

# **New chemicals under the Stockholm Convention on Persistent Organic Pollutants: Consultation document**

FEBRUARY 2020



**Environmental  
Protection Authority**  
Te Mana Rauhi Taiao

New Zealand Government

**Consultation on updating New Zealand's implementation of the Stockholm Convention**, seeking your views, consultation proposals on updating New Zealand's Implementation of the Stockholm Convention under the Hazardous Substances and New Organisms Act 1996.

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## We seek public input

We welcome your feedback on proposed updates to New Zealand's implementation of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) under the Hazardous Substances and New Organisms Act 1996.

The Stockholm Convention has added two new chemicals to the list of persistent organic pollutants (POPs): dicofol, and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

This document has been prepared by the Environmental Protection Authority (EPA) to inform and guide public consultation.

## Making a submission

We would like to hear what you think about the proposals outlined in this paper.

You can complete [the online submission form](#)<sup>1</sup>

or send your submission to: [POPsConsultation@epa.govt.nz](mailto:POPsConsultation@epa.govt.nz)

The submission form includes the questions asked throughout the consultation document. Your views are welcome on any of the questions you are interested in. There is also an opportunity for general comments. There are a lot of questions, so please focus on those of interest to you, and don't feel you should answer them all.

Submissions close at **5pm 30 March 2020**

## How we will consider your submissions

We will review and analyse the submissions received and prepare a submission report. This will be published on our website along with all submissions at [www.epa.govt.nz](http://www.epa.govt.nz).

## Privacy

Making a submission implies that you consent to its publication, unless you clearly specify otherwise in your submission. The EPA will take into account requests for information to be kept confidential and will not proactively disclose that information, except with your prior consent. However, the EPA is subject to the Official Information Act 1982 and may be required to disclose information, including confidential information, provided by you as part of your submission in accordance with that Act (see **Official Information** section below).

The EPA may use the information from your submission in to undertake its regulatory role, including by sharing the information with other agencies.

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<sup>1</sup> <https://submissions.epa.govt.nz/consultations/new-chemicals-under-the-stockholm-convention-on-persistent-organic-pollutants-february-2020/make-a-submission>

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You have a right to access and correct any personal information held by us, by contacting the EPA (contact details available [here](#)<sup>2</sup>).

You may request that your personal information (such as your name, your address) be withheld from publicly available information.

### Official Information

The Official Information Act 1982 (OIA) establishes principles with respect to the disclosure of information held by government agencies, including the EPA. Any information you supply in the course of making submissions will be subject to the OIA and may be disclosed, upon request, to members of the public.

Please advise if you consider that the information provided by you would fall within the grounds for withholding information under the OIA.

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<sup>2</sup> [www.epa.govt.nz/contact-information/](http://www.epa.govt.nz/contact-information/)

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# Summary

As a signatory to the Stockholm Convention on Persistent Organic Pollutants, New Zealand has committed to eliminating and restricting persistent organic pollutants (POPs). POPs are stable compounds that do not readily break down through chemical or biological processes. They persist for a long time, both in the environment and the human body, and bioaccumulate up the food chain.

New Zealand fulfils its Stockholm Convention obligations to eliminate or restrict the importation, production, use, and disposal of Stockholm-listed POPs through the Hazardous Substances and New Organisms Act 1996 (HSNO Act). Schedule 2A of the HSNO Act lists the chemicals that are subject to the Stockholm Convention obligations.

In 2019, the parties to the Stockholm Convention added two new chemicals to those subject to restrictions under the Convention.

- Dicofol, an organochlorine pesticide that was used to control mites on fruit, vegetables, ornamentals, field crops, cotton, tea, and Christmas tree plantations. It is listed without specific exemptions (Convention Decision SC-9/11).
- Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds that were used in a wide variety of applications and consumer products, including fire-fighting foams and textiles. These are listed with specific exemptions (Convention Decision SC-9/12).

To implement these restrictions on dicofol and PFOA into New Zealand law, these chemicals need to be added to the HSNO Act:

- Schedule 1AA Stockholm Convention on Persistent Organic Pollutants
- Schedule 2A Persistent Organic Pollutants.

