Ministry for Cities, Environment, Regions & Transport

PROACTIVE RELEASE COVERSHEET

Minister	Nicola Grigg	**Portfolio**	Environment
Name of package	Cabinet papers on the Waste Minimisation (Synthetic Refrigerants) Regulations	**Date to be published**	24 October 2026

List of documents that have been proactively released		
Date	***Title***	***Author***
21 September 2026	CAB-26-MIN-0310 Minute of Decision	Secretary of the Cabinet
17 September 2026	LEG-26-MIN-0205 Minute	Committee Secretary
14 September 2026	Aide Memoire Waste Minimisation (Synthetic Refrigerants) Regulations: Cabinet Legislation Committee Talking Points	Manager Waste Sectors Policy
11 September 2026	26-CAB-02087 Cabinet Paper Waste Minimisation (Synthetic Refrigerant) Regulations	Minister for the Environment
31 August 2026	Appendix 2 - Consistency Accountability Statement	Manager Waste Sectors Policy
31 August 2026	Appendix 3 – Summary of Underpinning Analysis	Manager Waste Sectors Policy
31 August 2026	26-BRF-02382 Waste Minimisation (Synthetic Refrigerants) Regulations: Ministerial Consultation	Manager Waste Sectors Policy

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Information has been withheld from 26-BRF-02382 under Section 6(a) of the Official Information Act as it is likely to prejudice the international relations of the Government of New Zealand.

Information has been withheld from CAB-26-MIN under Section 9(f)(ii) of the Official Information Act because matters relate to the responsibilities of other Ministers.

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CAB-26-MIN-0310

Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 18 September 2026

On 21 September 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 18 September 2026:

9(2)(f)(ii) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

9(2)(f)(ii) [redacted]

[redacted]

[redacted]

[redacted]

LEG-26-MIN-0205	**Waste Minimisation (Synthetic Refrigerants) Regulations 2026** Portfolio: Environment	CONFIRMED
9(2)(f)(ii) [redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

Rachel Hayward
Secretary of the Cabinet

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LEG-26-MIN-0205

Cabinet Legislation Committee

Minute of Decision

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Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Portfolio **Environment**

On 17 September 2026, the Cabinet Legislation Committee:

Background

1 **noted** that in November 2024, the Cabinet Economic Policy Committee (ECO) agreed to policy decisions on proposed product stewardship regulations for synthetic refrigerants and authorised the Minister for the Environment (the Minister) to approve minor policy changes during drafting [ECO-24-MIN-0259];

2 **noted** that the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 will give effect to the decisions above;

Delegated Decisions

3 **noted** the minor policy changes for the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 made by the Minister under the above authority, namely that:

3.1 tranche 1 of the regulations take effect on 1 April 2027;

3.2 reporting requirement frequency for domestic destruction will be annual;

3.3 as sulphur hexafluoride (SF6) is not a refrigerant, this gas is not in scope for the regulated synthetic refrigerants scheme;

3.4 the application of the Montreal Protocol destruction efficiency criteria will not restrict other activities (i.e. reclamation or export) and will apply to any domestic destruction activity (regardless of destruction method used);

3.5 training requirements will apply, by 1 April 2030, to those purchasing both in-scope gases and equipment containing those gases that require technical installation;

3.6 the performance standard for domestic destruction of regulated gases applies to anyone destroying gases;

3.7 the regulated product stewardship scheme (RPSS) manager will be required to collect and provide RPSS participant data to the Secretary for the Environment annually;

3.8 the Secretary for the Environment may request RPSS participant data direct from the relevant RPSS participant at any time;

3.9 the RPSS registration requirement applies to:

3.9.1 any person who sells in trade regulated products;

3.9.2 any person who, in their ordinary course of business, charges or de-gases regulated equipment using regulated gases for the purpose of sale or disposal;

3.9.3 any person who collects regulated gases (for the purpose of exportation, reclamation, or destruction);

3.9.4 any person who destroys, reclaims, or exports (for the purpose of disposal) regulated gases;

3.10 RPSS participant information recording and reporting requirements be included in the regulations;

3.11 the regulations confirm the record keeping and reporting requirements for all those reclaiming, destroying, and/or exporting for the purpose of disposal the regulated gases;

Further amendments to clarify the policy intent

4 **noted** that due to the nature of the empowering provisions in the Waste Minimisation Act 2008 (WMA), the regulations are not able to specify controls on importing regulated products or establish information collection requirements for importers of synthetic gases or equipment containing synthetic refrigerant gases;

5 **agreed** that the Secretary for the Environment should establish information sharing provisions with the New Zealand Customs Service to cover information on the importation of in-scope synthetic refrigerant gases and equipment as enabled by section 24 of the WMA;

6 **agreed** to the following additions and points of clarification to ensure the regulations give effect to the intended policy:

6.1 that the take back requirements apply to synthetic gases only, not the products or equipment that contain the gases;

6.2 that the independent assessor providing annual certification that synthetic refrigerant gases are being destroyed to the required criteria be accredited to NZSISO/IEC 17025: Accreditation for stack testing (stationary source emissions);

6.3 that additional provisions specify that the Scheme Manager must collect the information RPSS participants are required to provide within 60 days of the end of each quarter;

6.4 that information collection and reporting arrangements apply to synthetic refrigerant gases throughout their lifecycle, however information about the equipment containing the gases after it is sold is not required;

6.5 that a transitional provision require persons carrying out destruction of synthetic refrigerant gases to provide information as specified in the regulations no later than 60 days after commencement;

Statutory requirements for regulation-making

7 **noted** that section 22(2) and 23(3) of the WMA require that before recommending the making of regulations the Minister must:

7.1 obtain and consider the advice of the Waste Advisory Board;

7.2 be satisfied that there has been adequate consultation with parties who may be significantly affected by the regulations;

7.3 be satisfied that the benefits expected from implementing the regulations exceed the costs;

7.4 be satisfied that the regulations are consistent with New Zealand's international obligations;

7.5 under section 22(2) only, be satisfied that without the regulations it is likely that the objectives of the scheme cannot be met;

8 **noted** that the Minister considers the requirements outlined in paragraph 7 have been met;

Submission of the regulations

9 **authorised** the submission to the Executive Council of the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 [PCO 29205/12.0];

10 **noted** that the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 come into force on 1 April 2027;

Tranche 2 – Training & Qualification Requirements

11 **noted** that in November 2024, ECO agreed that qualification requirements for RPSS technicians should commence three years after tranche one of the regulations, to enable the sector to upgrade training standards and technician training [ECO-24-MIN-0259];

12 **invited** the Minister to report back to Cabinet in July 2027 on the technician training requirements to be included in the regulations.

