation.

4. We further recommend that MfE review the effectiveness of the strategy on the issues identified two years after strategy implementation and substance transfer is completed.

3 Background

Asked to improve workability of HSNO

The Hazardous Substances and New Organisms Act 1996 (HSNO) was developed to better manage the potential risks posed by new organisms and hazardous substances. Hazardous substances were previously subject to controls under Acts addressing animal remedies, explosives, dangerous goods, pesticides and toxic substances.

The hazardous substances provisions of HSNO have been operating since July 2001. An independent assessment undertaken by BC Environmental[1] in 2002 concluded that HSNO is innovative and reflects international trends in the management of hazardous substances. This assessment has generally been supported by stakeholders from industry, business, local and central government.

However a number of "teething problems" and systemic problems have been identified that affect the Act's workability.[2]

The Chief Executive of the Ministry for the Environment has asked that a strategy be developed to improve the workability of the hazardous substances provisions of HSNO.

Process applied to develop the strategy

The Ministry and ERMA formed a small group with knowledge and experience in hazardous substance management to help develop the strategy. The group met three times to consider the short-term and long-term actions that would impact on workability and to make recommendations to the Chief Executive of the Ministry for the Environment. The group included: Ross Hore, BASF Chemicals; Wayne Koedyk, EKA Chemicals; Tony Haggerty, ERMA; John Hutchings, Local Government New Zealand; Peter Whitehouse, Business New Zealand; Helen Atkins, Resource Management Law Association; Jack Richardson, AGCARM; and Barry Dyer, Chemical Industry Council.

[1] *The Hazardous Substances and New Organisms Act 1996*, BC Environmental, 17 December 2002 p1

[2] These have been identified by the BC Environmental assessment of HSNO, letters to the Minister for the Environment, case studies from industry, and through ERMA's own experience in working with the Act.

4 Key Elements of a Strategy to Improve Workability

Vision

The following describes the features of hazardous substances management that are being sought through development of the strategy.

1. A cost-effective risk-based management regime where:
   - the costs of preparing an application, including the level of supporting data;
   - the costs of getting an application assessed and approved;
   - the time it takes to get an approval;
   - the number and level of controls; and
   - the intensity of the compliance monitoring

   are related to the risks posed by a substance or group of substances.
2. Hazardous substances without a HSNO approval are not allowed into the country.
3. People using hazardous substances are familiar with the hazards and know what they need to do to reduce adverse effects. People find it easy to learn what they need to do to comply with the HSNO Act.
4. Businesses who wish to use innovative ways of complying with the HSNO substance controls can.
5. An expert, trusted and pragmatic agency (ERMA) is empowered to be flexible in undertaking its responsibilities.
6. There is risk-based, co-ordinated, comprehensive and consistent compliance monitoring across the country. Voluntary compliance is recognised and encouraged. Information on locations of significant quantities of hazardous substances and their users is available at a national level.
7. There are enforcement officers familiar with hazardous substances and areas of risk at a local level.
8. There are hazardous substance emergency response agreements for all parts of the country.
9. Inspection visits by regulatory agencies are co-ordinated to minimise interruptions and associated costs for business.
10. There are minimal gaps, overlaps or inconsistencies with other pieces of legislation.

Principles adhered to

A number of key principles that underlie the Act were considered necessary to preserve in the strategy development process, i.e.

- the current precautionary approach of the Act;
- the use of the 'globally harmonised system' of hazardous substance classification and labelling controls to help achieve international consistency;
- the current opportunity for public input for higher risk substance approvals; and
- the flexibility that the performance-based approach to hazardous substance controls provides.

The other features of the HSNO Act, such as monitoring of the effectiveness of the Act, opportunity for reassessments, promoting awareness of the adverse effects of hazardous substances, using international best practice are maintained.

Five key elements

Five key elements were identified for improving the workability of the hazardous substances provisions. These are summarised as follows and form the foundations of the proposed strategy.

1. **Sound compliance monitoring and enforcement arrangements** – ensure that compliance monitoring and enforcement arrangements demonstrate effective risk management.

2. **Simplify transfer** – ensure that the HSNO transfer process is practical, clear and timely.

3. **Remove redundancy and cost** from the hazardous substance approval process and management system that does not add to the protection of the environment, and the health and safety of people and communities, reducing barriers to the introduction of new hazardous substances used in low-risk situations.

