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Report of the

Minister for the Environment  
on the operation of the

# OZONE LAYER PROTECTION ACT 1996

for the period ended  
31 December 2015

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*Presented to the House of Representatives Pursuant to  
Subsection (2) of Section 30, of the Ozone Layer Protection Act 1996*



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## ABBREVIATIONS

CFC	chlorofluorocarbon
HCFCs	hydrochlorofluorocarbons
ODP	ozone depleting potential
ODS	ozone depleting substance
QPS	quarantine and pre-shipment

## 1 Purpose

This report is provided under section 30 of the Ozone Layer Protection Act 1996 (the Act) to fulfil the requirement to annually prepare and lay before the House of Representatives a report describing the operation of the Act.

The purpose of the Act is to:

- Help protect human health and the environment from adverse effects resulting, or likely to result, from human activities which modify, or are likely to modify, the ozone layer;
- Phase out ozone depleting substances as soon as possible, except for essential uses;
- Give effect to New Zealand's obligations under the Vienna Convention for the Protection of the Ozone Layer and the subsequent Montreal Protocol on Substances that Deplete the Ozone Layer (the Protocol).

## 2 Highlights of accomplishments to date

The Protocol is working to protect the ozone layer. The Protocol website outlines that results from continuing global systematic observations have confirmed that atmospheric levels of key ozone depleting substances are declining. It is estimated that with continued, full implementation of the Protocol's provisions the global ozone layer should return to pre-1980 levels by around the middle of this century and the Antarctic ozone around 15 years later.<sup>1</sup>

New Zealand has phased out all required ozone depleting substances and does not manufacture any of the substances controlled under the Protocol.

The import of non-essential halons was phased out by 1994 and chlorofluorocarbons (CFCs), other fully halogenated CFCs, carbon tetrachloride, methyl chloroform and hydrobromofluorocarbons by 1996. The import of methyl bromide for non-quarantine and pre-shipment purposes ended in 2007.

The remaining controlled substances are the import of bulk hydrochlorofluorocarbons (HCFCs).

## 3 Operation of the Act

### 3.1 Administration

The Ministry for the Environment is responsible for administering the Act and the Ozone Layer Protection Regulations 1996 (the Regulations). The Environmental Protection Authority (EPA) has responsibility for enforcing the Act and implementing the permit system for imports and exports under the Regulations. The New Zealand Customs Service enforces the import and export controls of controlled substances at New Zealand's borders.

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<sup>1</sup> <http://ozone.unep.org/en/focus/montreal-protocol-achievements-date-and-challenges-ahead>

### 3.2 Enforcement

In 2008 two refrigeration engineers were successfully prosecuted under section 13(f) of the Act for reckless discharge of an ozone depleting substance. Each was fined NZ\$750 plus court costs. No prosecutions have been undertaken in subsequent years.

## 4 Controlled Substances

Under the Act a controlled substance means any substance defined as such in Schedule 1 of the Regulations. An ozone depleting substance means any controlled substance, or any other substance, that has 0.01 ozone depletion potential or greater. The Protocol measures ozone depleting substances in ozone depleting potential (ODP) tonnes. ODP is a relative measure of how much a substance depletes the ozone layer rather than physical quantity<sup>2</sup>

Controlled substances fall into three categories:

1. Substances already phased out for which permits may no longer be issued: CFCs, halons, carbon tetrachloride methyl chloroform, HBFCs and all non-quarantine and pre-shipment uses of methyl bromide
2. Substances being phased out for which import levels are periodically reduced and controlled: HCFCs. The phase out of special permits for HCFC ended on 1 January 2015.
3. Imports of methyl bromide for quarantine and pre-shipment purposes; these require permits under the Regulations to meet reporting obligations under the Protocol. Quarantine and pre-shipment methyl bromide is not restricted under the Protocol, nor is it required to be phased out under the Act.

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<sup>2</sup> CFC-11 (Trichlorofluoromethane) is the standard measurement where one metric tonne is equal to one ODP tonne.

The ODP represents the amount of ozone destroyed by emission of a gas over its entire atmospheric lifetime relative to that due to the same mass of CFC-11.

$$\text{ODP of a compound} = \frac{\text{global change on ozone due to compound}}{\text{global change in ozone due to CFC-11}}$$

#### 4.1 Hydrochlorofluorocarbons (HCFCs)

HCFCs are gases used in refrigeration and air conditioning units, heat pumps and other heat transfer equipment. HCFCs are also used in foam products such as building insulation. HCFCs were used in place of more ozone depleting CFCs. The Government recently agreed to remove the final wholesaler permit provision that would have enabled the import of new bulk HCFCs. No wholesaler permits were issued in 2015 or 2016.

