



**Transfer of
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY
NGĀ KAIWHAKATŪPATO WHAKARARU TĀIAO



Summary of Submissions: Group Standards for Industrial and Institutional Cleaning Products

June 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 industrial and institutional cleaning products. 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 11 group standards for industrial and institutional cleaning products on 17 November 2005. Consultation closed on 25 January 2006. Notification of this consultation was via public notice in the four main metropolitan newspapers and the ERMA New Zealand web site.

Subsequently, ERMA New Zealand released for public consultation three additional group standards for industrial and institutional cleaning products on 17 February 2006 and a further two group standards on 7 April 2006. Consultation for these group standards closed on 3 April and 23 May 2006 respectively. These additional group standards were created for hazard combinations not covered by the original suite of group standards for industrial and institutional cleaning products released on 17 November 2005.

The consultation documents and draft group standards,¹ or a letter advising of the availability of these documents, were provided to 329 parties who were considered likely to have an interest in this consultation. This included companies who notified industrial and institutional cleaning products 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.²

Eleven submissions were received, of which three submitters requested to be heard. A hearing will be held on 14 June 2006.

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 beginning of the table.

This summary of submissions has been provided to all parties who made a submission on the industrial and institutional cleaning products group standards, major notifiers of industrial and institutional cleaning products³ and to the Hearings Committee of the Authority.⁴ It is also available from the ERMA New Zealand web site: <http://www.ermanz.govt.nz/hs/groupstandards/standards/cleaners.html>. A copy will be provided to any other interested party on request.

¹ Provided electronically on CD. No paper copies were distributed unless specifically requested.

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

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

⁴ 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 for industrial and institutional cleaning products 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@erманz.govt.nz.⁵ 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 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 is now available from: <http://www.erманz.govt.nz/hs/groupstandards/coc.asp>. As a result of this consultation, group standards no longer contain a Chemicals of Concern notification condition.

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

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 industrial and institutional cleaning products, the Class 3.1B and 3.1C flammable group standards have been combined.

More significantly, we have also combined some industrial and institutional cleaning products with their “equivalent” domestic cleaning products. These combined group standard have been renamed the *Cleaning Products Group Standards*. Importantly, group standards were combined only where the hazards were common. For example, we have combined the subsidiary hazard group standard for the industrial and institutional cleaning products with the subsidiary hazard group standard for domestic cleaning products. However, we have **not** combined the Industrial and Institutional Cleaning Products (Toxic [6.1]) Group Standard, because this group standard allows acutely toxic substances that are not included in any domestic cleaning products group standards. This group standard will continue to be known as *Industrial and Institutional Cleaning Products (Toxic [6.1]) Group Standard 2006*.

From the consultation on group standards generally, 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.⁶

⁶ 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 cleaning products and for industrial and institutional cleaning products in mid June 2006. This consideration will follow the public hearing which has been requested by submitters.⁷ A notice of the Committee's decision will be placed on the ERMA New Zealand web site as soon as practicable after the consideration.

1.6 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 cleaning products, industrial and institutional cleaning products, 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.

⁷ This hearing is scheduled for the morning of 14 June 2006 at the Waipuna Hotel and Conference Centre, Mt. Wellington, Auckland.

2. Submitter's Comments and Agency Response and Recommendations

Code to submitters

No.	Submitter
1	Jasol
2	Employers & Manufacturers' (N) Association Inc
3	ECOLAB
4	Ministry of Health
5	Elliott Technologies
6	Texcare
7	Resene
8	HaS Expertise Ltd
9	3M New Zealand
10	Baylor Ltd
11	Roche Diagnostics New Zealand