This consultation document outlines the use of dicofol and PFOA in New Zealand. A general description of the Stockholm Convention is provided, along with the rationale for amending New Zealand legislation to reflect the proposed changes.

We invite your [feedback on these proposals](#)<sup>3</sup>, and have provided questions to guide your responses.

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<sup>3</sup> <https://submissions.epa.govt.nz/consultations/new-chemicals-under-the-stockholm-convention-on-persistent-organic-pollutants-february-2020/make-a-submission>

# How the Stockholm Convention works

The Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) is a multilateral environmental agreement limiting the production and use of persistent organic pollutants (POPs). These are highly toxic chemicals that persist in the environment, build up in human and animal tissue, and are passed from species to species through the food chain.

Every two years, parties to the Stockholm Convention meet to discuss its implementation and, when required, they agree that additional POPs should be subject to international regulation. These additional POPs undergo a three-stage assessment process by the Persistent Organic Pollutants Review Committee, the Stockholm Convention's scientific review group.

Once agreed, the additional POPs are added to one or more of the annexes to the Convention.

The Stockholm Convention has three annexes in which chemicals are listed.

**Annex A** This lists POPs that are to be eliminated. The obligation is to eliminate production, use, import and exports of the POPs, except for those specific exemptions allowed by the Convention, and where a country has registered for those. The term of exemptions vary.

**Annex B** This lists POPs that are restricted to uses specified in the annex (called acceptable purposes). An example is DDT, which is prohibited except for use in disease vector control, (eg, mosquitoes carrying malaria) in accordance with World Health Organisation guidelines. Any party using DDT must also have notified the Stockholm Convention that it will use this acceptable purpose.

**Annex C** This lists POPs that are produced and released as unintentional by-products of specific processes. The obligation is for parties to avoid the unintentional production and releases of the listed POPs. An example is dioxins, which are a by-product of some industrial processes, and burning of some wastes.

The Stockholm Convention also requires that countries manage the chemical stockpiles and waste POPs listed in these annexes (including when POPs must be destroyed), identify contaminated sites, and remediate these sites in an environmentally sound manner.

## Exemptions

The Stockholm Convention Secretariat maintains a register of the countries using specific exemptions or acceptable purposes listed in annexes A and B. Parties need to register with the Secretariat to use an exemption or acceptable purpose when it has obligations for listed POPs under the Convention. Specific exemptions have a limited timeframe and expire at a specified time (usually five years) unless a party indicates an earlier date in the register, or an extension is granted by the Conference of the Parties. Exemptions that apply to all parties do not need to be notified and listed in the register, eg: the exemption that has applied for polychlorinated biphenyls (PCBs).

Parties also need to notify the Secretariat that it continues to have articles containing listed POPs within its borders. This is called an "articles in use" notification and deals with legacy issues and relates to articles containing POPs already in use before the relevant obligations came into force.

Annexes A and B note that:

- “[ii] [...] Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party.”

The “articles in use” notification covers existing articles for the time they remain in use. It does not extend to reusing or recycling the article.

# The new listings

In 2019, the Conference of the Parties made two new listings in Annex A:

- dicofol
- perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

In addition, Decision SC-9/4 amended and removed certain acceptable purposes and specific exemptions for perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF), that are listed in Annex B (chemicals with restricted uses). Those chemicals are already included in Schedule 2A of the HSNO Act, so they are prohibited for use in New Zealand without any of the acceptable purposes and specific exemptions affected by Decision-9/4. Therefore, no amendment to Schedule 2A is necessary for this.

## New Zealand's obligations

New Zealand is a party to the Stockholm Convention so is bound to comply with it. A National Implementation Plan (NIP) outlines how New Zealand implements its obligations under the Stockholm Convention. See [www.mfe.govt.nz/publications/climate-change/new-zealands-updated-national-implementation-plan-under-stockholm](http://www.mfe.govt.nz/publications/climate-change/new-zealands-updated-national-implementation-plan-under-stockholm).