Sam Moffett
Committee Secretary

Present:
Hon Louise Upston (Chair)
Hon Paul Goldsmith
Hon Todd McClay
Hon Simon Watts
Hon Penny Simmonds
Hon Brooke van Velden
Hon Nicole McKee
Hon Casey Costello
Hon Nicola Grigg
Hon Scott Simpson
Hon Cameron Brewer
Hon Mike Butterick
Todd Stephenson MP

Officials present from:
Officials Committee for LEG

Aide Memoire

Waste Minimisation (Synthetic Refrigerants) Regulations: Cabinet Legislation Committee Talking Points

Date:	14/09/2026	Priority:	Medium	Tracking number:	26-BRF-02631

Information for Minister(s)
Hon Nicola Grigg **Minister for the Environment**

Contacts

Name	Telephone	First contact
Glenn Wigley, General Manager Waste and HSNO Policy	027 491 7806	☐
Kara Lok, Manager, Waste Sectors Policy	022 303 5283	✓

Purpose

1. This aide memoire provides you with talking points to use when introducing the Waste Minimisation (Synthetic Refrigerants) Regulations to the Cabinet Legislation Committee on 17 September 2026.

Talking Points

2. The talking points for the Cabinet Legislation Committee meeting are included in Annex 1.

3. The regulations:
   - prohibit sale of synthetic refrigerants except through an accredited product stewardship scheme;
   - require take-back and destruction services for end-of-life refrigerants;
   - require destruction to meet recognised Montreal Protocol criteria; and,
   - establish registration, reporting and information collection requirements across the sector.

4. Glenn Wigley, General Manager - Waste and HSNO Policy, and Kara Lok – Manager, Waste Sectors Policy, will be available to be called into the meeting to support you, if required.

Next steps

5. Subject to the Cabinet Legislation Committee agreement, the Waste Minimisation (Synthetic Refrigerants) Regulations will be referred to the Executive Council for approval on 21 September 2026.

6. We anticipate the regulations will be gazetted on 24 September.

7. Arrangements for an event where you can publicly announce the regulations are being finalised with your office.

Annex 1

TALKING POINTS FOR THE MINISTER FOR THE ENVIRONMENT
Waste Minimisation (Synthetic Refrigerants) Regulations 2026
Cabinet Legislation Committee

Introduction

8. I am seeking agreement to submit the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 to the Executive Council.

9. The regulations implement Cabinet decisions from November 2024 establishing a regulated product stewardship scheme for synthetic refrigerants.

Why Regulation is Needed

10. Synthetic refrigerants are critical to Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) systems, food and medicine storage, and New Zealand's economy.

11. However, many synthetic refrigerants are high global warming potential gases, and some older generation synthetic refrigerants are ozone depleting substances. These gases cause environmental harm when they either leak from equipment or are released into the environment at end-of-life.

12. Current voluntary product stewardship arrangements cannot adequately address information, participation and end-of life management requirements.

13. The continued harm to the environment from the release of synthetic refrigerants contributes to climate change and would have estimated economic costs of up to $437 Million in the period to 2050.[1]

Key Features of the Regulations

14. The regulations support emissions reductions under the Second Emissions Reduction Plan. They are expected to contribute 0.4Mt of emissions abatement during Emissions Budget 2 (EB2) in the period to 2030 and 0.8Mt in emissions abatement in the period to 2035.[2]

15. The regulations:

- prohibit sale of synthetic refrigerants except through an accredited product stewardship scheme;
- require take-back and destruction services for end-of-life refrigerants;
- require destruction to meet recognised Montreal Protocol criteria; and,

[1] Calculation based on Treasury guide to social cost benefit as outlined in the Supplementary Analysis Report.

[2] See New Zealand's second emissions reduction plan as amended January 2026

- establish registration, reporting and information collection requirements across the sector.

Cost Impacts

16. The regulations do not provide for an advanced disposal fee.

17. The scheme will be self-funded by the Product Stewardship Organisation (PSO) and will not impose new direct costs on consumers or industry.

18. The PSO will use their existing funds and projected revenue earned by selling New Zealand Units on the secondary market earned via the New Zealand Emissions Trading Scheme for the destruction of synthetic refrigerants.

Phased Approach

19. This first tranche of regulations - which establish the Regulated Product Stewardship Scheme for synthetic refrigerants - will commence on 1 April 2027.

20. Tranche Two - which will introduce technician qualification requirements - is to be developed following further sector consultation. I intend to report back to Cabinet on these regulations and changes to the enabling provision for the regulations under the Waste Minimisation Act in July 2027.

21. This second tranche of regulations is expected to come into force on 1 April 2030.

Agreement to Points of Clarification Sought

22. The regulations include minor policy changes approved by me in accord with the authority delegated by Cabinet.

23. I am, however, seeking Cabinet Committee agreement to several matters where clarification of Cabinet's original decisions is required to give effect to the intended policy. These include:
    - clarifying that take-back obligations apply to synthetic gases only;
    - requiring any independent assessor certifying gases are being destroyed to required criteria to meet ISO accreditation requirements;
    - clarifying information collection and reporting arrangements; and,
    - establishing transitional provisions required persons destroying synthetic refrigerants to provide information specified in the regulations no later than 60 days after commencement.

Conclusion

24. The regulations establish a practical and industry-supported framework for reducing refrigerant emissions.

25. Subject to the Executive Council approving the regulations, I propose hosting an event to publicly announce them.

26. I commend the recommendations to the Committee and seek your agreement to submit them to the Executive Council.

In-confidence

Office of the Hon Nicola Grigg Minister for the Environment

LEG - Cabinet Legislation Committee

Waste Minimisation (Synthetic Refrigerants) Regulations

Proposal

1 This paper seeks authorisation for submission to the Executive Council of the Waste Minimisation (Synthetic Refrigerants) Regulations 2026 (Appendix 1), under sections 22 and 23 of the Waste Minimisation Act 2008 (WMA).

Executive Summary

2 Synthetic refrigerants are essential to heating, ventilation, air conditioning and refrigeration (HVACR). They enable the 'cold chain' for transport and storage of perishable food and medicines and are critical to New Zealand's domestic and export economy.

3 Many synthetic refrigerants are, however, high global warming potential gases, and some older generation synthetic refrigerants are ozone depleting substances. These gases cause environmental harm when they either leak from equipment or are released into the environment at end-of-life.

4 On 20 November 2024 the Cabinet Economic Policy Committee made policy decisions on product stewardship regulations for synthetic refrigerants under sections 22 and 23 of the WMA [ECO-24-MIN-0259 and CAB-24-MIN-0458 refers].

5 The regulations address the environmental risks posed by synthetic refrigerants by establishing product stewardship scheme participation, gas disposal, take-back and destruction, and information collection and provision requirements. When the regulations are in force synthetic refrigerants will not be able to be sold on the primary market unless done so in accordance with the scheme and will need to be destroyed in accordance with the prescribed process to avoid gases escaping. A second tranche of regulations commencing 3 years after this initial tranche will ensure only trained technicians can handle synthetic refrigerants.

