



**Transfer of  
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



# **Summary of Submissions: Group Standards for Adhesives**

April 2006

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# 1. Introduction

## 1.1 Background to the Consultation

This document reports on the submissions that were received on proposals to establish group standards for adhesives. Group standards are a form of hazardous substances approval under Part 6A of the Hazardous Substance and New Organisms (HSNO) Act 1996.

ERMA New Zealand released for public consultation 12 group standards for adhesives on the 3 November 2005. Consultation closed on the 15 December 2005. Notification of this consultation was via public notice in the four main metropolitan newspapers and the ERMA New Zealand web site.

The consultation document and draft group standards,<sup>1</sup> or a letter advising of the availability of these documents, were provided to 215 parties who were considered likely to have an interest in this consultation. This included companies who notified adhesives or related products under the Toxic Substances Act 1979, other industry sectors and associations, government departments, enforcement agencies and territorial authorities. The documentation was also available on the 'consultation page' of the ERMA New Zealand website.<sup>2</sup>

Nine submissions were received, of which three submitters requested to be heard. The Agency met with two of these submitters on 2 March 2006 and with the third submitter on 24 March 2006. As a result of these meetings one submitter withdrew their request for a hearing, one submitter wished to proceed and one was non committal at the time of completing this summary of submissions.

The comments made by submitters are summarised in Section 2, along with the Agency's response. Where a submitter's comment resulted in a change to the group standard proposal, this is indicated in the table. Each submitter is identified numerically, and the name of the submitter is given at the start of the table.

The following commonly occurring points were made in the submissions.

- Certain notified products (NOTS) were placed in the wrong group standard and it was requested that they be moved to the correct group standard (see Section 1.2);
- The importance of providing information, tools or other assistance to aid industry classify products and assign them to the appropriate group standard, and to aid compliance activities undertaken by companies;
- Clarification around labelling and safety data sheets, particularly a concern that some conditions were not consistent with the hazardous substances regulations;
- Extending the 2010 alternative compliance measure for labelling to locally manufactured products;
- The creation of additional group standards to cover notified products with hazards, or combinations of hazards, not represented by the current suite of adhesive group standards.

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<sup>1</sup> Provided electronically on CD. No paper copies were distributed unless specifically requested.

<sup>2</sup> These documents remain available on the ERMA New Zealand web site:  
<http://www.ermanz.govt.nz/consultations/gs/adhesives.asp>.

Some submitters also made specific comments regarding certain aspects of the HSNO regime that did not have a direct bearing on the group standard proposals. These comments have been forwarded to the relevant groups within ERMA New Zealand.

This summary of submissions has been provided to all parties who made a submission on the adhesives group standards, major notifiers of adhesives and related materials<sup>3</sup> and to the Hearings Committee of the Authority.<sup>4</sup> It is also available from the ERMA New Zealand web site:

<http://www.ermanz.govt.nz/hs/groupstandards/standards/scc.html>. A copy will be provided to any other interested party on request. Contact:

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PO Box 131  
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Phone +64 4 918 4871  
Email [NOTS@ermanz.govt.nz](mailto:NOTS@ermanz.govt.nz) and enter “Adhesives Summary of Submissions” in the subject line.

## 1.2 Moving NOTS

When group standards were released for consultation, notifiers were given a list of their products notified under the Toxic Substances Act 1979 (NOTS) associated with each standard. If a NOTS had been incorrectly assigned by ERMA New Zealand to a specific group standard, the notifier is able to reassign it to the appropriate group standard. If a notifier moves a NOTS from one group standard to another (or removes the NOTS from a group standard because they determine it to be non-hazardous) we asked in the consultation document for the notifier to advise us.

To assist notifiers reassign their NOTS, ERMA New Zealand has developed an excel template that can be accessed by emailing us at: [NOTS@ermanz.govt.nz](mailto:NOTS@ermanz.govt.nz).<sup>5</sup> Once the notifier has recorded on the template the NOTS that need to be moved, they must email the completed template back to us for processing. This template will be available up until 30 June 2006.