When a POP is listed, parties have obligations to impose prohibitions or restrictions.

Dicofol, and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds are chemicals that have been or are used as component chemicals in products and manufactured articles in New Zealand.

Obligations under the Convention extend to both the pure POP chemicals, and products and articles containing these, other than as unintentional trace contaminants.

This means that the EPA must ensure that any existing “articles in use” containing the newly added POPs are managed and disposed of appropriately and, if the current use of existing articles is to continue, it is reflected in the EPA listings and the Convention Secretariat is notified.

## The obligations start on 3 December 2020

Parties are required to implement into national law newly listed chemicals within 12 months of the formal notification under the Convention.

Intended implementation for dicofol and PFOA, its salts and PFOA-related chemicals, is 3 December 2020. This obligation does not apply to a party who notifies the Secretary-General of the United Nations of its non-acceptance of the listing.

## Specific exemptions

### Dicofol

No specific exemptions have been provided with the listing of dicofol.

## **PFOA, its salts, and PFOA-related compounds**

There are specific exemptions for PFOA, its salts, and PFOA-related compounds. These include, but are not limited, to:

- use in semi-conductor manufacturing
- certain medical devices
- fire-fighting foams in installed systems
- production of high-performance filter membranes
- some specialised textiles.

If there is a need for ongoing use in these applications and they can be demonstrated and justified, New Zealand will need to register with the Stockholm Convention Secretariat for some of the specific exemptions.

The EPA recently consulted on amending the Fire Fighting Chemicals Group Standard 2017 (issued under the HSNO Act), with proposals to phase out the use of all fire-fighting foams containing any PFAS (per and poly-fluoroalkyl substances), including PFOA-related chemicals. These proposals were based on the Stockholm Convention listing specific exemption for PFOA, its salts, and PFOA-related compounds for fire-fighting foam. The submissions from the consultation will inform the consideration of registering for this specific exemption.

## **‘Articles in use’ notification**

### **Dicofol**

The “articles in use” exemption is not relevant to dicofol as it is a chemical product not used in manufactured articles.

## **PFOA, its salts, and PFOA-related compounds**

An “articles in use” notification may need to be made for PFOA, its salts, and PFOA-related compounds, because it has been used in surface coating materials for textiles. Such a notification only applies to the continued use of articles being used at the time of listing in New Zealand law. It allows continued use of existing “articles in use” but does not allow new articles to be brought into New Zealand.

# Implementing the Stockholm Convention into New Zealand law

## Hazardous Substances and New Organisms Act 1996

The HSNO Act was amended in 2003 to implement New Zealand's main obligations under the Stockholm Convention. The legal obligation on New Zealand for eliminating or severely restricting the production and use of newly listed POPs is mainly met by including the POPs in Schedule 2A of the HSNO Act. Any exemptions applying are also specified in Schedule 2A. The HSNO Act prohibits any POP listed in Schedule 2A, or a product containing a POP, from being imported into, manufactured, or used in New Zealand (subject to some very limited exceptions).

The HSNO Act contains prohibitions, or in some cases imposes severe restrictions, on the import, manufacture, and use of POPs (or those containing POPs) in line with the requirements of the Convention. Residual POPs in New Zealand can no longer be used once they are listed in Schedule 2A except for any limited exemptions that may be given in the Schedule. Residual POPs, including wastes and unused stocks of POPs, are subject to rules relating to collection, storage, and disposal that are specified in the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004.

Schedule 2A of the HSNO Act can be amended by an Order in Council as new chemicals are added to the Convention. The full text of the Stockholm Convention is in Schedule 1AA of the HSNO Act and this can also be amended by an Order in Council.

Before POPs can be added to Schedule 2A, the HSNO Act requires the Minister for the Environment to request the EPA to consult with those who may be affected. The EPA then reports the results of the consultation to the Minister, along with advice on best international practices and standards for safe management. On 24 June 2019, the Minister requested the EPA to consult on the proposed amendments to Schedule 2A of the HSNO Act.

