



## FACT SHEET

# FIRE AND EMERGENCY RESPONSES TO HAZARDOUS SUBSTANCE EMERGENCIES

*This factsheet sets out Fire and Emergency New Zealand's approach to dealing with hazardous substances under the Fire and Emergency New Zealand Act 2017 (the Act).*

### What is a hazardous substance?

Under the Act, a hazardous substance takes the definition set out in the Hazardous Substances and New Organisms Act 1996 (HSNO) as any substance that is one or more of the following:

- explosive
- flammable
- capable of oxidising
- corrosive
- toxic
- ecotoxic.

It also includes substances that create another substance with one or more of the above properties on contact with air or water.

In addition to the HSNO definition, a hazardous substance includes any infectious or radioactive substance that may harm human, animal, or plant health.

### What must Fire and Emergency do at hazardous substance emergencies?

Section 11 of the Act says that Fire and Emergency must:

- Stabilise or render safe emergencies that involve hazardous substances
- Provide for the safety of persons and property endangered by emergencies involving hazardous substances.

### What is Fire and Emergency's authority at hazardous substance emergencies?

Section 39 of the Act gives an authorised person of Fire and Emergency New Zealand the powers to do one or more of the following:

- Endeavour by all practical means to stabilise or render safe the emergency, and to save

lives and property in danger

- Tell a person to stop an activity that may contribute to the emergency
- Request a person to take action to prevent or limit the extent of the emergency
- Tell a person to leave the area of an emergency
- Prevent a person from entering the area of an emergency.

### Which agency has jurisdiction at hazardous substance emergencies?

Fire and Emergency is the lead agency at a hazardous substance emergency when we are the first responder, or control is handed over to us at a multi-agency emergency. We will exercise our powers under the Act, and we will not invoke the powers of an enforcement officer under the HSNO Act, i.e. we will not declare an emergency under section 136 of the HSNO Act.

Another hazardous substance enforcement agency may take over an emergency under section 136 of the HSNO Act if an enforcement officer from the other agency:

- believes that there is an emergency
- believes that the emergency is not being dealt with under the Fire and Emergency New Zealand Act, or there is no state of emergency declared under the Civil Defence Emergency Management Act 2002
- has declared a hazardous substance emergency
- has identified themselves, stated their authority to exercise the powers, and announced the nature of the emergency and the area likely to be affected.

If all of the above conditions have been met, then the emergency is handed over to that agency in

accordance with the Coordinated Incident Management System (CIMS), and we will take direction from the new Incident Controller.

Fire and Emergency will always retain command of its personnel no matter who is the lead agency. Even if we are not the lead agency, we will not leave a hazardous substance emergency until we have rendered safe the emergency.

#### **What is rendering safe?**

Under [section 7](#) of the Act rendering safe means performing one or more of the following actions:

- Containing to stop spreading
- Stabilising, neutralising, or absorbing the substance to make it inert and to prevent any further reactions
- Treating to make it non-hazardous
- Transferring to the owner (or another authority or other technically competent person for destruction or disposal if the owner cannot be found)
- Removing for destruction, disposal or recycling
- Destroying, disposing or recycling the substance, as a last resort.

At hazardous substance emergencies Fire and Emergency will undertake one or more of the above actions in order to render safe an emergency, within Fire and Emergency's operational capability.

This may be as simple as closing the roads around an emergency to keep the public safe, or it may involve containing a spillage by damming. Fire and Emergency will not perform any task that the personnel responding to an emergency have not been trained to do.

#### **How will Fire and Emergency New Zealand dispose of hazardous substances?**

[Section 45](#) of the Act gives Fire and Emergency New Zealand the power to destroy or dispose of a by-product after a hazardous substance

emergency if:

- the owner cannot be readily contacted or identified
- we reasonably consider that it's not appropriate or feasible to transfer it to another authority
- we reasonably consider that it's necessary or appropriate to destroy or dispose of the by-product.

Reasonable consideration means taking into account the training, equipment or capabilities of the authority dealing with the hazardous substance (either the other agency or us) and whether the disposal can be done in a timely manner.

Disposal or destruction may be carried out by authorised disposal companies contracted to Fire and Emergency. We may not be performing the disposal or destruction ourselves.

#### **So what is the difference between how Fire and Emergency respond now, and what the Fire Service used to do?**

On 1 July 2017, the way we manage hazardous substances emergencies is not changing. Our personnel are aware of the additional powers of authorised persons at hazardous substances emergencies and we have arrangements in place with organisations that can dispose of hazardous substances.

There will not be any changes in the training, equipment or capabilities from the New Zealand Fire Service to Fire and Emergency New Zealand on 1 July. The Act defines the actions that can be undertaken, that the New Zealand Fire Service was already performing.

Fire and Emergency New Zealand will continue to respond to hazardous substance emergencies alongside other agencies with hazardous substances responsibilities and capability.

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