Where a submitter requested that a NOTS be moved, this information is not provided in Section 2 because it is specific to that notifier and, in some cases, could result in the disclosure of confidential information. This moving of NOTS is independent of the scope and conditions of a group standard, and consequently has not resulted in any change to any of the group standard proposals.

Where notifiers requested as part of their submission that NOTS be reassigned, we will move them to the group standard(s) they indicated, and they do not need to use the template unless they have further changes to make.

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<sup>3</sup> Notifiers with only a few NOTS have been advised by letter of the availability of this summary of submissions.

<sup>4</sup> The Authority is the decision making body of ERMA New Zealand. It is made up of up to eight members appointed by the Minister for the Environment. The Hearings Committee is made up of selected members of the Authority with relevant experience in the subject area being considered for approval under the HSNO Act.

<sup>5</sup> The template and process operate in such a way that requires notifiers to contact ERMA New Zealand. This is to safeguard data confidentiality.

### 1.3 Overlap of Consultation with Chemicals of Concern

The group standard proposals included a condition requiring notification to the Authority if a substance contains a Chemical of Concern. A separate consultation on the concept of developing a list of chemicals of concern was undertaken concurrently with the group standards consultation. Submissions received on the chemicals of concern provision of group standards are included in the summary of submissions from the Chemicals of Concern consultation. This summary of submissions will shortly be available from: <http://www.ermanz.govt.nz/hs/groupstandards/coc.asp>. As a result of this consultation, group standards will no longer contain a Chemicals of Concern notification condition.

### 1.4 Combining Group Standards

As group standards have been finalised following consultation, we have found it advantageous to combine or “roll-up” certain group standards by:

1. application type, and/or
2. hazard.

For adhesives, these have been combined with paints, inks, dyes and pigments into a single set of group standards, and renamed as *Surface Coatings and Colourants Group Standards*. Similarly, the Class 3.1B and 3.1C flammable group standards have been combined.

Several submissions were received requesting that group standards be combined to reduce the number of standards industry would otherwise have to deal with. A preference for fewer group standards was confirmed in separate discussions with a number of industry sectors. We also recognised the advantages of rolling up group standards from a management and administrative perspective, provided that, in so doing, the combined group standards were no less user-friendly or the conditions any more or less onerous to comply with.

The rolling-up of group standards has been possible because of the template format on which they are based. Importantly, combining group standards has not meant that there are further requirements on a substance approved under that combined group standard than would have applied if the individual group standards were kept separate. It does, however, mean that, particularly where group standards have been rolled-up across hazard (such as 3.1B and 3.1C), for some conditions, various options are presented, and the relevant option has to be chosen depending on the hazard of the substance concerned.

Parties who read the original group standard proposals will also notice that the group standards have been reformatted to simplify the numbering scheme and to improve their readability and presentation. In addition, some editing and word-smithing has been carried out. Again, this reformatting and editing has not changed the requirements of any aspect of the group standard.

### 1.5 Approval of Group Standards

The Hearings Committee of the Authority is responsible for considering and approving group standards. Copies of amended group standards will be provided to the Committee for consideration.<sup>6</sup>

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<sup>6</sup> Group standards that were consulted on will be amended as indicated in Section 2.

As noted earlier, a copy of this summary of submissions has been provided to the Hearings Committee. Although Section 2 of this summary may indicate that an amendment has been made to the group standards as consulted on, it is the Hearings Committee that is the decision maker. That is, the Agency's recommendation that a group standard be changed as indicated in Section 2 requires final approval by the Authority.

The Hearings Committee is scheduled to consider the group standards for Surface Coatings and Colourants on 25 May 2006. A notice of their decision will be placed on the ERMA New Zealand web site as soon as practicable after the consideration.

Because we have identified a need to undertake further consultation on key matters concerning group standard proposals, any decision of the Hearings Committee will only be an interim (provisional) decision at this time (see following section).

## **1.6 Further Consultation Required**

### **1.6.1 New Conditions and Amendments to Conditions for Group Standards**

Since the release of the original group standard proposals, there is a need for further consultation to:

1. address matters inadvertently omitted from some group standards, particularly with respect to tracking of the most toxic (Class 6.1B) substances and the labelling of hazardous ingredients; and
2. seek further feedback on certain points raised by submitters from the initial consultation.