##### 4.1.1 Domestic Consumption

As New Zealand does not manufacture ozone depleting substances, consumption is measured as imports minus exports. There are many different types of HCFCs which are imported into New Zealand, either singly or in blends. Table 1 shows HCFCs consumption in both metric and ozone depleting potential (ODP) tonnes.

Since 1 January 2015, only wholesaler permits not exceeding a total of 2.5 ODP tonnes of HCFCs per year could be granted by the EPA. However, no permits were granted. In 2015 only 20 metric tonnes of HCFCs were imported. These were part of a transshipment, and were exported early 2016.

Table 1: HCFC Consumption

Year	HCFC-22	HCFC-123	HCFC-124	HCFC-141b	HCFC-142b	Total	Total ODP tonnes
<b>Metric tonnes</b>							
2000	396.1	6.8	0.5	27.7	6.1	437.2	25.4
2001	362.6	0.0	0.8	31.7	2.3	397.4	23.6
2002	358.4	0.0	1.8	29.8	10.8	400.8	23.7
2003	355.4	0.0	0.8	54.1	6.2	416.5	25.9
2004	363.0	0.0	2.6	62.4	5.2	433.2	27.2
2005	385.8	0.0	0.4	26.4	4.7	417.3	24.4
2006	294.0	0.4	0.2	47.8	3.4	345.8	21.3
2007	338.2	0.1	2.7	39.5	1.1	381.6	23.1
2008	248.4	0.2	0.0	47.7	2.0	298.3	19.1
2009	254.61	0.1	0.0	28.9	5.1	288.7	17.5
2010	162.9	0.1	0.0	22.8	2.9	188.7	11.7
2011	179.0	0.8	0.0	13.4	2.6	195.8	11.5
2012	140.3	0.0	0.0	14.0	3.4	157.6	9.5
2013	159.7	0.2	0.0	13.0	1.3	174.2	10.3
2014	124.8	0.2	0.0	13.0	0.8	138.8	8.4
2015	20.00 <sup>3</sup>	0	0	0	0	20.0	1.1

<sup>3</sup> Note the 20 tonnes import are for transshipment and was exported in 2016.

#### 4.1.2 Comparison with International Obligations

New Zealand is meeting its obligations under the Protocol (see Figure 1). New Zealand has also been successful in consuming less HCFCs than allowed for under the Protocol phase down steps.

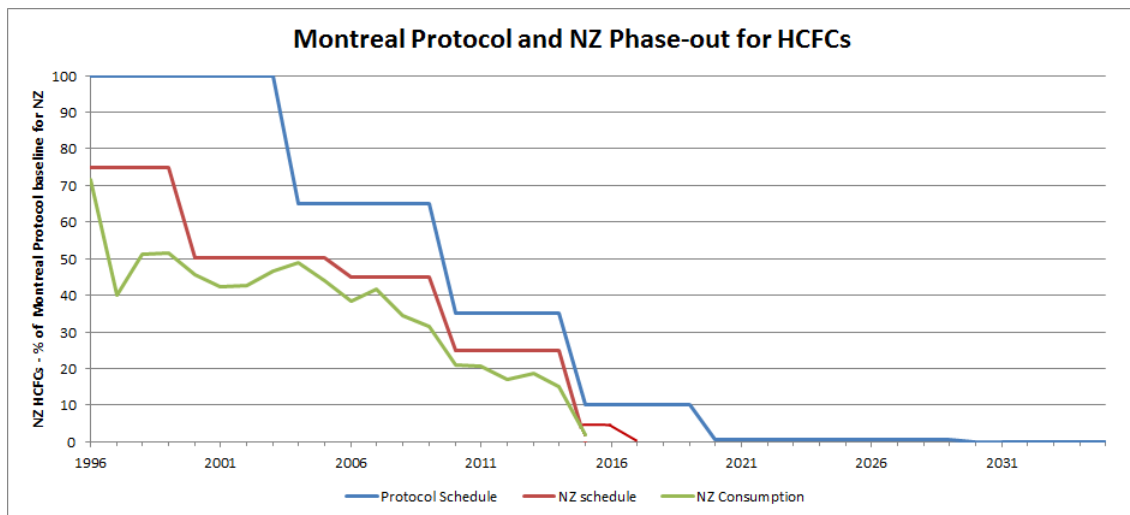


Figure 1 Montreal Protocol and New Zealand phase out schedule for HCFCs

#### 4.1.3 Ongoing trend for HCFCs

New Zealand's baseline consumption was 56.0 ODP tonnes (as of 1989). Figure 1 shows New Zealand's total consumption of HCFCs has reduced to 1.1 ODP tonnes in 2015, a 98% reduction in consumption from baseline levels. Note that the 1.1 ODP tonnes imported were part of a transshipment, which left the country in early 2016.