Submitter	Submission	Agency response and recommendation	Group standards amended
The classification of substances and assigning to group standards			
<i>Assistance in self-classification</i>			
3	Group standard allows for efficient mechanism for transfer of NOTS by 1 st July 2006 following preliminary classification but does not obviate the need for a full HSNO classification of all products per the HSNO user guides and threshold guidelines. ERMA does not intend to complete their undertaking of classifying all NOTS which is a revocation of ERMA's commitment to industry. Only primary hazards identified, and subsidiary hazards only estimated or not undertaken at all.	The hazard profile assigned to NOTS is only indicative of the actual hazard properties of the product, particularly with respect to any subsidiary hazards. ERMA New Zealand has not undertaken a definitive assessment of each NOTS' hazard properties according to the criteria set out in the Hazardous Substances and New Organisms (Classification) Regulations 2001. The consultation document was clear that the classification assigned to substances is a 'guide' based on the hazard data provided by industry to ERMA New Zealand in the	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	Industry not resourced to complete a full HSNO classification for all existing products (could do only for new products). Would need to extend implementation/transitional period in order to complete this task. What is ERMA's position on the completion of full HSNO classification of all NOTS?	Liaison and Screening process. ERMA New Zealand is aware of the need to provide relevant information and tools to support the classification of substances by industry. The premise of the HSNO Act is industry self-management. The provision of information and supporting tools will be a priority once group standards come into force and during the implementation period. For companies who would prefer not to self-classify or who wish to get some confirmation from ERMA New Zealand of their self-classification and labelling requirements, we will be offering a product classification service. This will be similar to the SOS process currently provided by ERMA New Zealand.	
5	ERMA's hazard assessment given to a product does not line up with how the product is perceived in USA.	ERMA New Zealand may have classified a substance differently to other countries dependant on the hazard information available. The hazardous property thresholds are set out in the HSNO regulations. These thresholds are adopted from the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) see http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html . The classification assigned to NOTS is a 'guide' and as explained in the consultation document, where a substance has been reclassified by industry they are able to reassign a substance to an alternative group standard where appropriate. However, any reclassification of a substance should be done in accordance with the HSNO criteria.	No amendment required
5	Guess work for hazard statements required where ERMA has given a product a 6.1 classification and there is no information given to say if the route is oral, dermal or inhalation.	ERMA New Zealand will provide information to facilitate the classification of substance, including hazard property data. This should assist industry in determining exposure routes for the purposes of label information. A period of staged implementation for labelling will apply, which will give industry time to determine the required hazard information that is to be provided.	No amendment required
<i>NOTS not allocated to group standards</i>			
1	There needs to be another group standard Annex covering oxidising cleaners/sanitiser.	The oxidising group standards for industrial and institutional cleaning products were released for consultation on 17 February 2006. These group standards will be in place for a 1 July 2006 transfer of notified toxic substances.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
3	Lack of priority placed on the group standards for Oxidising substances, this is surprising as it was ERMA's intention to address the most hazardous substances first. Can ERMA please provide an updated indication of when the oxidisers and aerosols Group Standards will be released for submission?	<p>Group standards were released for consultation as soon as they were completed. The order in which they were released for consultation was not solely based on the prioritisation of hazards. All group standards were available for consultation for a minimum period of 30 working days and this consultation period was not affected by the date on which they were released.</p> <p>The oxidising group standards for industrial and institutional cleaning products were released for consultation on 17 February 2006. The aerosol group standards were released for consultation on 13 March 2006. These group standards will be in place for a 1 July 2006 transfer of notified toxic substances.</p>	No amendment required
9	Have new substances that have been matched via the SOS process been added to our listings and under what name and or number?	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
<i>Other</i>			
2	Skin/eye irritants should fall under class 8 and all gases should be covered by class 2 only to align with GHS.	<p>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.</p> <p>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. Group standards for flammable and non-flammable gases, covering a range of other hazards including toxicity and corrosivity, will be in place for a 1 July 2006 transfer.</p>	No amendment required
The suite of industrial and institutional cleaning products group standards			
<i>Scope of group standards</i>			