A copy of this consultation document is available from the ERMA New Zealand web site: <http://www.ermanz.govt.nz/consultations/gs/addgs.asp>.

### **1.6.2 Additional Group Standards for Surface Coatings and Colourants**

A number of submissions from the consultation requested the creation of *additional* group standards with hazard combinations not covered by the existing group standard proposals. Consequently a further 14 group standards have been released for consultation (listed below). Consultation on these group standards closes on 1 June 2006. Refer: <http://www.ermanz.govt.nz/consultations/gs/addcoat.asp>.

- Hazardous Substances (Surface Coatings and Colourants, Flammable, Toxic [6.1, 6.7], Corrosive) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Flammable, Toxic [6.1], Corrosive) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Flammable, Toxic [6.1, 6.7]) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Flammable, Toxic [6.1]) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1, 6.7], Corrosive, Combustible) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1], Corrosive, Combustible) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1, 6.7], Corrosive) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1], Corrosive) Group Standard Notice 2006

- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1, 6.7], Combustible) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1], Combustible) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Toxic [6.1, 6.7]) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Corrosive, Combustible, Toxic [6.7]) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Corrosive, Combustible) Group Standard Notice 2006
- Hazardous Substances (Surface Coatings and Colourants, Corrosive, Toxic [6.7]) Group Standard Notice 2006

As a consequence of undertaking further consultation, there will be a further consideration by the Hearings Committee to address these additional matters and give final approval to the group standards proposed. This consideration is scheduled for June 2006.

## 1.7 **Gazetting and Staged Implementation**

Following final approval by the Authority, group standards will be established by publication of a notice in the *New Zealand Gazette*, and will come into force on 1 July 2006. All NOTS that fit the scope of a group standard will become deemed approved hazardous substances at this time.

A full list of group standard proposals for surface coatings and colourants, and other product types, is available from:

<http://www.ermanz.govt.nz/hs/groupstandards/list.html>.

Coinciding with the transfer of NOTS will be the commencement of a period of staged implementation. The details of staged implementation are given in Annex 1.

After 1 July 2006, ERMA New Zealand will write to all notifiers with a list of their NOTS that are deemed approved under group standards and the HSNO approval number for each group standard.

## 2. Submitter's Comments and Agency Response and Recommendations

### Code to submitters

No.	Submitter
1	Employers and Manufacturers' Association (N) Inc
2	Bostik New Zealand Limited
3	Orica Adhesives & Resins
4	Dynea NZ Limited
5	Ministry of Health
6	3M New Zealand Limited
7	Armatec Environmental Ltd
8	Colour and Chemical

This list of submitters does not include submitters who only requested that a NOTS be moved from one group to another (see Section 1.2).

