

# DRAFT FOR CONSULTATION

## **Climate Change (Stationary Energy and Industrial Processes) Amendment Regulations 2010**

Governor-General

### **Order in Council**

At Wellington this                      day of                      2010

Present:  
in Council

Pursuant to section 163 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Climate Change Issues (having had regard to the matter specified in section 163(5) of that Act), makes the following regulations.

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## **Regulations**

### **1 Title**

These regulations are the Climate Change (Stationary Energy and Industrial Processes) Amendment Regulations 2010.

### **2 Commencement**

These regulations come into force on 1 January 2011.

### **3 Principal regulations amended**

These regulations amend the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

### **4 Interpretation**

- (1) Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**ASHRAE designation** means the designation of a refrigerant mix from Standard 34–2007 Designation and Safety Classification of Refrigerants, published in 2007 by the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers

“**charge**, in relation to sulphur hexafluoride or a class of hydro fluorocarbons or per fluorocarbons contained in pre-charged equipment, means the amount of the gas or class of gas contained in the equipment

**“excluded goods** means,—

- “(a) for the purpose of regulations 44E and 44F, any goods containing sulphur hexafluoride in respect of which the person is exempt from being a participant under section 60 of the Act; and
- “(b) for the purposes of regulations 44K to 44N,—
  - “(i) any goods containing hydro fluorocarbons or per fluorocarbons in respect of which the person is exempt from being a participant under section 60 of the Act; and
  - “(ii) any household goods, or other effects of a passenger of a ship or aircraft (accompanied or unaccompanied) that—
    - “(A) contain hydro fluorocarbons or per fluorocarbons; and
    - “(B) are not intended for gift, sale, or exchange; and
  - “(iii) any goods containing hydro fluorocarbons or per fluorocarbons that have medical uses necessary for human health, including metered dose inhalers

**“GWP** means global warming potential

**“motor vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998

**“pre-charged equipment**—

- “(a) means any refrigeration or air-conditioning equipment or other goods—
  - “(i) that contain a synthetic greenhouse gas; and
  - “(ii) in which a synthetic greenhouse gas assists the functionality; and
- “(b) includes any aircraft, ship, or motor vehicle in which a synthetic greenhouse gas is contained in any system integrated into or powered by the aircraft, ship, or motor vehicle

**“synthetic greenhouse gas** means—

- “(a) any hydro fluorocarbon (HFC); or
- “(b) any per fluorocarbon (PFC); or
- “(c) sulphur hexafluoride (SF<sub>6</sub>)

“**type**, in relation to pre-charged equipment, means a model or type of pre-charged equipment that has the same characteristics, including (but not limited to) the amount and composition of synthetic greenhouse gases it contains”.

- (2) Regulation 3(1) is amended by revoking the definition of **category** and substituting the following definition:

“**category**,—

“(a) in relation to coal, means,—

“(i) if there is no unique emissions factor for fugitive coal seam gas in force in relation to the coal, a category specified in Part A of table 3 of Schedule 2; or

“(ii) if a unique emissions factor for fugitive coal seam gas is in force in relation to the coal, the category of coal to which the unique emissions factor relates; and

“(b) in relation to motor vehicles, means a category specified in table 3 of Schedule 3”.

## 5 Meaning of class

Regulation 4 is amended by adding the following paragraphs:

“(h) in relation to hydro fluorocarbons or per fluorocarbons, means—

“(i) a refrigerant gas or mix described by reference to its ASHRAE designation and listed in the first column of table 2 of Schedule 3; or

“(ii) any other mix of constituents that—

“(A) is not listed in the first column of table 2 of Schedule 3; but

“(B) contains a hydro fluorocarbon or per fluorocarbon listed in table 1 of Schedule 3; or

“(iii) if it is not mixed with other constituents, any hydro fluorocarbon or per fluorocarbon listed in table 1 of Schedule 3:

“(i) in relation to synthetic greenhouse gases means—

“(i) sulphur hexafluoride; or

“(ii) a class of hydro fluorocarbons or per fluorocarbons specified in paragraph (h); or

“(iii) a mix of sulphur hexafluoride and a class of hydro fluorocarbons or per fluorocarbons specified in paragraph (h).”