3	The Oxidising + Corrosive group standard and the Oxidising group standard limit oxidising substances to those with HSNO 5.1.1B/C classifications and excludes those with a Class 5.2 classification. The site and storage document covers all class	Group standards covering HSNO class 5.2 substances were released for consultation on 12 April 2006. The group standards for organic peroxides are based on substances in the group having a similar nature (i.e. these group standards are not use specific). This differs	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	5 substances including class 5.2 classifications. There are chemicals in the industrial and institutional cleaning industry that fall under the 5.2 classification. The scope should be amended to include all HSNO 5.2 substances.	from other group standards where grouping was product specific and hazard based. This approach was taken because there were insufficient NOTS that had an organic peroxide hazard within a specific use type to justify the creation of product specific organic peroxide group standards. The HSNO class 5.2 group standards will be in place for a 1 July 2006 transfer of notified toxic substances.	
3	There is a significant anomaly in the HSNO Class 5.2G classification with an absence of controls, trigger quantities etc. These substances have at least similar hazard profiles to Class 5.1.1B substances and should be handled and stored under similar controls. Can the Authority please clarify what controls apply for Class 5.2G?	The conditions that apply to class 5.2G substances are outlined in the organic peroxide group standards that are available on the ERMA New Zealand website http://www.ermanz.govt.nz/consultations/gs/class5.asp .	No amendment required
Interpretation			
3	The definition of MAIN label requires a rethink. It would be rare for the product name to be in equal prominence on both parts.	The alternative compliance provisions, specifically the option to comply with the HSNO Identification Regulations, will address the issue of large size products that use split labels. Following transfer, guidance will be given on how the performance based approach of the identification regulations and the prescriptive labelling conditions of the group standards can be integrated; both approaches are complementary to each other.	No
3	The oxidising, oxidising + corrosive and flammable + corrosive group standards contain interpretations/ definitions that are redundant due to the removal of sections 5.10(2) & 5.11 from the previously released cleaners group standards. These interpretations/definitions should be removed provided that the original clauses are permanently removed. These include: antimicrobial substance, disinfectant, disinfection, fragrance compound, fragrance ingredient, fragrance material, IFRA Code of Practice, micro-organism and sanitiser.	These terms are referred to within the definition of “cleaning product”, and therefore their definitions need to remain in the interpretation section of the group standard.	No amendment required
3	The new definition for “aspiration hazard” is stand alone without reference, and is potentially an issue. Seek clarification on the reasons for including this new definition where it is apparently without reference in the text of the group standards.	The term “aspiration hazard” is referred to in the scope section of the group standards where the acute toxicity classifications are listed. See also below.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
3	Is the inclusion of the definition for “aspiration hazard” intended to be common to all Group standards or just the three group standards consulted on in the 2 nd round of consultation for industrial and institutional cleaning products?	The definition will be included in all cleaning product group standards. Note that an amended definition will be used (see below).	No amendment required
3	The “aspiration hazard” definition is unclear as to whether the viscosity of the substance alone is the determinant of the aspiration hazard or whether the viscosity needs to be referenced to known hazards. If it is an issue of viscosity alone then it is of concern that many products in the industrial and institutional cleaning products group standards, regardless of group, will have a kinematic viscosity < 20.5 cSt. Very few of these substances have any history of being an aspiration hazard. The degree of aspiration hazard is much more dependent on use application than on the viscosity properties of the substance.	Whether or not a substance poses an aspiration hazard is not solely determined by the substance viscosity. Consequently, the definition will be amended to remove reference to < 20.5 cSt kinematic viscosity. Further guidance will be given following transfer on how to classify a substance for an aspiration hazard. This will be based on the GHS classification criteria (refer Chapter 3.10 of the <i>Globally Harmonised System of Classification and Labelling of Chemicals</i> , 1 st revised edition (2005).	Yes
7	The restriction of new materials with CMR status may prevent the substitution of more hazardous components with less hazardous components. Group standards should focus on management of the risks associated with compliant formulations rather than the introduction of material with similar hazard profiles.	Agree. The condition will be modified to allow for the reformulation to less-hazardous substances.	Yes
Conditions for labelling			
<i>Contact information</i>			
2, 6, 9	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.	This proposed condition is based on the HSNO regulations, but has 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	The requirement for a 24 hour emergency phone number is not required as this is met by the national poisons number which holds information on most substances including industrial cleaners.	The need for a 24 hr emergency phone number is a requirement of the Emergency Management Regulations. The wording of this condition is to be amended so that the requirement applies only to specified hazards. Providing the call-free poisons centre number on	Yes – amend to align with HSNO regulations

