



**Transfer of  
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



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

May 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 aerosols. 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 seven group standards for aerosols on 13 March 2006. Consultation closed on 27 April 2006. 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 approximately 250 parties who were considered likely to have an interest in this consultation. This included companies who notified aerosol 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>

Eight submissions were received, of which two submitters requested to be heard. Following further consultation with parties who requested a hearing, their points of concern were addressed, and no hearing was held.

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:

- Clarification around the disposal section was a concern of many of the submitters'
- Clarification around labelling, particularly a concern that some conditions were not consistent with the hazardous substances regulations;

This summary of submissions has been provided to all parties who made a submission on the aerosols group standards, major notifiers of aerosols<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/aerosols.html>. A copy will be provided to any other interested party on request. Contact:

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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/aerosols.asp>

<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.

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## 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 to 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 from one group standard to another, 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.

## 1.3 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>

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.

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

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

The Hearings Committee is scheduled to consider the group standards for aerosols in 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).

#### **1.4 Further Consultation Required**

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>.

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.

#### **1.5 Gazetting of Group Standards 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 aerosols, 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	BDM Grange Ltd
2	Ministry of Health
3	Reckitt Benckiser
4	Massey University
5	3M
6	Aerosol Association of NZ
7	Packaging Council of NZ
8	ECOLAB

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>General Comments</b>			
2	We generally support the controls specified on the HSNO draft Gazette Notices.	Support noted	No amendment required
2	We agree that the conditions are more user-friendly. We received complaints that the regulations are not user friendly and difficult to understand.	Comment noted	No amendment required
3	Supports the use of group standards to afford a deemed approval to both NOTS and any new hazardous substance that fits the scope of the standard. Group standards will provide a much needed mechanism to streamline the introduction of new substance under the HSNO Act.	Support noted	No amendment required
3	We have not yet had the resources available to do a HSNO classification on all of our marketed aerosol NOTS to check	During the first six months of staged implementation, companies should endeavour to make sure all their NOTS are fully classified. The aerosols group	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	whether there are group standards in the aerosols suite to cover them, nor to check whether we agree with the ERMA classifications. To carry out HSNO classification for all of our currently marketed NOTS is a large task, and we are unlikely to have the resources available to perform the classification by 30 June 2006. We request that ERMA consider alternatives to enable marketers of NOTS to remain in compliance after 30 June without having assigned NOTS to group standards.	standards were formed around the common hazards that were largely uniform among all aerosol products.	
6	We assume that part 10 (3) of the schedule will be rewritten once the specific requirements of the Cosmetic GS are resolved (i.e. submissions have closed on the draft). We would reinforce that desirability of Group Standards being "self-contained" i.e. that an individual or company can look at one document to understand the requirements for their product.	This condition has not been amended. We acknowledge the submitter's desire to have one self-contained group standard but our view is that this will be more cumbersome than cross-referencing to another document.	No amendment required
5	Agree with the principles of group standards. Applying group standards and further sub grouping products (substances) according to their hazard classifications will eliminate the requirement to assess every product individually and make it simpler for ERMA to develop a register of Hazardous Substances. It will also reduce the compliance costs to the manufacturer or importer/supplier. We also approve of the modification to the ecotoxicological controls for those products, triggering ecotox degrees of hazard, but are non-pesticidal substances used in industrial, domestic or otherwise contained indoor environments.	Support noted	No amendment required
3	We believe the advertising requirement is unnecessary, since labelling on products clearly provides warning information plus much more information about the product. Consumers are able to scrutinise the product label before they purchase or obtain the product, and can reread the label each time they view or use the product.	The advertising section has been amended to remove the prescriptive requirement for consumer products.	Yes
<b>Labelling</b>			
1	Has a product that is UK and Australia compliant but will not be NZ compliant based on Schedule 1, Part 1, Clause 2, subclause 5 (a) (ii) and subclause 5 (b). (Labelling requirements for	Clause 13 outlines the alternative compliance measures that can be used which includes various overseas jurisdictions labelling that also comply until 31	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	medical advice and read label before use).	December 2010.	
1	If this is required 5 (b) – where should it be positioned on the label?	There is no restriction as to where this should appear on the label. The NZCIC have developed a labelling code of practice which may provide some guidance.	No amendment required
1	With regards to hazard statement “flammable aerosol” – do these exact words need to be used if label already states “extremely flammable”? The latter has more effect and meaning to the General Public.	This is acceptable as outlined in the alternative compliance measures subclauses.	No amendment required
1	How precise does the label have to be to this standard as in point 3 above on all words? If wording has to be precisely as per this standard any product imported will have to have NZ specific labels even though they meet suitable overseas standards.	Clause 13 outlines the alternative compliance measures that can be used which includes various overseas jurisdictions labelling that also comply until 31 December 2010.	No amendment required
1	Schedule 1, Part 1, Clause 2, subclause 8 (a) and (b) refers to disposal information. The products we supply have an end use in the household (e.g. deodorants and hairsprays) and they state how not to treat the containers even when used. What exactly would you put on a container to indicate how to dispose of? What benefit does it serve to tell the public they can dispose of the empty container in general rubbish when that is how they will dispose of it anyway?	The group standards have been amended to provide more clarity on this issue. As it is, products often carry statements to this effect already.	Yes
1	Once the standard is in place does this mean all the requirements need to be met immediately? Product ordered now would not meet requirements, or will there be a changeover grace period?	As explained in the consultation document there will be a period of staged implementation of transitional conditions commencing 1 July 2006 and continuing with various provisions up until 31 December 2010. Refer to Annex 1 of this Summary of Submissions.	No amendment required
2	There are some prescriptive statements which are now required to be put on label e.g. Keep out of reach of children; also specific requirements e.g. full address of manufacturer etc which we consider to be very useful from an enforcement point of view. HSNO enforcement officers considered a phone number to be insufficient. Due to the performance based approach of the HSNO legislation, we have been previously unsuccessful in having this type of information included on the label. Would this requirement be required on substances other than group standards?	Support noted – a response to this submission has previously been outlined in many summaries of submissions, refer to Food Additives on ERMA website. <a href="http://www.ermanz.govt.nz/consultations/gf/fasubs.pdf">http://www.ermanz.govt.nz/consultations/gf/fasubs.pdf</a>	No amendment required

