



Hazardous Substances and New Organisms (Schedules 1AA and 2A) Order 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of December 2018

Present:

Her Excellency the Governor-General 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 made after having complied with section 141(1) of that Act (in relation to the amendments to Schedule 2A of that Act).

Contents

		Page
1	Title	2
2	Commencement	2
3	Amendments to Hazardous Substances and New Organisms Act 1996	2
4	Schedule 1AA amended	2
5	Schedule 2A amended	5

Order

1 Title

This order is the Hazardous Substances and New Organisms (Schedules 1AA and 2A) Order 2018.

2 Commencement

This order comes into force on 18 December 2018.

3 Amendments to Hazardous Substances and New Organisms Act 1996

Clauses 4 and 5 amend the Hazardous Substances and New Organisms Act 1996.

4 Schedule 1AA amended

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

Chemical	Activity	Specific exemption
Decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether CAS No: 1163-19-5	Production	As allowed for the Parties listed in the Register
	Use	In accordance with Part IX of this Annex: <ul style="list-style-type: none"> • Parts for use in vehicles specified in paragraph 2 of Part IX of this Annex • Aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft • Textile products that require anti-flammable characteristics, excluding clothing and toys • Additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part • Polyurethane foam for building insulation
Short-chain chlorinated paraffins (Alkanes, C ₁₀₋₁₃ , chloro) ⁺ : straight-chain chlorinated hydrocarbons with chain lengths ranging from C ₁₀ to C ₁₃ and a content of chlorine greater than 48 per cent by weight	Production	As allowed for the Parties listed in the Register
	Use	<ul style="list-style-type: none"> • Additives in the production of transmission belts in the natural and synthetic rubber industry

Chemical	Activity	Specific exemption
For example, the substances with the following CAS numbers may contain short-chain chlorinated paraffins: CAS No. 85535-84-8; CAS No. 68920-70-7; CAS No. 71011-12-6; CAS No. 85536-22-7; CAS No. 85681-73-8; CAS No. 108171-26-2.		<ul style="list-style-type: none"> • Spare parts of rubber conveyor belts in the mining and forestry industries • Leather industry, in particular fatliquoring in leather • Lubricant additives, in particular for engines of automobiles, electric generators and wind power facilities, and for drilling in oil and gas exploration and petroleum refining to produce diesel oil • Tubes for outdoor decoration bulbs • Waterproofing and fire-retardant paints • Adhesives • Metal processing • Secondary plasticizers in flexible polyvinyl chloride, except in toys and children's products

(2) In Schedule 1AA, Annex A, Part I, after note (vi), insert:

(vii) Note (i) does not apply to quantities of a chemical that has a plus sign (“+”) following its name in the “Chemical” column in Part I of this Annex that occurs in mixtures at concentrations greater than or equal to 1 per cent by weight.

(3) In Schedule 1AA, Annex A, after Part VIII, insert:

Part IX

Decabromodiphenyl ether

1. The production and use of decabromodiphenyl ether shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it in accordance with Article 4.
2. Specific exemptions for parts for use in vehicles may be available for the production and use of commercial decabromodiphenyl ether limited to the following:
 - (a) Parts for use in legacy vehicles, defined as vehicles that have ceased mass production, and with such parts falling into one or more of the following categories:
 - (i) Powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-

- hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;
- (ii) Fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;
 - (iii) Pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);
 - (iv) Suspension and interior applications such as trim components, acoustic material and seat belts.
- (b) Parts in vehicles specified in paragraphs 2 (a) (i)–(iv) above and those falling into one or more of the following categories:
- (i) Reinforced plastics (instrument panels and interior trim);
 - (ii) Under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));
 - (iii) Electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);
 - (iv) Fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.
3. The specific exemptions for parts specified in paragraph 2 (a) above shall expire at the end of the service life of legacy vehicles or in 2036, whichever comes earlier.
4. The specific exemptions for parts specified in paragraph 2 (b) above shall expire at the end of the service life of vehicles or in 2036, whichever comes earlier.
5. The specific exemptions for spare parts for aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 shall expire at the end of the service life of those aircraft.
- (4) In Schedule 1AA, Annex C, Part I, table, insert in its appropriate alphabetical order:
Hexachlorobutadiene (CAS No: 87-68-3)
- (5) In Schedule 1AA, Annex C, Part II, after “Hexachlorobenzene,”, insert “hexachlorobutadiene,”.
- (6) In Schedule 1AA, Annex C, Part II, replace “biphenyls, and” with “biphenyls,”.
- (7) In Schedule 1AA, Annex C, Part III, after “Hexachlorobenzene,”, insert “hexachlorobutadiene,”.

- (8) In Schedule 1AA, Annex C, Part III, replace “biphenyls, and” with “biphenyls,”.

5 Schedule 2A amended

- (1) In Schedule 2A, insert in their appropriate alphabetical order:

Substance	Use or storage	Manufacture	Expiry of permitted use or storage
Decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether CAS No: 1163-19-5	(a)	parts for use in vehicles, including vehicles containing those parts:	(a) end of the service life of vehicles or in 2036, whichever comes earlier:
	(b)	aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft:	(b) end of the service life of those aircraft:
	(c)	articles where DecaBDE has been used as an additive in plastics (such as in electrical and electronic equipment, wires, cables, and pipes), in textiles (such as in carpets, upholstery, window blinds and curtains, and mattresses), and in adhesives, sealants, and coatings—present in New Zealand before 18 December 2018	(c) (no expiry date)
Short-chain chlorinated paraffins (Alkanes, C ₁₀₋₁₃ , chloro): straight-chain chlorinated hydrocarbons with chain lengths ranging from C ₁₀ to C ₁₃ and a content of chlorine greater than 48 per cent by weight. The listing includes quantities of this chemical that occurs in mixtures at concentrations greater than or equal to 1 per cent by weight, as	Articles where SCCPs have been used as additives in rubber and plastic goods, in adhesives and sealants, and as water-proofing and flame-retardant agents for textiles—present in New Zealand before 18 December 2018		(no expiry date)

Substance	Use or storage	Manufacture	Expiry of permitted use or storage
specified under note (vii) of Part 1 of Annex A of the Stockholm Convention			
(2)	In Schedule 2A, first column, replace “Perfluorooctane sulfonic acid (CAS No: 1763-23-1), its salts and perfluorooctane sulfonyl fluoride (CAS No: 307-35-7)” with “Perfluorooctane sulfonic acid (CAS No: 1763-23-1), its salts, and any derivatives of the formula $C_8F_{17}SO_2X$, where X = halide, amide, esters, and other derivatives including polymers”.		

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 (the **Act**). It comes into force on 18 December 2018. The order makes changes to Schedules 1AA and 2A of the Act to implement the 2017 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 2018.
This order is administered by the Ministry for the Environment.