## 4.2 Methyl Bromide

There are two uses of methyl bromide:

1. Non quarantine and pre-shipment use (prohibited in New Zealand from 1 January 2008); and
2. Quarantine and pre-shipment use (not controlled under the Protocol or Act).

In New Zealand, methyl bromide is used for quarantine and pre-shipment purposes to protect the environment and primary industries from harmful overseas organisms and to meet the requirements of trading partners importing New Zealand products. The most common goods fumigated with methyl bromide are log and timber products for export, imported fruits and vegetables, contaminated shipping containers, scrap metal consignments, wood products, bamboo, contaminated vehicles, used car parts and stock food.

Table 3 shows New Zealand's import, export and net consumption of methyl bromide in both metric and ODP tonnes.

Table 3 Methyl Bromide: Imports and Exports

Year	Non-QPS Imports	QPS Imports	Total Imports	Exports	Net Consumption (metric tonnes)	Net Consumption (ODP tonnes)
2000	66.7	58.1	131.0	6.3	124.7	74.8
2001	26.3	51.2	85.8	8.3	77.5	46.5
2002	43.8	100.1	156.2	12.3	143.9	86.3
2003	20.9	176.8	212.6	14.9	197.7	118.6
2004	27.50	204.8	242.8	10.5	232.3	139.4
2005	40.50	151.4	191.9	10.8	181.1	108.7
2006	30.50	214.7	245.2	7.3	237.9	142.7
2007	16.80	170.2	187.0	9.8	177.2	106.3
2008	0	289.0	289.0	0.6	288.4	173.0
2009	0	271.0	271.0	1.4	269.6	161.8
2010	0	412.5	412.5	6.1	406.4	243.8
2011	0	487.2	487.2	18.1	469.1	281.5
2012	0	571.3	571.3	6.6	564.7	338.8
2013	0	568.6	568.6	3.5	565.2	339.1
2014	0	529.3	529.3	4.7	524.6	314.8
2015	0	526.4	526.4	4.4	522.0	313.2

#### 4.2.1 *Non-Quarantine and Pre-Shipment Use*

New Zealand has phased out all non-quarantine and pre-shipment methyl bromide by 1 January 2005. New Zealand was permitted critical use exemptions from 2005-07 to import methyl bromide for specified uses in the horticultural industry, but these stocks could only be used before 31 December 2010.

#### 4.2.2 *Ongoing Trend for Quarantine and Pre-Shipment Methyl Bromide*

Table 3 shows New Zealand's consumption of quarantine and pre-shipment methyl bromide decreased from 314.8 ODP tonnes in 2014 to 313.2 ODP tonnes in 2015, a 0.5% decrease. Methyl bromide use increased up to 2013, which coincides with the peak in log exports to China. Since then there have been only minor fluctuations in use.

#### 4.2.3 *Alternatives for Quarantine and Pre-Shipment Methyl Bromide*

While not controlled by the Protocol, there is international interest in removing quarantine and pre-shipment methyl bromide from use once there are viable alternatives available. New Zealand is actively working to ensure methyl bromide use is well managed and monitored. The controls on methyl bromide use are among the strictest on any chemical in New Zealand and cover its importation, transport, storage, use and disposal.

There is currently no single alternative fumigant, method of treatment or alternative approach to replace methyl bromide for all intended quarantine and pre-shipment uses. While a number of possible alternatives have been identified, work is required to ensure the technical and economic suitability of these; including in regard to potential toxicity to humans, efficacy for all life stages of target pests and acceptance by trading partners. New Zealand continues to commit a significant level of resource into research for methyl bromide alternatives and reduction and is committed to moving away from methyl bromide use where feasible alternatives are available and widely accepted.

The Government continues to negotiate with countries to build acceptance of methyl bromide alternatives such as phosphine. MPI is also working to improve the utilisation of methyl bromide in a number of ways such as improving the application techniques to minimise retreatments onshore by failures of offshore treatments. Three ports and some inland sites are now utilising technology to recapture methyl bromide for all fumigations other than ship holds. This will further reduce the overall emissions of the fumigant.