4. **Make controls understandable for users and enforcement officers** – ensure hazardous substances controls are practical, clear and cost effective, and that there are accessible means to secure understanding and compliance for enterprises.

5. **Improve regulatory interfaces –** programme further work to address the interface between HSNO and other legislation including the RMA, the ACVM Act, Health Safety and Employment Act, the Building Act, and the Food Act.

5 Sound Compliance Monitoring and Enforcement Arrangements

Situation

Several issues have arisen in the change from Dangerous Goods Act, Pesticides Act etc to the HSNO Act around compliance monitoring and enforcement. Agencies that had a compliance role under previous legislation have changed, and in some cases have new responsibilities under HSNO. HSNO also introduces a new player to the compliance regime – independent test-certifiers responsible for inspecting premises that previously held licenses under the Dangerous Goods Act and Toxic Substances Act. The overlaps and efficiency gains to be had between agencies and perhaps even with test-certifiers have yet to be resolved and there is no one agency with a mandate to make sure that this happens.

Territorial authorities have a smaller role under HSNO compared to the previous enforcement regime. This role would be picked up under the new compliance monitoring arrangements that will be made once substances are transferred – probably through enforcement agencies contracting local services. However, in the meantime, valuable local knowledge and experience is being lost. This local knowledge is important for dealing with emergencies and managing the overlap with the RMA (hazardous facilities and their locations).

How

- Enable ERMA to have a greater role and accountability for directing and co-ordinating enforcement agency activities and accountabilities through having funding to contract other enforcement agencies.
- Develop arrangements to maintain local capacity in hazardous substance compliance activities with urgency.
- In the longer term, change HSNO to clarify the role of ERMA, territorial authorities and regional councils with respect to compliance monitoring and enforcement.

Give ERMA stronger directing and co-ordinating role

ERMA must be enabled to provide stronger leadership in co-ordinating enforcement agency activities. Currently, ERMA identifies gaps in enforcement and reports these gaps to the minister. There are powers in the Act that allow ERMA to have an increased role in co-ordinating compliance monitoring, however ERMA considers that these powers need strengthening.

These powers may need to be strengthened to include the following functions:

- establishing compliance monitoring and enforcement activities and performance standards through service agreements with enforcement agencies or appropriately qualified people, including the provision of funds to allow ERMA to engage agencies for compliance activities in areas with identified gaps; and
- integration of the test-certification regime with enforcement agency functions and information requirements.

ERMA addresses local coverage

If the stronger co-ordinating role for ERMA can be established, together with a commitment to ongoing funding, then the urgent issue of providing a more certain basis for the ongoing involvement of local government can be established, enabling territorial authorities to identify what capability each should maintain.

For example, those TAs or regional councils with the necessary expertise could be engaged to undertake specified levels of compliance inspection and related work, with central agencies (e.g. OSH, Energy Safety Service, Health) providing backup for more specialist or serious matters. This could be achieved via service agreements with each of the agencies involved. This also allows the HSNO compliance to be undertaken in conjunction with related activities in connection with RMA, Building Act, HSE Act, Gas Act and other related statutory functions.

6 Simplify Transfer

What is transfer?

Transfer is the process of moving substances previously managed under the provisions of now repealed or revoked legislation to the controls provided by HSNO.

Transfer needs to be streamlined

The transfer process itself needs to be streamlined. ERMA has the power to approve and set controls for new substances but they do not have that power for existing substances being transferred. The controls are instead set via the transfer regulations. This is very cumbersome. ERMA has to carry out a similar sort of assessment for transferring substances but there are additional steps required for the controls to be set. The government has to draft and approve transfer regulations. The extra steps do not add any environmental benefit or improve risk management and take substantial time and work (amendment to s160).

ERMA needs flexibility for practical solutions

ERMA considers there are about 8000 substances for which the current transfer process does not allow them to provide practical controls. For example ERMA cannot delete the controls that require everyone who handles petrol to be an approved handler. Such controls may be appropriate for risk management of a new substance that people are not familiar with. However it is not practical or necessary for everyone who puts petrol into a car to be an approved handler.

We propose that ERMA be given the flexibility in setting controls on substances during transfer so the controls can be varied as required to make them practical (as happens for new substances). It may be necessary to amend the Act to do this; we are checking legal opinions at this time.

How

The following summarises the actions proposed to simplify the transfer process.

