



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



Science and the development of NZS 8510:2017 – Policy options

Terms of Reference
October 2018

1. Purpose

These Terms of Reference (ToR) set the parameters of the development of policy options for the Minister of Commerce and Consumer Affairs (the Minister) to consider in relation to:

- better scientific input to inform the development of New Zealand Standards
- how standards development committees are formed
- how conflicts of interest are managed on standards development committees
- better guidance on consensus decision making procedures
- the process to revise, amend, or develop new standards

The Minister has asked the Prime Minister's Chief Science Advisor (PMCSA) to work jointly with the Ministry of Business, Innovation, and Employment (MBIE) on the science-focussed elements of this work.

This work is forward-looking and is meant to learn from the development of and response to NZS 8510:2017 *Testing and decontamination of methamphetamine-contaminated properties* and embed those lessons in the policy and processes for the development of future New Zealand Standards.

2. Background

From 2010 until 2017 there was no standard regarding methamphetamine (meth) contamination of residential properties, although the Ministry of Health had their 2010 guidelines for the remediation of clandestine meth labs. These guidelines indicated that $0.5\mu\text{g}/100\text{cm}^2$ was an appropriate threshold to trigger decontamination of properties used as meth labs.

In October 2016, commissioned by the Ministry of Health, the Institute of Environmental Science and Research (ESR) published a risk-based review of the 2010 Ministry of Health Guidelines and concluded three different levels ($2\mu\text{g}/100\text{cm}^2$, $1.5\mu\text{g}/100\text{cm}^2$, and $0.5\mu\text{g}/100\text{cm}^2$) were appropriate thresholds for properties not known to be former meth labs without and with carpet, and properties known to be former meth labs, respectively.

In June 2017 the new standard (NZS 8510:2017) was set at $1.5\mu\text{g}/100\text{cm}^2$. This did not distinguish between former meth labs or scenes of consumption.

On 29 May 2018, the Office of the PMCSA published the report *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards*. Following a meeting with the Minister of Commerce and Consumer Affairs, Sir Peter Gluckman wrote the Minister a letter with further detail of his concerns.

On 5 July 2018, MBIE appointed Peter Castle of Clifton Chambers to undertake a review of the process followed to develop NZS 8510:2017. Mr Castle found that the standard was not improperly influenced by any particular interests or views on the standards development committee, and was largely developed in line with the Standards and Accreditation Act 2015 (with recommended improvements noted by Mr Castle).

On 20 September 2018, Housing New Zealand released a report in response to the PMCSA's report. This set the threshold to trigger for decontamination at $15\mu\text{g}/100\text{cm}^2$. The presence of meth contamination will not result in eviction without relocation unless there is good reason to believe the tenant in question has been manufacturing meth.

3. Objectives

The overarching objective of this project is to address the Minister's broader concerns about the development of standards in an environment where there is uncertainty about the use of science in standard-setting, such as NZS 8510:2017. To ensure continuing confidence in the standards development process, this project will consider:

a. Better scientific input to inform the development of New Zealand Standards

The Gluckman Report noted that there was an absence of clear scientific and health information during the development of NZS 8510:2017. The advice will seek to offer options into how to accommodate unsettled science or new scientific evidence as it becomes available.

b. Balanced representation on standards development committees

Standards development committees are required to have a balanced representation of relevant stakeholder interests and the members of the committee should have the relevant skills, knowledge and experience. The advice will describe recent work by Standards New Zealand to assist achieving this balance and propose any improvements.

c. How conflicts of interest are managed on standards development committees

The report by Peter Castle noted issues about communicating conflicts of interests, declared by committee members, to the Chair of standards development committees. Standards New Zealand has already made some changes in this area and the advice to the Minister will detail these changes and suggest additional options if relevant.

d. Guidance on consensus decision making procedures

The report by Peter Castle noted issues with guidance about achieving consensus within standards development committees. Standards New Zealand has already made some changes in this area and the advice to the Minister will detail these changes and suggest additional options if relevant.

e. The process to revise, amend or develop new standards

The advice to the Minister will describe potential options around revision of NZS 8510:2017 in light of the reports mentioned above and any other relevant new scientific evidence.

4. Scope and Role Clarity

The scope of this project is to provide initial policy options to the Minister. There have been a number of reports (referred to above) that led to or have considered the development of NZS 8510:2017 and the work under this ToR is not meant to duplicate this work. The policy options are not limited by the provisions of the Standards and Accreditation Act 2015 and options that

can effect positive change in the shortest period of time will be privileged. The project may extend to options not set out above.

The PMCSA's role in this project is future-focussed and to give input as to how scientific evidence might be better used to inform the standards setting process, including advice on what happens when new scientific evidence becomes available that is of relevance to an existing standard. The PMCSA would also look into advice about benchmarking against international practices for providing science input in the standard-setting process.

MBIE's role is to support the PMCSA and to formulate options that do not fall within her mandate and that further the objectives set out above, in line with the purpose stated above.

5. Deliverables

The key deliverable is a briefing to the Minister providing options that cover the objectives set out above, and including any other options nominated by the Minister. To support this paper, MBIE prepared this ToR in consultation with the PMCSA. MBIE and the PMCSA will engage with a number of stakeholders including, but not limited to:

- The New Zealand Standards Executive
- Science community stakeholders
- Government stakeholders on the NZS 8510:2017 development committee
- The Standards Approval Board
- International and regional standards organisations

The briefing will include advice on next steps and is expected to form the basis of the Minister commissioning future work to implement the Minister's decisions. The implementation phase of this work will require further resources and a work plan.