Submitter	Submission	Agency response and recommendation	Group standards amended
<b>The classification of substances and assigning to group standards</b>			
<i>NOTS not allocated to group standards</i>			
8	Section 4.2.1 Consultation Doc puts onus on companies to assign product to a group standard. Concern NOTS not allocated to group standards will be illegal. ERMA states to the best of their ability they will place existing NOTS into group standards – Colour and Chemical feel original submissions were to best of ability – companies do not want to divulge intellectual property on such a small market.	<p>A major philosophy behind the 2005 “Macropatch” amendment to the HSNO Act was industry self-responsibility. This was to avoid companies having to come to ERMA for approval for new products. This philosophy applies to NOTS and group standards.</p> <p>All NOTS should be covered by at least one group standard. If a NOTS is not covered by an application specific group standard, (i.e. a group standard for surface coatings and colourants [which will include the additives group standards consulted on – see Section 1.4]) then it will fall under the generic group standards that are being written to capture the “residual NOTS”.</p> <p>The requirement to provide a notification to ERMA prior to 2001 did not involve divulging intellectual property to a third party. Neither does the need</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
		for an industry to self classify and place their products in the appropriate application and hazard based group standard.	
<i>Other</i>			
6	Where do products that have been matched via the SOS process fall under and how will this information be conveyed?	Substances that have been matched to NOTS via the Status of Substance (SOS) process have been recorded in our database. Companies who made these SOS applications will be advised (post 1 July 2006) of the group standard under which their product is deemed HSNO approved.	No amendment required
1	Skin/eye irritants should fall under class 8 and all gases should be covered by class 2 only to align with GHS.	The assigning of an irritancy hazard is set out in the HSNO (Classification) Regulations, which has been applied to classifications for group standards. Class 6 irritants are seen as having a reversible toxic effect, whereas class 8 corrosives have irreversible effects. Thus, HSNO has separated irritancy and corrosivity.  Flammable gases are covered within class 2 in HSNO, as in GHS. Non-flammable gases are covered under other classes, depending on their hazardous properties. We have recently released group standard proposals for flammable and non-flammable gases, covering a range of other hazards including toxicity and corrosivity. These are available at: <a href="http://www.ermanz.govt.nz/consultations/consult-gs.asp">http://www.ermanz.govt.nz/consultations/consult-gs.asp</a> .	No amendment required
<b>The suite of adhesive group standards</b>			
<i>New group standards are required to cover additional hazard combinations</i>			
3, 4	Request the creation of the following additional group standards in order to better represent adhesives currently in use. <ul style="list-style-type: none"> <li>o Flammable, Carcinogenic, Corrosive</li> <li>o Combustible, Carcinogenic</li> <li>o Combustible, Corrosive</li> <li>o Combustible, Carcinogenic, Corrosive</li> <li>o Carcinogenic, Corrosive</li> <li>o Highly Toxic, Flammable, Corrosive</li> <li>o Highly Toxic, Combustible, Corrosive</li> </ul>	At the time of consultation, adhesive specific group standards for substances with these classifications were not prepared because of the limited number of notifications with these ranges of hazards. However, the "rolling-up" of group standards (refer Section 1.4) has now necessitated that additional group standards are prepared, including for the hazard combinations put forward by the submitter. These are currently open for consultation (see <a href="http://www.ermanz.govt.nz/consultations/gs/addcoat.asp">http://www.ermanz.govt.nz/consultations/gs/addcoat.asp</a> ). As explained in Section 1.4, these group standards are for <i>Surface Coatings and Colourants</i> .	New group standards will be established
<i>Product types to be, included or excluded, from adhesive group standards</i>			
2	Further clarify the definition of substance with regards to raw materials. Solvents used in the manufacture of	The group standard provisions of the HSNO Act allow a substance to be covered by more than one group standard. The importer, manufacturer or	The definitions will be reviewed, and