Submitter	Submission	Agency response and recommendation	Group standards amended
		a product label is one means of compliance with the group standard condition.	
2	Retain the 2010 labelling clause post 2010 if the GHS fails to align with New Zealand labelling requirements.	The 2010 date has been set based on current expectations of when the GHS will be adopted internationally. Any review of this date based on any delay in implementation of GHS globally would only be contemplated in response to that circumstance occurring. To review and amend the date now would be premature given the current expectation of GHS adoption globally.	No
6	There are other possible ways to supply the contact information such as the use of a packaging insert, placing the information on the dispatch note, or safety data sheet. Information could also be added by way of an additional label however this involves additional labour costs and there is the risk of destroying the Dangerous Good packaging if product is a Dangerous Good for Transport - a 4G fibreboard box is a single trip package and technically once its opened it should be discarded as re-sealing may not result in the same strength package. Some packaging is interlocking and opening damages the packaging.	Substances that are being imported in a closed package or freight container and then transported to the place of destination stated on the importation documentation are only required to comply with the provisions of the Land Transport Rule, the Civil Aviation Rule or the Maritime Rule (as appropriate). For an importer who subsequently opens that package and supplies to multiple end users, re-labelling of the product may be required. This is because it is the supplier who is responsible for ensuring that the product complies with the labelling provisions of the group standard. The alternative compliance measures provided in the group standard should, however, mitigate the need to open and re-label packages. Further guidance will be provided following transfer on labelling and transportation matters.	No
6	The need for a 24 hour contact phone number is considered unnecessary for low hazard substances.	The need for a 24 hr emergency phone number is a requirement of the Emergency Management Regulations. The wording of this condition is to be amended so that the requirement applies only to specified hazards.	Yes – amend to align with HSNO regulations
11	It would not be practicable to have the bottle and package labels to include all the information required by the Group Standard, we would like the labelling requirements relaxed. We supply cleaning products exclusively to medical laboratories for use in specialised in-vitro diagnostic analytical instruments. These cleaning reagents have no other external function. All products are manufactured & labelled in Germany. Laboratory personnel know how to contact us 24 hours/day via our Techline. No products have directions for	The use of a product insert is a means of conveying information required on a product label. These products could also be placed under the laboratory chemicals and reagent kits group standards (provided their hazardous properties fit the scope of these group standards).	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	use as they are placed directly into the instruments. The product contains an insert with detailed information.		
<i>Hazard and precautionary statements</i>			
2	Precautionary statements are too prescriptive which was not the intent of the HSNO Act or Regulations. Should allow for similar wording/statements from UN GHS list. The cost of re-labelling all industrial cleaning products imported into the country could be deemed technical barrier to trade.	The hazard and precautionary information for group standards has been adopted from the GHS labelling system and the UN Model Regulations. The labelling provisions of the group standards allow for a number of alternative means of compliance, including the relevant identification provisions of the HSNO Identification, Emergency Management and Disposal Regulations, and a code of practice approved by the Authority, if that code specifies requirements equivalent to those set out in the labelling conditions. The group standards also provide for products to be labelled in accord with requirements that apply in Australia, the EU, US and Canada through to 31 December 2010. This is the date by which GHS is expected to be implemented globally. Given these provisions, there should be no need to re-label imported products.	No amendment required
3	Disagree with wording of 5.1.2.2:2b (ii) precautionary statement - "If medical advice is needed: Have product container or label at hand". Very rare that an end user would have a label but not the container. Statement should include SDS to be available. Recommend statement be changed to - "If medical advice is needed: Have label or Safety Data Sheet at hand".	This information is only required on a product label when the substance is available to the general public. A member of the public will not have access to a safety data sheet. This precautionary statement has been adopted directly from the GHS labelling provisions. There is nothing in the group standard that would prevent a company placing this (or a similar statement as proposed by the submitter) on the label of a product intended for use in a workplace.	No
3	Confusion over the term general public (no definition provided in group standard). Industrial cleaners not sold to members of the public as an intended end-user but members of the public may gain access to products if taken to the home environment, but beyond control of manufacturer. Suggest remove preface regarding general public and make the precautionary statement a mandatory requirement as this is considered Best Practice.	Available to the general public is intended to address primarily products that are supplied directly to the public, for example via retail outlets. A product that is supplied to a place of work where members of the public are not likely to be present (such as an industrial site) and where the product is intended for use in that place of work would not need to carry the precautionary statement "Keep out of reach of children". For places of work where there is regular public access,	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>such as a hospital, hotel, restaurant etc, the supplier would need to determine the likelihood of the public/children getting access to the substance, taking into consideration the intended circumstance of use of the substance.</p> <p>The group standard does not prevent a manufacturer or importer labelling all of their products with this statement, regardless of their intended place of use, if they felt this was appropriate and the level of precaution they wished to adopt. However, this is a choice that should be left for each manufacturer to make based on their assessment of the particular circumstances and risks involved. It should not be a mandatory requirement for all cleaning products regardless of their place of use.</p>	
3	<p>Seek clarification whether statements in section 5.1.2.2:2(b) (“Read label before use” & “If medical advice is needed: Have product container or label at hand”) are required on the main label. “Read label before use” should be required to be on main part of product label but 5.1.2.2:2(b)(ii) (“If medical advice is needed: Have product container or label at hand”) should be on back with other H&S information.</p>	<p>This condition has been reworded to provide greater clarity with respect to the information that is required on the main label and on a label. Both the statements “Read label before use” and “If medical advice is needed: Have product container or label at hand” are required on the label, not the main label.</p>	Yes – condition reworded