**6 New headings and regulations 44A to 44R inserted**

The following headings and regulations are inserted after regulation 44:

*“Importing sulphur hexafluoride*

**“44A Application of regulations 44B to 44F**

A person must comply with regulations 44B to 44F if the person, in any year, is a participant under section 54(1)(a) of the Act in respect of the activity in subpart 2 of Part 4 of Schedule 3 of the Act of importing sulphur hexafluoride, including sulphur hexafluoride contained in goods.

**“44B Collection and recording of information for purpose of calculating emissions from importing sulphur hexafluoride**

“(1) Information must be collected and recorded and emissions must be calculated in respect of imported sulphur hexafluoride—

“(a) in accordance with regulations 44C and 44D if the sulphur hexafluoride is imported in bulk in the year:

“(b) in accordance with regulations 44E and 44F if the sulphur hexafluoride is imported in pre-charged equipment.

“(2) An emissions return for the activity must record the person’s total emissions in the period covered by the return, calculated by adding together the emissions for—

“(a) sulphur hexafluoride imported in bulk by the person in the period, as calculated under regulation 44D; and

“(b) sulphur hexafluoride imported in pre-charged equipment by the person in the period, as calculated under regulation 44F.

**“44C Collection of information for purpose of calculating emissions from importing bulk sulphur hexafluoride**

The person must collect and record the total number of kilograms of sulphur hexafluoride imported in bulk by the person in the year, as recorded at the customs point.

**“44D Method of calculating emissions from importing bulk sulphur hexafluoride**

“(1) Emissions in relation to sulphur hexafluoride imported in bulk by the person in the year must be calculated in accordance with the following formula:

$$E = A \times \frac{GWP}{1000}$$

where—

A is the total number of kilograms of sulphur hexafluoride imported in bulk by the person in the year, as recorded under regulation 44C

E is the emissions in tonnes for sulphur hexafluoride imported in bulk

GWP is the GWP figure for sulphur hexafluoride in table 1 of Schedule 3.

“(2) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

**“44E Collection of information for purpose of calculating emissions from importing sulphur hexafluoride in pre-charged equipment**

The following information must be collected and recorded in relation to sulphur hexafluoride imported in pre-charged equipment in the year:

“(a) the number of units of each type of pre-charged equipment containing sulphur hexafluoride imported by the person in the year that were not excluded goods, as recorded at the customs point; and

“(b) the sulphur hexafluoride charge in grams for the type of pre-charged equipment.

**“44F Method of calculating emissions from importing sulphur hexafluoride in pre-charged equipment**

“(1) Emissions in relation to sulphur hexafluoride imported in pre-charged equipment by the person in the year must be calculated in accordance with the following formula:

$$E = \Sigma(A \times B \times \frac{GWP}{1\,000\,000})$$

where—

A is, for each type of pre-charged equipment containing sulphur hexafluoride imported by the person in the year, the total number of units of the type of pre-charged equipment that were not excluded goods, as recorded under regulation 44E(a)

B is the sulphur hexafluoride charge in grams for the type of pre-charged equipment, as recorded under regulation 44E(b)

E is the emissions in tonnes for sulphur hexafluoride imported in pre-charged equipment

GWP is the GWP figure for sulphur hexafluoride in table 1 of Schedule 3.

“(2) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

*“Importing hydro fluorocarbons or per fluorocarbons*

**“44G Application of regulations 44H to 44N**

A person must comply with regulations 44H to 44N if the person, in any year, is a participant in respect of the activity in subpart 2 of Part 4 of Schedule 3 of the Act of importing hydro fluorocarbons or per fluorocarbons, including hydro fluorocarbons or per fluorocarbons contained in goods.

**“44H Collection and recording of information for purpose of calculating emissions from importing hydro fluorocarbons or per fluorocarbons**

- “(1) Information must be collected and recorded and emissions must be calculated in respect of imported hydro fluorocarbons or per fluorocarbons—
- “(a) in accordance with regulations 44I and 44J if the hydro fluorocarbons or per fluorocarbons are imported in bulk in the year; and
  - “(b) in accordance with regulations 44K and 44L if the hydro fluorocarbons or per fluorocarbons are imported in pre-charged equipment (other than in motor vehicles for which the person wishes to calculate emissions using the default charge) in the year; and
  - “(c) in accordance with regulations 44M and 44N, if the person wishes to calculate emissions for motor vehicles using the default charge.
- “(2) An emissions return for the activity must record the person’s total emissions for the period covered by the return, calculated by adding together the emissions—
- “(a) for each class of hydro fluorocarbons or per fluorocarbons—
    - “(i) imported in bulk by the person in the period, as calculated under regulation 44J; and
    - “(ii) imported in pre-charged equipment (other than in motor vehicles for which the person wishes to calculate emissions using the default charge) by the person in the year, as calculated under regulation 44L; and
  - “(b) for each category of motor vehicles imported by the person in the period and for which the person wishes to calculate emissions using the default charge, as calculated under regulation 44N.

