

November 2024

Hazardous substances – disposal controls and ecotoxic controls

This policy's purpose

This policy sets out how we respond when a Person Conducting a Business or Undertaking (PCBU) isn't compliant with hazardous substances disposal controls or ecotoxic controls.

It should be read alongside our [Hazardous Substances Emergencies](#) policy.

What disposal controls and ecotoxic controls are

Disposal controls are rules set by the Environmental Protection Authority (EPA) to manage risks created by disposing of hazardous substances.

Ecotoxic controls are required by the Hazardous Substances and New Organisms Act 1996 to control a hazardous substance's effects on the environment.

Most of these controls are in the [EPA Hazardous Substances \(Hazardous Property Controls\) Notice 2017](#)

The EPA also sets additional and modified requirements in [group standards](#) and individual [hazardous substances approvals](#)

More information about hazardous substances is available on our website worksafe.govt.nz

Our role

We're responsible for enforcing the:

- Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations), and
- Hazardous Substances and New Organisms Act 1996 (HSNO) in workplaces. This includes disposal and ecotoxic controls.

When we become aware of non-compliance with these controls, our focus is on the risks to the health and safety of workers and other people.

We may take enforcement action, being a compliance order under HSNO, where appropriate and in line with our [Enforcement policy](#)

We also work with other agencies when needed, including:

- EPA
- Fire and Emergency New Zealand (FENZ)
- public health agencies, and
- local government.

How we respond to incidents

We prioritise incidents involving substances that may affect human health and safety.

When deciding whether to intervene we do so in line with our *When we intervene* policy.

This means we consider things like:

- the health and safety of our staff
- our legislative powers
- the health and safety of workers and other people
- the responsibilities held by the PCBU and its capabilities, and
- whether it's appropriate for the PCBU to retain control of the site.

We also consider the potential role of other agencies, particularly FENZ or the local authority.

We contact FENZ when we respond to a hazardous substance incident and one of the following applies:

- we declare a HSNO emergency
- the PCBU is unable or can't be expected to safely resolve the situation

- the PCBU refuses to contact FENZ when asked to do so by an enforcement officer, or
- there are wider concerns for public safety or environmental damage and the PCBU can't remedy them.

We may also contact the local authority, regional council, or regional public health agency if the incident could have an impact beyond work health and safety.