

Hazardous Substances (Dichlorvos-Containing Substances Direction Prohibiting Use and Controlling Storage and Disposal) Notice 2015

Pursuant to section 66 of the Hazardous Substances and New Organisms Act 1996 (“the Act”), the Environmental Protection Authority (EPA) issues the following notice.

Notice

1. Title—This notice is the Hazardous Substances (Dichlorvos-Containing Substances Direction Prohibiting Use and Controlling Storage and Disposal) Notice 2015.

2. Commencement—This notice comes into force 28 days after the date of notification in the *New Zealand Gazette*.

3. Interpretation—(1) In this notice, words and phrases have the meanings given to them in the Act and in Regulations made under the Act.

(2) In this notice, the following words have the following meanings:

Collector means a person, other than the holder, who collects, transports or stores dichlorvos-containing substances, for the purpose of disposal, in accordance with this notice.

Decision Report means the decision report* for the EPA reassessment application APP202097, lodged under section 63 of the Act.

Dichlorvos means dichlorvos (CAS Number 62-73-7).

Dichlorvos-containing substance means any of the following substances:

Flammable aerosol containing 3.1 g/litre dichlorvos and 8.7 g/litre propoxur, formerly approved under the Act with approval number HSR000207;

Ready to use liquid containing 4.4 g/litre dichlorvos and 9.6 g/litre propoxur, formerly approved under the Act with approval number HSR000209.

Environmentally sound disposal means disposal in accordance with clause 7 of this notice.

Holder means a person who is in possession of any dichlorvos-containing substances on or after the date this notice comes into force prior to collection by a collector.

4. Prohibition on use—(1) No person may use a dichlorvos-containing substance after the expiry of 15 March 2016.

5. Controls on use of dichlorvos-containing substances until 15 March 2016—(1) The controls set out in the Annex to the Decision Report shall apply to the use of a dichlorvos-containing substance from the date of commencement of this notice until the expiry of 15 March 2016.

6. Storage of dichlorvos-containing substances—Holders and collectors must ensure that a dichlorvos-containing substance is only stored in suitable containers and kept in buildings and places which are:

(a) secure and suitable for the purpose taking into account the quantities stored, moisture control ventilation and spill containment; and

(b) sited so that the risk of contamination of people, animals, crops and the environment is minimised.

7. Controls on the disposal of dichlorvos-containing substances—(1) A dichlorvos-containing substance may be disposed of by:

(a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance or any product of such treatment is no longer a hazardous substance; or

(b) exporting the substance from New Zealand as waste for environmentally sound disposal provided that such export complies with New Zealand law.

(2) In subclause 7(1)(a), treating the substance does not include:

(a) application to or discharge to any environmental medium, save in the case of use of a dichlorvos-containing substance before the expiry of 15 March 2016 in accordance with the controls set out in the Annex to the Decision Report; or

(b) dilution of the substance with any other substance before discharge into the environment; or

(c) depositing the substance in a landfill or a sewage facility; or

(d) depositing the substance in an incinerator unless in doing so the substance is treated in accordance with subclause 7(1)(a).

(3) All stocks of dichlorvos-containing substances must be disposed of by the expiry of 15 March 2016.

8. Controls on collectors of dichlorvos-containing substances—(1) A collector must ensure that equipment used to handle the substance complies with Regulation 7 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.

(2) A collector who handles a dichlorvos-containing substance must comply with Regulation 8 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.

(3) Regulation 9 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001 applies to any quantity of a dichlorvos-containing substance.

(4) For the purposes of Regulation 10 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001, no dichlorvos-containing substance in any quantity may be carried on any passenger service vehicle.

(5) When stored for the purpose of environmentally sound disposal, a dichlorvos-containing substance must not be mixed with any other substance.

(6) The Hazardous Substances (Packaging) Regulations 2001 apply to the substance “Ready to use liquid containing 4.4 g/litre dichlorvos and 9.6 g/litre propoxur” as if it is deemed to have a hazard classification that is class 6.1D and 9.1A.

(7) The Hazardous Substances (Compressed Gases) Regulations 2004 apply to the substance “Flammable aerosol containing 3.1 g/litre dichlorvos and 8.7 g/litre propoxur” as if it is deemed to have a hazard classification that is class 2.1.2A.

(8) The Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 apply to the substance “Flammable aerosol containing 3.1 g/litre dichlorvos and 8.7 g/litre propoxur” as if it is deemed to have a hazard classification that is class 2.1.2A.

(9) Transport of dichlorvos-containing substances by land within New Zealand shall comply with all relevant requirements of the Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1).

(10) Transport of dichlorvos-containing substances by sea within New Zealand shall comply with all relevant requirements of either the Maritime Rules: Part 24A - Carriage of Cargoes - Dangerous Goods (MR024A) or the International Maritime Dangerous Goods Code.

(11) Transport of dichlorvos-containing substances by air within New Zealand shall comply with all relevant requirements of Part 92 of the Civil Aviation Rules.

(12) The Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 apply to dichlorvos-containing substances stored or transported in a tank, tank wagon or transportable container as those terms are defined in those Regulations.

(13) The location and movement of dichlorvos-containing substances must be recorded in accordance with the Hazardous Substances (Tracking) Regulations 2001.

(14) The Hazardous Substances (Emergency Management) Regulations 2001 apply to dichlorvos-containing substances as if they are deemed to have the following hazard classifications:

Flammable aerosol containing 3.1 g/litre dichlorvos and 8.7 g/litre propoxur: class 2.1.2A, 6.5B and 9.1A;

Ready to use liquid containing 4.4 g/litre dichlorvos and 9.6 g/litre propoxur: class 6.1D and 9.1A.

(15) The Hazardous Substances (Identification) Regulations 2001 apply to dichlorvos-containing substances as if they are deemed to have the following hazard classifications:

Flammable aerosol containing 3.1 g/litre dichlorvos and 8.7 g/litre propoxur: class 2.1.2A, 6.3B, 6.4A, 6.5B, 6.7B, 6.9B, 9.1A, 9.4C;

Ready to use liquid containing 4.4 g/litre dichlorvos and 9.6 g/litre propoxur: class 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.9B, 9.1A, 9.3B, 9.4C.

Dated at Wellington this 15th day of September 2015.

Dr KERRY LAING, for and on behalf of the Environmental Protection Authority.

*Available online at <http://www.epa.govt.nz/search-databases/Pages/applications-details.aspx?appID=APP202097>