

INTRODUCTION TO THE



Hazardous Substances & New Organisms Act

We've got our Act together
...have you?

INTRODUCTION TO THE

Hazardous Substances

& New Organisms Act

INTRODUCTION TO THE HSNO ACT

What is the HSNO Act?

The Hazardous Substances and New Organisms (HSNO) Act 1996 is environmental and health and safety legislation designed to manage the risks of using hazardous substances in business and at home, and the risks of introducing new organisms into this country. This includes the importation and creation of genetically modified organisms.



Explosives



Flammables



Oxidising substances



Corrosives



Toxic substances



Ecotoxic substances

WHY DO WE NEED THE HSNO ACT?

Hazardous substances

Hazardous substances play a large role in our homes, institutions, industry and agriculture. They can, however, endanger people and the environment. If we don't manage the risks posed by these substances, the results can be disastrous.



We've all heard stories where things have gone terribly wrong - a firecracker exploding in a child's face, the discovery of a contaminated river, or a major chemical fire.

The HSNO Act is designed to pull together the management of hazardous substances into one comprehensive law that focuses on all of the hazards that these substances present, and their effects.

The HSNO Act replaces:

- The Pesticides Act 1979
- The Toxic Substances Act 1979
- The Explosives Act 1957
- The Dangerous Goods Act 1974
- The Animals Act 1967 and the Plants Act 1970 for the control of organisms.

New Organisms

Introduced plants and animals have provided many benefits for New Zealand, but have also created problems. In the past, new organisms were introduced with little or no assessment of the potential risks. Some, such as possums, rabbits and old man's beard, have since caused serious problems.



Advances in genetic modification can also be of benefit, but we need strict controls to limit any risks. Until the HSNO Act came into force, there was no legislation that dealt specifically with managing the risks involved with this modern technology.

WHO IS THE ENVIRONMENTAL RISK MANAGEMENT AUTHORITY (ERMA)?

The Environmental Risk Management Authority (ERMA) is an independent body established under the HSNO Act. Its role is to assess the environmental and health risks posed by hazardous substances and new organisms (including genetically modified organisms), and to place controls to make sure that these are managed properly.

Under the HSNO Act, any person wanting to:

- Import or manufacture a hazardous substance for the first time in New Zealand; or
- Import, develop, field test or release a new organism, including a genetically modified organism (GMO)

must first gain approval to do so from the Authority.

The Environmental Risk Management Authority has up to eight members who have knowledge and experience relating to hazardous substances or new organisms. The Minister for the Environment appoints members to the Authority for a fixed term.

The work of the Authority is supported by an administrating agency called ERMA New Zealand. Ngā Kaihautū Tikanga Taiao is a committee that advises the Authority on issues of concern to Māori.

NEW ORGANISMS

What is a new organism?

A new organism is any animal, plant or micro-organism that was not present in New Zealand when the new organisms part of the Act started up in July 1998. New organisms can be introduced unintentionally (such as fruit flies arriving on imported food) or intentionally (such as sheep, pines, trout, clover and roses). They can also be developed here through genetic manipulation. The HSNO Act defines a new organism as:

- any species of organism (virus, bacterium, plant or animal of any kind) that was not legally present in New Zealand on the date the Act came into force (29 July 1998)
- any organism in containment only (for example, for further study or on display in a zoo)
- any genetically-modified organism that has not been approved for release
- any endangered species
- any species of organism not approved for release under the HSNO Act
- any species that has been eradicated.

The HSNO Act covers the deliberate introduction or development of new organisms. The Biosecurity Act 1993 is used to ensure pests and diseases (organisms we already know we don't want) are kept out of New Zealand.

Processed foods that contain genetically modified ingredients are not considered 'new organisms'. They are controlled by the Food Act, which is administered by the Ministry of Health.

How does the Act affect me?

The HSNO Act is likely to affect you if you import plants (including seeds) or animals, are involved in genetic modification, or work with micro-organisms. Alternatively, if you are simply someone concerned about how new organisms, including those that have been genetically modified, might affect your health and environment, you should be aware of the HSNO Act and how it works, so that you can have your say in the decision making.