<b>Submitter</b>	<b>Submission</b>	<b>Agency response and recommendation</b>	<b>Group standards amended</b>
3	Reckitt Benckiser fully supports the proposed alternative compliance option for labelling.	Support noted	No amendment required
5	Would like removal of requirement for pictograms in clause 2 (6) (a) (i) – flammable pictogram.	The group standards have been revised to exclude the requirement for ecotoxicological pictograms; however, they will retain the requirement for pictograms for flammable aerosols (or other primary hazard) as there are already many aerosol dispensers carrying this on their labels. Please note also the alternative compliance provisions.	No amendment required
6	The group standards appear to have missed out on the 'small package' exemption for pictogram marking on products under 5 L or kg which are in other group standards. A serious inequity would be created if aerosols are required to carry these pictograms. We would point out that aerosol cans have NEVER been required to carry a flammability pictogram under NZ legislation and many companies, who market products for the local market only, hence do not need to put these on their cans.	There will be no small package exemption for aerosols. See above.	No amendment required
6	Clause 2 (10) of the schedule is NOT consistent with the requirements of clause 30 of the HSNO ID regulations and should be rewritten to delete (a).	Agreed. This section has been rewritten and (a) has been deleted.	Yes
6	We note that in contrast to clause 2 (6) of the Schedule, the HSNO ID regulations are less prescriptive and do not use the term 'main label'. We note the 'out' contained in clause 13 but believe it is sub-optimal that a reader has to read a further seven clauses and two pages to discover that this is an option/alternative. Accordingly we believe that the group standards should NOT use the term 'main label'.	The main label is a term used in the Australian SUSDP. Once people are familiar with the group standards and their format, as the submitter is, they will realise there are alternative compliance measures. Guidance material will also be provided after 1 July 2006.	No amendment required
<b>Packaging</b>			
3	Request that ERMA consider British, EU and US standards for aerosols as option in addition to AS2278, and add these other options to GS.	These options need to be submitted as a code of practice for approval by the Authority as outlined in this section of the group standard.	No amendment required
<b>Scope and Classification</b>			
5	Would like clarification of the minimum size (50ml)	The aerosols group standards will now cover an aerosol dispenser up to 1,000 mL water capacity. The conditions based on the Compressed Gas regulations only	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
		apply to dispensers 50 mL and over and up to 1,000 mL.	
6	The Compressed Gas regulations exempt 'an aerosol container with a water capacity less than 50mls or for which the absolute pressure developed at 20°C is less than 170kPa. (Note: AS2278, BS3914, the EU Aerosol Directive and the Australian DG code only regulate aerosols over 50ml). Hence the scope in clause 4 (1) (a) needs to be rewritten and/or other relevant sections (esp. Part 4 of the Schedule - packaging) amended so that the requirements derived from the HSNO Compressed Gas regulations are NOT imposed on these small aerosols.	Amended – see above	Yes
8	The words “flammable ingredient” are not defined in the group standard and it is not clear whether a flammable ingredient is limited to substances from Class 3.1A-C or also 3.1D.	The wording of the scope section has changed so that it does not include the words “flammable ingredient” now. However a substance of HSNO class 3.1D would still be classed as a flammable ingredient.	No amendment required
