

## A QUICK GUIDE TO

# FINDING OUT ABOUT ERMA NEW ZEALAND

*ERMA New Zealand's Quick Guides series is designed to give you a simplified and user friendly guide to our operations*

### IN A NUTSHELL

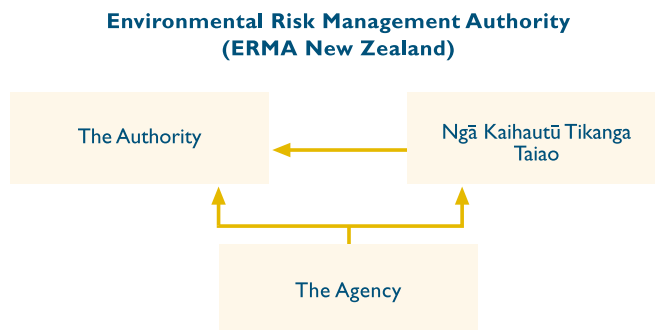
The HSNO Act was brought in to protect the environment and safeguard public health by preventing or managing any harmful effects of hazardous substances or new organisms.

It set up the Environmental Risk Management Authority to make decisions on applications under the Act. The executive arm of ERMA New Zealand, the Agency, provides support for decision making, overviews enforcement, monitors the effectiveness of the Act, and promotes public awareness of the risks and benefits of hazardous substances and new organisms.

This guide provides a 'road map' to the range of information available about the HSNO Act and ERMA New Zealand.

### WHO ARE WE?

There are three key elements in the structure of ERMA New Zealand and they are summarised in the diagram below.



The Authority is the decision making body and consists of up to eight members appointed by the Minister for the Environment. Ngā Kaihautū is our Māori Advisory Committee and has been established under Part 4 A of the HSNO Act.

The Agency is the executive arm of ERMA New Zealand and is led by the Chief Executive. We expect the long term staffing of ERMA New Zealand to total about 100.

Most of our funding comes from the Government, but a proportion is also recovered from applicants.

#### ERMA NEW ZEALAND

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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



## WHAT WE DO

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### Considering applications

The Authority's main role is to make decisions on applications to import, develop, or field test new organisms; or to import or manufacture hazardous substances. These applications are made under Part V of the HSNO Act. Applications can be for release or containment.

Decisions by the Authority have to be made against a Methodology established by Order in Council. Most categories of application have to be publicly notified and this can result in a public hearing.

All the information available on an application is gathered together and critically reviewed by ERMA New Zealand staff and / or external experts.

The Authority gives written advice of all decisions, and the reasons for them, to applicants and everyone who made a submission. A summary of applications and decisions is placed on a public register, accessible through ERMA New Zealand's website: [www.ermanz.govt.nz](http://www.ermanz.govt.nz)

New organisms applications can be for containment, conditional release or full release. Decisions on full release applications are either yes or no, all other decisions on applications include conditions, or controls which must be complied with.

Hazardous substances in containment applications are for special purposes only. In the case of hazardous substances that are released, the Authority has to classify each substance and set property based and life cycle controls. The general requirements for this are set out in Part VI of the Act and developed in more detail through technical regulations.

The Authority can also approve test certifiers who can issue certificates about the implementation of controls on hazardous substances.

To find out more about applications and decisions under the HSNO Act please read our other Quick Guides in this series.

### Implementing the transitional provisions of the HSNO Act

Implementing the transitional provisions of the Act is an important function during the transitional period after commencement. The work includes transferring existing approvals to the Act and transitional decision making.

Transferring existing approvals in particular is a large project and will initially cover far more substances than those dealt with under Part V of the Act. Work on the transfer of approvals is the responsibility of a specially established Transfer of Substances Group.

### Chief Executive initiated reassessments

Carrying out reassessments is a powerful function of the Authority because it means approvals and controls can be reviewed in light of new information. Although anyone can ask for a reassessment it is also a particular statutory function of the

Chief Executive of ERMA New Zealand. The Authority pays all fees and charges for Chief Executive initiated reassessments.

As well as a full reassessment, it is also possible for the Authority to make minor changes to approvals on its own initiative.

### Policy advice, legislation and the effectiveness of the Act

ERMA New Zealand advises the Minister for the Environment on matters to do with the HSNO Act. This includes issues arising during implementation of the Act, drafting regulations, interaction with other Government policies and legislation, and in particular, the effectiveness of the Act.