If you want to import a species of plant or animal that is not already legally in the country or want to develop a genetically modified organism (GMO), then you must first apply to the Environmental Risk Management Authority (ERMA) for approval to do so. There are different types of application, so you should always contact ERMA New Zealand for advice first. To ensure that imported new organisms do not threaten the health of the country's existing animal and plant life, the application will be referred to the Ministry of Agriculture and Forestry to ensure that it complies with the Biosecurity Act.

The assessment process is, in most cases, a public one, so the Authority will require that the public be notified so that they can have their say. The Authority will consider the application and either approve or decline it, or, if the application is for introducing a new organism into containment, the Authority can impose containment controls.

How is the new organisms part of the Act enforced?

The Customs Service and the Ministry of Agriculture and Forestry (MAF) enforce the new organisms part of the Act at the border, for the introduction of new organisms into New Zealand. MAF also makes sure that controls that are placed by the Authority on experiments and field trials of new organisms are complied with.

HAZARDOUS SUBSTANCES

What is a hazardous substance?

A hazardous substance is a substance that can harm people or the environment. For example, substances like dishwashing detergents, bleaches and petrol, are an essential part of our daily lives, but they can all be dangerous or poisonous.

Under the Act, a hazardous substance is any substance that is:

- explosive
- flammable
- able to accelerate the burning of something combustible
- corrosive to human tissue or metal
- able to harm human health

- able to harm any living organism
- able to generate a hazardous substance on contact with air or water.

The Act does not cover radioactive or ozone-depleting substances, unless they have any of the hazardous properties listed above.

How does the Act affect me?

The HSNO Act is likely to affect you if you use hazardous substances in your business or home, or if you import, store, transport or manufacture them to sell to others.

If you are concerned about how hazardous substances might affect your health and environment, you should be aware of the HSNO Act and how it works so that you can have your say in the decision-making.

Importers/manufacturers of hazardous substances

If you want to manufacture or import any hazardous substance that is not already in use in New Zealand, you must first apply to the Authority for approval to do so. There are different types of applications, so you should always contact ERMA New Zealand for advice first.

ERMA New Zealand will require you to provide information on the risks and benefits that the substance may have for human health and the environment. The assessment process is, in most cases, a public one, so the Authority will require that the public be notified so that they can have their say. The Authority will either approve or decline the application. If it approves the application, it will impose certain controls on the substance, for example, on its use or storage.



You may be able to continue to import or manufacture some hazardous substances that are already in use in New Zealand under the previous laws for a while after the Act starts up, because the control of hazardous substances will be transferred over to the new system in stages. This is called the transitional phase. Check with ERMA New Zealand as to whether this applies to substances that you import or manufacture.

Users of hazardous substances

Anyone who uses or is otherwise involved with hazardous substances in their factory, small business, farm, orchard, market garden, mine, foundry, school laboratory or home is affected by the HSNO Act. That is, just about everyone. You must know how to use, store and dispose of these substances safely.