8	3.1D substances do not incur the control requirements of a hazardous atmosphere zone etc. On that basis it would seem logical that Class 3.1D is excluded from the list of substances (assuming a non flammable propellant) that would be covered under the flammable aerosol group standards.	As stated HSNO classifies a flammable substance as a substance with a flash point less than or equal to 93°C. This therefore includes a class 3.1D substance. An aerosol will be flammable if it contains 45% or more of any flammable ingredients.	No amendment required
5	Annex 7 does not make sense. If the aerosol does not trigger any HSNO threshold, then it is not a hazardous substance and must fall outside the HSNO legislation, this annex is superfluous.	The purpose of the non-hazardous group standard is to draw attention to the Compressed Gas Regulations. The clauses within this group standard only apply to aerosols dispensers of greater than or equal to 50 mL and not exceeding 1,000 mL.	No amendment required
<b>Transport</b>			
6	Clause 13 needs to be rewritten to make it clear that this is 1 L per package (as it reads it would be illegal to carry two cans of hairspray on a bus, taxi etc)	We have amended the clause by adding the words “per package”.	Yes
8	With regards to the 1 L aggregate water capacity restriction on a passenger service vehicle – it is clearly not practical with regard to domestic consumer purchase of such products or limited commercial activity regarding use of these products. In most instances, aerosol products are sold in cans of between 250ml and 750ml aggregate water capacity with the most common being 500 – 750ml capacity. At the restriction of 1 L aggregate water capacity this would only permit one	See above.	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>can/container to be carried in a passenger service vehicle at any time.</p> <p>The risks associated with transport of aerosol products in a vehicle are relatively low, especially for non flammable products. Is there intended to be any differentiation between the requirements for flammable and non flammable products? Wishes to see limit increased to 100 L aggregate water capacity allowed on a passenger service vehicle.</p>		
<b>Disposal</b>			
6	<p>As written Part 7 of the schedule would outlaw the current widespread recycling of post-consumer aerosols (with minimal residual contents) in council recycling collections.</p> <p>This wording – and that currently being proposed for revised group standards – is not applicable for aerosols (or consumer goods in general) because it still requires you to “treat the packaging” to remove the contents or render them non-hazardous. Such wording is inappropriate as in the case of an aerosol, consumers are not able to rinse it out and certainly should not be encouraged to puncture their aerosols.</p>	<p>The disposal section has been completely revised to better reflect the special nature of aerosols and their appropriate disposal methods. Please refer to the amended group standards for clarification of these revisions.</p>	Yes
6	<p>After normal use, aerosols may still have small quantities of residual contents. Various studies from around the world including the UK have shown that an aerosol may contain 1 – 2.5 by wt% of propellant and 1 – 2.5 by wt% of product when discarded. In the USA, an aerosol with less than 3% of its original contents is defined as ‘empty’ by the EPA. In the UK, BS EN 13430:2000, a standard dealing with the recycling of waste packaging, defines packaging as “empty if - under normal and foreseeable circumstances – all product residues that can be removed by the emptier have been removed by using practices commonly employed for that type of packaging.”</p>		
7	<p>My interpretation of clause 15(2) is that the aerosol dispenser must be treated to remove any hazardous substances prior to disposal and that the aerosol must then be incinerated or sent to landfill, under certain conditions. This would imply that the</p>		

