



PROACTIVE RELEASE COVERSHEET

Minister	Nicola Grigg	Portfolio	Minister for the Environment
Name of package	Proactive release of Cabinet paper on regulations to support a priority product stewardship scheme for agrichemicals and farm plastics	Date to be published	28 September 2026

List of documents that have been proactively released

Date	Title	Author
28 September 2026	26-CAB-01914: Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 26-CAB-01914 - Appendix 2: Consistency Accountability Statement: Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 26-CAB 01914 - Appendix 3: Summary of Underpinning Analysis: Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 Legislation Cabinet Committee minute of decision LEG-26-MIN-0168 - Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 Cabinet minute of decision CAB-26-MIN-0278: Report of the Cabinet Legislation Committee: Period ended 21 August 2026	Ministry for Cities, Regions, Environment, and Transport

Information redacted

No redactions made under the withholding grounds and public interest test in section 9 of the Official Information Act 1982.

In-Confidence

Office of the Minister for the Environment

Cabinet Legislation Committee

Waste Minimisation (Agrichemicals and Farm Plastics) Regulations

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 (Appendix 1), under sections 22 and 23 of the Waste Minimisation Act 2008 (WMA).

Executive Summary

- 2 Farmers need better solutions for rural waste. The proposed regulations would establish the Rural Recycling Scheme, which was designed by agricultural sector groups to improve access to collection and recycling services for farmers and other users of agrichemicals and farm plastics that support New Zealand's productivity.
- 3 The Rural Recycling Scheme will be managed by Agrecovery and was accredited¹ by the Minister for the Environment under the Waste Minimisation Act 2008 (WMA) in 2023. The scheme was designed to be enabled by regulations.
- 4 On 24 November 2025 Cabinet invited the Minister for the Environment to issue drafting instructions for product stewardship regulations for agrichemicals, their containers, and farm plastics, under sections 22 and 23 of the WMA [CAB-25-MIN-0416 refers].
- 5 The proposed regulations include requirements for in-scope agrichemicals and farm plastics to be sold only in accordance with an accredited scheme and establish a stewardship fee to cover management of the products when they become waste.
- 6 During the drafting process, officials identified a small number of changes required to the agreed proposals. I therefore seek agreement to rescind and replace decisions made by Cabinet in November 2025.
- 7 The Parliamentary Counsel Office has drafted the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 (Appendix 1). I now seek agreement to authorise submission of these regulations to the Executive Council.

Policy

Background

- 8 Not all farmers have access to take-back and recycling services for agrichemicals, their containers, and farm plastics. This contributes to ongoing but avoidable practices, such

¹ Accreditation of a product stewardship scheme means a decision by the Minister for the Environment confirming that the scheme meets accreditation requirements set in sections 14 and 15 of the Waste Minimisation Act 2008.

as on-farm burning, burial or indefinite storage in some rural areas, risking harm to the environment and human health, and losing recyclable materials.

- 9 Industry designed the Rural Recycling Scheme, which was accredited under the Waste Minimisation Act 2008 (WMA) in 2023, with Agrecovery² as the scheme manager.³ The scheme was designed to be enabled by regulations and will start operating once regulations come into force.
- 10 The Rural Recycling Scheme will combine the two existing voluntary schemes, run by Agrecovery⁴ and Plasback⁵, into a single nationwide service offering free-to-use, accessible services for all users of in-scope agrichemicals and farm plastics.
- 11 On 24 November 2025, Cabinet agreed that regulations be developed to support the accredited product stewardship scheme for agrichemicals, their containers, and farm plastics [CAB-25-MIN-0416 refers].
- 12 The proposed regulations include requirements for in-scope agrichemicals and farm plastics to be sold only in accordance with an accredited scheme and establish a stewardship fee to cover management of the products when they become waste. The scheme manager will be required to operate a take-back service for regulated products, funded by the product stewardship fee.
- 13 The products proposed to be regulated are:
 - 13.1 agrichemicals sold in plastic containers and drums of 1,000 litres or less (including household pest and weed control products);
 - 13.2 all plastic bale wrap and silage sheets;
 - 13.3 plastic bags containing completed⁶ agricultural products, including seed, feed, fertiliser, soil and crop inputs and farm and animal supplements, in either:
 - 13.3.1 small plastic bags (16-40 kilograms when full);
 - 13.3.2 large woven polypropylene bags (over 40 kilograms when full).

