

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY
NGĀ KAIWHAKATŪPATO WHAKARARU TĀIAO



FORM HS4

Application for approval to
IMPORT, RELEASE FROM CONTAINMENT,
OR USE, ANY HAZARDOUS SUBSTANCE IN
AN EMERGENCY

under section 47 of the
Hazardous Substances and New Organisms Act
1996

Name of Substance(s):

Applicant:

Office use only

Application Code:
received: ____/____/____

Date

ERMA NZ Contact: _____

Initial Fees Paid: \$

Application Version No: _____.

IMPORTANT

1. This form is for an application for approval to use a hazardous substance in an emergency. Use this form only if you are intending to import any hazardous substance for release in an emergency, or release any hazardous substance from containment in an emergency, or use a hazardous substance in an emergency in a manner which would otherwise contravene the HSNO Act or any of its regulations.
2. Before you fill in this application form, you may find it helpful to consult the *User Guide to Hazardous Substance Applications under the HSNO Act 1996*. This User Guide can either be downloaded from our website or purchased from ERMA New Zealand. Part F of the User Guide covers applications under Section 47 of the Act and all of the cross references to this guide that are in this application form relate to Part F.
3. You may also like to talk to an applications officer at ERMA New Zealand who can help you scope and prepare your application. We need all relevant information early on in the application process. Quality information up front will speed up the process.
4. Any extra material that does not fit in the application form must be clearly labelled, cross-referenced, and included in an Appendix to the application form.
5. Commercially sensitive information must be collated in a separate Appendix.
6. Applicants must sign the form and enclose the correct application fee. The initial application fee can be found in our published *Schedule of Fees and Charges*. Make sure that you have an up to date copy of the Schedule. Please check with ERMA New Zealand staff. We are unable to process applications that do not contain the correct fee.
7. Unless otherwise indicated, all sections of this form must be completed for the application to be progressed. Where an applicant is unable to complete the sections marked optional, this information may be derived by ERMA New Zealand and the costs of doing so will be recovered from the applicant as part of the processing costs.

You can get more information at any time by contacting us. One of our staff members will be able to help you.

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Web-site: www.ermanz.govt.nz

Section One – Applicant Details

1.1 Name and postal address in New Zealand of the organisation making the application:

Name:
Address:
Phone:
Fax:

1.2 The applicant's location address in New Zealand (if different from above):

Address:

1.3 Name of the contact person for the application:

This person should have sufficient knowledge to respond to queries and either have the authority to make decisions on behalf of the applicant that relate to processing the application, or have the ability to go to the appropriate authority.

Name:
Position:
Address:
Phone:
Fax:
Email:

Section Two – Application Type and Related Approvals Required

This form is only to be used for an application to import, release from containment, or use, a hazardous substance in an emergency.

If you are making the application for some other reason, you will need a different form.

2.1 These types of applications can only be made for a limited range of situations, listed below. Which of these is relevant to your application?

(See comments under “Section 2.1 of Form” in the User Guide)

Import the substance(s) only?	Yes/No
Provide for release of the substance(s) from containment only?	Yes/No
Import and provide for the release of the substance(s) from containment?	Yes/No
Use a substance(s) in an emergency in a manner that would otherwise contravene HSNO	Yes/No

2.2 Give details why the substance(s) is/are necessary to deal with the emergency.

Please note that if “necessity” cannot be reasonably established, the Authority may decline the application. Conversely if need can be established then this meets an important criterion for approving.

(See comments under “Section 2.2 of Form” in the User Guide)

2.3 If this substance(s) needs an approval under any other legislation, has an application for this approval been made?

(Optional) (See comments under “Section 2.3 of Form” in the User Guide)

Name of Approval	Application made
Agricultural Compounds and Veterinary Medicines Act 1997	Yes/No/NA
Food Act 1981	Yes/No/NA
Medicines Act 1981	Yes/No/NA
Chemical Weapons (Prohibition) Act 1996	Yes/No/NA
Radiation Protection Act 1965	Yes/No/NA
Biosecurity Act 1993	Yes/No/NA
Resource Management Act 1991	Yes/No/NA
Other (please specify):	Yes/No
	Yes/No

Section Three – Information on the Substance(s)

Note all information that is commercially sensitive must be attached as an Appendix. The application form should be cross-referenced to the Appendix but should be able to be read as a stand-alone document which will be publicly available.

3.1 State the unequivocal identification of the substance(s).

This section should include all information necessary to unequivocally identify the substance(s) and may include:

- Chemical Name (Chemical Abstracts Preferred Index name or IUPAC name)
- Common Name
- Synonyms
- Trade Names
- Molecular Formula
- Structural Formula
- CAS Registry Number
- Significant impurities

For mixtures, in addition to the above information being provided on the actual mixture, information is also required on the composition of the mixture ie the chemical name, CAS number, function (eg active ingredient, emulsifier, surfactant, filler) and percentages of ALL components of the mixture (including non-hazardous components and impurities) should be provided. This information may be best expressed in tabular form. If the composition is variable, please ensure to state the limits.

If there are commercial reasons for not providing full information in the main part of the form, alternative approaches must be discussed with and agreed by ERMA New Zealand. These must include the provision of a unique identifier of some kind.

(See comments under “Section 3.1 of Form” in the User Guide)

3.2 Provide information on the chemical and physical properties of the substance(s).

Provide as much information as possible on the chemical and physical properties of the substance(s) [at 20°C and 1 atmosphere unless otherwise stated] eg

- Appearance (colour, odour, physical state or form)
- pH
- Density
- Vapour pressure
- Boiling/melting point
- Solubility in water
- Water/octanol partitioning co-efficient

For mixtures, information is required on the chemical and physical properties of the mixture itself. However, if this information is not available, you should provide information on the chemical and physical properties of EACH hazardous component of the mixture.