- Complete the base regulations and amend existing base regulations by 31 December 2003.
- Amend the Act to remove the need to make regulations to transfer substances by 1 March 2004.
- Enable ERMA to vary and delete transferred substance controls by 1 March 2004, by Act amendment if necessary.
- Transfer explosives in July 2003 and once Act amended transfer fumigants, animal remedies, scheduled toxic substances, pesticides, and dangerous goods on 1 April 2004.

Priority

Existing hazardous substances requiring transfer are estimated to make up over 95% of all hazardous substances used in this country for the next 10 years (probably much longer).

We consider that simplifying transfer and getting it back on track is one of the highest priorities for this strategy. There are both safety and credibility reasons why substances should be transferred as soon as possible.

Subsequent benefits

Expediting transfer will also enhance use of the rapid assessment approval process for new substances. For example, if a new substance is similar to one presently waiting to be transferred, by speeding up the transfer of the existing substance then there will be a benchmark to enable application by rapid assessment. This will quicken the time required for some new approvals and reduce the associated costs.

7 Remove Redundancy and Cost from the Hazardous Substance Approval Process and Management System

Situation

The current hazardous substance management system has elements that do not add to the protection of the environment, and the health and safety of people and communities. Three areas of inefficiency have been identified with the current approval process and management system:

- a complicated and costly approval process for substances used in a low risk manner;
- duplication of work for ERMA and multiple applicants to get individual approvals for similar products; and
- costs of the approval system relative to the NZ market for hazardous substances.

We describe each area in turn below. In each case we recommend that MfE work up the proposals in more detail for consideration by ministers and public consultation in October 2003.

New method to transfer notified toxic substances

There are an estimated 70,000 notified toxic substances[3] (NoTS) that need to be transferred into the HSNO controls.[4] We propose that the low risk pathway and the generic approvals pathway described below will both simplify the transfer process, and allow ERMA to set up the HSNO system so that a minimum number of new substances will actually require a HSNO approval.

Situation – not risk based

Risk from hazardous substances is a combination of two factors, hazard and exposure. Exposure routes are primarily determined by the quantity and nature of use. There are many cases where the risks posed by a substance are mitigated because of how it is used or the quantities it is used in. ERMA has processed several substance applications where ERMA considered the risks posed by the substance to be very low and as such did not warrant individual consideration by ERMA.

An example is a veterinary medicine which has a high hazard classification. It is sold in pre-packaged, labelled 30 mL syringes, only vets can use it and it is metabolised by the animal it is injected into. This situation poses a low risk to people and the environment.

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[3] Notified toxic substances are substances that were notified under the Toxic Substances Act. Some of these substances have no controls on their use to manage their potential adverse effects.

[4] ERMA currently has about 217,000 notified toxic substances on their books but estimate there are only actually 70,000. ERMA proposes a reconfirmation process to reduce the 217,000 down to 70,000 by removing double ups and non-hazardous substances. About 50 people notified about 60% of the 217,000.

How – risk based

We propose that ERMA be given an additional tool or means to assess low risk applications in a quicker and less resource intensive manner than the two[5] current pathways for release provide for. This process can be summarised as follows:

Hazard x exposure	High risk	Approval via full approval or rapid assessment process.
Hazard x exposure	Low risk	Substance processed by a largely automatic path to get controls.[6]
Non-hazardous and excluded substances	Negligible risk	No regulatory control. By definition outside the scope of HSNO.

The key will be in determining what constitutes low risk. There are overseas precedents but they need some work. If this proposal is accepted the MfE and ERMA will need to work up a detailed description for further consideration and consultation.

Situation – individual approvals for similar products

Currently most approvals are for narrowly defined substances. As a result multiple approvals are required for similar products. This is because applicants currently define what a substance is and most, for competitive reasons, prefer to define a substance in such a way that it is difficult for competitors to use 'their' product's approval.[7] This means more work and expense for ERMA and applicants. A way to remove some of this redundancy is via "generic substance approvals".

How – use 'generic' approvals

Under HSNO, a substance can be defined broadly so that a single substance approval covers multiple products or groups of products. By defining substances broadly, hazardous products can be grouped and the total number of approvals minimised. This would reduce the scale of the transfer process, the number of new substance applications and the long-term costs of administering the HSNO system. Additionally, many new products would already be covered by a substance approval if sufficiently strategic definitions were developed for transfer.