The Minister seeks Cabinet approval for the proposed amendment to the Schedules 1AA and 2A. This then needs to be approved by the Executive Council before it is formally announced as part of the HSNO Act.

In addition, POPs are included in Schedule 1 Stockholm Chemicals of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 which requires that export from New Zealand of POPs, other than wastes, are subject to permitting. The Ministry for the Environment will propose technical changes to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to achieve this once approval has been given to include the new POPs in the HSNO Act. The export of POPs waste for destruction is also subject to permitting under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 which implements obligations under the Basel Convention. This Convention is an international treaty designed to reduce the movements of hazardous waste between nations.

# More about the two POPs

## Dicofol

### The chemical – Dicofol

There are two main isomers of Dicofol and the CAS numbers are 115-32-2 and 10606-46-9.

### Description and uses

Dicofol is an organochlorine pesticide, used to control mites on a variety of crops. It was introduced commercially in 1955. Intended uses of dicofol cover fruits, vegetables, ornamentals, field crops, cotton, tea, and Christmas tree plantations. Between 2000 and 2007, global production of dicofol was estimated to have been 2,700–5,500 tonnes annually. Production has declined sharply since then as countries have phased out production and usage.

There are no specific examples of critical uses in the listing Decision SC-9/11 by the Conference of the Parties.

A range of chemical and non-chemical alternatives to dicofol are available and accessible. Considered technically feasible, these include more than 25 chemical pesticides, biological controls (pathogens and predators), botanical preparations (plant extracts), and agroecological practices (such as used in agroecology, organics and integrated pest management).

### Current New Zealand status

There is a HSNO approval (HSR002840) for dicofol, CAS No. 115-32-2.

It can only be used for laboratory research and development, or as an ingredient or component in the manufacture of another substance or product.

There is another HSNO approval HSR000752 for “wettable powder containing 350 g/kg dicofol”. This is subject to a control (rules) that this substance must not be applied in or on water.

No product containing dicofol is registered on the Agricultural Compounds and Veterinary Medicines Register under the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM Act).

### Exemptions relevant to New Zealand

There are no specific use exemptions available with this listing that would allow continued import or production.

There is no evidence to suggest that any product is being used for any other use or that dicofol is being imported for research and development purposes.

The “articles in use” exemption is not relevant to dicofol as it is a chemical product not used in manufactured articles.

## Consultation questions

1. Do you agree that dicofol be listed in Schedule 2A of the HSNO Act?
2. Do you have any information regarding dicofol on the following:
  - current use in New Zealand
  - stockpiles, as chemicals or products
  - waste stocks containing dicofol
  - sites contaminated by dicofol
  - products being used which may contain dicofol
  - imports of, or products/articles containing, dicofol
  - exports of, or products/articles containing, dicofol?
3. If so, please provide details.

## Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds

### The chemical – Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds

“Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds” means: the following

- (i) Perfluorooctanoic acid (PFOA; CAS No: 335-67-1), including any of its branched isomers;
- (ii) Its salts;
- (iii) PFOA-related compounds which, for the purposes of the Convention, are any substances that degrade to PFOA, including any substances (including salts and polymers) having a linear or branched perfluoroheptyl group with the moiety (C<sub>7</sub>F<sub>15</sub>)C as one of the structural elements;

The following compounds are not included as PFOA-related compounds:

- (i) C<sub>8</sub>F<sub>17</sub>-X, where X= F, Cl, Br;
- (ii) Fluoropolymers that are covered by CF<sub>3</sub>[CF<sub>2</sub>]<sub>n</sub>-R', where R'=any group, n>16;
- (iii) Perfluoroalkyl carboxylic and phosphonic acids (including their salts, esters, halides and anhydrides) with ≥8 perfluorinated carbons

See an indicative list of substances covered by the listing of PFOA, its salts and PFOA-related compounds in the Persistent Organic Pollutants Review Committee (POPRC) document UNEP/POPS/POPRC.13/INF/6/Add.1 available at:

<http://chm.pops.int/TheConvention/POPsReviewCommittee/Meetings/POPRC13/MeetingDocuments/tabid/6024/Default.aspx>.