Policy changes made during the drafting process

- 14 During the drafting process, officials identified a small number of matters where clarification or amendment of Cabinet's November 2025 decisions is required to ensure the regulations give effect to the intended policy. Further policy development

² Agrecovery is an industry-led not-for-profit charitable trust. Agrecovery trustees represent Federated Farmers, Dairy NZ, Horticulture New Zealand, Animal and Plant Health New Zealand, Rural Contractors New Zealand, distributors of agrichemical and animal health products, and local government.

³ The scheme was accredited under the name of 'Green-farms Product Stewardship Scheme'. In line with consultation feedback, including from Agrecovery, Cabinet agreed to change the scheme name to 'Rural Recycling Scheme'.

⁴ Agrecovery's voluntary product stewardship scheme includes a mix of voluntary fees from supporting brands and user-pays collections. The scope covers a range of products, including agrichemical containers (including drums) and small plastic bags.

⁵ Plasback's voluntary product stewardship scheme includes user-pays collection services for some farm plastics including bale wrap and silage sheeting.

⁶ A completed product is one that has completed manufacture and is packaged ready for supply, sale, or distribution in New Zealand, and is not to be supplied for its further manufacturing or processing within New Zealand.

and consideration has also identified a small number of refinements that are necessary to support the effective operation of the regulations. Accordingly, I propose the following changes to the proposals agreed by Cabinet.

Change of commencement date

- 15 Cabinet agreed that the regulations take effect on 1 January 2027, or six months after the date they are gazetted (whichever is the later) [ECO-25-MIN-0200, recommendation 15]. I propose amending this to a fixed commencement date of 1 March 2027.
- 16 A fixed date provides greater certainty for the scheme manager and users. Provided that the regulations are gazetted before the end of August 2026, the new date allows for a minimum six-month lead-in period between adoption and implementation of the regulations, as required due to notification obligations under the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Agreement.

Clarification to the description of regulated plastic bags containing agricultural products

- 17 Cabinet agreed that the regulations would apply to plastic bags containing agricultural products [ECO-25-MIN-0200, recommendation 5.3]. The policy intent was that this would apply to *completed* agricultural products – that is, products that are ready for retail sale on the New Zealand market and not intended for further processing or manufacturing. I therefore propose to clarify that the regulations apply to plastic bags containing *completed* agricultural products.
- 18 Cabinet also agreed that agricultural products would include, but not be limited to, seed, feed, fertiliser, soil and crop inputs and farm and animal supplements [ECO-25-MIN-0200, recommendation 5.3]. Following further analysis, officials have concluded no other agricultural products sold in plastic bags should be captured by the regulations. I therefore propose replacing the non-exhaustive description with an exhaustive list of regulated products to provide greater certainty about the scope of the regulations.

Naming the scheme manager as owner of the fee revenue

- 19 The policy set out in the November 2025 Cabinet paper was that regulated fees under the Rural Recycling Scheme would be collected and administered by the Scheme Manager. However, the decision recorded in ECO-25-MIN-0200 provides that the Crown owns the fee revenue. This is inconsistent with the intended operation of the scheme. I therefore propose amending Cabinet's earlier decision to provide that the Scheme Manager is the owner of the fee revenue. Treasury was consulted and supports this approach.

Cost-recovery amount for monitoring scheme performance

- 20 Cabinet agreed to prescribe the charges payable to the Secretary for the Environment for the performance monitoring of an accredited scheme, at an amount of up to \$220,000 per annum (providing for up to one full-time equivalent employee and associated overheads) [ECO-25-MIN-0200, recommendation 11].
- 21 Based on officials' assessment of the resources required to undertake performance monitoring, I propose amending Cabinet's earlier decision to prescribe a fixed annual

amount of \$220,000. This will provide certainty to the scheme manager about its annual monitoring costs and simplify administration of the cost-recovery regime.

Delegated decisions on the information that the scheme manager is required to collect and provide

- 22 Cabinet authorised the Minister for the Environment to make further decisions on the information that the scheme manager be required to collect and provide.
- 23 I have included the following requirements in the proposed regulations:
 - 23.1 The scheme manager must collect from producers registering with the Rural Recycling Scheme:
 - 23.1.1 the producer's name;
 - 23.1.2 the producer's New Zealand Business Number;
 - 23.1.3 the producer's contact information;
 - 23.1.4 a list of all brand and product names used to sell the regulated product(s).
 - 23.2 The scheme manager must collect from registered producers, within 60 days from the end of each quarter, the quantity and type of each regulated product sold in New Zealand by the producer.
 - 23.3 The scheme manager must provide the information in 23.2 (and any other information required under the scheme's accreditation) to the Secretary for the Environment within 75 days from the end of each quarter.