6 The regulated scheme does not include an advanced disposal fee. Instead, the scheme is designed to be self-funded by the Product Stewardship Organisation (PSO) using the PSO's existing funds and projected revenue earned by participation in the New Zealand Emissions Trading Scheme. Consequently, these regulations would not introduce any new direct costs to industry or consumers.

7 The regulations include minor policy changes approved by me in accordance with the authority delegated by Cabinet [CAB-24-MIN-0458 refers].

8 During the drafting process, officials identified several matters where clarification to Cabinet's decisions is required to ensure the regulations give effect to the intended policy. I support these points of clarification and seek Cabinet's agreement to them.

9 The Parliamentary Counsel Office has drafted the Waste Minimisation (Synthetic Refrigerants) Regulations 2026. I seek agreement to authorise submission of these regulations to the Executive Council.

Policy

Background

10 Synthetic refrigerants contribute to ozone layer depletion and climate change if they are released to the atmosphere. Emissions can occur if these gases leak due to poor equipment design or improper maintenance. These gases can also be released into the atmosphere at end-of-life if not properly handled. To be disposed of safely, these gases need to be captured at end-of-life and destroyed at very high temperatures.

11 New Zealand currently has limited data regarding where synthetic refrigerant leakages occur. Training requirements for those handling synthetic refrigerants and equipment are also limited. These factors contribute to emissions during the use and end-of-life phases of the synthetic refrigerants' lifecycle.

12 Synthetic refrigerants are a priority product under the Declaration of Priority Products Notice 2020 issued under the WMA. Consequently, a regulated product stewardship scheme is required. The current non-regulated scheme cannot meaningfully address the information and training gaps.

13 The proposed regulations will address these gaps, resulting in reduced emissions. Introducing a regulated scheme is an action in the Emissions Reduction Plan 2 (ERP2) and is projected to contribute 0.4Mt of emissions abatement during Emissions Budget 2 (EB2) and 0.7Mt in emissions abatement in EB3.[1]

14 If the regulatory system is not introduced, continued harm to the environment from the release of synthetic refrigerants would result in a contribution to climate change and an estimated economic cost of up to $437 million in the period to 2050.[2]

Cabinet Decisions

15 On 20 November 2024 the Cabinet Economic Policy Committee agreed that new regulations be developed to enable a regulated product stewardship scheme for synthetic refrigerants [ECO-24-MIN-0259 and CAB-24-MIN-0458 refer].

16 As agreed, the proposed regulations include the following requirements:

16.1 prohibition on the sale of synthetic refrigerants as defined under the priority product declaration, except in accordance with an accredited product stewardship scheme;

16.2 restricting the disposal of synthetic refrigerant under the scope of the priority product declaration to disposal in a manner that meets the criteria approved by the Parties to the Montreal Protocol;

[1] Further information is available in New-Zealands-second-emissions-reduction-plan-Amended-January-2026.pdf

[2] *Supplementary Analysis Report: Regulations to support synthetic refrigerant product stewardship* dated 20 May 2024.

16.3 the accredited product stewardship scheme provides a take-back and destruction service for synthetic refrigerants under the priority product scope; and,

16.4 that all persons disposing of synthetic refrigerants within the priority product scope keep records of the disposal method to demonstrate compliance with regulations made on refrigerant disposal and provide this information to the Secretary for the Environment on request.

17 Cabinet also agreed that further regulations would be developed and introduced three years after the other agreed regulations that:

17.1 restrict the sale of bulk synthetic refrigerants under the priority product declaration scope to technicians qualified under recognised industry standards; and,

17.2 restrict the recovery of synthetic refrigerants and decommissioning of equipment containing these gases to technicians qualified under recognised industry standards.

18 Technician training requirements are being developed by the sector and once complete amendments to the regulations will be made to bring them into effect. I propose to report back to Cabinet in July 2027 on the technician training requirements to be included in the second tranche of regulations. This phased and sector driven approach is intended to take account of anticipated training development and implementation timeframes and ensure continuity of service delivery.

Delegated decisions involving minor policy changes

19 Cabinet authorised me, as Minister for the Environment, to approve minor policy changes during the drafting of the regulations, in line with its agreed policy decisions.

20 I have approved the following minor policy changes in the proposed regulations:

20.1 tranche 1 of the regulations take effect on 1 April 2027;

20.2 reporting requirement frequency for domestic destruction will be annual;

20.3 as sulphur hexafluoride (SF6) is not a refrigerant, this gas is not in scope for the regulated synthetic refrigerants scheme;

20.4 the application of the Montreal Protocol destruction efficiency criteria will not restrict other activities (i.e. reclamation or export) and will apply to any domestic destruction activity (regardless of destruction method used);

20.5 training requirements will apply, by 1 April 2030, to those purchasing both in-scope gases and equipment containing those gases that require technical installation;

20.6 record keeping and reporting requirements for all those disposing of in-scope gases apply to those reclaiming, destroying, and/or exporting these gases;

20.7 the regulated product stewardship scheme (RPSS) manager will be required to collect and provide (RPSS) participant data to the Secretary for the Environment annually;

20.8 the Secretary for the Environment may request RPSS participant data directly from the relevant RPSS participant at any time;

20.9 The RPSS registration requirement applies to:

20.9.1 any person who sells in trade regulated products;

20.9.2 any person who, in their ordinary course of business, charges or de-gases regulated equipment using regulated gases for the purpose of sale or disposal;

20.9.3 any person who destroys, reclaims, or exports (for the purpose of disposal) regulated gases; and,

20.9.4 any person who collects regulated gases (for the purpose of exportation, reclamation, or destruction).

20.10 RPSS participant information recording and reporting requirements, including the information that must be collected and reported by:

20.10.1 the scheme manager;

20.10.2 sellers of synthetic refrigerant gases;

20.10.3 persons that carry out minor charging or de-gassing activities;

20.10.4 persons carrying out moderate or large charging or de-gassing activities;

20.10.5 persons collecting synthetic refrigerant gases for destruction, reclamation or export; and,

20.10.6 persons destroying, reclaiming or exporting refrigerant gases.

Further amendments to clarify the policy intent

21 During the drafting process, officials identified several matters where clarification to Cabinet's decisions is required to ensure the regulations give effect to the intended policy. Accordingly, I propose the following changes.

22 *Import control and information collection:* Due to the nature of the empowering provisions in the WMA, the regulations are not able to specify controls on importing regulated products or establish information collection requirements for importers of synthetic gases or equipment containing synthetic refrigerant gases. Instead, the Secretary for the Environment intends to establish information sharing provisions with New Zealand Customs through an additional Annex to the existing product stewardship Information Disclosure Agreement to cover information on the importation of in-scope synthetic refrigerant gases and equipment. This approach, enabled by section 24 of the Waste Minimisation Act, is not expected to materially change scheme outcomes. It does not change the scope of the impact analysis.