3	<p>Section 5.1.2.2 Information required on each label: (4) For a substance with an ecotoxic hazard equivalent to: a) HSNO 9.1C/D classification, the corresponding hazard statement required by subclause (3)(b) is not required: b) HSNO 9.2/9.3/9.4 classification, the corresponding pictograms, hazard statements and precautionary statements required by subclauses (3)(b) and (3) (c) are not required. The removal of the ecotoxic statements from the label is questioned given that the accidents affecting ecotoxic outcomes are most likely to result from spillages where the label is the primary source of information. Seek clarification on the reasons for removal of the ecotoxic pictograms/statements from the label as this appears inconsistent with the intent of the HSNO regulations.</p>	<p>The intent behind this clause was to minimise unnecessary labelling requirements for products that were never likely to enter the environment given their intended use. In the case of a substance spilled at a workplace, the primary source of information would be the material safety data sheet, or if during transportation, the transportation documentation.</p> <p>This provision does not apply to 9.1A or 9.1B substances. Furthermore, for 9.1C/D substances, it is only the hazard statements that are not required. The precautionary statements must still be given, and it is the precautionary statements that relate to the avoidance of spills and the clean-up of a spillage.</p> <p>The current approach in the group standards is appropriate for many substances that are used at, for example, industrial sites or otherwise contained environments. However, we agree with the submitter that in the case of cleaning products, there is the potential for them to be used in a more dispersive manner such that they could be released to the environment. Consequently, we intend to amend the relevant</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
		clause for cleaning products by the inclusion of a qualifying statement. This statement would require compliance with the ecotoxic labelling provisions of the group standard if the “substance is intended for release to the environment”.	
4	We are pleased with the prescriptive statements required on the label in these Group Standards including the address details as this is useful for enforcement. Will it be required for substances other than Group Standards?	<p>Support noted for prescriptive label statements. Regarding company contact details, a number of submitters on these and other group standards have pointed out that the requirement for an address and phone number were more onerous than those set out in the HSNO Identification and Emergency Management regulations. This was not the intention at the time this group standard clause was drafted. The wording in the group standards will be amended to align directly with those of the regulations. For substances that already have HSNO approvals by means other than group standards (e.g. Part V approval, or a transfer under s160A of the Act), the regulations will continue to apply and not the prescriptive statements given in the document <i>Hazard and Precautionary Information for Group Standards</i>. However, companies may decide to use these statements as a means of compliance with the regulations.</p> <p>Note that this document has been renamed to <i>Labelling of Hazardous Substances: Hazard and Precautionary Information</i>, and updated to reflect recent changes by the GHS. This updated document will be available when group standards are published on 1 July 2006.</p>	No amendment required
5	<p>Very time consuming having to manually work out signal words, pictograms and hazard statements. Many of the hazard and response statements overlap which then have to be sorted to find one that encompasses all.</p> <p>PP65 (Use only outdoors in a well ventilated place) and PP66 (Do not release into the environment) provide conflicting information and confusing information if applied to a product together. Are both required to be on the label? What constitutes the environment?</p> <p>Storage Statement PS31 includes a F° temp recommendation. NZ is metric, therefore this is not in line with NZ legal commerce requirements.</p> <p>PP01 requires operators to obtain “special instructions prior to use”. Statements already required by ERMA seem to be more</p>	<p>We acknowledge there are potential implications in time and cost for manufacturers who chose to use the label statements set out in the document <i>Hazard and Precautionary Information for Group Standards</i>. Group standards are aligning with the GHS and other international trends in labelling, and therefore it is important New Zealand keep step with these developments. The Hazard and Precautionary Information document is based on the GHS labelling elements, which are being progressively adopted internationally.</p> <p>The group standards contain provisions for staged implementation, which address the most significant conditions that are likely to have cost implications (see Annex 1). This includes compliance with the HSNO regulations, an approved Code of Practice and a 4-year labelling provision for products compliant with labelling in Europe, Australia, USA or Canada. These alternative means of compliance mean that manufacturers are not compelled to adopt the hazard and</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	than adequate and the inclusion of this statement on the label will only generate enquiries and cause confusion.	<p>precautionary statements.</p> <p>As noted above, the document <i>Hazard and Precautionary Information for Group Standards</i> has been renamed to <i>Labelling of Hazardous Substances: Hazard and Precautionary Information</i>, and updated to reflect recent changes by the GHS. This updated document will be available when group standards are published on 1 July 2006.</p> <p>Following transfer, ERMA New Zealand will be providing guidance on the use of this document to address the types of issues raised by the submitter. For importers or manufacturers who require further assistance, ERMA New Zealand will be offering a product classification/labelling service which will be similar to the SOS process currently provided.</p>	
5	In the response statement “call a poisons centre or doctor” reference to the New Zealand poisons centre is not acknowledged.	It is unnecessary to explicitly acknowledge the poisons centre. Doing so may be restrictive for some importers or manufacturers who wish to provide alternative provisions.	No
7	Question effectiveness of statement ‘read label before use’.	This statement has been adopted directly from the GHS for all substances that are available to the general public.	No
9	The labelling requirements are too prescriptive . Consideration should be given to accepting the terminology of the Identification Regulations where “an indication” is required to identify that care in use is to be applied and the precautions needed.	<p>One of the intents behind the development of group standards was a recognition of the need to provide more prescriptive information to users of hazardous substances, particularly small to medium sized enterprises. That is, small companies were asking to be told more useful information than leaving it up to them to try and interpret the non-prescriptive HSNO regulations. The labelling provisions of the group standards achieve this purpose.</p> <p>Recognising that some companies would prefer the non-prescriptive approach, the labelling section of the group standards provides a number of alternative means of compliance, including</p> <ul style="list-style-type: none"> ➤ the relevant identification provisions of the HSNO Identification, Emergency Management and Disposal Regulations; ➤ an approved Code of Practice, and ➤ the GHS system of classification and labelling of chemicals. 	Yes