Statutory requirements for regulation-making

- 24 The WMA requires that, before recommending the making of regulations under sections 22(1)(a) and 23(1), the Minister must:
 - 24.1 obtain and consider the advice of the Waste Advisory Board (WMA s 22(2)(a) and 23(3)(a));
 - 24.2 be satisfied that:
 - 24.2.1 there has been adequate consultation with parties who may be significantly affected (WMA s 22(b)(i) and 23(3)(b)(i));
 - 24.2.2 without the regulations, it is likely that the objectives of the scheme cannot be met (WMA s 22(2)(b)(ii));
 - 24.2.3 the benefits from implementing the regulations are likely to outweigh their costs (WMA s 22(2)(b)(iii) and 23(3)(b)(ii));
 - 24.2.4 the regulations are consistent with international obligations (WMA s 22(2)(b)(iv) and 23(3)(b)(iii)).
- 25 I consider these requirements to have been met because:

- 25.1 The Waste Advisory Board provided their advice on 13 May 2025, expressing support for the proposed regulations. That advice was considered prior to seeking Cabinet's policy decisions in November 2025;
 - 25.2 The proposed regulations were publicly consulted on between 31 March and 1 June 2025;
 - 25.3 Regulatory impact analysis undertaken in 2025 showed that without regulations mandating sale in accordance with the accredited scheme, producers' participation is unlikely to increase and, consequently, there would not be a significant improvement in the recovery of waste agrichemicals, their containers, and farm plastics;
 - 25.4 Cost-benefit analysis showed that, over a 30-year time horizon, the marginal benefits of the proposed regulated product stewardship scheme exceed marginal costs, with a net benefit of \$25 million and a benefit-cost ratio of 1.31 (net present value);
 - 25.5 The Ministry of Foreign Affairs and Trade (MFAT) and the Ministry of Business, Innovation and Employment (MBIE) were consulted and confirmed the proposed regulations are fully consistent with international obligations.
- 26 Previous advice provided by MBIE stated that the regulations were not a technical barrier to trade (TBT) under the World Trade Organization (WTO). Therefore the draft regulations were not notified to the WTO for a period of consultation, as required by the WTO TBT Agreement.⁷ MBIE and MFAT officials have since confirmed that these proposals constitute a TBT.
- 27 While failure to consult with trade partners at an earlier stage was a breach of TBT obligations, officials from MBIE, MFAT and MCERT consider the overall impact to be minimal in this case. It is not uncommon for regulations to be reconsidered as a TBT once final regulations have been assessed. MBIE and MCERT officials will work together to notify the formal adoption of the measure in line with the remaining TBT Agreement obligations. This is not an impediment to the regulations being agreed and adopted.
- 28 The TBT process requires a minimum 6-month lead-in time between adoption and implementation of the new regulations and the scheme start date has been updated to accommodate this requirement.

Recovering costs of monitoring scheme performance

- 29 To enable cost recovery from the scheme of \$220,000 per year for scheme monitoring, I seek Cabinet's agreement to establish a new category "Product Stewardship Administration – Rural Recycling Scheme" within the Product Stewardship Multi Category Appropriation in Vote Environment managed by the Ministry for Cities, Environment, Regions and Transport as outlined in the table below.

⁷ The WTO TBT Agreement requires that all technical regulations impacting trade be notified and open for international consultation for a period of no less than 60 days.

New category within the “Product Stewardship” Multi-category Appropriation in Vote Environment

Title	Type	Scope
Product Stewardship Administration – Rural Recycling Scheme	Departmental Output Expense	This category is limited to monitoring the performance of the Rural Recycling product stewardship scheme related to agrichemicals and farm plastics

Timing and 28-day rule

30 I propose the regulations come into force on 1 March 2027.

Compliance

31 The regulations comply with:

- 31.1 the principles of the Treaty of Waitangi;
- 31.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 31.3 the principles and guidelines set out in the Privacy Act 2020;
- 31.4 relevant international standards and obligations;
- 31.5 the Legislation Guidelines (2021 edition).