(See comments under “Section 3.2 of Form” in the User Guide)

3.3 Provide information on the hazardous properties of the substance(s).

Information in this section should be provided on the hazardous properties of the substance(s) known to the applicant.

- explosiveness
- flammability
- oxidising properties
- corrosiveness
- toxicity
- ecotoxicity

If your substance is a mixture and you cannot provide information on the hazardous properties, you can apply mixture rules to the hazardous components of the mixture. If you do this, then you will need to provide information on the hazardous properties of each hazardous component of the mixture, and show your workings.

(See comments under “Section 3.3 of Form” in the User Guide).

Section Four – Management of the Substance(s)

Note all information that is commercially sensitive is to be attached as an Appendix. The main report should be cross-referenced to the Appendix and should be able to be read as a stand-alone document.

Provide a proposed plan for dealing with the use of the substance(s) in an emergency.

The Authority needs to be assured that any risks (adverse effects) created by use of the substance in an emergency will be properly controlled or managed. This section thus needs to be completed carefully. It will probably be necessary to complete Section Four in conjunction with Section Five.

(See comments under “Section 4.1 of Form” in the User Guide)

Section Five: Identification and Assessment of Risks (and Adverse Effects)

In completing this section, it is important that you take account of the proposed management plan you described in Section Four. We are particularly interested in knowing about whether and how any adverse effects will be controlled by the proposed management system. You will need to consider the effects on the environment and public health. For more details see comments under “Section Five of Application Form” in the User Guide

Complete this section as far as you can. If the analysis provided is incomplete, then it will be completed by ERMA New Zealand. However, the costs of doing this will be chargeable.

5.1 Identify all of the potential risks of having the substance(s) for use in an emergency.

Include information on all the possible risks of the substance and whether or not these risks are likely to be significant. It is important to think about the source of the risk ie the way in which the risk is created (the exposure pathway), and then the consequences of exposure.

Although all of the matters set out in Sections Five and Six of the Act need to be considered, bear in mind that this is an emergency use situation and impact will thus be restricted in duration and physical extent. So the scope is likely to be much more restricted than if this was a full release.

(See comments under “Section 5.1 of Form” in the User Guide)

5.2 Provide an assessment of the risks identified in Section 5.1 which might be significant.

An explicit risk assessment only needs to be provided for those risks which might be significant. You should include in the assessment the extent to which the identified risks can be adequately managed by the proposed management plan. The assessment should include:

- the nature of the adverse effects of the substance
- the probability of its occurrence and the magnitude of effects
- the uncertainty bounds of the information contained in the assessment

(Optional) (See comments under “Section 5.2 of Form” in the User Guide).

Section Six – International Considerations

6.1 ERMA New Zealand is interested in whether this substance (or any of its components) has been considered by any other regulatory authority in New Zealand or by any other country. If you are aware of this, please provide details of the results of such consideration.
(Optional) (See comments under “Section 6.1 of Form” in the User Guide).

Section Seven – Miscellaneous

7.1 Provide a glossary of scientific and technical terms used in the application.
(See comments under “Section 7.1 of Form” in the User Guide)

7.2 Provide here any other information you consider relevant to this application not already included.
(See comments under “Section 7.2 of Form” in the User Guide)

Section Eight– Summary of Public Information

The information provided in this section may be used in the Authority’s public register of substances required under Section 20 of the HSNO Act.

This summary information will be used to provide information for those people and agencies (eg Ministry for the Environment, Department of Conservation, Regional Councils, etc), who will be notified of the application, and for potential submitters who request information. This information will also be used to prepare the public notice of the application.

For these reasons, applicants should ensure that this summary information does not contain any commercially sensitive material.

8.1 Name of the substance(s) for the public register:

Please use a maximum of 80 characters.

(See comments under “Section 8.1 of Form” in the User Guide)

8.2 Purpose of the application for the public register:

This should include (in a maximum of 255 characters) an abstract giving information on the intended use of the substance(s) and why an application is needed.

(See comments under “Section 8.2 of Form” in the User Guide)

8.3 Use Categories of the substance(s):

ERMA New Zealand has adopted the system of use categories developed by the European Union, which identify various functional uses of substances. This information is pertinent to the assessment of exposure scenarios and the determination of risk and is also useful for building up a profile of the substance. There are three sets of use categories. Within each of these, applicants should state which use categories are relevant to all intended uses of the substance(s).

Main category: There are four main categories - see User Guide for details.

Industry category: There are 16 industry categories - see User Guide for details.

Function/Use category: There are 55 function/use categories - see User Guide for details.

(Optional) (See comments under “Section 8.3 of Form” in the User Guide).

8.4 Executive Summary:

In this section, the applicant should provide a summary of information contained in this application, including:

- the identification of the substance, its hazardous properties and intended uses
- information showing why the substance is necessary to deal with the emergency
- an assessment of the adverse effects of the substance(s)
- information on the proposed management plan for dealing with the use of the substance in an emergency

(See comments under “Section 8.4 of Form” in the User Guide)

CHECKLIST

Mandatory sections filled out	Yes
Appendices enclosed	Yes/ NA
Initial fee enclosed	Yes
Application signed and dated	Yes
Electronic copy of application e-mailed to ERMA NZ	Yes

Signed:

Date:

Appendix 1: Confidential information