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PESTICIDES REGULATION 2017 – FUMIGANT DECLARATION ORDER UNDER CLAUSE 3(1)

Name of Order

1. This Order is to be known as the *Fumigant Declaration (Hydrogen Cyanide) Order 2024 (Order)*.

Authority for Order

2. This Order is granted by the Environment Protection Authority (**EPA**) pursuant to clause 3(1) of the Pesticides Regulation 2017 (**Regulation**).

Background

3. Section 45 of the *Pesticides Act 1999 (Act)* provides that persons undertaking prescribed pesticide work are required to hold a licence that authorises them to carry out that work. Section 5A of the Act lists activities that constitute prescribed pesticide work where the carrying out of those activities is in such circumstances or by such means, if any, as prescribed by the regulations. Clause 6 of the Regulation provides that prescribed pesticide work includes fumigation work, defined as the use by an individual of fumigants (other than sterilising fumigants applied from single use canisters) for the prevention, control or eradication of pests for fee or reward or for a public authority (whether or not for fee or reward). Clause 3(1) of the Regulation provides that a fumigant is a chemical declared by the EPA to be a fumigant by an order published in the NSW Government Gazette, or (on or after 1 July 2018) a chemical listed in Schedule 1 of the Regulation.

Chemical declared to be a fumigant

4. For the purposes of clause 3(1) of the Regulation, the EPA by this Order declares hydrogen cyanide to be a fumigant.

Commencement

5. This Order takes effect upon publication in the NSW Government Gazette.

Duration of Order

6. This Order has effect until revoked by the EPA by notice published in the NSW Government Gazette.



19/6/24

HELEN PRIFTI

Acting Director Technical (Chemicals, Land and Radiation)

Environment Protection Authority

(as a delegate of the EPA)