<i>Transport and multiple packages</i>			
6	Requirement for group standard compliant label on outer	It was never the intent of this condition to require a group standard	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	package of a multiple package is unreasonable and contrary to International Transport requirements if the product is also a Transport Dangerous Good.	<p>label on the outer label of a package, and it is acknowledged that the condition as originally written was poorly drafted.</p> <p>The subclause has been amended, and now requires either the labelling or marking required by:</p> <ul style="list-style-type: none"> ➤ subclauses (4)(a) and (b) or ➤ the Land Transport Rule or ➤ the Civil Aviation Rule or ➤ the Maritime Rule. <p>This is consistent with the HSNO Identification regulations.</p> <p>Note that the reference to subclause 4 is for the reformatted group standards (see Section 1.4 of this document).</p>	
3	Clause 5.1.2.5(a) states that the outer packaging must bear labelling information required by sub-clause 5.1.2.2(1). Subclause 5.1.2.2(1)(d) requires directions for use, including where relevant dilution rates and dose rates – this should not be a mandatory requirement as the outer packaging is only used for transport purposes and does not need to have use directions.	See response above.	Yes
<i>Alternative compliance measures</i>			
2	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 group standard 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 amendment required
2	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
5	At an Auckland group standard meeting there was an option offered of "You may use US, European and Australian labels as they will comply with HSNO" but has not been mentioned in group standard. Please confirm we can still sell a product with	The group standards allow for a period through to 31 December 2010, whereby the labelling requirements of the EU, Australia, USA or Canada are a means of compliance, provided that the labelling complies with the regulatory requirements of these countries. This	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	a US EPA approved label and for how long.	<p>can be found in the subclause headed "Alternative compliance measures for labelling" (typically clause 2(15) of the amended and reformatted group standards).</p> <p>In the group standards released for consultation, this compliance measure was only for imported products. It has now been extended to include New Zealand manufactured products.</p>	
6	The 2010 clause is premature as the target date of implementation of GHS in overseas jurisdictions (USA & EU) has not yet been finalised.	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.	No
6	A condition of using a group standard should be the requirement to notify ERMA of trade name, full address, telephone number, 24hr number – this information could then be made available to the Emergency services.	<p>The concept of collecting and maintaining information of this type is contrary to the philosophy of group standards, which was based on industry being able to manufacture and import substances under a group standard without the requirement to advise ERMA New Zealand. Other industries have indicated they would be opposed to such a requirement, as it will impose significant costs on their business.</p> <p>The condition that requires the provision of emergency information has been adopted from the Emergency Management Regulations. These regulations can be used as an alternative means of compliance.</p>	No
9	Agree with alternative compliance for labelling of substances; i.e. aligned with overseas trading partners adopting GHS.	Support noted.	No amendment required
<i>Other</i>			
2	Believe substances assessed under REACH should be accepted automatically if captured under group standard.	<p>The basis of REACH is individual chemicals, rather than products as per HSNO. Group standards will be closed to new chemicals (not to be confused with formulated products) that are not on the Inventory of Chemicals. New chemicals not on the inventory will require a separate approval from ERMA New Zealand (refer to the consultation undertaken on this issue:</p> <p>http://www.ermanz.govt.nz/consultations/gs/addgs.pdf.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
Site and storage			
3	<p>Part B, Clause 7(2) of the Class 5 Site and Storage document is redundant:</p> <p>Separate hazardous substance locations must be established for –</p> <p>(a) places where class 5.1.1 substances kept in packages that are closed at all times; and</p> <p>(b) places where class 5.1.1 substances are to be manufactured or used.</p> <p>The substances are of the same class hence there are no issues of incompatibility and therefore do not have to be segregated. The regulations are clear that the most stringent controls apply where different substances are held. The controls for “closed at all times” and “open for manufacture” are the same (with the exception of lower trigger quantities for “open” containers). The requirement to keep open and closed containers separate should not be mandatory as for some businesses it may not be practicable to set up separate locations.</p>	<p>These provisions, which are taken directly from the HSNO Classes 1 to 5 Controls Regulations, are correct. The intent is to have separate hazardous substance locations where substances are in closed containers (i.e. stored) and where they are open (i.e. being manufactured or used). There are different quantities that trigger a hazardous substance location under these two circumstances. In addition, where a substance is being manufactured or used, extra conditions apply to manage any risk.</p> <p>The current drafting of the conditions is based on the approach that not the whole site is required to be classified as a hazardous substance location (as would have been the case if a dangerous goods licence was required). On a site, there may be a number of distinct hazardous substance locations for storage and use situations. If a manufacturer or user of a class 5.1.1 substance wished to have a single hazardous substance location, then providing this was established under the most conservative approach (i.e. trigger quantities for the manufacture/use situation), then it would be possible to also store class 5.1.1. substances under this provision. That is, a separate hazardous substance location would not be required for storage.</p>	No
3	<p>Part B, Clause 8(1)(e)(ii) of the Class 5 Site and Storage document requires that ‘arrangements are in place so that direct contact by any person inside the location with a class 5.1.1 substance is prevented’. This clause should be clarified to provide an exception that covers use of the substance for manufacture and persons wearing suitable protective clothing.</p>	<p>No clarification of this clause is required within the group standard. The use of protective equipment is one of the means to prevent direct contact with a substance. There may be other means such as engineering controls.</p> <p>Guidance will be provided following transfer.</p>	No
Conditions for safety data sheets			
2	<p>HSNO approval number seen as unnecessary on SDS and irrelevant where the group standard is stated.</p>	<p>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</p>	Yes – wording amended, but requirement for an indication of HSNO approval remains