Regulations Review Committee

32 I do not consider there are grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

33 The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Regulatory Analysis

34 The Regulatory Impact Statement (RIS) was submitted with the November 2025 Cabinet paper [ECO-25-MIN-0200 refers]. A Regulatory Impact Analysis Panel from the Ministry for the Environment considered the RIS and its stage 1 and 2 Cost Recovery Impact Statement met the quality assurance criteria.

Consistency with principles of responsible regulation

35 A Consistency Accountability Statement (CAS) (Appendix 2) and Summary of Underpinning Analysis (Appendix 3) were prepared by the Ministry for Cities, Environment, Regions and Transport. No inconsistencies with the principles of responsible regulation were identified.

Publicity

36 Officials will ensure the new regulations are communicated to regulated parties through a range of communications and any press releases as appropriate.

Proactive Release

- 37 I propose to proactively release this paper within 30 business days of Cabinet's decision, with any necessary redactions under the Official Information Act 1982.

Consultation

- 38 The proposed regulations were publicly consulted on in 2025 in accordance with sections 22(2)(b)(i) and 23(3)(b)(i) of the WMA.
- 39 A draft of this paper was circulated to the following agencies for comment: Department of Conservation; Department of the Prime Minister and Cabinet; Environmental Protection Authority; Inland Revenue Department; Ministry for Primary Industries; Ministry for Regulation; Ministry of Business, Innovation and Employment; Ministry of Foreign Affairs and Trade; New Zealand Customs Service; Te Puni Kōkiri; Treasury; WorkSafe. Feedback received has been incorporated in this paper.
- 40 An exposure draft of the regulations was shared with Agrecovery. Agrecovery provided feedback mainly on the information collection requirements and the list of regulated agrichemicals. The feedback has been reflected in the draft regulations.

Recommendations

The Minister for the Environment recommends that the Cabinet Legislation Committee:

- 1 **note** that regulations are needed to give effect to the Rural Recycling Scheme, which was designed by agricultural sector groups to improve access to collection and recycling services for farmers and other users of agrichemicals and farm plastics;
- 2 **note** that on 24 November 2025 Cabinet agreed to the drafting of proposed product stewardship regulations for agrichemicals, their containers, and farm plastics [CAB-25-MIN-0416 refers];
- 3 **note** that the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 will give effect to the decisions referred to in recommendation 2 above;
- 4 **note** that Cabinet authorised the Minister for the Environment to make further decisions on the information that the scheme manager be required to collect and provide;
- 5 **note** that Cabinet authorised the Minister for the Environment to approve minor policy changes during the drafting of regulations, in line with the policy decisions agreed by Cabinet;

Amendments to previous Cabinet decisions

- 6 **note** that Cabinet previously agreed:
- 6.1 that the regulations shall take effect on 1 January 2027, or six months after the date they are gazetted (whichever is the later);
 - 6.2 to prohibit the sale, except in accordance with an accredited product stewardship scheme, of plastic bags containing agricultural products including, but not limited to seed, feed, fertiliser, soil and crop inputs and farm and animal

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supplements, in either: small plastic bags (16-40 kilograms when full); large woven polypropylene bags (over 40 kilograms when full);

- 6.3 that the Crown is the owner of the revenue from the rural recycling stewardship fee;
 - 6.4 to prescribe the charges payable to the Secretary for the Environment for the performance monitoring of an accredited scheme, to be set at up to \$220,000 per annum (providing for up to one full-time equivalent employee and overheads);
- 7 **rescind** the decisions referred to in recommendations 6.1 to 6.4 above;
- 8 **agree** that the decisions referred to in recommendations 6.1 to 6.4 be replaced with the following:
- 8.1 that the Waste Minimisation (Agrichemicals, their Containers, and Farm Plastics) Regulations take effect on 1 March 2027;
 - 8.2 to prohibit the sale, except in accordance with an accredited product stewardship scheme, of plastic bags containing completed agricultural products including seed, feed, fertiliser, soil and crop inputs and farm and animal supplements, in either: small plastic bags (16-40 kilograms when full); large woven polypropylene bags (over 40 kilograms when full);
 - 8.3 that the Scheme Manager is the owner of the revenue from the rural recycling stewardship fee;
 - 8.4 to prescribe the charges payable to the Secretary for the Environment for the performance monitoring of an accredited scheme, to be set at \$220,000 per annum (providing for up to one full-time equivalent employee and overheads);