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>aerosol dispenser should be opened up to treat any remaining hazardous contents.</p> <p>This is inconsistent with the labelling statement in clause 2 (3)(c) which states that the aerosol dispenser should not be pierced or burned even after use. In order to remove any traces of the substance, it would of course be necessary to open the aerosol container, which would be highly dangerous considering it is a pressurised container.</p>		
5	<p>Would like removal of clause 11 (1) (c) – under a non flammable group standard. That the aerosol dispenser is no longer used to contain the substance and is intended for disposal.</p>		
5	<p>We also agree with comments from the Aerosol Association of NZ and would reiterate their comments under disposal that completely emptying an aerosol container to the stage that <i>“the aerosol container is no longer used to contain the substance”</i> is downright dangerous.</p>		
4	<p>Inconsistency exists in several annexes. Consideration needs to be given to removal of incineration as a disposal option for aerosols. Inconsistency – “warning not to expose the aerosol dispenser to heat and not to pierce or burn” and “burning in an incineration facility, provided the burning is managed to the performance requirements of regulation 6 (3)(b) of the HS (Disposal) Regulations 2001 in relation to blast pressure, heat radiation and access by persons”.</p>	<p>We will review the group standards for inconsistency. The option for incineration of aerosols is directly from the Hazardous Substances (Disposal) Regulations 2001 and as such will remain within the group standards.</p> <p>The intent of this warning is aimed at consumers of aerosols, the further disposal options are really aimed at commercial operators or bulk users of aerosols. We will look to review the wording to provide greater clarity.</p>	No amendment required
5	<p>Many aerosol containers can be recycled, and we request that ERMA includes provisions to allow for recycling of empty aerosol containers in the GS.</p>	<p>Disposal is not meant to capture recycling. This is now indicated in the group standards with more clarity.</p>	Yes
6	<p>As written Part 7 of the schedule would outlaw the current widespread recycling of post-consumer aerosols (with minimal residual contents) in council recycling collections.</p>	<p>Recycling is now part of the group standards, see above.</p>	Yes
7	<p>Regarding consistency with clause 14, incineration of used aerosol dispensers should not be recommended as it would be highly dangerous, given that they are pressurised containers</p>	<p>This clause is directly from the regulations. Aerosols can be incinerated; the intent is that this would be done by the commercial user rather than a consumer.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	which when empty of product may still contain 1-2.5% by weight of propellant.		
7	Clause 15 should direct the user, which in most cases will be a member of the general public using the product at home, to dispose of the used aerosol dispenser with their domestic refuse or place for recycling if permitted by the local council.	This method of disposal is permitted in the revised disposal section as mentioned before.	Yes
7	<p>There is no recognition that most aerosol dispensers are recyclable. CANZBAC, steel can recyclers, encourage local councils to permit all forms of aerosol cans in their recycling service.</p> <p>The special nature of aerosol dispensers should be reflected in the disposal requirements. There should be no requirement to treat the contents and there should be no barrier to safe disposal to landfill or for recycling.</p>	Recycling is now permitted. See previous answers.	Yes
7	It is impractical to stipulate that any landfill must be managed to ensure that the aerosols do not come into contact with oxidising substances, which would include domestic products such as bleach and peroxide hair treatments.	The management of a landfill is outside the scope of a group standard. This condition is straight from the regulations. For the disposal by a consumer the wording of the group standards has been clarified.	No amendment required
<b>Site and Storage</b>			
	<p>With reference to the 3 non-flammable aerosol group standards under Compliance with Storage Requirements - "any location at which a substance is manufactured and stored in quantities that exceed those set out in Table 1 must comply with the conditions for a non flammable aerosol set out in the document entitled 'site and storage conditions for Aerosols'.</p> <p>The issue is that there are no conditions set out in the document that are referenced to non flammable aerosols! The document only refers to flammable aerosols. Is it the intention of the Authority to have the same storage conditions for flammable aerosols, also apply to non flammable aerosols? If yes then there needs to be reference to this in the individual group standard and more significantly remove any reference to flammable aerosols in the storage conditions document as this is then redundant.