New Zealand has funded research into methyl bromide alternatives through the Stakeholders in Methyl Bromide Reduction Group (STIMBR), a collaboration between industry groups (led by the forest industry) and research institutions. STIMBR aims to reduce use and emissions of methyl bromide in New Zealand. STIMBR has received funding from industry via a voluntary levy on each kilo of methyl bromide used and on phosphine treated logs. In September

2011, MPI provided STIMBR with Primary Growth Partnership funding of NZ\$1.2 million matched by levy funding of \$1.5 million. In October 2012, STIMBR started work on a new four-year \$8.2 million programme. This programme was co-funded by MBIE for \$5.2 million, with the balance funded by the levy.

STIMBR completed a comprehensive literature review of all possible alternatives for log treatments and identified two possible gasses, ethanedinitrile and sulfuryl fluoride (neither are yet registered in New Zealand and one (sulfuryl fluoride) is a significant greenhouse gas which also has technical limitations), and a non-fumigant method using heat and controlled atmosphere

MPI participates in a Methyl Bromide Alternative Project Working Group involving officials from Australia, Canada, Japan, New Zealand and the USA. The group shares information on quarantine and pre-shipment alternative treatment research being undertaken in each country. The group meets via teleconference and during the annual Conference on Methyl Bromide Alternatives and Emissions Reductions in the USA. New Zealand also has a technical representative on the Methyl Bromide Technical Options Committee that reports to the parties of the Protocol. MPI is also working within the International Cargo Cooperative Biosecurity Arrangement where some 20 countries in the Asia Pacific region are working together to improve quarantine treatment applications on trade.

## 5 Prohibited substances

Prohibited substances are controlled ozone depleting substances that have been phased out in New Zealand. The import of certain goods containing these substances is also prohibited. Under Part 5 of the Regulations, certain prohibited substances and goods may be permitted if the EPA grants an exemption. Section 30(3)(a) of the Act and clause 36 of the Regulations require the details of these exemptions to be published and they are listed in Appendix I.

Table 4 shows the purpose of the 72 exemptions granted in 2015. The majority of these exemptions were for necessary aerosol / extinguisher.

Table 4: Import Exemption Summary

Purpose of Exemption	Number
Necessary aerosol/extinguisher	58
Replacement of export	0
Necessary HCFC aerosol	0
Transshipment	4
ODS fire extinguisher	0
Halon for refrigeration	0
Essential aerosol/extinguisher	1
Essential or Critical use	9

## 6 Exports of controlled substances

New Zealand does not manufacture any controlled substances but does periodically export quantities of substances to the Pacific that have been previously imported. In 2015, there were no HCFC exports and exports of methyl bromide totalled 4.40 metric tonnes (or 2.64 ODP tonnes).

## Appendix I: Exemptions

### Import Exemption Reasons

Note	Shorthand	Reason
1	Necessary aerosol/extinguisher	This exemption is granted under Regulation 31(1) in respect of the importation of any aerosol or fire extinguisher that is to be used only for a use that is necessary for human health or safety.
2	Replacement of export	This exemption is granted under Regulation 32 in respect of any substance or goods that are imported into New Zealand only for the purpose of replacing any substance or goods already transhipped into another ship or aircraft for carriage to a destination that was outside the territorial limits of New Zealand.
3	Necessary HCFC aerosol	This exemption is granted under Regulation 29(c) for HCFC that is to be used in the manufacture of aerosols that are to be used only for a use that is necessary for human health or safety.
4	Transshipment	This exemption is granted under Regulation 32 in respect of any substance or goods that are imported into New Zealand only for the purpose of being transhipped into another ship or aircraft for carriage to a destination that is outside the territorial limits of New Zealand.
5	ODS fire extinguisher	This exemption is granted under Regulation 29(d) for any bulk recycled substance, or any bulk controlled substance that is not a halon, that is to be used only in the servicing of fire extinguishers in circumstances where the substance cannot be obtained from supplies in New Zealand and where the servicing is required either because the fire extinguisher was used in a fire or as a result of a loss of halon that was outside the control of the applicant.
6	Halon for refrigeration	This exemption is granted under Regulation 29(a) for bulk recycled halon-1301 that is to be used only for refrigeration purposes and only in circumstances where the use of halon-1301 for refrigeration purposes is necessary for human health or safety and halon-1301 cannot be obtained from supplies in New Zealand.
7	Essential aerosol/extinguisher	This exemption is granted under Regulation 29(b) for bulk CFC, halon, carbon tetrachloride, methyl chloroform, or HBFC that is to be used in the manufacture of aerosols or fire extinguishers for a use determined by the Parties to the Montreal Protocol to be an essential use and that use is necessary for human health or safety.
8	Essential or Critical use	This exemption is granted under Regulation 29(e) for any bulk controlled substance that is to be used only for a use determined by the Parties to the Montreal Protocol to be an essential use or a critical use.