Statutory requirements for regulation-making

- 9 **note** that section 22(2) and 23(3) of the Waste Minimisation Act require that, before recommending the making of regulations under sections 22 or 23, the Minister must:
- 9.1 obtain and consider the advice of the Waste Advisory Board;
 - 9.2 be satisfied that there has been adequate consultation with parties who may be significantly affected by the regulations;
 - 9.3 be satisfied the benefits expected from implementing the regulations exceed the costs;
 - 9.4 be satisfied the regulations are consistent with New Zealand's international obligations;
 - 9.5 under section 22(2) only, be satisfied that without the regulations it is likely that the objectives of the scheme cannot be met;
- 10 **note** that I consider the requirements outlined in recommendation 9 have been met;

Submission of the regulations

- 11 **authorise** the submission to the Executive Council of the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations;

Financial recommendations

- 12 **agree** to establish a new category “Product Stewardship Administration – Rural Recycling Scheme” within the “Product Stewardship” Multi Category Appropriation in Vote Environment managed by the Ministry for Cities, Environment, Regions and Transport as outlined in the table below, for scheme monitoring cost recovery of \$220,000 for full year of operations;

New category within the “Product Stewardship” Multi-category Appropriation in Vote Environment

Title	Type	Scope
Product Stewardship Administration – Rural Recycling Scheme	Departmental Output Expense	This category is limited to monitoring the performance of the Rural Recycling product stewardship scheme related to agrichemicals and farm plastics

- 13 **approve** the following changes to appropriations to provide for the new category as described in recommendation 12 above with no corresponding impact on the operating balance and net core Crown debt:

Vote Environment Minister for the Environment	2026/27	2027/28	2028/29	2029/30	2030/31 & Outyears
Revenue Other: Product Stewardship Administration – Rural Recycling Scheme	0.073	0.220	0.220	0.220	0.220
Multi-Category Expenses and Capital Expenditure: Product Stewardship MCA					
Departmental output Expense: Product Stewardship Administration – Rural Recycling Scheme (funded by revenue other)	0.073	0.220	0.220	0.220	0.220
Total Impact	-	-	-	-	-

- 14 **agree** that the proposed change to appropriations for 2026/27 above be included in the 2026/27 Supplementary Estimates and that, in the interim, the increase and any expenses incurred against the new category be met from Imprest Supply;

- 15 **authorise** the appropriation Minister and the Minister of Finance jointly to approve any forecast changes to the above category within the above multi-category appropriation.

Authorised for lodgement

Hon Nicola Grigg

Minister for the Environment



Consistency Accountability Statement: Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Environment
Date finalised	23 July 2026
Identification number	REG-1901

Statement of Review

I confirm that the Ministry for Cities, Environment, Regions and Transport has assessed the above legislation, and the process for developing it, for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025.

This assessment identified no inconsistencies with the principles of responsible regulation.

Becky Prebble

Deputy Executive Leader – Climate Change and Resource Efficiency
Ministry for Cities, Environment, Regions and Transport



Summary of Underpinning Analysis: Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Environment
Date finalised	23 July 2026
Identification Number	REG-1901

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

Public consultation on the proposed regulations took place from 31 March to 1 June 2025. It resulted in 144 submissions, from a range of stakeholders, including farmers and growers, rural contractors, producers and brand owners, industry bodies, councils, waste management service providers, retailers, and civil society organisations.

A summary of submissions is available at:

<https://environment.govt.nz/publications/proposed-product-stewardship-regulations-agrichemicals-their-containers-and-farm-plastics-summary-of-submissions/>

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and



- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?

NO

Summary of agency analysis

Policy decisions were informed by impact analysis undertaken by the Ministry for the Environment (now incorporated in the Ministry for Cities, Environment, Regions and Transport) in 2025 and summarised in a Regulatory Impact Statement (RIS)¹ available at: <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/take-back-scheme/>

The RIS included assessment of the nature and scale of the policy problem, the existing regulatory framework, and whether the problem needed to be addressed in the public interest. Three policy options were evaluated:²

- Option 1 — No action: maintain a voluntary product stewardship approach for agrichemicals, their containers and farm plastics, with no regulations introduced.
- Option 2 — Enhanced voluntary option: make improvements to the voluntary approach, such as increased education and awareness to support uptake of voluntary product stewardship schemes.
- Option 3 — Introduce regulations under the Waste Minimisation Act 2008 (WMA) to support product stewardship with participation of all producers and importers of in-scope products, and regulated product stewardship fees.