Monitoring the effectiveness of the Act could lead to proposals to amend it, or change the way it is administered.

### International relations

ERMA New Zealand is developing relationships with our counterpart organisations overseas and we need to take account of international obligations in our work. We are also involved in international negotiations and discussions on global harmonisation.

### Enforcement

ERMA New Zealand is not an enforcement agency. Enforcing the Act is a shared responsibility between a range of agencies identified in section 97 of the HSNO Act, including central agencies and local bodies. But the Authority is responsible for monitoring enforcement and in some cases can appoint enforcement officers directly.

### Promoting awareness

An important job of ERMA New Zealand is to promote awareness of the adverse effects of hazardous substances and new organisms, and how to prevent or safely manage those effects.

### Enquiries

ERMA New Zealand carries out enquiries into incidents or emergencies involving hazardous substances or new organisms. A monitoring system is being set up so the Authority can decide whether an inquiry is needed in a particular case. This will work alongside enforcement monitoring.

### Working with others

Because ERMA New Zealand is a small organisation we don't just rely on our own expert staff. We use external scientists and risk assessors to help analyse the information presented in applications and at hearings. These people may be based in New Zealand or overseas.

We also work with other New Zealand government agencies, particularly in the area of monitoring and enforcement. Responsibility for making decisions on applications rests with the Authority but in many cases the decision depends on how well any adverse effects can be controlled.

For example, on hazardous substances approvals the Authority

may set controls on how substances are contained, labelled, stored, used, transported or disposed of. In the case of new organism containment approvals, the controls may prevent the escape of the organism and say how material entering or leaving the containment area must be managed. Inspecting and enforcing these controls will often be the responsibility of other organisations.

Organisations we work closely with in the enforcement area include Ministry of Agriculture and Forestry, the Police, OSH, the Ministry of Health, New Zealand Customs, the Ministry of Commerce, the Land Transport Safety Authority, the Civil Aviation Authority, the Maritime Safety Authority and territorial local authorities.

## VISIT OUR WEBSITE: AN EASY WAY TO GET INFORMATION

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[www.ermanz.govt.nz](http://www.ermanz.govt.nz)

Our website is constantly updated, with features added all the time. It is a key source of information for those people with access to the Internet. Everything on our site can be downloaded and you can also ask for more information or order publications.

### Visit the site regularly and look out for these features:

- frequently asked questions
- search screens
- public registers of applications
- application forms
- publications
- online submissions forms
- media releases and feature articles
- links to other New Zealand and international sites
- special events
- drop down menus from home page
- what's new for latest publications and news
- feedback form

We welcome your comments on our site. Use the feedback form and let us know what you think.

The [www.hsno.govt.nz](http://www.hsno.govt.nz) is a gateway to HSNO. This website has been developed in association with the Ministry for the Environment to provide specifically educational content, including an extensive list of frequently asked questions and answers.

## IN PRINT

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### Our regular publications

Our newsletter *Perspective* is a general update on HSNO and ERMA New Zealand news and people. It is free and published quarterly. *Perspective* goes to about 8,500 readers. If you would like to be on the mailing list for *Perspective* please email us at [info@ermanz.govt.nz](mailto:info@ermanz.govt.nz) to receive copies by mail or electronically.

*The Bulletin* is a more formal publication and is the Authority's 'gazette'. It has a summary of all applications received, decisions made by the Authority, and schedules for hearings and other meetings. *The Bulletin* is published eleven times a year and is free of charge. We send it out to key stakeholders and it is also available on our website.

If you want to be on our key stakeholders list to receive more frequent and detailed information, including *The Bulletin*, please contact us.

### Key publications for applicants

#### *ERMA New Zealand Policy Series*

The ERMA New Zealand Policy Series describes how the Authority goes about making decisions on applications. This series supplements the Methodology and provides supporting detail so the Methodology can be used in practice. Protocols are a subset of this series; they indicate how the Authority proposes to confront issues it is likely to face in its decision making, including how it will interpret some of the key concepts found in this Act.

Our series of protocols covers these topics:

- taking account of Māori perspectives
- interpretations and explanations of key concepts
- information requirements for hazardous substances applications
- decision paths.