### Description and uses

PFOA, its salts and PFOA-related compounds are used in a wide variety of applications and consumer products across many sectors (details see document UNEP/POPS/POPRC.12/11/Add.2, available at: <http://chm.pops.int/TheConvention/POPsReviewCommittee/ReportsandDecisions/tabid/3309/Default.aspx>)

PFOA and its salts are, or were, most widely used as processing aids in the production of fluoroelastomers and fluoropolymers, with polytetrafluoroethylene (PTFE, Teflon), fluorinated ethylene propylene, PFA (perfluoroalkoxy alkane) and PVDF (polyvinylidene fluoride) being important fluoropolymers.

Fluoropolymers are used to manufacture hoses, cables and gaskets; non-stick coatings on cookware and personal care products; medical devices and filter membranes. PFOA is used as a surfactant and processing aid in the photolithographic and etch processes in the manufacture of semi-conductors, in photographic film coatings, and in the textile coating industry.

PFOA-related compounds, including side-chain fluorinated polymers, are used as surfactants and surface treatment agents (for example, in textiles, paper and paints and inks). PFOA-related products provide water, grease and soil protection for textiles and related products such as outdoor clothing and carpets, and for products such as the paper of microwave popcorn bags.

They have also been used in fire-fighting foams.

Releases occur from past and ongoing production, use and disposal. The main emissions of PFOA and its salts are to wastewater and as particles or aerosols. Indirect releases of PFOA occur from the biotic and abiotic (photo-) degradation or transformation of precursor PFOA-related compounds.

Steps to phase out PFOA and related substances have been widely implemented overseas.

Regulatory action to prohibit manufacture or severely restrict use of PFOA, its salts and PFOA-related compounds are already implemented or under way in many jurisdictions, including Norway, the European Union, the United States, and Canada.

### Possible exemptions

An “articles in use” exemption exists. We expect this will be necessary to allow some existing manufactured articles containing PFOA and PFOA-related compounds to continue to be used.

The prohibition under the Stockholm Convention decision also provides for countries to seek exemptions for specific uses. Possible use specific exemptions are:

- Photolithography or etch processes in semiconductor manufacturing
- Photographic coatings applied to films
- Textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety
- Invasive and implantable medical devices
- Fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems (in accordance with paragraph 2 of part X of Annex A – see Appendix 2, decision SC-9/12)
- Use of perfluorooctyl iodide for the production of perfluorooctyl bromide for producing pharmaceutical products
- Manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of:
  - High-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles
  - Industrial waste heat exchanger equipment
  - Industrial sealants capable of preventing leakage of volatile organic compounds and PM<sub>2.5</sub> particulates

- Manufacture of polyfluoroethylene propylene (FEP) for the production of high-voltage electrical wire and cables for power transmission
- Manufacture of fluoroelastomers for the production of O-rings, v-belts and plastic accessories for car interiors.

### Current status In New Zealand

The HSNO Act regulates the use of PFOA, its salts and PFOA-related compounds. There are no approvals under Part 5 of the HSNO Act for any of the chemicals listed in this proposal. However, a number are listed on the EPA's NZ Inventory of Chemicals (NZIoC) and so they may be imported as component chemicals in products under an appropriate group standard. There is no information available on any current manufacture, import, export, or use, of any of the chemicals other than as components of some fire-fighting foams.

The chemicals listed on the NZIoC include:

- Perfluorooctanoic acid (PFOA), CAS No. 335-67-1
- PFOA-ammonium salt, CAS No. 3825-26-1
- PFOA-related compounds with the CAS numbers: 678-39-7, 27905-45-9, 2043-53-0, 2043-54-1, 30046-31-2, 65510-55-6, 865-86-1, 78560-44-8, 39239-77-5, 60699-51-6, 17741-60-5, 68412-69-1, 70969-47-0, 115592-83-1, 71608-61-2, 148240-85-1, 148240-87-3, 148240-89-5.