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5 Full assessment includes public consultation and a decision by the ERMA Board. Rapid assessment is a quicker process where the Chief Executive is delegated the power to approve the substance and there is no public consultation.

6 The ERMA would set out what controls apply to groups of substances without receiving an application. The process could be automatic, where an importer or manufacturer simply notifies ERMA that they intend to use a substance and state that they will abide with the controls that automatically apply.

7 Except for innovative agricultural compounds, approvals are not personalised and can be used subsequently by other parties.

A solution is for ERMA (rather than applicants) to define HSNO substance definitions. To introduce a new product, importers or manufacturers could either self-determine whether their product is covered by a HSNO substance definition or provide ERMA with sufficient information to carry out a determination. If the product is covered by an existing 'substance' definition, ERMA would provide the applicant with a HSNO identifier and refer the applicant to relevant controls.

If the product was not covered by an existing 'substance' definition, ERMA could recommend the appropriate approval route. This could be via Part V for an 'individual' substance approval, which may be relatively costly for the applicant, or via a form of reassessment if the product could sensibly be incorporated into an existing broad substance definition by adjusting the definition.

Act amendments would be required to fully implement this system, including the provision of 'use' controls. However, without making any changes to the Act, many of the workability issues could be eased by funding ERMA to make a number of strategically selected generic approvals with broad substance definitions. If this proposal is accepted the MfE and ERMA will need to work up a detailed description for further consideration and consultation.

Situation – costs of approvals seen to be too high

Some businesses report that the costs of preparing an application for a new hazardous substance and the time required for gaining an approval are too high relative to the New Zealand market size, and their ability to secure market share and recover costs. The approval process is seen as a disincentive to import and manufacture new hazardous substances and a barrier to innovation, as often the introduction of one substance leads to the development of others.

The Ministry of Economic Development has commissioned a survey on HSNO application costs and results will be available at the beginning of April. However case studies[8] indicate that the costs of preparing an application for a hazardous substance approval is the biggest barrier, in particular the information requirements.

How – reducing costs to business

The solutions mentioned in this section and standards for groups of substances (see section 8) contribute to the removal of barriers to introducing new substances. In addition the following specific proposals will remove barriers:

- MfE to examine ERMA's current cost recovery policy in the context of barriers to innovation e.g. are fixed applications fees better than full cost recovery; and
- While ERMA routinely uses overseas evaluations to determine a substance's classifications, industry may not be generally aware of this. We propose that ERMA proactively advise applicants on what international data and evaluations they accept.

[8] MED BASF case study – unpublished,

8 Make Controls Understandable for Users and Enforcement Officers

Situation

ERMA attaches controls on approvals and transfers from the regulations. They are not presented in a way that is user-friendly.

The control regulations are performance-based and technically complex. They do not describe what a person has to do – but the outcome that has to be achieved. It was intended that industry groups would develop codes of practice that would become approved codes of practice and these would provide the 'how to guides'. However limited codes are available at this time because the base regulations are not complete.

Two-thirds of New Zealand enterprises employ less that 50 people. They often do not have the capacity or knowledge to convert the technical controls into practical means to meet the controls. While generic codes will be helpful, particular industries may not have the resources to prepare codes of practice for their industry.

Opportunity

There is an opportunity to improve the clarity, practical nature and cost effectiveness of the controls.

How

There are four proposals to improve the clarity, practical nature and cost effectiveness of the controls. The first proposal can be done immediately while the others require Act amendments to be implemented:

- user-friendly guidance and developing codes of practice;
- change HSNO to enable ERMA to put conditions on approvals rather than references to the control regulations;
- change HSNO to enable ERMA to issue standards; and
- change HSNO to provide a simplified code of practice approval process.

How in the short term – guidance

The three proposals above (approval conditions, standards and simplifying the code of practice approval process) may require legislative change and may take some time to implement. We also propose two methods to help make controls understandable in the short term: codes of practice and user-friendly guidance.

User-friendly guidance should be developed on an industry basis. This guidance would take an industry, for example domestic pest control, consider the substances used, the controls that apply to those substances, and develop a short guidance note on what they could do to meet the controls. This industry-based guidance would be prescriptive rather than performance based and could be used as a basis for developing codes of practice. The guidance could be an industry code (as the dry-cleaning industry has drafted) but as it is not approved it would have no legal standing.

