

PFAS Programme – Terms of Reference

Introduction

The government has established an All of Government Programme (“the Programme”), led by the Ministry for the Environment (MfE), to ensure the successful management and coordination of Per- and poly-Fluorinated Alkly Substances (PFAS) contamination and to provide confidence and assurance to the public.

The Programme will be led by MfE and include a cross agency approach including:

- New Zealand Defence Force (NZDF)
- Ministry for Primary Industries (MPI)
- Department of the Prime Minister and Cabinet (DPMC)
- Ministry of Health (MoH)
- Environmental Protection Authority (EPA)
- Local Government New Zealand (LGNZ)
- Fire and Emergency New Zealand (FENZ)
- Crown Law Office (CLO)

Other agencies, including Crown and local government, will provide support and input as required.

The Programme was established in response to initial investigations by NZDF on potential contamination at various NZDF sites. This has now expanded to include other Crown and non-Crown sites across New Zealand and requires a coordinated All of Government approach to manage and oversee.

PFAS Programme outcomes

Primary outcomes

- Health risks as a result of PFAS contamination are understood and clearly communicated to New Zealanders as they become apparent. As a result of this, any response required from Government is delivered appropriately.
- Ongoing environmental risks, as a result of PFAS contamination, are understood and clearly communicated to New Zealanders as they become apparent. As a result of this, any response required from Government is delivered appropriately.
- A centre of excellence is established within the Ministry for the Environment in regards to PFAS and other contaminants and emerging contaminants, with tools and resources available to support councils, landowners (including Crown) and polluters.
- A repeatable framework is created for All of Government approaches to contamination issues of this nature to enable a response-recovery model to be implemented.
- Management of PFAS as a contaminant is normalised and the impact contextualised alongside other known contaminants., and communicated to the community
- Management of PFAS is realistically able to be delivered sustainably by councils across NZ, supported by the All of Government Programme

Scope and deliverables

Programme role where Crown is polluter and/or landowner

- Work with the responsible or affected agency to proactively respond to the contamination, working with the relevant council
- Ensure the responsible agency initiates and undertake testing, mitigation or remediation as appropriate or as directed by council
- Ensure that agencies work collaboratively with the regulatory authority
- Ensure agencies use approved testing methodology and personnel, as outlined by the PFAS Programme toolbox
- Assist the affected or responsible agency to develop a plan to treat or mitigate , based on the series of options identified by the Programme

Programme role to provide guidance and support to regulators, polluters and community

- Clearly define roles and responsibilities of all involved agencies
- Develop a comprehensive toolkit to support agencies, councils, polluters and communities with general information, investigation and treatment options
- Work with councils and other agencies to develop a comprehensive National Prioritisation Schedule for PFAS contamination investigation and treatment. This will assist councils work collaboratively to integrate any PFAS investigations into their wider work plans, and ensure this is sustainable for testing teams and resources

Wider Programme role

- Develop a repeatable product or framework to use for other emergent environmental or contamination issues that may require active government management/action
- Provide input into policy settings and mechanisms that are appropriate to effectively and efficiently manage national, multi-agency contamination or environmental issues

PFAS Programme – Governance Charter

Purpose

The PFAS All of Government Governance Committee (“the Committee”) will provide strategic governance oversight of the Programme, making decisions escalated for its consideration through the Programme, Working Group and individual agencies, and ensure that the Ministry for the Environment (MfE) can provide assurance to the Minister for the Environment as responsible Minister.

Chair

The Programme is led by MfE. The Chair will be the Deputy Secretary/Chief Operating Officer, Claire Richardson, or her delegate.

Members

- **Ministry for the Environment** (Claire Richardson)
- **Department of the Prime Minister and Cabinet** (John Scott/Bryan Dunne)
- **New Zealand Defence Force** (Air Commodore Andy Woods)
- **Ministry for Primary Industries** (Bryan Wilson)
- **Environmental Protection Authority** (Mark Patchett)
- **Ministry of Health** (Sarah Reader)
- **Crown Law** (Rosemary Dixon)
- **Local government representative** (Sarah Gardner – Otago Regional Council)
- **Fire and Emergency NZ** (Ian Duncan)

The Project Director/Programme Manager will also attend each meeting in an advisory capacity.

Decision Rights

The Governance Committee will:

- Make decisions on the strategic direction of the programme
- Make decisions about significant changes to the Programme structure
- Discuss the overall prioritisation of programme effort and resource
- Consider any legal matters that will impact on government or individual agency reputation
- Approve any financial decision that exceeds the Project Director’s delegation, or that requires additional funding outside of agreed Programme funding
- Approve significant communications or engagement campaigns

In addition, the Committee will have the following decision rights where the Crown is polluter and/or landowner:

- Work with agencies about the overall prioritisation of investigation, and any subsequent treatment or mitigation options, ensuring these are in line with what is required by council
- Work directly with councils around agreeing to, and delivering, the most suitable mitigation or treatment options where required
- Provide recommendations to agencies, Minister or Cabinet, regarding payment of costs for investigation and/or treatment and mitigation required.

Committee meetings

Frequency

The Committee will usually meet every two weeks. At their discretion, the Chair shall convene a meeting at another committee member's request.

Quorum

Quorum shall be at least 4 of the members. This must include a designated representative from the Ministry for the Environment.

Meeting structure and material

The Programme team will provide an agenda and reporting to each meeting, providing an update on programme risk and progress against agreed critical success factors. The agenda and any material for the meeting will be made available by the Wednesday prior to the meeting.

Minutes of meetings

Minutes of each meeting will be kept and will contain the list of attendees, a summary of the decisions made, owner of the action, and an overview of the points discussed.

Principles

- The Committee will act with high standards of personal and professional integrity.
- The Committee members will bring their own specific agency requirements and expertise to the Committee but will make decisions and provide guidance to the PFAS Programme from an All of Government perspective.
- The lead agency, Ministry for the Environment, is responsible for driving work streams
- Excepting for Ministerial expectation and legal/regulatory requirements, decisions made collectively by the Committee within the Programme's agreed scope or mandate will be binding on the Programme and will be communicated and implemented by the Programme team. Committee members will ensure that where this places a requirement on their individual agency, then this is communicated and delivered.

- The Programme will share information proactively in a coordinated and consistent manner, respect agencies' roles and confidentiality of information, and ensure a “no surprises” approach. This includes all communications and formal documentation to Ministers.