The Fire Fighting Chemicals Group Standard 2017 under the HSNO Act (originally issued in 2006), states that perfluorooctanoic acid (PFOA) (but not its salts or PFOA-related compounds) is excluded from the group standard. This means that PFOA itself was not approved for use in fire-fighting foams from 2006, but other PFOA-related compounds were.

In late 2019, the EPA consulted on amendments to the Fire Fighting Chemicals Group Standard 2017. This proposed that all PFAS-containing fire-fighting foams be phased out, under the same conditions and to the same timeline as provided in the Stockholm Convention listing for PFOA-based fire-fighting foams. The EPA is currently considering submissions on this consultation.

The recent consultation indicated, however, that there are PFOA-based fire-fighting foams still in use in New Zealand and that replacing these will take some time.

### Exemptions relevant to New Zealand

At this stage we consider that New Zealand should make use of the "articles in use" exemption. We are seeking information on what type of articles should be covered.

We also consider that New Zealand should use the specific exemption for fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems. Note that this exemption only applies to foam in installed systems and does not apply to product that is held in drum stock. The latter would be treated as POPs waste and would need to be disposed of.

Full details of the specific exemption for fire-fighting foam is in paragraph 2 of Part X of Decision SC-9/12 (see Appendix 2).

In brief, fire-fighting foams containing PFOA or PFOA-related compounds must not be used:

- for training, from the date of acceptance of the listing (3 December 2020)

- for testing unless all releases are contained, from the date of acceptance of the listing (3 December 2020)
- at sites where all releases cannot be contained after the end of 2022, if possible, but no later than the end of 2025
- for any other uses after the end of 2025.

Exemptions may also be considered for other specific uses listed in Decision SC-9/12 if information is provided that indicates these are needed.

## Consultation questions

4. Do you agree that PFOA, its salts and PFOA-related compounds be listed in Schedule 2A of the HSNO Act?
5. Do you have any information regarding PFOA, its salts and PFOA-related compounds on the following:
  - current use in New Zealand
  - stockpiles, as chemicals or products
  - waste stocks containing PFOA, its salts and PFOA-related compounds
  - sites contaminated by PFOA, its salts and PFOA-related compounds
  - products being used which may contain PFOA, its salts and PFOA-related compounds
  - imports of, or products/articles containing, PFOA, its salts and PFOA-related compounds
  - exports of, or products/articles containing, PFOA, its salts and PFOA-related compounds?
6. If so, please provide details.
7. Do you have any information on any “articles in use” (so these may continue to be used in New Zealand) that contain PFOA, its salts and PFOA-related compounds?
8. If so, please provide details.
9. Do you agree that New Zealand should make a notification to the Stockholm Convention Secretariat of these articles in use?
10. Do you agree that New Zealand should register for the specific exemption for fire-fighting foam, for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems?
11. If so, do you think it would be possible for uncontained uses of fire-fighting foams to cease by the end of 2022?
12. Should New Zealand register for any of the other specific use exemptions available (as shown on page 14) for products that contain PFOA, its salts and PFOA-related compounds?
13. If so, please provide details, including justification for the exemption and consideration of any alternatives (why those alternatives cannot be used).

## Why we list Stockholm Convention chemicals

### Best international practices

The Stockholm Convention has a subsidiary technical body called the Persistent Organic Pollutants Review Committee whose job is to examine POPs considered for listing. This includes examining the availability of alternatives and best international practices for managing specific POPs including socio-economic considerations.

The Stockholm Convention website, [www.chm.pops.int/](http://www.chm.pops.int/) has extensive reports and guidance materials prepared by the Committee. This information is summarised in draft decision documents that are considered by the parties when making listing decisions (see Appendix 1). By listing the new POPs, New Zealand adopts best international practice for regulating them.

## Benefits

The benefits to New Zealand in listing the new POPs include:

- reducing the exposure of New Zealanders to these chemicals
- None, or only negligible amounts, of POPs in our primary exports
- New Zealand will continue to comply with international obligations and best practices.

## Costs

The costs to New Zealand in adopting the new POPs are thought to be low.