There are several codes of practice currently underway within industry. However there needs to be more, particularly as substances are transferred. We propose that a group be formed including ERMA, MfE and industry to determine what the priority for New Zealand user-friendly guidance and codes of practice are, and how they should be funded.

How – conditions on approvals

We propose that ERMA issue conditions either in conjunction with or instead of the existing control regulations. The distinction being that controls are limited to the words within the control regulations, and conditions can take from the controls and be turned into more user-friendly and practical means to mange the potential effects of hazardous substances.

Further, it is recommended that the conditions be incorporated into the approval document rather than relying on referring to the regulations. The regulations then become, in effect, a 'tool box' for ERMA rather than users having to refer back to the regulations.

Flexibility for innovation can be maintained.

This proposal requires the regulator, ERMA to do some of the work that codes of practice were intended to cover. It needs a lot more work to be fully assessed however we think it has potential for making controls easier to follow and is worth pursuing.

How – standards

We propose that ERMA be given the ability to issue a standard set of controls for groups of substances. For example a packaging and labelling standard for groups of veterinary medicines. Again this means that an importer, manufacturer or user would not have to refer to the control regulations. They only need to look at the standard.

How – a simple code of practice approval process

Approved codes of practice were primarily intended to be a means of complying with the regulatory controls. In addition they could be the route through which the performance-based controls are interpreted for people. However the resources and expertise available to develop suitable codes has proven to be a barrier to their adoption. The process for approving codes needs to be kept simple so that ERMA can quickly approve and update codes, enabling them to be more readily available as was intended. In addition, use of codes does ultimately substitute for compliance with controls.

Subsequent benefits

Use of standards will also enable ERMA to group notified toxic substances and apply controls accordingly as part of the transfer process, without having to assess each individual substance.

9 Improve Regulatory Interfaces

Future work for MfE

The HSNO Act interfaces with the Resource Management Act, the Agricultural Compounds and Veterinary Medicines Act, the Food Act and others. There are several and varied issues with these interfaces. Some are addressed by other proposals in the strategy. For example, a person would not need to get approvals from both the New Zealand Food Safety Authority and ERMA for a low risk situation veterinary medicine if a standard was issued that covered the relevant substance. However some issues we have not addressed. For example environmental exposure limits do not sit comfortably with site specific discharge permits issued by regional councils under the Resource Management Act. Environmental exposure limits are difficult to set, monitor and enforce.

We have not considered these issues in detail at this point because we felt our time was better spent on other parts of the system at this time. However we think they are important issues to address as part of the longer-term work programme. We therefore propose that the Ministry for Environment include measures to address these issues in the regulatory proposals due to be put to Ministers in October 2003.

10 Conclusion

We consider that there are workability issues that mean that the HSNO Act is not achieving its purpose with respect to hazardous substances. We also consider that improving HSNO's workability will support the government's growth and innovation objectives by removing barriers to innovation and encouraging sustainable economic growth.

To improve workability, we consider that the ERMA needs more flexibility to prevent or manage the adverse effects of hazardous substances on the basis of the risk the substances pose.

We propose a number of actions covering all issues identified. Some involve legislative change, many do not. Some are quick and easy and can be done immediately and others require more policy work. We are confident that these new tools will have a significant impact on the workability of HSNO.

11 Summary of Recommendations

Short-term actions: deliver on promises to establish some credibility

We recommend that compliance monitoring and enforcement is a high priority for the strategy. We propose that:

1. ERMA takes a more directive role in compliance monitoring and enforcement.

Transfer of substances into the HSNO regime has been promised for sometime but not delivered on. Transfer is relatively easy to address, will improve the HSNO Act's workability and consequently restore some credibility to it. To get transfer back on track, we recommend that:

2. Explosives are transferred in July/August 2003.
3. Control regulations are completed this year.
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Longer-term actions: change HSNO to improve workability

We propose that ERMA be given new tools to remove redundancies from the HSNO system and better link HSNO to how everyday people use products with hazardous properties. We consider that with new tools, ERMA can take advantage of the opportunity that transferring 70,000 toxic substances provides to simplify the whole HSNO regime. We believe our proposals will have a significant impact on improving compliance with the HSNO regime and remove unnecessary compliance costs. We recommend that:

1. The Ministry for Environment prepares papers for ministers by October/November 2003 on new tools for ERMA including:
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