23 *Application of take back requirements:* The regulations should confirm that the take back requirements apply to regulated synthetic gases only, not the products or equipment containing the gas. This is because the regulations are primarily focused on the management of the gas, not the equipment containing the gas. There are other regulatory options available that are better suited for managing end of life equipment that formerly contained synthetic refrigerant gases, for example the e-waste regulated product stewardship scheme.

24 *Assessor Accreditation:* The regulations should require the independent assessor providing annual certification that synthetic refrigerant gases are being destroyed to the required criteria to be accredited to *NZS ISO/IEC 17025: General requirements for the competence of testing and calibration laboratories.* This international standard sets out requirements for the competence, impartiality, and consistent operation of laboratories, ensuring the accuracy and reliability of testing and calibration results.

25 *Collection of Information:* The regulations should specify that the Scheme Manager must collect the information RPSS participants are required to provide within 60 days of the end of each quarter.

26 *Exclusion of Information about equipment containing Synthetic Refrigerant Gases:* The regulations should not require information about equipment containing synthetic refrigerant gas after the equipment is sold.

27 *Transitional arrangements:* The regulations should include transitional provisions that require persons carrying out destruction of synthetic refrigerant gases to provide the information specified in the regulations no later than 60 days after commencement. This is in addition to the requirement to provide information within 60 days of the end of the first reporting period—or any reporting period thereafter. This provision is to ensure any person destroying regulated gases can demonstrate that they are doing so in accordance with the established performance criteria at, or soon after, the commencement of their operations or soon after the regulations enter into force. This helps mitigate the risk of destruction operations taking place for any extended period while not meeting performance requirements.

Statutory requirements for regulation making

28 The WMA requires that before recommending the making of regulations under sections 22(1)(a) and 23(1) the Minister must:

28.1 obtain and consider the advice of the Waste Advisory Board;

28.2 be satisfied that:

28.2.1 there has been adequate consultation with parties who may be significantly affected;

28.2.2 without the regulations, it is likely that the objectives of the scheme cannot be met;

28.2.3 the benefits from implementing the regulations are likely to outweigh their costs; and,

28.2.4 the regulations are consistent with New Zealand's international obligations.

29 I consider these requirements have been met because:

29.1 The Waste Advisory Board provided their advice on 26 June 2023 expressing support in general with the proposed approach for the regulations and offering suggestions for their improvement. That advice was considered prior to seeking Cabinet's policy decisions in November 2024.

29.2 The proposals were publicly consulted on from 8 November to 18 December 2022. Following Cabinet agreement to make the regulations officials have further consulted and taken account of stakeholder feedback on the design and implementation of the scheme, including the governance arrangements of the scheme manager - the Trust for the Destruction of Synthetic Refrigerants (the Trust) and its relationship with its subsidiary Cool-Safe.

29.3 Officials ensured the Trust and other key stakeholders from across the synthetic refrigerants sector have had the opportunity to consider and comment on an exposure draft of the regulations.

29.4 I am satisfied that the benefits from implementing these regulations are likely to exceed the costs expected from implementation.

29.5 The Ministry of Foreign Affairs and Trade (MFAT) and the Ministry of Business, Innovation and Employment (MBIE) were consulted and confirmed the regulations are consistent with New Zealand's international obligations.

Timing and 28 Day rule

30 I propose the regulations be gazetted before the end of September 2026 and come into force on 1 April 2027.

Compliance

31 The regulations comply with:

31.1 the principles of the Treaty of Waitangi;

31.2 advice from the Treaty Provisions Official Group on any Treaty of Waitangi provisions;

31.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;

31.4 the principles and guidelines set out in the Privacy Act 2020;

31.5 relevant international standards and obligations; and,

31.6 the Legislation Guidelines (2021 Edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

32 I do not consider there are grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

33 The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Regulatory Analysis

34 A Supplementary Analysis Report was submitted with the November 2024 Cabinet Paper [ECO-24-MIN-0259 refers].

35 A quality assurance panel with members from the Ministry for the Environment's delegated Regulatory Impact Statement Review Panel reviewed the Supplementary Analysis Report. The panel considered that all its feedback was addressed and therefore the report meets the Quality Assurance criteria.

Consistency with principles of responsible legislation

36 A Consistency Accountability Statement (CAS) (Appendix 2) and Summary of Underpinning Analysis (Appendix 3) were prepared by the Ministry for Cities, Environment, Regions and Transport. No inconsistencies with the principles of responsible regulation were identified.

Publicity

37 I propose to publicly announce these regulations once approved by the Executive Council. Officials will also ensure the new regulations are communicated to regulated parties through a range of communications and any press releases as appropriate.

Proactive Release

38 I propose to proactively release this paper within 30 business days of Cabinet's decision, with any necessary redactions under the Official Information Act 1982.

Consultation

39 The draft proposal was publicly consulted on in 2022 in accordance with sections 22(2)(b)(i) and 23(3)(b)(i) of the WMA. Officials also engaged with key stakeholder groups in 2025 through early 2026 to address scheme design and implementation issues as outlined in the Summary of Underpinning Analysis.

40 An exposure draft of the regulations was shared with the Trust and other key synthetic refrigerant sector stakeholders. Their technical feedback has been taken into account to ensure the regulations are clear while remaining consistent with Cabinet's policy intent.

41 A draft of this paper was circulated to the following agencies for comment: Department of Prime Minister and Cabinet (DPMC), Energy Efficiency and Conservation Authority (EECA), Environmental Protection Authority (EPA), Ministry of Business, Innovation, and Employment (MBIE), Ministry of Foreign Affairs and Trade (MFAT), Ministry for

Primary Industries (MPI), Ministry for Regulation (MfR), NZ Customs, New Zealand Transport Agency (NZTA), New Zealand Treasury, Te Puni Kokiri, and WorkSafe.

Recommendations

I recommend that the Cabinet Legislation Committee:

1 **Note** that on 25 November 2024, Cabinet agreed to policy decisions on proposed product stewardship regulations for synthetic refrigerants [CAB-24-MIN-0458];

2 **Note** that the Waste Minimisation (Synthetic Refrigerant) Regulations 2026 will give effect to the decisions referred to in paragraph 1 above;

Delegated Decisions

3 **Note** the minor policy changes for the Waste Minimisation (Synthetic Refrigerants) Regulations made by the Minister for the Environment under the decision-making authority delegated to her by Cabinet, namely that:

3.1 tranche 1 of the regulations take effect on 1 April 2027;

3.2 reporting requirement frequency for domestic destruction will be annual;

3.3 as sulphur hexafluoride (SF_6) is not a refrigerant, this gas is not in scope for the regulated synthetic refrigerants scheme;

3.4 the application of the Montreal Protocol destruction efficiency criteria will not restrict other activities (i.e. reclamation or export) and will apply to any domestic destruction activity (regardless of destruction method used);

3.5 training requirements will apply, by 1 April 2030, to those purchasing both in-scope gases and equipment containing those gases that require technical installation;

