



Hazardous Substances and New Organisms (Schedules 1AA and 2A) Order 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of December 2016

Present:

The Right Hon Bill English presiding in Council

This order is made under sections 140A(1) and 140B(a) of the Hazardous Substances and New Organisms Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment having complied with section 141(1) of that Act (in relation to the amendments to Schedule 2A of that Act).

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Order

1 Title

This order is the Hazardous Substances and New Organisms (Schedules 1AA and 2A) Order 2016.

2 Commencement

This order comes into force on 15 December 2016.

3 Principal Act

This order amends the Hazardous Substances and New Organisms Act 1996 (the **principal Act**).

4 Schedule 1AA amended

- (1) In Schedule 1AA, Annex A, Part 1, table, insert in their appropriate alphabetical order:

Hexabromocyclododecane	Production	As allowed for the parties listed in the Register in accordance with the provisions of Part VII of this Annex
	Use	Expanded polystyrene and extruded polystyrene in buildings in accordance with the provisions of Part VII of this Annex
Hexachlorobutadiene CAS No: 87-68-3	Production	None
	Use	None
Pentachlorophenol and its salts and esters	Production	As allowed for the parties listed in the Register in accordance with the provisions of Part VIII of this Annex
	Use	Pentachlorophenol for utility poles and cross-arms in accordance with the provisions of Part VIII of this Annex
Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene	Production	Intermediates in production of polyfluorinated naphthalenes, including octafluoronaphthalene
	Use	Production of polyfluorinated naphthalenes, including octafluoronaphthalene

- (2) In Schedule 1AA, Annex A, Part 1, table, after note (v), insert:

(vi) Pentachlorophenol (CAS No: 87-86-5), sodium pentachlorophenate (CAS No: 131-52-2 and 27735-64-4 (as monohydrate) and pentachlorophenyl laurate (CAS No: 3772-94-9), when considered together with their transformation product pentachloroanisole (CAS No: 1825-21-4), were identified as persistent organic pollutants;

- (3) In Schedule 1AA, Annex A, Part III, after paragraph (b), insert:

(c) “Hexabromocyclododecane” means hexabromocyclododecane (CAS No: 25637-99-4), 1,2,5,6,9,10-hexabromocyclododecane (CAS No: 3194-55-6) and its main diastereoisomers: alpha-hexabromocyclododecane (CAS No: 134237-50-6); beta-hexabromocyclododecane (CAS No: 134237-51-7); and gamma-hexabromocyclododecane (CAS No: 134237-52-8).

(4) In Schedule 1AA, Annex A, after Part VI, insert:

Part VII

Hexabromocyclododecane

Each Party that has registered for the exemption pursuant to Article 4 for the production and use of hexabromocyclododecane for expanded polystyrene and extruded polystyrene in buildings shall take necessary measures to ensure that expanded polystyrene and extruded polystyrene containing hexabromocyclododecane can be easily identified by labelling or other means throughout its life cycle.

Part VIII

Pentachlorophenol and its salts and esters

Each Party that has registered for the exemption, pursuant to Article 4, for the production and use of pentachlorophenol for utility poles and cross-arms shall take the necessary measures to ensure that utility poles and cross-arms containing pentachlorophenol can be easily identified by labelling or other means throughout their life cycles. Articles treated with pentachlorophenol should not be reused for purposes other than those exempted.

- (5) In Schedule 1AA, Annex C, Part 1, table, after the item relating to polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF), insert:
Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene
- (6) In Schedule 1AA, Annex C, Part II, after “polychlorinated dibenzo-p-dioxins and dibenzofurans”, insert “, polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene.”
- (7) In Schedule 1AA, Annex C, Part III, after “polychlorinated dibenzo-p-dioxins and dibenzofurans”, insert “, polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene.”

5 Schedule 2A amended

In Schedule 2A, insert in their appropriate alphabetical order:

Hexabromocyclododecane	expanded polystyrene and extruded polystyrene (in accordance with an “articles in use notification” under note (ii) of Annex A of the Stockholm Convention)	manufactured before 1 January 2017	(no expiry date)
Hexachlorobutadiene CAS No: 87-68-3			
Pentachlorophenol and its salts and esters			
Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene			

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order amends the Hazardous Substances and New Organisms Act 1996. It comes into force on 15 December 2016. The order makes changes to Schedules 1AA and 2A of the Act to implement the 2013 and 2015 amendments to the Stockholm Convention on Persistent Organic Pollutants.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 December 2016.
This order is administered by the Ministry for the Environment.