

8. HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996 - DEVELOPMENTS

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The purpose of this report is to inform the Committee of developments in regard to the Council's involvement and administration of 'hazardous substances' within the terms of the Hazardous Substances and New Organisms Act 1996.

BACKGROUND

The Hazardous Substances and New Organisms Act enacted in 1996 with respect to 'hazardous substances' has had a lengthy development period. It will finally become fully operative on 1 April 2004. It will close a period of dangerous goods licensing and administration that has existed for over 80 years.

The mid-1990's the Council made submissions on the proposed new legislation and supported its introduction. The Act was seen as part of a suite of environmental, health and safety legislative changes at the time. In fact in the formative stages of the Resource Management Act, consideration was given to including hazardous substances in this Act. Government subsequently determined separate legislation was preferable.

Hazardous substances will be generally understood by most as dangerous goods (eg petrol, solvents, LPG) and while this continues to be the case, will now include a much wider range of substances (eg pesticides and poisons).

Assessment and approval (with conditions) of hazardous substances is carried out by the Environmental Risk Management Authority (ERMA). This authority in general terms is responsible for the over-arching management of the Act. Other agencies have enforcement responsibilities and this includes territorial authorities. Government has allocated funding opportunities to territorial authorities through the Department of Labour - Occupational Health and Safety for enforcement work.

The impact on the Council after 1 April 2004, will be that dangerous goods licensing and administration will cease and funding for the operation via this mechanism will stop. The need for a licence will be replaced by the requirement to hold a test certificate. The cost of obtaining a test certificate will be on a charge out basis and not as historically, set by statute. Enforcement costs will be recouped through the funding from the Department of Labour. Therefore, the operation will be essentially non-ratepayer funded.

The operation will continue to have and improve the synergies that exist with other aspects of the Environmental Services Unit operation in dealing with LIMS, PIMS, contaminated land, health, safety, environment and emergency response.

It is recognised that the changes will bring with them some difficulties primarily for external customers due to changes in terminology and understanding of the new regime. ERMA has recently been circulating information in this regard. It is envisaged that during this initial period, before and after 1 April 2004, that advice, information and education will play a major part.

Chairman's

Recommendation: That the information be received.