The RIS included evaluation of the costs and benefits of the regulatory option compared to the no-action scenario. It considered how a regulated product stewardship scheme would affect different groups, including farmers and other consumers of the regulated products, producers and importers, and retailers.

Good law-making: 9(k)**The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation****Inconsistency identified?**

NO

Summary of agency analysis

Implementation arrangements were considered in developing the proposals.

¹ The proposals were taken to Cabinet in November 2025, prior to entry into force of the Regulatory Standards Act 2025 which replaces RISs with Regulatory Analysis Summaries.

² Several other options were discarded early in the impact analysis process because they were deemed infeasible or unlikely to address the policy problem.



The regulations enable the delivery of the product stewardship scheme for agrichemicals, their containers, and farm plastics (Rural Recycling Scheme) which was accredited under the WMA in 2023. The Rural Recycling Scheme will be managed by Agrecovery, a not-for-profit charitable trust that has been operating a voluntary scheme for agrichemicals and certain farm plastics. The regulated scheme builds on the voluntary approach. While there will be an expansion of take-back services across New Zealand, many sites are already established.

As scheme manager, Agrecovery will be responsible for delivering the scheme, including the expansion and establishment of a nationwide network of take-back sites where farmers and other consumers can drop off in-scope products for recycling (or safe disposal for agrichemicals). Agrecovery will establish agreements with all producers/importers with fee-paying obligations. Those agreements will cover matters such as record-keeping, declaring product quantities sold, and paying stewardship fees.

The Ministry for Cities, Environment, Regions and Transport (the Ministry) will be responsible for performance and compliance monitoring and enforcement activities.

The Ministry and Agrecovery will enter into a deed that will outline the obligations of each party and state the terms and conditions for delivering and managing the scheme.³ The deed will include the scheme reporting framework, accountability requirements such as auditing, governance arrangements and parameters for using the fee revenue.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?

NO

Summary of agency analysis

Cost-benefit analysis undertaken by the Ministry for the Environment showed that, over a 30-year time horizon, the marginal benefits of a regulated product stewardship scheme for agrichemicals and farm plastics exceed marginal costs, with a net benefit of \$25 million and a benefit-cost ratio of 1.31 (net present value).

Details can be found in the Regulatory Impact Statement, available at:

<https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/take-back-scheme/>

³ This approach is currently used in the regulated Tyrewise scheme.



Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

The proposals were informed by impact analysis, which included consideration of the regulatory option and two non-regulatory options, namely: 1) continuation of the current voluntary approach to product stewardship of agrichemicals and farm plastics; 2) an enhanced voluntary approach, with improved education and awareness-raising.

The options were assessed against three criteria:

- *Effectiveness* - is the option likely to support achievement of the policy objectives to increase resource recovery of waste agrichemicals, their containers and farm plastics, and reduce harm to people and the environment arising from these waste products?
- *Efficiency* - how cost-effective is the option likely to be at achieving the policy objectives?
- *Supply chain responsibility* - is the option likely to move a fair share of costs and responsibilities for product impacts from the public and councils to the producers and consumers, and encourage full sector participation and shared responsibility for achieving the policy objective?

The regulatory option was shown to perform best on all criteria.

The proposed regulations are considered a proportionate response to the problem because:

- in the absence of government intervention, the identified problem would persist (ie, farmers' access to take-back services for agrichemicals and farm plastics would remain uneven and practices such as burning and burying would continue)
- there are no alternative options that address the problem to the same extent, but at lower cost
- the proposed regulated fees are reasonable and represent a small proportion (generally less than 1 percent) of the overall product cost (see also principle 9(e) below).

Details can be found in the Regulatory Impact Statement, available at:

<https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/take-back-scheme/>

Rule of Law: 9(a)(i)

The law should be clear and accessible



Inconsistency identified? NO

Summary of agency analysis

Clarity

The regulations are clear for their intended audience, including the scheme manager, producers and importers with obligations under the scheme, and users of the scheme (who do not have any obligations under the regulations, but can use the scheme's take-back services).

The regulations are modelled on existing secondary legislation used for another regulated product stewardship scheme (Waste Minimisation (Tyres) Regulations 2023).

The regulations have a logical structure and are easy to navigate.

The regulations are drafted in plain language and use limited technical terminology. Any technical or industry-specific terms are commonly understood by regulated parties (ie, the scheme manager, producers and importers of regulated products) or are defined in the regulations.