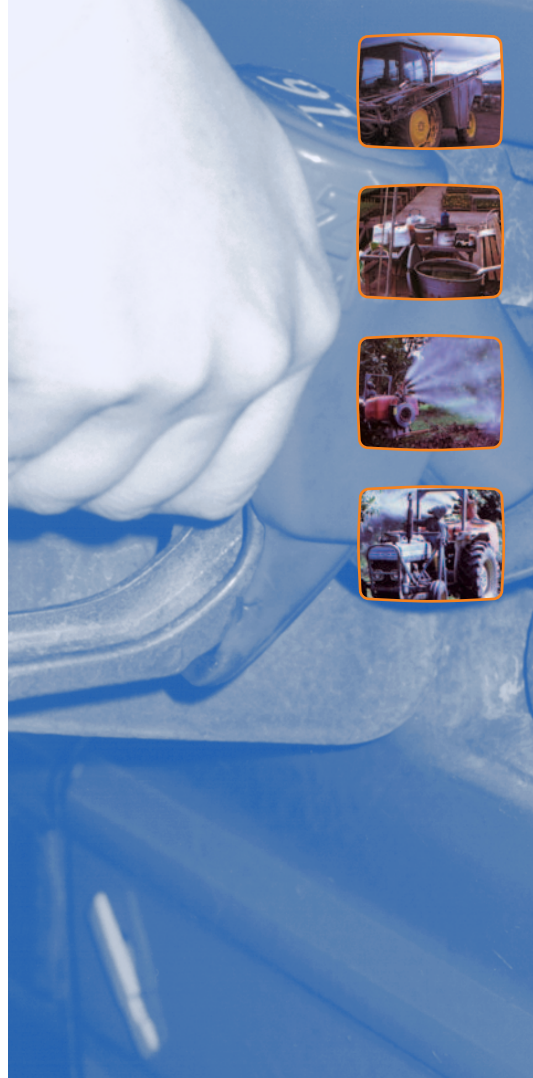
Controls that the Authority will place on a hazardous substance will cover the whole life cycle of the substance, from the time it is manufactured, to the time it is disposed of. For example, a new pesticide from a garden centre might be required to come in a child-resistant container, and you may need to wear special protective gloves when handling it. It might also have to have a label warning you that

the product is poisonous, or telling you how to get rid of the leftovers safely. If you are dealing with large quantities of more dangerous substances (such as explosives and highly poisonous substances), you may need to have special training on how to manage them safely.

In the interests of the health and safety of you and your family or any people you employ, you must comply with the requirements or controls on the substance. If you do not you could face severe penalties, including the costs of fixing or reducing any damage, fines and possibly imprisonment.

How is the hazardous substances part of the Act enforced?

The hazardous substances part of the Act is enforced by a number of central and local government agencies, most of whom were involved in enforcing the previous laws. These agencies monitor compliance with the Act and controls set by the Authority, and carry out compliance checks. They can issue compliance orders and infringement notices, and prosecute offenders when an order is not complied with. Enforcement agencies can also advise you on how to comply with the Act.





Enforcement agencies for the hazardous substances part of the Act

AGENCY	ENFORCEMENT AREAS
Local Authorities	Resource management issues (e.g. discharge to a river)
Ministry of Consumer Affairs	Control of gas installations
Ministry of Health	Public health and safety; hazardous substances in foods and medicines.
Department of Labour (Occupational Safety and Health Service)	Workplace health and safety
Police and Land Transport Safety Authority	Transport of hazardous substances on land
Maritime Safety Authority	Transport of hazardous substances by sea
Civil Aviation Authority	Transport of hazardous substances by air
New Zealand Customs Service	Bringing hazardous substances into New Zealand

HAVING YOUR SAY

The HSNO Act allows everyone to have their say in the decision-making process for hazardous substances and new organisms. You might be interested in which new plants, animals or hazardous substances are likely to be imported into New Zealand. Or you might be interested in the nature of new scientific experiments being carried out here, and what new products may be brought to market. You may want simply to be reassured that a new innovation will not harm your family's health or our native taonga.

All applications to ERMA New Zealand are made public, and many of them are open to submissions from people who wish to comment. You can submit a letter or statement setting out your views on the application, either opposing or supporting it, or asking that certain controls be imposed. You can put forward your views at a public hearing of the Authority, or you can just attend any hearing to listen. In addition, anyone at any time can request that the controls on an existing substance or organism be reassessed, should relevant new information come to light.

WHERE TO GO FOR MORE INFORMATION

For more information on the HSNO Act, regulations, policy and administration

Ministry for the Environment

Tel +64 4 917 7400;

Fax +64 4 917 7523

PO Box 10-362, Wellington,
New Zealand

www.mfe.govt.nz

For information on applying for approval of a hazardous substance or a new organism, making a submission, the assessment process or enforcement of the Act:

ERMA New Zealand

Tel +64 4 473 8426;

Fax +64 4 473 8433

PO Box 131, Wellington,
New Zealand

www.ermanz.govt.nz

**There is a dedicated HSNO website.
Log on to www.hsno.govt.nz**



Ministry for the
Environment
Manatū Mō Te Taiao

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