### Codes of Practice and standards

The Authority may formally issue or approve Codes of Practice for hazardous substances. These will describe what constitutes 'good practice' for complying with performance-based HSNO controls. We also work co-operatively with MAF in producing standards for containment of new organisms.

We expect Codes of Practice to be very important for smaller businesses that just want to know what do I have to do to be compliant.

We also plan to issue information sheets relating to each Code of Practice, to give non-technical readers especially an idea of what area the code covers and where to get it.

ERMA New Zealand expects that Codes of Practice will be developed with the substantial involvement of industry and that the bulk of the development of such codes will be industry driven.

### Quick Guides

Our Quick Guides series is a set of informal practical introductory booklets that are easy to read and, as far as possible, non-technical. People who want more than an introduction will probably move on to other documents such as our User Guides and Technical Guides, or go to a source document such as the Act, the Regulations, or the ERMA New Zealand Policy Series. The Quick Guide series covers topics such as making applications, making submissions, fees and charges, reassessments and risk assessments.

## User Guides

These are detailed guides, which should be used by those who need to work directly with the Act, or who are actually writing applications. A charge applies for these publications.

## Technical Guides

These publications are similar to the User Guides but contain more detailed information in much narrower areas. Again, a charge applies.

## Application forms

Forms are freely available from ERMA New Zealand's office or website for all types of application to the Authority. These cover applications to:

- develop in containment a project of low-risk genetically modified organisms by rapid assessment
- develop outside of a containment structure any genetically modified organism
- develop within a containment structure any GMO (other than by rapid assessment)
- import for release, or release from containment, any new organism – including rapid assessment
- import into containment low-risk genetically modified organisms by rapid assessment
- import into containment any new organism that is not genetically modified
- import into containment any organism that is genetically modified
- develop in containment any genetically modified organism – including rapid assessment
- field test (including large scale fermentation) in containment any genetically modified organism
- field test for an organism in containment
- use a new organism or hazardous substance in an emergency
- make a reassessment
- consider whether there are grounds for a reassessment
- import or manufacture a hazardous substance
- import or manufacture a hazardous substance in containment
- rapid assessment of release of a qualifying organism
- rapid assessment of applications for release of agricultural compounds and medicines in a special emergency
- Conditional Release
- Full Release

## Corporate publications

ERMA New Zealand also publishes annual and occasional publications.

The *Statement of Intent* is our formal forward plan tabled each year in Parliament. It is our accountability document. It says what we intend to do, how much it will cost and where the money will come from. It is available free from ERMA New Zealand.

Our *Annual Report* is the other part of our accountability reporting. It reports on what we actually did and how much it cost. The annual report is freely available.

We also formally publish the fees and charges that apply to the services we provide. Charges apply to applications, enforcement activities and some publications.

## LAW LINKS: OTHER STATUTES AND HSNO, AND THE HSNO REGULATIONS

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The HSNO Act is supported by a number of regulations and Order-in-Council. These are too numerous to list here, but ask us if you want more information.

A number of Acts of Parliament link in to the HSNO Act and ERMA New Zealand's business. They are:

- The Agricultural Compounds and Veterinary Medicines Act 1997
- The Biosecurity Act 1993
- The Building Act 1991
- The Food Act 1981
- The Gas Act 1992
- The Health Act 1956
- The Health and Safety in Employment Act 1992
- The Medicines Act 1981
- The Resource Management Act 1991.

We don't stock copies of these Acts or of the HSNO Regulations but they are readily available. You can buy them from Bennetts Government Bookshop. Phone 04-499 3433. Fax 04-499 3375.

## PUBLIC REGISTERS

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The HSNO Act requires information about applications and decisions to be set down in public registers. You can access these in two ways:

- by visiting our website – you can download the information you want
- by visiting our Wellington offices and asking our receptionist if you can view the registers – there will be a small charge for taking copies.

## GETTING IN TOUCH

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ERMA New Zealand is located in BP House, 20 Customhouse Quay, Wellington. The main entrance is on Waring Taylor Street. Our reception is on Level 1 and this is where public hearings and meetings are held.

If you just want to pick up a publication, or consult the public registers, then call in and see our receptionist. If you need to talk to an applications officer or one of our technical staff, please telephone, fax or email us first to make an appointment. We only have a small staff and cannot guarantee that someone will always be available if you just call in.