

28 March 2024

Environmental Protection Agency

[notices@epa.govt.nz](mailto:notices@epa.govt.nz)

## Submission on Amendments to Hazardous Substances (Importers and Manufacturers) Notice 2015

---

### Introduction

1. Energy Resources Aotearoa represents the full energy value chain through and beyond the low emissions journey. We represent over members covering the production, transport, and sale of oil and gas, electricity, refined fuels, and future fuels. We provide a strategic sector perspective on energy, environment and climate change issues and enable constructive collaboration across the energy system.
2. We are submitting technical information to your consultation on Amendments to Hazardous Substances (Importers and Manufacturers) Notice 2015 as it will impact chemicals activities in the global supply chain, which will flow through to New Zealand's fuel trading. We are looking into any broader implications for the New Zealand industry but understand changes to these regulations could impact New Zealand's customer and distributor base.
3. We are focusing our submission to the Environmental Protection Agency (the 'EPA') on consultation questions 5, 15, and 17.

### Submission

**Question 5:** *Do you have any comments regarding the proposed additional chemicals of interest which are listed in Appendix 4 of our discussion document?*

4. Substances described in Appendix 4 of the discussion document can potentially be found in industrial chemicals used in many sectors. Some of these substances can be present at trace levels or as impurities. Without defining a threshold, all impurities will be in scope and subject to reporting. It is unlikely that prescribing this level of detail will benefit policy or decision making. It will also place a heavy burden on industry to identify and report. Hence we suggest to:
  - a. exclude impurities from the reporting scheme; and

- b. define a reporting threshold of 0.1% of the substance in a formulated product or an intentional mixture.
5. For reference, impurities are often excluded from other regulatory schemes, e.g. US TSCA CDR (Basic Information about Chemical Data Reporting | US EPA).

**Question 15:** *Do you have any comments regarding the submission tool the EPA should consider for submitting and storing the quantity information provided by importers and manufacturers?*

6. This comment relates to the protection of confidential compositions of foreign manufacturers from Importers. It may be specifically applicable to substances on Appendix 4.
7. We suggest that there should be a mechanism in place for the foreign manufacturers to inform the EPA of listed substance/composition on behalf of their local importers, if the composition is confidential. The EPA could consider enabling direct notification on the online submission tool from the foreign manufacturers, where this view is protected from the local importers.
8. This comment will become even more applicable if the list in Appendix 4 expands.

**Question 17:** *Do you have any comments on points we should consider when deciding how to publicly report on this information?*

9. We are pleased that the EPA is taking steps to protect commercially sensitive data. We support the aggregation of data and suggest that where there is a low number of importers/manufacturers reporting, data like volumes can be reported as a range. We further agree with reporting of broad chemical classes if confidentiality is requested by the reporting entity.

## **Conclusion**

10. We appreciate the opportunity to submit to the EPA on these regulations and would appreciate any feedback directly on the matters raised in the above submission.