



## Office of Hon Dr Nick Smith

**MP for Nelson**

Minister for the Environment

Minister for Climate Change Issues

Minister for ACC

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ENV 6523

Laurie Kazan-Allen  
lka@btinternet.com

Dear Mrs Kazan-Allen

Thank you for your email of 22 February 2011 to Hon Kate Wilkinson regarding asbestos use in New Zealand. I am responding on behalf of my colleague, as the issues that you raise fall within my portfolio responsibilities.

The importation to New Zealand of two forms of raw asbestos (amosite and crocidolite) was first banned through the Customs Import Prohibition (Asbestos) Order 1984. In 1999, this order was amended to extend the ban to chrysotile. The ban remained in effect until 2008. However, as raw asbestos would be considered a hazardous substance under the Hazardous Substances and New Organisms Act 1996 (the HSNO Act), regulation elsewhere was unnecessary and the specific ban on asbestos was removed. Like all other hazardous substances, a HSNO Act approval is now required before any importation can take place. Currently there is no approval for raw asbestos and importation is illegal, although articles containing asbestos (ACMs) are able to be imported without approval.

New Zealand does not monitor the importation of manufactured articles containing asbestos due to the difficulties in identifying these articles at the border. I note that the use and trade of these ACMs is decreasing internationally and that many are now unavailable. In terms of the ACMs that are already present in New Zealand, the Department of Labour manages the potential risks through the Health and Safety in Employment (Asbestos) Regulations 1998 and the Guidelines for the Management and Removal of Asbestos, whereas the use of ACM's in buildings is controlled under the Building Act 2004 and the New Zealand Building Code. Although ACMs may still be imported into New Zealand, suppliers of ACMs must ensure that the requirements of the Building Act and the Building Code are met and products must be labeled so that adequate precautions may be taken.

Efforts are being made to ensure that asbestos in New Zealand is managed safely. I believe that the banning of raw asbestos, the strict controls placed on asbestos and ACMs already here and the declining level of international trade in ACMs all assist in managing the risks posed by asbestos. However, if evidence warrants further restrictions, your suggestion of banning asbestos-containing materials remains a possibility for the future.

Yours sincerely

Hon Dr Nick Smith  
**Minister for the Environment**