

INFORMATION SHEET

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Substances that may be hazardous under the HSNO Act 1996: A Guide for Importers & Customs Brokers

This information leaflet is intended as a guide for importers and customs brokers to check whether a substance may require approval as a hazardous substance under the Hazardous Substances and New Organisms Act 1996 (HSNO Act). This guide follows the customs classification set out in The Working Tariff Document of New Zealand (The Tariff).

Transitional period

The HSNO Act, which came into force on 2 July 2001, will come into full effect over a transitional period of up to five years. During this time, all hazardous substances currently in legal use will be transferred, by the Environmental Risk Management Authority (ERMA New Zealand), to the HSNO Act and approved with appropriate controls.

Existing import Controls

During the transitional period, importers will still need to obtain import permits for the following hazardous substances:

- Pesticides
- Certain toxic substances ie PCBs and crayons.

Importation of other hazardous substances that were legally used in New Zealand prior to 2 July 2001

During the transitional period importers of other hazardous substances that were legally in use prior to the commencement of this part of the HSNO Act on 2 July 2001, will not be required to produce an approval to Customs. However, persons storing, transporting and selling the goods may have to satisfy enforcement agencies within New Zealand that the substance was in legal use prior to 2 July 2001.

If you are unsure whether a substance was legally in use please contact ERMA New Zealand on (04) 916 2426.

Importation of new hazardous substances

An importer must obtain an approval from ERMA New Zealand to import a hazardous substance that was not legally used in New Zealand prior to 2 July 2001 before it is imported into New Zealand.

The approval should be obtained before the goods are imported into New Zealand and should be held by the importer for presentation to Customs or an enforcement agency if requested.

Importation of explosives

Explosives and fireworks have been transferred to the HSNO regime on 28 August 2003. All imports of these substances now require a "HSNO Import Certificate", which is obtained from ERMA New Zealand prior to import.

If a hazardous substance is imported into New Zealand without an approval it becomes a prohibited good under the Customs and Excise Act 1996.

ERMA New Zealand and Customs are working on procedures to ensure that importers have the appropriate approvals to import hazardous substances.

Guide to determining if your substance is covered by the HSNO Act

An importer can initially refer to the ERMA New Zealand publication *User Guide to HSNO Thresholds and Classifications*, to determine whether a substance will be classified under the HSNO Act.

A simpler, but less accurate, approach to determining the requirement for a HSNO approval is to use the Tariff code. Once you have determined the Tariff classification in The Tariff of the substance you wish to import it can be compared against the list below. If the Tariff item falls into one of the Tariff headings listed it MAY require approval prior to importation under HSNO. Note that this is a guide only. The only definitive way to identify goods requiring approvals is to check with ERMA New Zealand.

To confirm whether an approval is required please contact ERMA New Zealand. Contact details are provided at the end of this document. Two further relevant guides are available on our web site at the following address <http://www.ermanz.govt.nz/resources/hs-pubs.asp>

- Determining the Status of a Substance - Do I Need Approval?
- Manufactured articles

Cautions and Disclaimer:

- Tariff items do not align with the classifications of hazardous substances under HSNO. Therefore this list can only provide guidance to enable importers and customs brokers to assess whether a substance MAY require to be approved under the HSNO Act. It is not, and cannot be, an exclusive or authoritative list.
- As most substances are yet to be classified under HSNO this list must be considered to be under development. Substances may be added to or deleted from this list.
- The inclusion of a substance under one of these Tariff code headings does not necessarily mean that a substance requires approval under HSNO.
- Substances classified under Tariff items not listed here MAY require HSNO approval. This is particularly so in the case of mixtures where a small quantity of a hazardous substance can result in the whole mixture being classified as hazardous.
- The descriptions used in the table below are abbreviations. Please refer to The Tariff for the full description.

Guide to potential Hazardous Substances under the HSNO Act 1996*

Tariff Chapter	Tariff Heading	Brief description of the potential Hazardous Substances
22	Beverages, spirits and vinegar	
	07 & 08	Undenatured ethyl alcohol
25	Mineral products – Salt; sulphur; earths and stone; plastering materials, lime and cement	
	24 & 28	Asbestos and borates
27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes	
	07, 10, 11, 14, 15	Fuels; Oils; Products of Distillation; Bitumen; Petroleum Gases
28	Inorganic chemicals	
	All, except 44, 45 and 46	
29[‡]	Organic chemicals	
	All except 36,37, 38,39,40,41	
31	Fertilisers	
	02	Mineral or chemical fertilizers, nitrogenous
32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	
	02	Tanning substances
	04 & 06	Colouring matter
	08, 09 & 10	Paints and Varnishes
	11	Prepared driers
	12	Pigments
15	Printing Ink	

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‡ Some or all of the substances in this Tariff chapter are subject to Customs alerts.

Guide to potential Hazardous Substances under the HSNO Act 1996*		
Tariff Chapter	Tariff Heading	Brief description of the potential Hazardous Substances
33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations	
	02	Mixtures of odoriferous substances containing alcohol
34	Soaps, organic surface-active agents, washing preparations, lubricating preparations	
	02	Organic surface active agents etc
	03	Lubricating preparations etc
	04 & 05	Waxes and polishes etc
35	Albuminoidal substances; modified starches; glues; enzymes	
	All except 02 (albuims etc) & 07 (emzymes etc)	Caseins, gelatin, peptones glues etc
36[‡]	Explosives	
	ALL	Explosives, detonators, fireworks
37	Photographic or cinematographic goods	
	07	Chemical preparations for photographic uses
38[‡]	Miscellaneous chemical products	
	03, 04, 05, 06, 07	Wood products.
	08 [‡]	Pesticides (includes fungicides and herbicides);
	09, 10, 11, 12, 13	Various chemical mixtures
	14	organic solvent (NOS)
	17, 19, 20, 23, 24, 25	Various chemical mixtures, including brake fluid and anti-freeze
93	Arms and Ammunition	
	06	Cartridges and other ammunition

For further information contact:

ERMA New Zealand, P O Box 131, Wellington. Phone: 64 4 916 2426, Fax: 64 4 914 0433,

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