**“44I Collection of information for purpose of calculating emissions from importing bulk hydro fluorocarbons or per fluorocarbons**

The person must collect and record—

- “(a) the constituents of each class of hydro fluorocarbons or per fluorocarbons imported in bulk by the person in the year; and
- “(b) the total number of kilograms of each class of hydro fluorocarbons or per fluorocarbons imported by the person in the year, as recorded at the customs point.

**“44J Method of calculating emissions from importing bulk hydro fluorocarbons or per fluorocarbons**

- “(1) Emissions in relation to each class of hydro fluorocarbons or per fluorocarbons imported in bulk by the person in the year must be calculated in accordance with the following formula:

$$E = A \times \frac{GWP}{1000}$$

where—

A is the total number of kilograms of the class of hydro fluorocarbons or per fluorocarbons imported in bulk in the year, as recorded under regulation 44I(b)

E is the emissions in tonnes for the class of hydro fluorocarbons or per fluorocarbons imported in bulk

GWP is, for a class of hydro fluorocarbons or per fluorocarbons—

- (a) listed in the first column of table 2 of Schedule 3, the figure for GWP for the class specified in the right hand column of the table; and
  - (b) not listed in table 2 of Schedule 3 and that contains more than 1 hydro fluorocarbon or per fluorocarbon, the figure for GWP determined under regulation 44R; and
  - (c) that contains a single hydro fluorocarbon or per fluorocarbon, the figure for GWP for the hydro fluorocarbon or per fluorocarbon in table 1 of Schedule 3.
- “(2) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

**“44K Collection of information for purpose of calculating emissions from importing hydro fluorocarbons or per fluorocarbons in pre-charged equipment**

The following information must be collected and recorded in relation to each class of hydro fluorocarbons or per fluorocarbons imported in pre-charged equipment (other than hydro fluorocarbons or per fluorocarbons contained in any system integrated into or powered by motor vehicles for which the person wishes to calculate emissions under regulation 44N) in the year:

- “(a) the constituents of the class of hydro fluorocarbons or per fluorocarbons; and
- “(b) the number of units of each type of pre-charged equipment containing the class of hydro fluorocarbons or per fluorocarbons imported by the person in the year that were not excluded goods, as recorded at the customs point; and
- “(c) the hydro fluorocarbons or per fluorocarbons charge in grams for the type of pre-charged equipment.

**“44L Method of calculating emissions from importing hydro fluorocarbons or per fluorocarbons in pre-charged equipment**

- “(1) Emissions in relation to each class of hydro fluorocarbons or per fluorocarbons imported in pre-charged equipment (other than motor vehicles for which the person wishes to calculate emissions under regulation 44N) by the person in the year must be calculated in accordance with the following formula:

$$E = \Sigma(A \times B \times \frac{GWP}{1\,000\,000})$$

where—

- A is, for each type of pre-charged equipment containing the class of hydro fluorocarbons or per fluorocarbons imported by the person in the year, the total number of units of the type of pre-charged equipment that—
- (a) were not excluded goods; and

- (b) are not motor vehicles for which emissions are calculated under regulation 44N, as recorded under regulation 44K(b)
  - B is the hydro fluorocarbons or per fluorocarbons charge in grams for the type of pre-charged equipment, as recorded under regulation 44K(c)
  - E is the emissions in tonnes for the class of hydro fluorocarbons or per fluorocarbons imported in pre-charged equipment
  - GWP is, for a class of hydro fluorocarbons or per fluorocarbons—
    - (a) listed in the first column of table 2 of Schedule 3, the figure for GWP for the class specified in the right hand column of the table;
    - (b) not listed in table 2 of Schedule 3 and that contains more than 1 hydro fluorocarbon or per fluorocarbon, the figure for GWP determined under regulation 44R; and
    - (c) that contains a single hydro fluorocarbon or per fluorocarbon, the figure for GWP for the hydro fluorocarbon or per fluorocarbon in table 1 of Schedule 3.
- “(2) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

**“44M Collection of information in relation to categories of motor vehicle**

If the person wishes to calculate emissions for a category of motor vehicle using the default charge, the person must collect and record the number of motor vehicles in that category imported by the person in the year that were not excluded goods, as recorded at the customs point.