3.6 the performance standard for domestic destruction of regulated gases applies to anyone destroying gases;

3.7 the regulated product stewardship scheme (RPSS) manager will be required to collect and provide RPSS participant data to the Secretary for the Environment annually;

3.8 the Secretary for the Environment may request RPSS participant data direct from the relevant RPSS participant at any time;

3.9 the RPSS registration requirement applies to:

3.9.1 any person who sells in trade regulated products;

3.9.2 any person who, in their ordinary course of business, charges or de-gases regulated equipment using regulated gases for the purpose of sale or disposal;

3.9.3 any person who collects regulated gases (for the purpose of exportation, reclamation, or destruction);

3.9.4 any person who destroys, reclaims, or exports (for the purpose of disposal) regulated gases;

3.10 RPSS participant information recording and reporting requirements be included in the regulations; and,

3.11 The regulations confirm the record keeping and reporting requirements for all those reclaiming, destroying, and/or exporting for the purpose of disposal the regulated gases.

Further amendments to clarify the policy intent

4 **Note** that due to the nature of the empowering provisions in the WMA, the regulations are not able to specify controls on importing regulated products or establish information collection requirements for importers of synthetic gases or equipment containing synthetic refrigerant gases;

5 **Agree** that the Secretary for the Environment should establish information sharing provisions with New Zealand Customs to cover information on the importation of in-scope synthetic refrigerant gases and equipment as enabled by section 24 of the Waste Minimisation Act;

6 **Agree** to the following additions and points of clarification to ensure the regulations give effect to the intended policy:

6.1 that the take back requirements apply to synthetic gases only, not the products or equipment that contain the gases;

6.2 that the independent assessor providing annual certification that synthetic refrigerant gases are being destroyed to the required criteria be accredited to NZS ISO/IEC 17025: Accreditation for stack testing (stationary source emissions);

6.3 that additional provisions specify that the Scheme Manager must collect the information RPSS participants are required to provide within 60 days of the end of each quarter;

6.4 that information collection and reporting arrangements apply to synthetic refrigerant gases throughout their lifecycle, however information about the equipment containing the gases after it is sold is not required; and,

6.5 that a transitional provision require persons carrying out destruction of synthetic refrigerant gases to provide information as specified in the regulations no later than 60 days after commencement.

Statutory requirements for regulation-making

7 **Note** that section 22(2) and 23(3) of the Waste Minimisation Act require that before recommending the making of regulations the Minister must:

7.1 obtain and consider the advice of the Waste Advisory Board;

7.2 be satisfied that there has been adequate consultation with parties who may be significantly affected by the regulations;

7.3 be satisfied that the benefits expected from implementing the regulations exceed the costs;

7.4 be satisfied that the regulations are consistent with New Zealand's international obligations; and,

7.5 under section 22(2) only, be satisfied that without the regulations it is likely that the objectives of the scheme cannot be met.

8 **Note** that I consider the requirements outlined in recommendation 7 have been met.

Submission of the regulations

9 **Authorise** the submission to the Executive Council of the Waste Minimisation (Synthetic Refrigerant) Regulations 2026;

10 **Note** the Waste Minimisation (Synthetic Refrigerant) Regulations 2026 come into force on 1 April 2027;

Tranche 2 – Training & Qualification Requirements

11 **Note** that on 25 November 2024 Cabinet agreed that qualification requirements for RPSS technicians should commence three years after tranche one of the regulations to enable the sector to upgrade training standards and technician training;

12 **Agree** that the Minister for the Environment report back to Cabinet in July 2027 on the technician training requirements to be included in the regulations.

Authorised for lodgement

Hon Nicola Grigg

Minister for the Environment

Appendices

Appendix 1: Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Appendix 2: Consistency Accountability Statement: Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Appendix 3: Summary of Underpinning Analysis: Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Ministry for Cities, Environment, Regions & Transport

Consistency Accountability Statement: Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Environment
Date finalised	31 August 2026
Identification number	REG-313

Statement of Review

I confirm that the Ministry for Cities, Environment, Regions and Transport has assessed the above legislation, and the process for developing it, for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025.

This assessment identified no inconsistencies with the principles of responsible regulation.



Kara Lok
Manager - Waste Sectors Policy
Ministry for Cities, Environment, Regions and Transport

Ministry for Cities, Environment, Regions & Transport

Summary of Underpinning Analysis: Waste Minimisation (Synthetic Refrigerants) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Environment
Date finalised	31 August 2026
Identification Number	REG-313

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified?	NO

Summary of agency analysis

Public consultation was held from 8 November to 18 December 2022 and received 38 submissions, primarily from business/industry, local authorities, and individuals. A good cross-section of the Heating, Ventilation, Air-conditioning and Refrigeration (HVACR) sector made submissions. Overall, 87 percent of submitters agreed in principle to the proposal to introduce a regulatory framework for synthetic refrigerants.

The full summary of submissions report is available at: https://environment.govt.nz/publications/proposed-measures-to-reduce-the-environmental-impact-of-fluorinated-gases-summary-of-submissions/

Following the announcement and proactive release of the 2024 Cabinet decision to develop regulations, refrigerant sector stakeholders raised concerns with the proposed Regulated Product Stewardship Scheme (RPSS) design. These concerns focused on the need to: address the risk that the Product Stewardship Organisation (PSO) status of Trust for the Destruction of Synthetic Refrigerants (the Trust) could grant its commercial arm (Cool-Safe) a commercial advantage; ensure the Trust's Board was more representative of the sector; and, clarify that the scope of the RPSS training requirements and the PSO's role in other training related efforts. At the direction of the Minister for the Environment, officials undertook extensive stakeholder engagement to understand and address these concerns. This work has now been completed.

Finally, and in addition, designated members of the Trust for the Destruction of Synthetic Refrigerants and representatives of the following sector organisations were provided with the opportunity to consider an exposure draft of the regulations in August 2026:

- Institute of Refrigeration, Heating and Air Conditioning Engineers of New Zealand (IRHACE)
- Climate Control Companies Association of New Zealand (CCCANZ)
- Heat Pump Suppliers Association of New Zealand (HPSA)
- Motor Trade Association
- Absolute Air Conditioning and Refrigeration Ltd
- A-Gas New Zealand
- A-Gas Australia
- Refdestruct
- Beijer Ref New Zealand
- Chemical Destruction Services.

Their feedback has been considered when finalising the regulations.

