

Forestry industry implicated by new legislation

The Government's proposed Hazardous Substances and New Organisms Bill (HSNO) has potential implications for the forestry sector. The Bill prohibits the importation, manufacture, development, field testing or release of any new hazardous substance or new organism without an approval from the Environmental Risk Management Authority (ERMA), which is to be set up under the Bill. The Bill will replace the Dangerous Goods Act 1974, Explosives Act 1957, Toxic Substances Act 1979, Pesticides Act 1979, and amends other statutes including the Resource Management Act 1991, Building Act 1991 and Biosecurity Act 1993.

The ERMA, appointed by the Minister for the Environment, will have the functions of assessment, providing advice on regulation, approving codes of practice and developing national registers. Under the Bill there is provision to make application for existing substances until the commencement of the Act. Once the Bill has been enacted public consultation will be a necessary part of this process in most instances. There is some scope for abuse of this process in that any person can make a submission including trade com-

petitors.

The importation, manufacture and development of hazardous substances will be controlled by this legislation. For the forest industry, as users of pesticides and petroleum compounds, constraints may be imposed if a reassessment resulted in a material being registered as a hazardous substance and its use was subsequently restricted or prohibited.

Enforcement Procedures

An extensive range of offences have been provided in the Bill relating to failure to comply with conditions, controls, and labelling requirements. It will also be an offence to fail to report any significant new information on any harmful effect from a hazardous substance or new organism that has arisen since its original assessment. The personal liability provisions of the Bill are more stringent than those under the RMA.

Legislative Process and Timetable

The Hazardous Substances and New Organisms (HSNO) Bill was introduced into the House on November 3, 1994 and was passed to Select Committee for con-

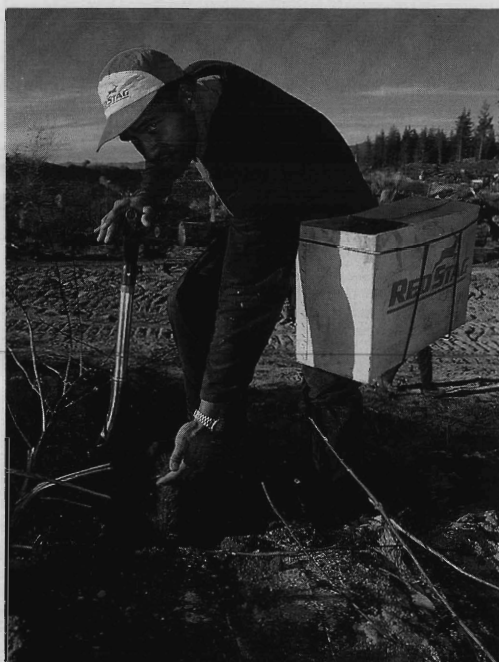
sideration. Submissions on the Bill have already closed; however, submissions are now being sought on the proposed regulations that will accompany the Bill. Due date for submissions is likely to be about six weeks after the Bill is reported back. Beyond this it is intended to publish more detailed draft regulations for comment, and finalisation. The whole process is likely to take until mid-1996 to complete.

The forest industry should ensure that, as users, our views are represented in submission on the regulations particularly with regard to the assessment and reassessment processes. Any controls on biotechnological breakthroughs are also significant and the industry should be concerned to comment on this area.

A copy of the Proposals for Regulations Under the Hazardous Substances and New Organisms Bill – Discussion Document, November 1994 can be obtained from the Ministry for the Environment, P.O. Box 10362, Wellington, tel 0-4-473 4090; fax 0-4-471 0195.

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NZIF Environmental Working Group

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