An exposure draft of the regulations was reviewed by the scheme manager (Agrecovery).

Accessibility

The regulations will be published on the New Zealand Legislation website and notified in the Gazette. The regulations will be publicly available without restriction.

The Ministry and Agrecovery will undertake communications to inform affected parties of the regulations and their requirements (eg, press releases, information on the Ministry's and Agrecovery's websites, communication by Agrecovery through relevant newsletters and publications, direct communication by Agrecovery to producers currently participating in the voluntary schemes).

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NO

Summary of agency analysis

The regulations do not have any retrospective effects.

Rule of Law: 9(a)(iii)

Every person is equal before the law



Inconsistency identified? NO

Summary of agency analysis

The regulations will not result in the law being administered unequally.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The regulations do not impact on judicial appointments and independence from the executive and Parliament. The regulations do not confer judicial functions on any person.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The regulations do not require a decision-maker to exercise discretion. They do not delegate authority to an administrative body to resolve issues relating to legal rights and liabilities.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The regulations do not diminish any rights or liberties.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**



- the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

The regulations do not take or severely impair, or authorise the taking or severe impairment of, property.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

The regulations do not affect taxation.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

NO

Summary of agency analysis

The regulations require producers and importers of regulated products to pay a fee on regulated products sold in New Zealand, to cover their end-of-life management. The fee per product was calculated based on the costs of running the Rural Recycling Scheme – including provision of take-back sites and events, transporting the collected materials, onshore processing or export for recycling, and scheme administration. There is therefore a direct relation between the fee and the service to which the fee relates.

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis



The regulations do not impose, or authorise the imposition of, a levy.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The regulations do not impact on or alter the courts' constitutional role of ascertaining the meaning of legislation.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The regulations do not make any rights and liberties, or obligations, dependent on administrative power.

Additional information [optional]

Relevant publicly available inquiry, review, or evaluation reports

Not applicable

Relevant international treaties, standards and obligations

The Ministry of Foreign Affairs and Trade (MFAT) and the Ministry of Business, Innovation and Employment (MBIE) were consulted on the policy proposals and did not identify any inconsistencies with New Zealand's international obligations.

MBIE initially advised that the regulations were not a technical barrier to trade (TBT) as set out under the World Trade Organization (WTO) Technical Barriers to Trade Agreement (TBT Agreement). This advice was subsequently identified as incorrect. The regulations were not notified to the WTO for a period of international consultation, as required by the TBT Agreement. The TBT Agreement requires that all technical regulations impacting trade be notified and open for international consultation for a period of no less than 60 days. MBIE officials have since noted this and have confirmed with MFAT that the measure is a TBT. MBIE and MCERT officials will work together to notify the formal adoption of the measure in line with the remaining TBT Agreement obligations.



In consultation with MFAT and MBIE, it was agreed not to seek an exemption to the Trans-Tasman Mutual Recognition Act 1997 for these regulations.

Departures from the Legislation Guidelines

No departures from the Legislation Guidelines were identified.

Other unusual provisions or features

The regulations do not have unusual provisions or features.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026

Portfolio **Environment**

On 20 August 2026, the Cabinet Legislation Committee:

- 1 **noted** that regulations are needed to give effect to the Rural Recycling Scheme, which was designed by agricultural sector groups to improve access to collection and recycling services for farmers and other users of agrichemicals and farm plastics;
- 2 **noted** that in November 2025 the Cabinet Economic Policy Committee (ECO) agreed to the drafting of proposed product stewardship regulations for agrichemicals, their containers, and farm plastics [ECO-25-MIN-0200];
- 3 **noted** that the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 will give effect to the decisions referred to in paragraph 2 above;
- 4 **noted** that ECO authorised the Minister for the Environment (the Minister) to make further decisions on the information that the scheme manager be required to collect and provide;
- 5 **noted** that ECO authorised the Minister to approve minor policy changes during the drafting of regulations, in line with the policy decisions agreed by ECO;