Good law-making: 9(j)

The importance of carefully evaluating—

- **the issue concerned; and**
- **the effectiveness of any relevant existing legislation and common law; and**
- **whether the public interest requires that the issue be addressed; and**
- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?	NO

Summary of agency analysis

Policy decisions were informed by impact analysis undertaken by the Ministry for the Environment in 2024 and summarized in its Supplementary Analysis Report (the Report). That report together with the Cabinet paper and Cabinet committee Minute are available here: *https://environment.govt.nz/assets/publications/Mfe-Refrigerants-policy-in-second-emissions-reduction-plan-cab-papers.pdf?v=88f13407e74e3fd326ebc4135437e61ec6e8b204*

The Report includes an assessment of the nature and scale of the policy problem, the existing regulatory framework, and whether the problem needed to be addressed in the public interest. It concluded that insufficient action around leakage and end-of-life management of synthetic refrigerants would result in continued harm to the environment

from release of gases into the environment leading to economic costs of up to $437 million in the period to 2050.

The preferred option for addressing the problem – regulated priority product stewardship of synthetic refrigerants under the Waste Minimisation Act 2008 (the Act), was assessed against the status quo – the current voluntary accreditation scheme.

The Report includes an evaluation of the costs and benefits of the regulatory option compared to the status quo. It considers how a regulated product stewardship scheme for synthetic refrigerants would affect different groups including: the regulator (The Ministry for the Environment, now MCERT), the Scheme Manager (the Trust), Industry (including automotive and HVAC technicians, electricians, importers, scrap metal dealers, producers and retailers), consumers and society in general.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation	
Inconsistency identified?	NO

Summary of agency analysis

Implementation arrangements were identified during the development of policy proposals and have been further developed by officials in consultation with the Trust and the synthetic refrigerants sector.

The regulations will enable the delivery of the synthetic refrigerants product stewardship scheme. They will be introduced in two tranches. Tranche 1 includes scheme participation and synthetic refrigerant disposal, take back and destruction service, and information and collection and reporting requirements. Tranche 2 will include qualification requirements for technicians and will commence three years after Tranche 1. This will enable the sector to upgrade training standards and technical training through existing industry training organisations and resources.

The scheme will be managed by the Trust for the Destruction of Synthetic Refrigerants (the Trust), a not-for-profit charitable trust that has been operating the voluntary refrigerant recovery scheme since 1993.

As scheme manager, the Trust will be responsible for delivering the scheme. It will provide a take-back service for synthetic refrigerants (branded Cool-safe) operated by its independent subsidiary Chemical Destruction Services Limited (CDS). Cool-Safe/CDS operates in a competitive market with other commercial providers of synthetic refrigerant recovery services.

The scheme will be funded through revenue generated by Cool-Safe/CDS from the sale of New Zealand Units (NZUs) earned through the recovery and destruction of synthetic refrigerants.

An industry Working Group will provide advice on operational aspects of the scheme, including data and reporting requirements, a Code of Participation and the competencies and skills framework for scheme participants.

MCERT, as the regulator, will be responsible for performance and compliance monitoring and enforcement activities. MCERT and the Trust will establish a deed that will outline the obligations of each party and state the terms and conditions for delivery and managing the scheme.[1]

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons	
Inconsistency identified?	NO
Summary of agency analysis	

Cost benefit analysis undertaken by the Ministry for the Environment estimates the net benefits of the regulated product stewardship scheme ranges from -$194 million in a low impact scenario to $247 million in a high impact scenario in present value terms in the period to 2050.

The wide range in the net benefit analysis results from uncertainty in the legacy synthetic refrigerant bank and emissions data and the current absence of reporting requirements related to synthetic refrigerant use and disposal.

Further details on the cost benefit analysis can be found in the Supplementary Analysis report available at: *https://environment.govt.nz/assets/publications/Mfe-Refrigerants-policy-in-second-emissions-reduction-plan-cab-papers.pdf?v=88f13407e74e3fd326ebc4135437e61ec6e8b204*

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available	
Inconsistency identified?	NO
Summary of agency analysis	

[1] [1] This approach is currently used in the regulated Tyrewise scheme and is also being adopted for the agrichemicals and farm plastics regulated product stewardship scheme.

The proposals were informed by impact analysis which included consideration of the regulatory option and a non-regulatory option, namely, continuation of the current voluntary approach to product stewardship of synthetic refrigerants.

The options were assessed against the following criteria:

- *Effective:* The option reduces the actual or potential environmental harm;
- *Efficient:* The option results in increased present and future net societal well-being (i.e. makes society better off relative to the status quo, or other options);
- *Equitable:* The option produces a cost allocation among parties that better aligns private and social costs (i.e. deals with externalities)
- *Implementable:* The option is sufficiently practical that implementation is relatively straightforward.

The regulatory option was assessed as performing best against all criteria.

Further details on the analysis can be found in the Report available at: *https://environment.govt.nz/assets/publications/Mfe-Refrigerants-policy-in-second-emissions-reduction-plan-cab-papers.pdf?v=88f13407e74e3fd326ebc4135437e61ec6e8b204*

Rule of Law: 9(a)(i)

The law should be clear and accessible	
Inconsistency identified?	NO
Summary of agency analysis	

Clarity

The regulations are clear for their intended audience, including for the regulator; the scheme manager; producers and importers of regulated gases and equipment; sellers of regulated gases and equipment; technicians working with regulated gases and equipment; and those handling regulated gases at end of life. Obligations under the scheme are clearly laid out in the regulations.

The regulations are modelled on existing secondary legislation used for another regulated product stewardship scheme including the Waste Minimisation (Tyres) Regulations 2023.

The regulations have a logical structure and are easy to navigate. They are drafted in plain language and use limited technical terminology.

Any technical or industry-specific terms are commonly understood by regulated parties or are defined in the regulations.

Accessibility

The regulations will be published on the New Zealand Legislation website and notified in the Gazette. The regulations will be publicly available without restriction.

The Ministry and the Trust will undertake communications to inform affected parties of the regulations and their requirements (e.g., press releases, information on the Ministry's and the Trust's websites, communication by Trust through relevant newsletters and publications, and direct communication by the Trust to participants in the current voluntary scheme).

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively	
Inconsistency identified?	NO
Summary of agency analysis	

The regulations do not have any retrospective effects.

Rule of Law: 9(a)(iii)

Every person is equal before the law	
Inconsistency identified?	NO
Summary of agency analysis	

The regulations will not result in the law being administered unequally.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

The regulations do not impact on judicial appointments and the independence from the Executive and Parliament. The regulations do not confer judicial functions on any person.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

The regulations do not require a decision-maker to exercise discretion. They do not delegate authority to an administrative body to resolve issues relating to legal rights and liabilities.

Ministry for Cities, Environment, Regions & Transport

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person	
Inconsistency identified?	No
Summary of agency analysis	

The regulations do not diminish any rights or liberties except as is necessary to provide for, or protect, any such liberty, freedom or right of another person.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless- • **there is a good justification for the taking or severe impairment; and** • **fair compensation for the taking or severe impairment is provided to the owner; and** • **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

The regulations do not take or severely impair, or authorise the taking or severe impairment of, property.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

The regulations do not affect taxation.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates	



Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

The regulations do not impose, or authorise the imposition of, fees.