Submitter	Submission	Agency response and recommendation	Group standards amended
	adhesives appear to be included but not those used as finished products in the forms of thinners, primers etc	user of the substance may elect to comply with whichever group standard best applies to their particular use of a substance. In this case, solvents in the form of finished products (such as thinners) can be covered by both the solvent and the adhesives group standards, whichever is most applicable.	amended as necessary
6	Acknowledged that sealants are appropriate to include with adhesives.	Comment noted	No amendment required
6	Suggested that products identified as resins be moved to the polymer group standards when these become available.	Because of the template format of group standards, we are “rolling-up” group standards across application types to reduce the total number of group standards that need to be gazetted (see Section 1.4). For adhesives, these will now fall under the <i>Surface Coatings and Colourants</i> group standards. Resins can also be placed in the polymer group standards.	No amendment required
7	Suggest that polyester resin based products are better included either in their own group standards, or resin group standards		
<i>Nomenclature of group standards should be modified</i>			
7	Express concern over the use of the term carcinogenic in the title of the group standards to describe products containing styrene. Suggest this term is replaced by a more appropriate phrase “possibly carcinogenic” or removed entirely	This is purely a descriptive term to reflect the hazards covered by the group standard. Nevertheless, and reflecting the concern expressed by a number of submitters over the use of the term “carcinogenicity”, we will no longer use this term in group standard titles, but will instead address carcinogenicity by reference to the HSNO classification (i.e. 6.7). Hazard descriptors that align with the UN (i.e. flammable, toxic and corrosive) will continue to be used.	Yes – use 6.7 for carcinogenicity hazard
<i>Scope of group standards</i>			
8	Many products will be affected by narrow, rigid parameters of group standards	On the contrary, groups of notified products (NOTS) will be simultaneously transferred by the same HSNO approval, so group standards are far more efficient and flexible than the alternative individual transfer approach (under s.160A of the HSNO Act).  This flexibility is also expressed in the ability of companies to develop new products or change the composition of a product without the requirement to obtain a new approval from ERMA, provided that the new product fits within the scope of the group standard or an existing group standard.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
<b>Conditions for labelling</b>			
<i>Information required on label</i>			
1, 6	The contact information (i.e. name, full address, phone No) and 24 hour emergency phone number requirements for labelling in the group standards are excessive. These requirements are not in line with GHS intentions, nor are they required by the regulations. The requirement for a 24 hour emergency phone number would be more appropriately met by the NZ Poisons Centre.	This condition is based on the HSNO regulations, but had been made more stringent in a number of aspects. The condition will be amended to align exactly with the current regulatory requirements. Note the need for a 24 hr emergency phone number is a requirement of the Emergency Management Regulations for certain hazard classifications.	Yes – amend to align with HSNO regulations
2	Suggest exemptions from subsection 5.1.2.2 (1) (c) for small volumes <1L. Also note costs involved with over labelling large quantities of imported products as international numbers may not be accessible.	This condition has been amended so that the requirement for a 24 hour phone number is now only required for certain HSNO classifications, in accordance with the regulations. The group standard provides for a number of alternative compliance measures. Thus, an alternative means of compliance for the labelling conditions is compliance with the information provisions of the HSNO identification, disposal and emergency management regulations, as well as approved codes of practice.  Staged implementation also provided for 4 years before compliance is required with the labelling conditions if a product label complies with the labelling requirements of Europe, Australia, USA or Canada (see Annex 1).	No
2	Subsection 5.1.2.2 (3) (b) & (c) concern over the requirement to show all exposure route phrases associated with a particular hazard. Suggest use of combined phrase options.	The group standard allows for the use of combined phrases under the condition “A single indication may be used if it is capable of conveying two or more of the items of hazard information required by subclause 5.1.2.2(3)”.	No amendment required
5	Support the use of prescriptive statements on labels, e.g. ‘keep out of reach of children’, and supportive of contact details being on a label, especially from an enforcement point of view.	Support noted.	No amendment required
8	Labelling Pictograms – have removed classes from TDG model. Concerned will cause complacency with higher hazard products, and more future regulation to manage risks	The group standard requirements allow the use of either GHS or TDG pictograms. We expect that where a TDG pictogram exists for a particular hazard classification (and this is for all the higher hazard categories) then this will be used in preference to the GHS one and this is the approach adopted in the draft NZCIC labelling code of practice. GHS pictograms are intended to be used with the corresponding signal words and hazard	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		statements, which then fully describe the applicable hazard of the substance.	
<b>Alternative compliance measures</b>			
1	Concern expressed that local manufacturers must comply with labelling regardless of 2010 clause.	The dates will be aligned so that all products (locally manufactured and imported) will receive the 2010 provision provided that they comply with the labelling requirements in Europe, Australia, USA or Canada. Further consultation on this issue is being undertaken (refer Section 1.6.1).	Yes, our current intention
1	Support the provision recognising the labelling and packaging of our major trading partners. However, believe the 2010 sunset clause should be reviewed for possible extension upon expiry to ensure implementation of GHS in overseas jurisdictions matches New Zealand. Want clearer statement within GS to this effect.	Support noted. The 2010 date has been set based on current expectations of when the GHS will be adopted internationally. A review based on any delay in implementation of GHS globally would only be contemplated in response to that circumstance occurring. The inclusion of a statement to this effect in the group standard is unnecessary.	No
6	Agree with alternative compliance for labelling of substances, i.e. aligned with overseas trading partners adopting GHS.	Support noted	No amendment required
1	Notification to ERMA New Zealand and National Poisons Centre should be allowed for as an alternative compliance measure to the New Zealand specific labelling conditions.	A label is the key means by which information is communicated to the user of a product. The proposed suggestion will not provide users with ready access to such information.	No
<b>Conditions for safety data sheets</b>			
1	HSNO approval number seen as unnecessary on SDS and irrelevant where the GS is stated.	The inclusion of local regulatory information on a safety data sheet is consistent with international best practice, the NZCIC Code of Practice for SDS, and the GHS. Providing information to show that a substance is HSNO approved will assist compliance and enforcement initiatives. As a result of other submissions, the wording of the particular condition will be amended to allow for <i>either</i> the HSNO approval number or the name of the group standard to be provided on the SDS.	Yes – wording amended, but requirement for an indication of HSNO approval remains
6	Disagree with conditions in subsection 5.1.3 (5,a,iii) as this contradicts the current ID regulations..	The Safety Data Sheet requirements to provide contact details and an emergency contact are consistent with the requirements of regulations 39(3) and 39(4)(b) of the Hazardous Substances (Identification) Regulations, the NZCIC Code of Practice and the GHS provisions for safety data sheets.	No