</p>	<p>The site and storage conditions for aerosols document clearly states which conditions apply to flammable aerosols and which conditions apply to both flammable and non-flammable aerosols. The only conditions which apply to non-flammable aerosols (as indicated in the document) relate to emergency response plans and signage. The document clearly states that <i>"At any place containing flammable aerosols in quantities in excess of 3 000 L aggregate water capacity, the person in charge of the substances must ensure that a hazardous atmosphere zone is established"</i> There is no corresponding requirement for non-flammable aerosols. The terms "flammable aerosol" and "non-flammable aerosol" are used throughout the document to distinguish which conditions apply to which types of aerosols. No clauses from the "general conditions for flammable aerosols" apply to non-flammable aerosols.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Ecolab would strongly argue that conditions for storage of non flammable aerosols are not subject to the same hazards and that many of the requirements for site and storage of flammable aerosols do not apply specifically relating to hazardous atmosphere zones.</p> <p>If the same document is to be used to also describe the site and storage requirements for non flammable aerosols, it needs to have a section which clearly refers to the non flammable group standards and describes which clauses from the general conditions for flammable aerosols apply and which do not.</p> <p>The group standard for non-hazardous aerosols refers to the Compressed Gas regulations. Are the storage conditions for compressed gases more appropriate for the other non flammable aerosol group standards?</p> <p>Whilst it is acknowledged that any aerosol product presents a hazard if it is subject to the heat of combustion of surrounding materials, these hazards are managed by other emergency response plans applicable to the area where aerosols are stored. The products themselves are not going to contribute further to the risk of fire through flammability and therefore should not be subject to any requirements related to control of Class 3 materials.</p>		
	<p>Clause 18 'Segregation Requirements for Incompatible Substances' includes all class 3 substances as materials that are incompatible with flammable aerosols. This requirement would appear nonsensical due to the following:</p> <ul style="list-style-type: none"> <li>- the flammable ingredients that trigger the classification as a flammable aerosol are in many instances the Class 3 substances that are considered to be incompatible for storage. In the case of products that apply to the Industrial and Institutional Cleaners products this is most often the case where products such as air fresheners are classified as flammable aerosols because of alcohol content.</li> </ul>	<p>Experience has shown that during a fire, aerosols may experience rocketing which can quickly spread a fire to other flammable materials; segregation of aerosols from other flammable materials (such as class 3 flammable liquids) can reduce the impact of this phenomenon. The fire ratings of the storage facility should be considered when determining what level of separation is appropriate.</p> <p>This does not mean to say you need to have separate storage facilities for your products. The requirement is for certain separation distances between incompatible materials. Guidance material will be provided on this issue and it will be subject to a period of staged implementation.</p>	<p>No amendment required</p>

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>These products (based on quantity) could therefore not be stored with the raw material ethanol?</p> <ul style="list-style-type: none"> <li>- The conditions for storage and controls of the hazards triggered by the flammable aerosol groups standards are identical to those required for flammable materials, including hazardous atmosphere zones, control of ignition, fire extinguishers requirements etc.</li> </ul> <p>Many facilities, dependent on size and scope, may only have one dedicated flammable goods storage area. If the site was to have &gt;3000 L aggregate water capacity volume of flammable aerosols they would have to have a duplicate dedicated storage facility for the flammable aerosol. The volume of product in question here may be as little as 2 pallets of product and the cost of implementing separate storage systems for identical controls could be both cost prohibitive and certainly difficult to reason.</p> <p>We are seeking clarification on the reasons for the incompatible classification and a modification to the conditions to permit joint storage – remove Class 3 substances and materials from the incompatible substances for flammable aerosols and make the trigger quantity for controls where both class 3 and class 2.1.2 products are stored as additive for both classes to whichever is the strictest requirement for control.</p>		

## 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 aerosols 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@ermanz.govt.nz](mailto:dginfo@ermanz.govt.nz).