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and**
- **the costs of efficiently achieving the objective or providing the function**

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

The regulations do not impose, or authorise the imposition of, a levy.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?	Not applicable

Summary of agency analysis

The regulations do not impact on or alter the courts' constitutional role of ascertaining the meaning of legislation.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

The regulations do not make any rights and liberties, or obligations, dependent on administrative power.

Ministry for Cities, Environment, Regions & Transport

Additional information

Relevant publicly available inquiry, review, or evaluation reports

Not applicable

Relevant international treaties, standards and obligations

The Ministry of Foreign Affairs and Trade was consulted and confirmed that the proposals are consistent with New Zealand's international obligations. This includes our commitments under the Montreal Protocol and the Paris Agreement, the Trans-Tasman Mutual Recognition Agreement and the WTO Agreement on Technical Barriers to Trade (TBT Agreement).

Departures from the Legislation Guidelines

No departures from the principles set out in the Legislation Guidelines have been identified.

Other unusual provisions or features

The regulations do not include unusual provisions or features that require additional comment.

Ministry for Cities, Environment, Regions & Transport

Waste Minimisation (Synthetic Refrigerants) Regulations: Ministerial Consultation

Date:	31 August 2026	Priority:	High	Tracking number:	26-BRF-02382

To	Action sought	Response by
Hon Nicola Grigg **Minister for the Environment**	***Consult*** your Ministerial colleagues on the draft Waste Minimisation (Synthetic Refrigerants) Regulations and the supporting papers. ***Provide*** any feedback you may have on the draft regulations, Cabinet paper, Consistency Accountability Statement and Summary of Underpinning Analysis. ***Provide*** any feedback received from Ministers on the regulations and supporting papers.	8 September 2026

Contact for discussion (if required)

Name	Position	Telephone	1st contact
Glenn Wigley	General Manager	027 491 7806	o
Kara Lok	Manager	022 303 5283	☑

Action for Minister's Office staff
Circulate to relevant Ministers' Offices seeking feedback on the papers. Return signed briefing and any comments to the Ministry for Cities, Environment, Regions and Transport **by Close of Business, Tuesday, 8 September 2026.**

Ministry for Cities, Environment, Regions & Transport

Purpose

1. This paper invites you to consult your Ministerial colleagues on the attached draft Waste Minimisation (Synthetic Refrigerants) Regulations 2026, the supporting Cabinet paper, Consistency Accountability Statement (CAS) and Summary of Underpinning Analysis (SUA) before being lodged for Cabinet Legislation Committee consideration.

Key Points

2. The attached regulations give effect to Cabinet's decisions to establish a regulated product stewardship scheme for synthetic refrigerants under the Waste Minimisation Act 2008 (ECO-24-MIN-0259 and CAB-24-MIN-0458 refers).

3. The accompanying draft Cabinet Legislation Committee paper seeks authorisation to submit the regulations to the Executive Council to be made by Order in Council.

4. The draft paper confirms that the regulations reflect Cabinet's policy decisions agreed in November 2024 together with a range of minor policy decisions made by you under authority delegated by Cabinet during the drafting process.

5. The Cabinet paper also notes that during drafting officials identified several matters where clarification of Cabinet's decisions is required to ensure the regulations give effect to the intended policy. These amendments will require Cabinet agreement when Ministers consider the regulations.

6. We recommend that you consult key Ministerial colleagues on the attached regulations, Cabinet paper, CAS and SUA before they are finalised and lodged with the Cabinet Legislation Committee.

Recommendations

7. We recommend you:

A. **agree** to consult relevant Ministerial colleagues on the attached draft Waste Minimisation (Synthetic Refrigerants) Regulations 2026, Cabinet Legislation Committee paper, CAS and SUA. **Yes** / No

B. **note** that the regulations reflect policy decisions agreed by Cabinet in November 2024 and several minor policy decisions made by you under authority delegated by Cabinet; **Noted**

C. **note** that officials have identified several additional amendments requiring Cabinet agreement to ensure the regulations fully achieve Cabinet's intended policy outcomes

Noted

Glenn Wigley
General Manager
Waste and HSNO Policy

31/ 08 / 2026

Hon Nicola Grigg
Minister for the Environment
31 / 08 / 26

Comments

Waste Minimisation (Synthetic Refrigerants) Regulations: Ministerial Consultation

COMMENTS

The regulations implement Cabinet's previously agree policy decisions

8. Synthetic refrigerants were declared a priority product under the Waste Minimisation Act 2008 (WMA) in 2020. This required a regulated product stewardship scheme to be established.

9. In November 2024 Cabinet made policy decisions on proposed product stewardship regulations for synthetic refrigerants to improve end-of-life management of refrigerant gases and support emissions reduction commitments. The attached regulations give effect to those decisions.

10. The regulations establish requirements relating to:

    - participation in an accredited regulated product stewardship scheme
    - synthetic refrigerant take-back and destruction services;
    - disposal requirements for synthetic refrigerants;
    - information collection and reporting obligations; and
    - registration requirements for participants involved in the import, supply, recovery, collection, reclamation, export and destruction of synthetic refrigerants.

The regulations include delegated decisions made by you during the drafting process

11. When Cabinet agreed to the policy framework in 2024, it authorised you as the Minister for the Environment to approve minor policy changes during the drafting process, provided those changes remained consistent with Cabinet's agreed policy intent.

12. The attached Cabinet Legislation Committee paper records those delegated decisions which include providing for:

    - commencement of Tranche 1 of the regulations to take effect on 1 April 2027;
    - annual reporting requirements for domestic destruction services
    - exclusion of Sulphur hexafluoride from the scheme;
    - clarifying the application of the Montreal Protocol destruction efficiency criteria;
    - clarifying the intended scope of future technician qualification requirements.

- clarifying that the record keeping and reporting requirements apply to persons reclaiming, destroying and /or exporting in-scope gases.
- confirming the performance standards for domestic destruction of regulated gases;
- the scheme manager to collect and provide RPSS participant data to the Secretary for the Environment;
- the Secretary may request RPSS participant date directly from participants at any time
- clarifying who the RPSS registration requirements apply to; and,
- clarifying RPSS participant information recording and reporting requirements.

Officials have identified additional amendments requiring Cabinet agreement

13. During the drafting process, officials identified several matters where clarification of Cabinet's decisions is required to ensure the regulations give effect to the intended policy. Those matters are outlined in the Cabinet Legislation Committee paper with a view to you seeking Cabinet agreement to them.

14. The proposed amendments would:

- clarify the definition of importer to include persons importing equipment for sale or use in trade;
- specify that independent assessors providing annual certification that synthetic refrigerant gases are being destroyed to the required criteria are to be accredited to *NZS ISO/IEC 17025: General requirements for the competence of testing and calibration laboratories*;
- clarify information collection and reporting arrangements;
- establish a timeframe within which the Scheme Manager must collect information from regulated participants; and,
- establish transitional reporting requirements for destruction activities.