Submitter	Submission	Agency response and recommendation	Group standards amended
1	Disposal and handling conditions not compliant with GHS requirements. Conditions based on regulations designed to manage higher risk substances.	The disposal and handling conditions of the group standard are based on the HSNO regulations, which are designed to manage all levels of risk of a hazardous substance. These conditions are non prescriptive and therefore allow a variety of means of compliance. The NZCIC is developing a code of practice to assist compliance with the HSNO requirements for disposal.	No
<b>Conditions for advertising</b>			
1	Advertising section perceived as unworkable for business as it imposes unnecessary regulatory burden for no appreciable gain in risk prevention.	These conditions are based on the requirements of the HSNO (Identification) regulations. They also reflect the provisions of the previous Toxic Substances Regulations. We do not agree that providing information on the hazards of a substance under the requirements of an advertising condition will not result in risk prevention.  Nonetheless, we acknowledge from other submissions that the workability of the current wording is problematic, and are currently reviewing the condition. Enforcement lies with HSNO enforcement agencies.	An advertising condition will remain, but the wording is currently under review
1	Questions asked as to who will enforce this requirement. Suggest this requirement should be removed from group standards		
<b>Site and storage</b>			
7	Seek further clarification of whether these conditions apply to work areas as well as storage facilities	Site and storage conditions apply to both the areas where a substance may be used (e.g. work areas at an industrial premise) and storage areas/facilities. Note that for some of the site and storage conditions, trigger quantities apply.	No amendment required
7	Advises that under these conditions all fibreglass factories in New Zealand would have a "hazardous atmosphere zone" and require upgrades to wiring etc at significant costs	The development of a code of practice will address the problems for the fibreglass industry identified by the submitter. ERMA New Zealand has met with the submitter and is assisting in the development of such a code.	No
7	Suggest adopting the recommendations for styrene vapour levels (<25% of the LEL) in the <i>Code of Practice for Health and Safety in The Manufacture of Composites Based on Synthetic Resins (Fibreglass)</i> (1998) that is currently available to the industry.		
8	Site and Storage. Conditions for HSNO 6.1E, 6.3A and 6.4A. Seek further clarification for products with only these classifications. Will there be a 10,000 kg restriction on the volume of these we can legally store	Any substance with a 6.1E, 6.3A and 6.4A (and no other hazard classification) does not trigger any requirement for emergency management under the site and storage conditions (i.e. response plans, secondary containment and signage). Note that secondary containment applies only to	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	at any time, before containment and emergency management conditions apply?	liquids and pooling solids.	
<b>Miscellaneous</b>			
2	Noted apparent mismatch of 6.1E exposure route statements in the <i>hazard and precautionary information for group standards</i> document	Thank you. This will be amended and the table checked for other errors prior to publication.	Supporting information will be corrected.
5	Generally support the conditions specified and agree they are more user friendly	Support noted	No amendment required
6	General support for applying group standards to deal with product types of similar hazard to simplify ERMA's management of hazardous substances and reduce compliance costs for industry	Support noted	No amendment required
5	Seek clarification around the relationship of GS and existing legislation, especially with respect to the notification process of new substances.	<p>Whilst the conditions of a group standard are based on the regulations, the conditions are the legal means by which compliance with a group standard will be measured. That is, the conditions stand in place of the HSNO regulations, unless the regulations are specifically referenced in the conditions.</p> <p>In this case of the notification provision, this is a new condition that is not based on any HSNO regulation. It will only apply to substances deemed approved under a group standard that contain that provision. It does not apply to other approvals given under other parts of the Act (e.g. a Part V approval). If such a control were considered appropriate for a Part V approval, it would need to be specifically included in the approval at the time of that approval, or in the case of an existing approval by way of a section 77A amendment to the approval.</p>	No amendment required