Submitter	Submission	Agency response and recommendation	Group standards amended
		on the SDS.	
3	Requirement for “directions for use, including where relevant dose rates” in Section 5.1.3:5(a) (ii) is not appropriate to be provided on SDS (as purpose of SDS is to provide information on hazards and toxicological properties on health and precautions for safe use based on hazards). Recommend removing 5.1.3:5a(ii) statement covering use rates.	This requirement has been removed from the Safety Data Sheet condition.	Yes
3	Support that composition/information ingredients section permits concentration ranges. However, these ranges should be limited so as not to give meaningless or misleading information, but not so limited that confidential information is revealed. Recommend wording for section 5.1.3:5c(ii) expanded to include established guidelines for expressing concentration ranges, i.e.: a.and their concentration ranges according to ? b. Either refer to a specific guideline or c. Provide the guideline in the group standard	Guidance for the reporting of ranges on safety data sheets will be provided following transfer. It is not necessary to include this level of detail within the group standard. A code of practice may be a means of compliance with this requirement of the SDS condition.	No
6	The group standard SDS requirements are not fully aligned with the GHS. Given the alternative compliance with labelling, a similar measure should be made with SDS.	The group standard requirements for safety data sheets are based on the NZCIC Code of Practice and the GHS. The proposal is a standard requirement for 16 header SDS format, with the inclusion of NZ specific information, including NZ contact details. These are appropriate for products used in New Zealand. Staged implementation gives a two year timeframe for compliance with the safety data sheet provisions of the group standard. We do not intend to provide an alternative means of compliance by way of the HSNO regulations because we wish to encourage the adoption of the 16 header format. The HSNO Identification regulations do not stipulate the 16 header format. See also comments below.	No
6	Under Hazard Identification in SDS there is requirement for ‘description of hazards of substance’. Does this require HSNO classification codes? If so, this will require NZ specific SDS which would impose additional unreasonable costs.	The SDS provisions have been amended since these group standards were first released for consultation to provide greater clarity. The wording of the clause referred to by the submitter now reads: <i>“a description of the hazards of the substance, which may include its HSNO hazard classification”</i>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
		So, no, it is not a mandatory requirement to provide the HSNO hazard classification.	
8	<p>The Safety Data Sheet (SDS) clauses in all of the group standards are unnecessarily prescriptive and allow no flexibility to their preparation. There is no benefit to be gained from this inflexibility. In addition, the requirement to comply with a code of practice that is not currently available is not consistent with the consultation process (i.e. how can we comment on the group standard requirements for SDS when we are not able to view one of the compulsory parts of the clauses).</p> <p>We seek changes to the SDS clauses to allow greater flexibility and reference to the code of practice as one option for compliance. To ensure consistency internationally, it would be appropriate to include SDS information in the exemption which allows or labelling and packaging to comply with international standards/legislative requirements. At the minimum, compliance with the HSNO regulations should be equivalent.</p>	<p>The inflexibility referred to by this submitter was in regard to clause 3(5) of the group standard, which required that: <i>“Information required on a safety data sheet must be provided under the following hearings”</i>. This has been amended to <i>“... must be provided under the following general hearings”</i> (emphasis added).</p> <p>The condition that required a safety data sheet to be consistent with the requirements of a code of practice approved by the Authority has been removed.</p> <p>The group standards set out the requirements for SDS that are consistent with the GHS, which are based on the 16 header format. This format is recognised as international best practice. The HSNO regulations, in contrast, do not stipulate the 16 header format. For this reason, we will not provide an alternative means of compliance by way of the HSNO regulations. ERMA New Zealand wishes to encourage compliance for all SDS on the 16 header format.</p>	Yes – but not for alternative means of compliance
Conditions for advertising			
2	Advertising section perceived as unworkable for business as it imposes unnecessary regulatory burden for no appreciable gain in risk prevention. Questions asked as to who will enforce this requirement. Suggest this requirement should be removed from group standards	<p>The group standard condition for advertising has been amended so that it only applies to products that are advertised to members of the public, and the person to whom the advertising is directed is not provided with a reasonable opportunity to read and consider the information required to be on the product label prior to purchase of the substance.</p> <p>Advertising of products that are purchased through retail stores will need to comply with the General Information requirements set out in Part 1 of the group standard conditions.</p>	Yes
Approved handlers			
2	The Approved Handler requirements for industrial cleaning products will have far reaching effects, most cleaning staff/farmers will either have to become Approved Handlers or	The approved handler conditions will only apply to the most highly hazardous cleaners. The condition in the group standard is consistent with the HSNO regulations. We will look to industry ITOs	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	have an Approved Handler present at all times. Requires staff providing cleaning services to have an Approved Handler qualification for work they have done for many years without incident. Risk unlikely to be improved by having staff become Approved Handlers.	to develop training courses for the approved handler qualifications. Some current industry qualifications may already address these requirements.	
7	Approved handler requirement - does the requirement to keep under lock and key at all times apply to retail, as this is not practical?	The approved handler condition will apply at the retail level. A substance would not be required to be under lock and key when the approved handler is present.	No amendment required
Tracking			
3	Clarification is sought on the requirement of tracking for 6.1B/C HSNO classifications. Is this a deliberate removal from the group standard and if so under what basis?	The condition for tracking of 6.1B substances was inadvertently omitted from the original group standard proposals. This has now been rectified and all group standards the scope of which covers class 6.1B substances have a tracking provision.	Yes
Conditions for packaging			
<i>Child resistant packaging</i>			
2	Child Resistant packaging for products not intended for use in situations where children are present is unnecessary and should be relaxed. We accept that products intended for Domestic use but used in commercial situations may have Child Resistant packaging by default however that is no reason to require that same packaging for products that are not sold for domestic consumption.	The child resistant packaging requirements do not apply when a substance is being sold or supplied to a place of work where children do not have access and the substance is for use in that place of work. Further guidance on the use of CRP in places of work where the public have regular access (such as hospitals, hotels etc) will be developed following the completion of transfer on 1 July 2006.	No
2	Facilities that accommodate children already have tight storage requirements and no additional risk prevention would be achieved by Child Resistant packaging requirement.	The requirement of child resistant packaging when the substance is being sold or supplied to a place of work where children have access is consistent with the HSNO regulations. In places where children will be present, such as hotels and restaurants etc, CRP would only be required if the material was likely to be used and left unattended in public areas. If the materials were effectively confined to "non-public areas" or under the control of the user, then CRP would not be required. The manufacturer/supplier should determine the likelihood of a child getting access to the substance, taking into consideration the intended circumstance of	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		use of the substance.	