15. We consider these amendments to be operational in nature and consist with the policy framework agreed by Cabinet.

Key sector stakeholders have considered an exposure draft of the regulations

16. As agreed with you, officials provided an exposure draft of the regulations to designated representatives of the Trust for the Destruction of Synthetic Refrigerants (the Trust) and other key synthetic refrigerant stakeholders to complete a technical review. Officials have used the feedback provided by industry to help ensure the clarity and technical workability of the regulations. Key points arising from this technical review are included in **Annex 1.**

Statutory requirements have been met s 6(a) [redacted]

17. The Cabinet Legislation Committee paper confirms you have met the statutory requirements for regulation making under the WMA, including obtaining the considering the advice of your Waste Advisory Board, ensuring appropriate consultation has taken place, confirming that benefits are like to exceed the costs expected from implementation and confirming the regulations are consistent with New Zealand's international obligations.

18. s 6(a) [redacted]

Next Steps

To facilitate the passage of the regulations, we suggest you consult key Ministers with an interest in the synthetic refrigerants' product stewardship scheme.

19. Subject to your agreement we suggest your office circulate the attached papers to the following Ministers with an invitation for them to provide any feedback they may have by **8 September 2026**:

    - Hon David Seymour, Minister for Regulation
    - Hon Winston Peters, Minister for Foreign Affairs and Trade
    - Hon Nicola Willis, Minister of Finance
    - Hon Simeon Brown, Minister for Energy
    - Hon Chris Bishop, Minister of Transport
    - Hon Todd McClay, Minister of Agriculture
    - Hon Simon Watts, Minister of Climate Change
    - Hon Brooke van Valden, Minister for Workplace Relations and Safety
    - Hon Cameron Brewer, Minister of Commerce and Consumer Affairs.

20. Officials will consider any feedback received from yourself and other Ministers and make any necessary amendments before the regulations and associated papers are lodged with the Cabinet Legislation Committee.

We will consult with other government agencies in parallel with your engagement with Ministers

21. While you are engaging with your Ministerial colleagues, we will be inviting the following agencies to consider the Cabinet paper and draft regulations: Department for Prime Minister and Cabinet, Ministry of Business Innovation and Employment, Ministry of Foreign Affairs and Trade, New Zealand Treasury, Ministry for Regulation, Ministry for Primary Industries, the Energy Efficiency and Conservation Authority, and the Environmental Protection Authority.

Following consultation the Regulations will be lodged for consideration by Cabinet Legislation Committee and approval by the Executive Council

22. We will consider comments received and where appropriate amend the regulations before making the papers are made available to be lodged with the Cabinet Legislation Committee on 10 September.

23. Subject to Cabinet Committee approval on 17 September 2026 the regulations will be presented for Executive Council approval on Monday 21 September.

The regulations will be gazetted s 6(a) *with the regulations due to come into effect on 1 April 2027.*

24. s 6(a) [redacted]

25. The regulations will come into effect on 1 April 2027.

Attachments

26. The following documents accompany this briefing:

- Annex 1: Exposure Draft Feedback;
- Cabinet Legislation Committee Paper: Waste Management (Synthetic Refrigerants) Regulations;
- Consistency Accountability Statement;
- Summary of Underpinning Analysis; and,
- Waste Minimisation (Synthetic Refrigerants) Regulations 202

Ministry for Cities, Environment, Regions & Transport

Annex 1: Exposure draft feedback

The table below provides a summary of sector stakeholder feedback received during the exposure draft process. This summary table does not comprehensively cover all the feedback received. Instead, it seeks to highlight the most significant feedback submitted by each stakeholder group.

Stakeholder group	Summary of feedback received	Officials' response
The Trust	• Technical queries related to several terms used in the interpretation section. • Technical queries related to who is covered by the "sale" and "import" provisions. • Technical queries regarding application of offence provisions for the information collection and reporting requirements.	Various changes made to regulations to reflect technical clarifications. *An updated version of the regulations reflecting the Trust's initial feedback was circulated. They had no further feedback.*
Institute of Refrigeration, Heating and Air Conditioning Engineers of New Zealand (IRHACE)	• Questions about how data protection and privacy will be managed by both the accredited scheme and MCERT. • Questions related to the potential for multiple schemes to be accredited in the future, and what implications such additional accreditation would have on the regulations as drafted. • Requests for specific terms that are defined in the Waste Minimisation Act 2008 (WMA) to also be clearly defined within the regulations. • Request for any requirements placed on individuals (as opposed to requirements placed on companies) to be removed from these regulations.	Points noted where further clarity can be provided in policy guidance documents. No changes required to regulations due to: • Data protection and privacy provisions covered by the Privacy Act 2020 • Regulations must be developed based on the current scheme accreditation situation (i.e. one accredited scheme) but can be revised in future if there are more than one accredited schemes • Defined WMA terms all apply to this secondary legislation • Policy intent is to cover individuals under degassing-charging controls.

Climate Control Companies Association of New Zealand (CCCANZ)	• No feedback received.	NA
Refrigerant Licensing New Zealand (RLNZ)	• No feedback received.	NA
Heat Pump Suppliers Association of New Zealand (HPSA)	• Technical query related to the definition of "reclamation" in the interpretation section. • Technical query asking if dehumidifiers containing synthetic refrigerants are in-scope as regulated equipment. • Technical query about use of the term "waste synthetic refrigerant gases" in the take-back provision.	Various changes made to regulations to reflect technical clarifications.
A-Gas	• Technical query related to the definition of "reclamation" in the interpretation section and suggestion to include a set quality standard within the definition. • Technical query regarding the gases that are in-scope for the take-back provision.	Various changes made to regulations to reflect technical clarifications.
Refdestruct	• Technical query regarding who is captured by the "collector" provisions. • Technical query regarding who is captured by the "sale" provisions and how these provisions apply to sellers of gas vs sellers of equipment. • Technical queries regarding terms defined in the interpretation section. • Question about the suitability of the 0.1kg gas threshold for transactional charging/de-gassing reporting.	Various changes made to regulations to reflect technical clarifications.
Beijer Ref	• No feedback received.	NA

Motor Trade Association	• Question regarding whether vehicles with air-conditioning systems that use regulated gases are in-scope as regulated equipment. • Technical query regarding the application of import and sale controls on regulated gases vs regulated equipment. • Technical queries regarding several terms defined in the interpretation section.	Various changes made to regulations to reflect technical clarifications. Regarding whether vehicles are in-scope, officials have clarified with MTA that vehicles with air-conditioning systems that use regulated gases are in-scope, but only for collecting information related to imports. MTA was comfortable with this response, as it clarifies that sales of vehicles are out of scope.
Chemical Destruction Services	• No concerns with the regulations that apply specifically to the activity of domestic destruction. • General question related to who is captured by the sale provisions.	No changes required to regulations.