6	Require clarification when a new substance requires a Rapid Assessment. Understand that a raw material that did not alter the hazard of a substance would be defined as 'the same as'. Seek clarification where product modification reduces risk, i.e. moves from 3.1B to 3.1C.	<p>If a 'new' substance (such as an existing substance that was reformulated) has the same hazard classification as the original product, then it is covered by the same group standard approval (presuming it is of the same application type and nothing else has been changed that would take it out side the scope of the group standard). Similarly, a product that is reformatted and the hazard profile is changed will also be covered by a group standard if such a group standard exists.</p> <p>In situations where no group standard exists, a reformulated product may require a rapid assessment. The Act allows for the rapid assessment of a</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>substance that has been formulated such that one or more of its hazardous properties has a lesser degree of hazard than any substance that has been approved under the Act.</p> <p>Further guidance will be provided once Group Standards are issued and the transfer of NOTS complete.</p>	
6	Support for the modification of the ecotoxicological controls in the group standards for non-pesticidal use substances	Support noted	No amendment required
8	R and S clauses are recognized globally – cost converting to HSNO is not recoverable	<p>R and S phrases are not recognised in all countries (e.g. USA). They are also not used within the GHS framework, upon which HSNO is based. Staged implementation will help to reduce compliance costs. Once group standards are in force, guidance will be provided to industry on the conversion of R and S phrases to HSNO classification. This conversion is currently contained in the NZCIC code of practice for labelling.</p> <p>The R and S phrases are from the EU, which has recently moved to adopt the GHS system into their REACH reforms of their hazardous substances management framework. Australia, which also currently uses R and S phrases, are at present revising their systems and are developing a new labelling code of practice, which uses exactly the same system of GHS labelling elements as proposed in the group standard Hazard and Precautionary Information document.</p>	No
8	General disclaimer statements referring to LTSA, etc typical of difficulties of small business navigating through complex legislation.	<p>Persons transporting hazardous substances must comply with the requirements of the Dangerous Goods Rule, regardless of whether those requirements are re-specified within a group standard or not. When it comes to the transportation phase of the life-cycle of a substance, group standards essentially defer to the land transport rule.</p> <p>Including all aspects of other relevant legislation within a group standard is unnecessary, and would have resulted in a considerably larger and potentially more confusing document. One of the intents of group standards was to assist compliance by making the HSNO requirements more understandable and accessible, and, in support of the approach followed, other industries have indicated they find group standards easier to follow than the HSNO regulations. However, as noted earlier, the matter raised by the submitter could be addressed via the provision of guidance material on transportation, transit depots etc.</p>	No
8	Short submission period means companies may have	We acknowledge the limited time industry has had to engage in a large	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	overlooked important points.	number of group standard proposals. The statutory requirement of the Act for a 30 working day period of consultation has been followed in all cases. Unfortunately longer periods could not be provided as a matter of course due to the need to complete group standards and transfer NOTS on 1 July 2006. Where industry asked for an extension, this was assessed on a case-by-case basis, and in all instances, an extension provided. We have also indicated that we will accept on-going feedback from industry and other parties right up until the immediate deadline for a 1 July 2006 transfer.	required
8	REACH in EU will result in job losses and increase compliance costs – concerns HSNO heading in same direction	ERMA New Zealand is aware of the importance of minimising compliance costs to industry. However the management of hazardous substances under the HSNO Act is a requirement that is outside the scope of the group standard proposals. This was a decision by Government and parliamentarians when the HSNO framework was established. Group standards incorporate a period of staged implementation, which will enable industry to plan and better manage change.	No amendment required

