

18-D-02832

Wendy Pond
fyi-request-9294-eed01e67@requests.fyi.org.nz

Dear Wendy Pond

Thank you for your email of 20 December 2018 sent via the FYI website requesting the following under the Official Information Act 1982 (the OIA):

“Under what regulation(s) is it good practice, or a requirement in law, for government to advise the public that 1080 is eco-toxic?”

While the eco-toxic label has been removed from public warning notices along road sides, I have seen it nailed up on warehouses where 1080 is stored. Please clarify when is the eco-toxic logo required to be used?”

In answer to your questions:

Under Regulation 13.19 of the Health and Safety at Work (Hazardous Substances) Regulations 2017, a PCBU (Person Conducting a Business or Undertaking) is required to erect signs at every normal point of entry to the place where 1080 is to be applied or laid. The signs must identify the substance and state that it is toxic to humans and ecotoxic to non-human vertebrates.

There is no requirement under these Regulations to use a particular logo.

Background information

The use of Globally Harmonised System of Classification and Labelling of Chemicals (GHS) pictogram for ecotoxic substances that are vertebrate toxic agents is not a specific requirement in regulation 13.19, however it is an appropriate method to inform persons of the hazards associated with a substance that is toxic to the environment.

With respect to storage of 1080 bait, the requirements for signage for the ecotoxic component of the classification are set down in clause 43 of the Hazardous Substances (Hazardous Property Controls) Notice 2017, under the Hazardous Substances and New Organisms Act 1996 (HSNO Act). The Environmental Protection Authority (EPA) is responsible for setting the controls on an ecotoxic substance. The thresholds for signage for an ecotoxic substance are set in Schedule 8 of the Notice. If we only take into consideration the ecotoxic classification of the substance, the threshold that triggers the requirement for signage for storage can range from 100 L/kg through to 1000 L/kg depending on the bait being stored.

Please see here for further information on the EPA’s reassessment of 1080:

www.epa.govt.nz/database-search/hsno-application-register/view/HRE05002.

The EPA does not require that the GHS pictograms be used to indicate ecotoxicity, but its guidance has explained that using these pictograms is a good way to comply with regulations. Please see here for information from the EPA about labelling:

www.epa.govt.nz/industry-areas/hazardous-substances/guidance-for-importers-and-manufacturers/labelling-and-safety-data-sheets/.

However, if the substance is transported, it comes under Dangerous Goods Rules, which require the mandatory use of the GHS pictogram. Please see here for more information about this from the NZ Transport Agency:

<https://www.nzta.govt.nz/resources/rules/dangerous-goods-2005-qa/>.

If you have any queries about this response, please feel free to contact our Executive Relations team at ministerials@mfe.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Wigley'.

Glenn Wigley
Director - Natural and Built System