- Other than PFOA-related compounds in older fire-fighting foams, the use of these chemicals in New Zealand is thought to be negligible. However, there may be existing “articles in use” that contain POP chemicals, such as PFOA-related compounds. Exemptions are available for the continued use of existing articles that contain them. Fire-fighting foams containing PFOA-related compounds have not been produced since at least 2016, and alternative products have been available for a number of years before then. It is expected that any PFOA-based foams still in use would be approaching the end of their life.
- The supply of products containing the new POPs will decline as other countries eliminate the use of these POPs and implement their obligations under the Stockholm Convention.
- The cost of switching to alternatives is likely to be insignificant. Before listing, the POPs Review Committee found that alternatives are becoming available at reasonable cost.

## Appendix 1: Where to find out more

The Stockholm Convention website

<http://chm.pops.int/>

New Zealand's National Implementation Plan (NIP) under the Stockholm Convention

[www.mfe.govt.nz/publications/climate-change/new-zealands-updated-national-implementation-plan-under-stockholm](http://www.mfe.govt.nz/publications/climate-change/new-zealands-updated-national-implementation-plan-under-stockholm)

This website includes an introduction to the listed POPs at:

<http://chm.pops.int/TheConvention/ThePOPs/tabid/673/Default.aspx>

<http://chm.pops.int/TheConvention/ThePOPs/TheNewPOPs/tabid/2511/Default.aspx>

More detailed information on each of the POPs is included under the Stockholm Convention in the reports and decisions items for both the Conference of the Parties and the POPs Review Committee. The risk profiles by the POPs Review Committee contain information on past use, regulatory status and the risks associated with new POPs. Go to:

<http://chm.pops.int/TheConvention/POPsReviewCommittee/ReportsandDecisions/tabid/3309/Default.aspx>.

- The risk profile on Dicofol is UNEP/POPS/POPRC.12/11/Add.1
- The risk profile on PFOA, its salts and PFOA-related compounds is document UNEP/POPS/POPRC.12/11/Add.2

Information on exemptions is at:

<http://chm.pops.int/Implementation/Exemptions/Articlesinuse/tabid/452/Default.aspx>

<http://chm.pops.int/Procedures/Articlesinuseandclosedsystem/tabid/4647/Default.aspx>

<http://chm.pops.int/Implementation/Exemptions/SpecificExemptions/tabid/1133/Default.aspx>

## Appendix 2: Stockholm Convention new decisions on the listings

### SC-9/11: Listing of dicofol

*The Conference of the Parties,*

*Having considered* the risk profile and the risk management evaluation for dicofol as transmitted by the Persistent Organic Pollutants Review Committee,<sup>4</sup>

*Taking note* of the recommendation by the Persistent Organic Pollutants Review Committee that dicofol be listed in Annex A to the Convention without specific exemptions,<sup>5</sup>

*Decides* to amend part I of Annex A to the Stockholm Convention on Persistent Organic Pollutants to list dicofol without specific exemptions by inserting the following row:

Chemical	Activity	Specific exemption
Dicofol	Production	None
CAS No: 115-32-2	Use	None
CAS No: 10606-46-9		

### SC-9/12: Listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds

*The Conference of the Parties,*

*Having considered* the risk profile, the risk management evaluation and the addendum to the risk management evaluation for perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds as transmitted by the Persistent Organic Pollutants Review Committee,<sup>6</sup>

*Taking note* of the recommendation by the Persistent Organic Pollutants Review Committee that perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds be listed in Annex A to the Stockholm Convention on Persistent Organic Pollutants with specific exemptions,<sup>7</sup>

1. *Decides* to amend part I of Annex A to the Stockholm Convention on Persistent Organic Pollutants to list therein perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, with specific exemptions for the production and use of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, by inserting the following rows:

<sup>4</sup> UNEP/POPS/POPRC.12/11/Add.1; UNEP/POPS/POPRC.13/7/Add.1.

<sup>5</sup> UNEP/POPS/COP.9/13.

<sup>6</sup> UNEP/POPS/POPRC.12/11/Add.2; UNEP/POPS/POPRC.13/7/Add.2; UNEP/POPS/POPRC.14/6/Add.2.

