

## **New Zealand comments on 1 December 2014 General POPs Guidelines**

Thank you for the opportunity to comment on the 1 December 2014 draft revision to the Basel Convention general technical guidelines for the environmentally sound management of wastes consisting of, containing, or contaminated with persistent organic pollutants (POPs) (“Revised Guidelines”).

We are grateful to and wish to thank Canada and the members of the Small Intersessional Working Group for their work at and following OEWG-9 to prepare the Revised Guidelines.

### ***Paragraph 32***

We note paragraph 32 of the Revised Guidelines states the low POP content of the Stockholm Convention is independent from the determination of hazardous waste under the Basel Convention. The paragraph goes on to state that provisions of each convention are complementary. However, the low-POP content (Stockholm) and determination of hazardous waste (Basel) are subject to the same underlying scientific evaluations. While each measure is independent, they are clearly related. This could be dealt (for example) with by including wording such as:

“32. ‘Although the low-POP content of the Stockholm Convention does not determine what is and is not hazardous waste under the Basel Convention, similar underlying scientific evaluations apply and the determinations are related. [...]’ ”

### ***Paragraph 33***

Many countries export hazardous and other wastes to countries where the importing state has appropriate facilities for disposal, and export to such states is necessary to achieve environmentally responsible disposal. This is recognised in article 4(9) of the Basel Convention and article 3(2) of the Stockholm Convention. Paragraph 33 of the Revised Guidelines could include a reference not only to destruction and irreversible transformation, but also to the export of hazardous and other wastes provided those wastes are managed in an environmentally sound manner in the state of import (refer articles 4(8) – (9) of the Basel Convention).

### ***Paragraph 52(d)***

Paragraph 52(d) refers to recycling or recovery in cases of export. We are aware this refers back to article 4(9)(b) of the Basel Convention. However, we are concerned that including this reference as it is contained in the Revised Guidelines could suggest that export of POPs wastes for recycling or recovery is available.

We realise the reference may be included for consistency with other technical guidelines under the Basel Convention (and paragraph 52 is not expressly limited to POPs wastes), however, we believe this reference has potential to confuse users, and suggest it is removed.

For the same reason, we also suggest the reference to recycling in paragraph 67 (in relation to the implementation of BAT/BEP by waste generators) is also reconsidered.

***Annex II to the technical guidelines***

New Zealand wishes to request the following examples of our national legislation are included in the Annex II table:

<b>Country</b>	<b>Legislation</b>	<b>Brief description</b>
New Zealand	Hazardous Substances and New Organisms Act 1996	<ul style="list-style-type: none"><li>• Prohibits the import, manufacture, use or storage of persistent organic pollutants (sections 25A – 25D, Schedule 1AA, Schedule 2A)</li></ul>
New Zealand	National Environmental Standards for Air Quality (Resource Management (National Environmental Standards for Air Quality) Regulations 2004)	<ul style="list-style-type: none"><li>• Contains standards banning activities discharging significant quantities of dioxins and other toxics into the air, and standards for ambient (outdoor) air quality</li></ul>