<b>Company</b>	<b>Product Name</b>	<b>Quantity (in Kgs)</b>	<b>Substance</b>	<b>Exemption (Note #)</b>	<b>Issue Date</b>
AgustaWestland Australia Pty Ltd	Aircraft extinguishers	0.7	Halon 1211	1	18/06/2015
Air National Corporate Ltd	Aircraft extinguishers	8.0	Halon 1211	1	16/12/2014
"	Aircraft extinguishers	14.0	Halon 1301	1	16/12/2014
Air National Corporate Ltd	Aircraft extinguishers	8.0	Halon 1211	1	18/12/2015
"	Aircraft extinguishers	14.0	Halon 1301	1	18/12/2015
Air Nelson Ltd	Aircraft extinguishers	37.0	Halon 1301	1	9/09/2014
"	Aircraft extinguishers	40.0	Halon 1211	1	26/09/2014
Air New Zealand Technical Operations	Aircraft extinguishers	150.0	Halon 1211	1	8/08/2014
"	Aircraft extinguishers	150.0	Halon 1301	1	8/08/2014
Air New Zealand Technical Operations	Aircraft extinguishers	150.0	Halon 1211	1	25/09/2015
"	Aircraft extinguishers	150.0	Halon 1301	1	25/09/2015
Airbus Group Australia Pacific	Aircraft extinguishers	5.0	Halon 1211	1	25/11/2014
Airbus Group Australia Pacific	Aircraft extinguishers	25.0	Halon 1211	1	4/12/2015
Airways Corporation of New Zealand	Aircraft extinguishers	3.2	Halon 1301	4	18/02/2014
"	Aircraft extinguishers	2.3	Halon 1211	4	18/02/2014
Airwork (NZ) 1984 Limited	Aircraft extinguishers	25.0	Halon 1301	1	29/09/2014

Company	Product Name	Quantity (in Kgs)	Substance	Exemption (Note #)	Issue Date
"	Aircraft extinguishers	25.0	Halon 1301	1	2/10/2015
Airwork Flight Operations	Aircraft extinguishers	84.8	Halon 1211	1	6/11/2015
"	Aircraft extinguishers	70.8	Halon 1301	1	6/11/2015
Argenta Manufacturing Limited	Laboratory Testing. Actual amount is 0.000008 MT.	0.1	Carbon Tetrachloride	8	14/07/2014
"	Laboratory Testing. Actual amount is 0.0000085 MT.	0.1	1,1,1-trichloroethane	8	14/07/2014
Argenta Manufacturing Limited	Laboratory Testing. Actual amount is 0.000008 MT.	0.1	Carbon Tetrachloride	8	5/10/2015
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	1,1,1-trichloroethane	8	5/10/2015
Astrid Shipping Co Ltd	Vessel refrigeration. Ship flagged to Comoros, operating in Mauritania.	20,000.0	Chlorodifluoromethane	4	9/07/2015
Aviall New Zealand Limited	Aircraft extinguishers	149.6	Halon 1211	1	5/03/2015
Aviation Technology Limited	Aircraft extinguishers	1.0	Halon 1301	1	27/11/2015
BB Aviation	Aircraft extinguishers	0.4	Halon 1301	1	9/09/2014
Corporate Flight Services Ltd	Aircraft extinguishers	2.0	Halon 1301	1	16/12/2014
Custom Aeronautical Support	Aircraft extinguishers	6.0	Halon 1211	1	3/06/2014
Custom Aeronautical Support	Aircraft extinguishers	44.0	Halon 1211	4	2/10/2015
DHL Global Forwarding	Aircraft extinguishers	4.3	Halon 1301	1	11/08/2014
Eagle Airways Ltd	Aircraft extinguishers	11.4	Halon 1211	1	6/01/2014
Eagle Airways Ltd	Aircraft extinguishers	6.8	Halon 1211	1	11/12/2014