<sup>7</sup> UNEP/POPS/COP.9/14.

<i>Chemical</i>	<i>Activity</i>	<i>Specific exemption</i>
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	Production	<ul style="list-style-type: none"> <li>• Fire-fighting foam: None</li> <li>• For other production, as allowed for the Parties listed in the Register in accordance with the provisions of part X of this Annex</li> </ul>
<p>“Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds” means the following:</p> <p>(i) Perfluorooctanoic acid (PFOA; CAS No: 335-67-1), including any of its branched isomers;</p> <p>(ii) Its salts;</p> <p>(iii) PFOA-related compounds which, for the purposes of the Convention, are any substances that degrade to PFOA, including any substances (including salts and polymers) having a linear or branched perfluoroheptyl group with the moiety (C<sub>7</sub>F<sub>15</sub>)C as one of the structural elements;</p> <p>The following compounds are not included as PFOA-related compounds:</p> <p>(i) C<sub>8</sub>F<sub>17</sub>-X, where X= F, Cl, Br;</p> <p>(ii) Fluoropolymers that are covered by CF<sub>3</sub>[CF<sub>2</sub>]<sub>n</sub>-R', where R'=any group, n&gt;16;</p> <p>(iii) Perfluoroalkyl carboxylic and phosphonic acids (including their salts, esters, halides and anhydrides) with ≥8 perfluorinated carbons;</p> <p>(iv) Perfluoroalkane sulfonic acids (including their salts, esters, halides and anhydrides) with ≥9 perfluorinated carbons;</p> <p>(v) Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF), as listed in Annex B to the Convention.</p>	Use	<p>In accordance with the provisions of part X of this Annex:</p> <ul style="list-style-type: none"> <li>• Photolithography or etch processes in semiconductor manufacturing</li> <li>• Photographic coatings applied to films</li> <li>• Textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety</li> <li>• Invasive and implantable medical devices</li> <li>• Fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems, in accordance with paragraph 2 of part X of this Annex</li> <li>• Use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products, in accordance with the provisions of paragraph 3 of part X of this Annex</li> <li>• Manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of: <ul style="list-style-type: none"> <li>○ High-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles</li> <li>○ Industrial waste heat exchanger equipment</li> <li>○ Industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates</li> </ul> </li> <li>• Manufacture of polyfluoroethylene propylene (FEP) for the production of high-voltage electrical wire and cables for power transmission</li> <li>• Manufacture of fluoroelastomers for the production of O-rings, v-belts and plastic accessories for car interiors</li> </ul>

2. *Also decides* to insert a new part X in Annex A to the Stockholm Convention on Persistent Organic Pollutants, as follows:

## **Part X**

### **Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds**

1. The production and use of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use them in accordance with Article 4 of the Convention.

2. Each Party that has registered for a specific exemption pursuant to Article 4 for the use of PFOA, its salts and PFOA-related compounds for fire-fighting foam shall:

(a) Notwithstanding paragraph 2 of Article 3, ensure that fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds shall not be exported or imported except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;

(b) Not use fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds for training;

(c) Not use fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds for testing unless all releases are contained;

(d) By the end of 2022, if it has the capacity to do so, but no later than 2025, restrict uses of fire-fighting foam that contains or may contain PFOA, its salts and PFOA-related compounds to sites where all releases can be contained;

(e) Make determined efforts designed to lead to the environmentally sound management of fire-fighting foam stockpiles and wastes that contain or may contain PFOA, its salts and PFOA-related compounds, in accordance with paragraph 1 of Article 6, as soon as possible;

3. With regard to the specific exemption for the use of perfluorooctyl iodide for the production of perfluorooctyl bromide for the purpose of producing pharmaceutical products, at its thirteenth ordinary meeting and at every second ordinary meeting thereafter, the Conference of the Parties shall review the continued need for this specific exemption. This specific exemption shall in any case expire at the latest in 2036.

**Further information**

More detailed information is available on our website at [www.epa.govt.nz](http://www.epa.govt.nz) or by contacting us directly.

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