**“44N Method of calculating emissions from categories of motor vehicle using default charge**

- “(1) Emissions in relation to each category of motor vehicle imported in the year in respect of which the person wishes to cal-

culate emissions using the default charge must be calculated in accordance with the following formula:

$$E = A \times B \times \frac{\text{GWP}}{1\,000\,000}$$

where—

- A is, for each category of motor vehicle, the number of motor vehicles in that category that the person imported in the year that were not excluded goods, as recorded under regulation 44M
- B is the default charge for the category in table 3 of Schedule 3
- E is the emissions in tonnes for the category of motor vehicles imported

GWP is the GWP for HFC-134a in table 1 of Schedule 3.

- “(2) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

*“Manufacturing synthetic greenhouse gases*

**“44O Application of regulations 44P and 44Q**

A person must comply with regulations 44P and 44Q if the person, in any year, is a participant under section 54(1)(a) of the Act in respect of the activity in subpart 2 of Part 4 of Schedule 3 of the Act of manufacturing sulphur hexafluoride, hydro fluorocarbons, or per fluorocarbons, other than through producing aluminium resulting in the consumption of anodes or the production of anode effects.

**“44P Collection of information for purpose of calculating emissions from manufacturing synthetic greenhouse gases**

The person must collect and record the following information in relation to each class of synthetic greenhouse gas and each facility at which synthetic greenhouse gases are manufactured by the person in the year (whether the gas is manufactured in bulk or as a by-product of another manufacturing process, other than aluminium production):

- “(a) the constituents of the class of synthetic greenhouse gas; and
- “(b) the number of kilograms of the class of synthetic greenhouse gas manufactured at the facility in the year; and
- “(c) the number of kilograms of the class of synthetic greenhouse gas emitted during manufacturing at the facility in the year; and
- “(d) the number of kilograms of the class of synthetic greenhouse gas emitted during handling at the facility in the year.

**“44Q Method of calculating emissions from manufacturing synthetic greenhouse gases**

- “(1) Emissions in relation to each class of synthetic greenhouse gas manufactured by the person in the year at each facility used by the person to manufacture a synthetic greenhouse gas (whether in bulk or as a byproduct of another manufacturing process) must be calculated in accordance with the following formula:

$$E = (A + B + C) \times \frac{\text{GWP}}{1000}$$

where—

- A is the total number of kilograms of the class of synthetic greenhouse gas manufactured by the person in the year at the facility, as recorded under regulation 44P(b)
  - B is the total number of kilograms of the class of synthetic greenhouse gas emitted during manufacturing in the year at the facility, as recorded under regulation 44P(c)
  - C is the total number of kilograms of the class of synthetic greenhouse gas emitted during handling in the year at the facility, as recorded under regulation 44P(d)
  - E is the emissions in tonnes for the class of synthetic greenhouse gas manufactured at the facility
- GWP is, for a class of synthetic greenhouse gas—
- (a) listed in the first column of table 2 of Schedule 3, the figure for GWP for the class specified in the right hand column of the table:

- (b) not listed in table 2 of Schedule 3 and that contains more than 1 synthetic greenhouse gas, the figure for GWP determined under regulation 44R; and
  - (c) that contains a single synthetic greenhouse gas, the figure for GWP for the synthetic greenhouse gas in table 1 of Schedule 3.
- “(2) An emissions return submitted by a person required to comply with this regulation must record the person’s total emissions from the manufacturing synthetic greenhouse gases activity in the year, calculated by adding together the emissions for each class of synthetic greenhouse gas manufactured at each facility in the year, as calculated under subclause (1).
- “(3) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

*“Determination of GWP*

**“44R Determination of GWP figure for class of synthetic greenhouse gas**

If a person is required to use a GWP figure for a class of synthetic greenhouse gas that contains more than 1 synthetic greenhouse gas and the GWP figure for the class of synthetic greenhouse gas is not listed in table 2 of Schedule 3, then the GWP figure for the class of synthetic greenhouse gas must be calculated in accordance with the following formula:

$$\text{GWP} = \Sigma(\text{A} \times \text{B})$$

where—

- A is for each synthetic greenhouse gas specified in table 1 of Schedule 3 that is contained in the class of synthetic greenhouse gas, the GWP specified in that table
- B is for the relevant synthetic greenhouse gas, the percentage by mass of the synthetic greenhouse gas in the class of synthetic greenhouse gas

GWP is the GWP for the class, being—

- (a) the product of the equation rounded down to the nearest 10 if the last number of the product is 1, 2, 3, or 4:

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- (b) the product of the equation rounded up to the nearest 10 if the last number of the product is 5, 6, 7, 8, or 9.

