

March 2025

## How we regulate contaminated land

### This policy's purpose

This policy sets out how we apply the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) to land contaminated with hazardous substances by past work.

### What the law says

The Regulations require a person conducting a business or undertaking (PCBU) to manage hazardous substances and hazardous waste safely. They also set requirements for how to use, handle and store hazardous substances and hazardous waste. Contaminated land isn't defined in the Regulations.

Contaminated land is defined in the Resource Management Act 1991 (RMA) as:

land that has a hazardous substance in or on it that has significant adverse effects on the environment; or is reasonably likely to have significant adverse effects on the environment.

### How we regulate contaminated land

Land contaminated with hazardous substances from past work doesn't need to be managed as hazardous waste under the Regulations. Rather, we expect PCBUs to manage contaminated land in line with the RMA. This is because the RMA provides the specific framework for managing contaminated land.

Under the RMA, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) outlines planning controls and soil contaminant values. The Ministry for Environment can provide more information about the resource management and the NESCS.<sup>1</sup>

While the RMA provides the framework for managing contaminated land, the Health and Safety at Work Act 2015 (HSWA) and its regulations still apply. This means a PCBU must ensure, as far as reasonably practicable, the health and safety of workers and any other people that they influence or direct. We aren't responsible for monitoring compliance with the RMA.

<sup>1</sup> The NESCS can be found on the Ministry for Environment website.