## Annex 1: Staged Implementation for NOTS

All group standards will contain provisions for staged implementation. These provisions will apply to notified toxic substances (NOTS) that are transferred from the transitional provisions to the main framework of the HSNO Act. The purpose of staged implementation is to allow importers, manufacturers and users of adhesives a period of time to become familiar with the new group standard conditions, and to progressively implement these conditions.

The key dates for staged implementation are set out in the table below.

<b>1 July 2006</b>	NOTS transferred to HSNO. Six month period commences before any group standard conditions apply. Persons continue to comply with current regulatory requirements
<b>1 January 2007</b>	Approved handler test certificates required (either deemed <sup>1</sup> or full five year certificate) <sup>2</sup> Compliance required with all group standard conditions, with the exception of conditions for: <ul style="list-style-type: none"> <li>➤ Test certificates for hazardous substance locations<sup>2</sup></li> <li>➤ Stationary bulk container systems</li> <li>➤ Emergency management<sup>2</sup></li> <li>➤ Signage<sup>2</sup></li> <li>➤ Labelling, safety data sheets and packaging</li> </ul>
<b>1 July 2007</b>	Compliance required with emergency management conditions <sup>2</sup> (fire extinguishers, response plans and secondary containment)
<b>1 January 2008</b>	Test certificates required for hazardous substance location <sup>2</sup>
<b>1 July 2008</b>	Report required from test certifier for existing stationary bulk container systems Compliance required with conditions for: <ul style="list-style-type: none"> <li>➤ Labelling<sup>3,4</sup></li> <li>➤ Safety data sheets</li> <li>➤ Signage<sup>2</sup></li> <li>➤ Packaging</li> </ul>
<b>1 January 2009</b>	Full 5 year approved handler test certificate required
<b>1 July 2009</b>	Test certificate required for existing stationary bulk container systems
<b>31 December 2010</b>	Product labels are compliant to this date if they comply with the labelling requirements of Europe, Australia, USA or Canada <sup>4</sup>

1. A person with two years experience in handling hazardous substances can deem themselves as an approved handler to 31 December 2008.
2. Staged implementation provisions may not apply for approved handler test certificates, location test certificates, emergency management and signage if compliance is already required for a similar class of hazardous substance (see section 'If existing HSNO Provisions Apply').
3. Other than for substances that comply with the labelling requirements of Europe, Australia, USA or Canada.
4. A group standard condition proposes that a 4 year period be allowed for compliance with labelling, provided that the product labels comply with the regulatory requirements for labelling that apply in these countries. This provision will apply to new products as well as NOTS.

### **If Existing HSNO Provisions Apply**

Where existing HSNO provisions apply for approved substances (e.g. dangerous goods transferred on 1 April 2004), then there will be no staged implementation for an approved handler test certificate, location test certificate, emergency management or signage if persons are already required to hold test certificates or have emergency management provisions and signage in place for the same class of substance. In this situation, compliance should have already been achieved. Therefore, full compliance for the NOTS is required by 1 January 2007. All other provisions for staged implementation (e.g. labelling, packaging etc) will apply as set out above. Full staged implementation (including for test certificates, emergency management and signage) will apply if **new classes** of substances are transferred as NOTS.

For example, a person who imports or manufacturers a class 3.1 flammable NOTS will not receive staged implementation for test certificates, emergency management or signage if they also store class 3.1 flammables that are already HSNO approved substances and for which they require test certificates, emergency management and signage. If, however, they are manufacturing or storing NOTS that are of a different class (e.g. class 5 oxidising substances), then staged implementation will apply as set out above, but only for that new class.

### **Further Information**

Further details on staged implementation and general compliance requirements will be provided to notifiers in the lead-up to transfer. For other compliance information, you can contact the ERMA New Zealand Hazardous Substance Compliance Line, by:

Phone: 0800 376 234, or  
Email: [dginfo@ermanız.govt.nz](mailto:dginfo@ermanız.govt.nz).