**7 New Schedule 3 added**

Schedule 3 as set out in the Schedule of these regulations is added.

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**Schedule**  
**New Schedule 3 added**

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**Schedule 3** rr 3, 44D, 44F, 44J, 44L,  
44Q, 44R

**Figures for synthetic greenhouse gases**

Table 1  
GWP figures of individual synthetic  
greenhouse gases

<b>Gas</b>	<b>GWP figure</b>
<i>Hydro fluorocarbons</i>	
HFC-23	11 700
HFC-32	650
HFC-41	150
HFC-42–10mee	1 300
HFC-125	2 800
HFC-134	1 000
HFC-134a	1 300
HFC-143	300
HFC-143a	3 800
HFC-152a	140
HFC-227ea	2 900
HFC-236fa	6 300
HFC-245ca	560
<i>Per fluorocarbons</i>	
PFC-218	7 000
Perfluoromethane – CF <sub>4</sub>	6 500
Perfluoroethane – C <sub>2</sub> F <sub>6</sub>	9 200
Perfluoropropane – C <sub>3</sub> F <sub>8</sub>	7 000
Perfluorobutane – C <sub>4</sub> F <sub>10</sub>	7 000
Perfluorocyclobutane – c-C <sub>4</sub> F <sub>8</sub>	8 700
Perfluoropentane – C <sub>5</sub> F <sub>12</sub>	7 500
Perfluorohexane – C <sub>6</sub> F <sub>14</sub>	7 400
<i>Sulphur hexafluoride</i>	
SF <sub>6</sub>	23 900

Table 2  
GWP figures for classes of hydro fluorocarbons or per fluorocarbons

Class	Type of hydro fluorocarbon				Type of per fluorocarbon	Other gas	GWP for class
	HFC-23	HFC-32	HFC-125	HFC-134a			
GWP	11 700	650	2 800	1 300	3 800	140	0
R23	100%						
R134a				100%			
R403B: 5% R290, 56% R22, 39% R218							
R404A: 44% R125, 52% R143a, 4% R134a			44%	4%	52%		61%
R407C: 23% R32, 25% R125, 52% R134a		23%	25%	52%			
R408A: 7% R125, 46% R143a, 47% R22			7%		46%		47%
R410A: 50% R32, 50% R125		50%	50%				
R413A: 9% R218, 88% R134a, 3% R600a				88%			
R416A: 59% R134a, 39.5% R124, 1.5% R600				59%			
R417A: 46.6% R125, 50% R134a, 3.4% R600		46.6%		50%			3.4%

Table 2—continued

<b>Class</b>	<b>Type of hydro fluorocarbon</b>			<b>Type of per fluorocarbon</b>	<b>Other gas</b>	<b>GWP for class</b>	
	<b>HFC-23</b>	<b>HFC-32</b>	<b>HFC-125</b>	<b>HFC-134a</b>	<b>HFC-143a</b>	<b>HFC-152a</b>	<b>PFC-218</b>
R422A: 85.1% R125, 11.5% R134a, 3.4% R600a	85.1%		11.5%				
R507A: 50% R125, 50% R143a	50%				50%		
							3.4%
							2 530
							3 300

Table 3  
Default charges for categories of motor  
vehicles

<b>Category of motor vehicle</b>	<b>Default charge (g)</b>
Car, vans, and utes	700
Trucks	1 200
Buses and off-engine refrigerated trucks and trailers	2 500

Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 January 2011, amend the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

The amendments set out the requirements for the collection of information and the calculation of emissions under section 62 of the Climate Change Response Act 2002 in relation to importing sulphur hexafluoride, importing hydro fluorocarbons or per fluorocarbons, and manufacturing synthetic greenhouse gases.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

These regulations are administered by the Ministry for the Environment.

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