Company	Product Name	Quantity (in Kgs)	Substance	Exemption (Note #)	Issue Date
Eagle Airways Ltd	Aircraft extinguishers	6.8	Halon 1211	1	9/12/2015
Fieldair Engineering Ltd	Aircraft extinguishers	45.0	Halon 1301	1	28/02/2014
Fieldair Engineering Ltd	Aircraft extinguishers	105.0	Halon 1301	1	13/01/2015
Helicopters NZ Ltd	Aircraft extinguishers	8.1	Halon 1211	1	7/08/2014
Helicopters NZ Ltd	Aircraft extinguishers	3.0	Halon 1211	1	8/09/2015
"	Aircraft extinguishers	2.0	Halon 1301	1	8/09/2015
Jetconnect Ltd	Aircraft extinguishers	16.0	Halon 1301	1	1/03/2014
"	Aircraft extinguishers	22.0	Halon 1211	1	1/03/2014
Jetconnect Ltd	Aircraft extinguishers	36.3	Halon 1301	1	7/04/2015
"	Aircraft extinguishers	60.0	Halon 1211	1	7/04/2015
Jetstar Airways Ltd	Aircraft extinguishers	35.4	Halon 1211	1	16/07/2014
"	Aircraft extinguishers	149.0	Halon 1301	1	16/07/2014
Jetstar Airways Ltd	Aircraft extinguishers	50.0	Halon 1211	1	25/09/2015
"	Aircraft extinguishers	150.0	Halon 1301	1	25/09/2015
Jetstar Airways Ltd	Aircraft extinguishers	500.0	Halon 1301	1	5/10/2015
"	Aircraft extinguishers	100.0	Halon 1211	1	5/10/2015
Mikro Holdings Limited	Aircraft extinguishers	1.2	Halon 1211	1	20/01/2015

Company	Product Name	Quantity (in Kgs)	Substance	Exemption (Note #)	Issue Date
"	Aircraft extinguishers	0.5	Halon 1301	1	20/01/2015
Ministry of Defence	Aircraft and naval extinguishers	9.0	Halon 1211	1	19/09/2014
"	Aircraft and naval extinguishers	10.5	Halon 1301	1	19/09/2014
New Zealand Defence Force	Aircraft and naval extinguishers	327.0	Halon 1211	1	19/11/2014
"	Aircraft and naval extinguishers	4,561.0	Halon 1301	1	19/11/2014
Northland Emergency Services Trust	Aircraft extinguishers	8.0	Halon 1301	1	11/06/2015
Rayward Aviation Holdings Ltd.	Aircraft extinguishers	10.0	Halon 1211	1	7/10/2014
Royal New Zealand Air Force	Aircraft and naval extinguishers	120.0	Halon 1301	1	20/11/2014
Sanford Ltd (Auckland)	Vessel extinguisher system	232.0	Halon 1301	7	18/06/2014
SDV New Zealand Limited	Aircraft extinguishers	5.0	Halon 1211	1	12/11/2014
Skyline Aviation Ltd	Aircraft extinguishers	2.4	Halon 1301	1	17/04/2014
Syft Technology Limited	Laboratory Testing. Actual amount is 0.000005MT.	0.1	Trichlorofluoromethane	8	2/09/2014
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	Dichlorodifluoromethane	8	2/09/2014
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	1,1,1-trichloroethane	8	2/09/2014
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	Carbon Tetrachloride	8	2/09/2014
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	Trichlorotrifluoroethane	8	2/09/2014
"	Laboratory Testing. Actual amount is 0.000005MT.	0.1	Dichlorotetrafluoroethane	8	2/09/2014

<b>Company</b>	<b>Product Name</b>	<b>Quantity (in Kgs)</b>	<b>Substance</b>	<b>Exemption (Note #)</b>	<b>Issue Date</b>
Tirohanga Holdings Ltd	Aircraft extinguishers	1.5	Halon 1211	1	17/07/2015
"	Aircraft extinguishers	1.2	Halon 1301	1	17/07/2015
Vincent Aviation Ltd	Aircraft extinguishers	100.0	Halon 1301	1	21/08/2014
Virgin Australia (NZ) Ltd	Aircraft extinguishers	5.0	Halon 1301	1	30/05/2014
Virgin Australia (NZ) Ltd	Aircraft extinguishers	20.0	Halon 1211	1	2/10/2015
"	Aircraft extinguishers	20.0	Halon 1301	1	2/10/2015