Amendments to previous decisions

- 6 **noted** that ECO previously agreed:
 - 6.1 that the regulations shall take effect on 1 January 2027, or six months after the date they are gazetted (whichever is the later);
 - 6.2 to prohibit the sale, except in accordance with an accredited product stewardship scheme, of plastic bags containing agricultural products including, but not limited to seed, feed, fertiliser, soil and crop inputs and farm and animal supplements, in either: small plastic bags (16-40 kilograms when full); large woven polypropylene bags (over 40 kilograms when full);
 - 6.3 that the Crown is the owner of the revenue from the rural recycling stewardship fee;
 - 6.4 to prescribe the charges payable to the Secretary for the Environment for the performance monitoring of an accredited scheme, to be set at up to \$220,000 per annum (providing for up to one full-time equivalent employee and overheads);
- 7 **rescinded** the decisions referred to in paragraph 6 above; and instead

- 8 **agreed** that the decisions referred to in paragraph 6 be replaced with the following:
- 8.1 that the Waste Minimisation (Agrichemicals, their Containers, and Farm Plastics) Regulations take effect on 1 March 2027;
 - 8.2 to prohibit the sale, except in accordance with an accredited product stewardship scheme, of plastic bags containing completed agricultural products including seed, feed, fertiliser, soil and crop inputs and farm and animal supplements, in either: small plastic bags (16-40 kilograms when full); large woven polypropylene bags (over 40 kilograms when full);
 - 8.3 that the Scheme Manager is the owner of the revenue from the rural recycling stewardship fee;
 - 8.4 to prescribe the charges payable to the Secretary for the Environment for the performance monitoring of an accredited scheme, to be set at \$220,000 per annum (providing for up to one full-time equivalent employee and overheads);

Statutory requirements for regulation-making

- 9 **noted** that section 22(2) and 23(3) of the Waste Minimisation Act 2008 require that, before recommending the making of regulations under sections 22 or 23, the Minister must:
- 9.1 obtain and consider the advice of the Waste Advisory Board;
 - 9.2 be satisfied that there has been adequate consultation with parties who may be significantly affected by the regulations;
 - 9.3 be satisfied the benefits expected from implementing the regulations exceed the costs;
 - 9.4 be satisfied the regulations are consistent with New Zealand's international obligations;
 - 9.5 under section 22(2) only, be satisfied that without the regulations it is likely that the objectives of the scheme cannot be met;
- 10 **noted** that the Minister considers that the requirements outlined in paragraph 9 have been met;

Submission of the regulations

- 11 **authorised** the submission to the Executive Council of the Waste Minimisation (Agrichemicals and Farm Plastics) Regulations 2026 [PCO 28999/9.0];

Financial recommendations

- 12 **agreed** to establish a new category "Product Stewardship Administration – Rural Recycling Scheme" within the "Product Stewardship" Multi Category Appropriation in Vote Environment managed by the Ministry for Cities, Environment, Regions and Transport as outlined in the table below, for scheme monitoring cost recovery of \$220,000 for full year of operations

Title	Type	Scope
Product Stewardship Administration – Rural Recycling Scheme	Departmental Output Expense	This category is limited to monitoring the performance of the Rural Recycling product stewardship scheme related to agrichemicals and farm plastics

- 13 **approved** the following changes to appropriations to provide for the new category as described in paragraph 12 above with no corresponding impact on the operating balance and net core Crown debt

Vote Environment Minister for the Environment	2026/27	2027/28	2028/29	2029/30	2030/31 & Outyears
Revenue Other: Product Stewardship Administration – Rural Recycling Scheme	0.073	0.220	0.220	0.220	0.220
Multi-Category Expenses and Capital Expenditure: Product Stewardship MCA					
Departmental output Expense: Product Stewardship Administration – Rural Recycling Scheme (funded by revenue other)	0.073	0.220	0.220	0.220	0.220
Total Impact	-	-	-	-	-

- 14 **agreed** that the change to appropriations for 2026/27 above be included in the 2026/27 Supplementary Estimates and that, in the interim, the increase and any expenses incurred against the new category be met from Imprest Supply;
- 15 **authorised** the appropriation Minister and the Minister of Finance jointly to approve any forecast changes to the above category within the above multi-category appropriation.

Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Nicola Willis
Hon Scott Simpson (Chair)
Hon Paul Goldsmith
Hon Mark Mitchell
Hon Simon Watts
Hon Brooke van Velden
Hon Nicole McKee
Hon Casey Costello
Hon Nicola Grigg
Hon Cameron Brewer

Officials present from:

Officials Committee for LEG



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 21 August 2026

On 24 August 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 21 August 2026:

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Plastics) Regulations 2026
Portfolio: Environment

Out of scope

Out of scope

Out of scope

Rachel Hayward
Secretary of the Cabinet