9	Industrial and institutional cleaning products will be used in a place of work rather than being available for general sale. This means that the provisions for childproof closures would not apply to industrial and institutional cleaning products.	The child resistant packaging requirements do not apply when a substance is being sold or supplied to a place of work where children do not have access and the substance is for use in that place of work.	No amendment required
6	Requirement for HSNO classifications 8.3A, 6.5A, 6.6A, 6.8A or 6.9A to be packaged in PG III, UN specification packaging is unreasonable and contrary to International Transport requirements.	The packaging requirements of the group standards have been amended so that they align with the UN Model Regulations for the transportation of dangerous goods. HSNO classifications 6.5A, 6.6A, 6.7A, 6.8A or 6.9A will no longer trigger PGIII. Refer to http://www.ermanz.govt.nz/consultations/gs/addgs.asp . The requirement for an 8.3A hazard to be packaged to PGIII has also been removed.	No – already amended
6	Group standards do not make provision for dangerous goods in limited quantity packaging which is not UN specification packaging. This imposes additional costs.	Group standards do include a provision for packaging in limited quantities if that packaging complies with Schedule 4 of the Hazardous Substances Packaging Regulations.	No
2, 9	We believe that the clause that permits labelling from Australia, USA, Canada, the EU or any other approved country should also apply to packaging.	<p>The current packaging provisions of the group standards are aligned with the UN Recommendations on the Transport of Dangerous Goods Model Regulations. Thus, any goods that are imported into New Zealand in accord with the Model Regulations should be compliant with the provisions of the group standards. Consequently, it should not be necessary to give any alternative means of compliance of the type put forward by the submitter.</p> <p>There is one area of disparity between the packaging provisions of the group standards and overseas packaging requirements. This is the area of child resistant packaging. The group standard sets more rigorous requirements for CRP than applies in other countries. Nonetheless, the group standard also provides for a period of staged implementation for packaging. We have previously indicated our intent to remove CRP for an irritancy hazard (see the consultation at http://www.ermanz.govt.nz/consultations/gs/addgs.pdf). However, as noted in this document, and reflecting the potential severity of harm (e.g. permanent eye damage from an 8.3A substance), the CRP provisions for other hazards (acute toxicity and corrosivity) will be retained. This is consistent with the Hazardous Substances (Packaging) Regulations. It is also consistent with the Ministry of</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>Health <i>Code of Practice for Child-resistant Packaging of Toxic Substances</i> (1998). We do not consider that we should adopt overseas packaging provisions that are any less stringent than should already be in place under this code.</p> <p>The issue of CRP is one of the matters that will be covered at a hearing by the Authority on Wednesday 14 June 2006.</p>	
Conditions for equipment and conditions for equipment			
2	The disposal and handling regulations are not GHS compliant. For higher risk substances there needs to be a fall back to the regulatory requirements.	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 are developing a code of practice to assist compliance with the HSNO disposal requirements.	No
6	Protective Equipment requirement that a person does not come into contact with a substance is impractical and unreasonable. Should be amended to “Is exposed to the lowest practicable concentration of the substance. This concentration shall not cause any adverse health effects and at no time may the concentration exceed the WES if set”.	The condition as written is adopted directly from the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations. This condition is non prescriptive, thereby allowing for a variety of means of compliance.	No
Conditions for transport			
6	Passenger service vehicle restrictions seem to be unreasonably low for low risk hazards, especially as up to 10kg of a flammable liquid is permitted. 20kg would be a more reasonable limit.	The passenger service vehicle limits are adopted from the HSNO regulations. The restrictions only apply when a substance is carried in the main (public) carriage of a vehicle, such that, in the event of a spillage, there may be public in the immediate vicinity who might be exposed. The limits do not apply to a substance that is carried in the principle luggage compartment of a passenger service vehicle (e.g. the luggage bay of a coach).	No
Notification to ERMA New Zealand – Inventory of Chemicals			
2	The requirement to lodge new ingredients under this proposed register is a duplication of international work in this area and has the potential to become a significant cost burden to industry. We oppose this proposal due to compliance costs	The maintenance of an inventory is consistent with many other developed countries, including Australia, US and Europe, and forms an integral part of the risk management framework for group standards.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	and for the lack of international acceptance this will impose on chemical importers into New Zealand.	<p>In preparing the New Zealand inventory, it is our intention to assess the list of chemicals we have recorded on our working databases against the AICS and other countrywide inventories. Our expectation is that the New Zealand inventory will be amended for any obvious deficiencies.</p> <p>We are currently proceeding with having a working draft of an inventory in place by 1 July 2006. Nonetheless, it is recognised that further work will be required to finalise the inventory and on the process by which information on new chemicals should be reported to the Authority and added to the inventory. It is our wish to work with industry in developing a fully functional and effective inventory of chemicals in New Zealand.</p>	
3	Supportive of concept of establishing Inventory of Chemicals, helpful in establishing if a chemical is "New" and therefore requiring notification.	Support noted.	No amendment required
3	Requirement for notification only of a new substance (provided it does not affect hazard statement or controls), is less than currently required for approval of new substance which is fee based. Although this proposition is attractive, this is contradictory to current requirements. Is this interpretation correct?	Yes. The notification condition of a group standard is outside the suite of HSNO regulations. This is possible under the provisions of Part 6A of the Act, which gives the Authority the legal power to issue group standards.	No amendment required
3	Are the provisions of the NICNAS scheme which generate the AICS to be carried over to NZ chemical inventory? The NICNAS process for new chemicals requires a fee which is often sufficient to preclude the use of the new chemical. Or will substances on the AICS automatically be carried over to the NZICS?	<p>The provisions of the NICNAS scheme are more complex than we would expect the New Zealand inventory to be. Consequently, we do not intend to carryover their process and operational requirements <i>en bloc</i>. Nevertheless, we would not wish to "reinvent the wheel", and there may be aspects that we could usefully adopt.</p> <p>The group standard is a notification, not an application. This notification will not involve a fee. We will look at aligning the AICS list with the NZ inventory where possible. See also earlier comment.</p>	No amendment required
3	Is any substance regardless of hazard required to be notified? Seems logical to only require those that are corrosive, acutely toxic or acute aquatic toxicity groupings to be notified?	Yes. The requirement to notify the Authority if a substance contains a hazardous chemical that is not listed on the Inventory of Chemicals is independent of the hazard of the chemical.	No amendment required
3	Notification process of a NEW chemical is user friendly and encourages use of Low Risk components to ensure no	Comments noted.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>conditions outside current range of group standard. Manufacturer/importer will have that information to enable classification into a group standard therefore proposed process is a simple task of providing that information to ERMA. Requirement for notification of new chemicals will not be onerous based on the proportion of NEW chemicals (most likely to be new surfactant materials) likely to be introduced in the market, therefore there is a low risk that issues will arise regarding new components in I&I cleaning products.</p>		
7	<p>The inventory of chemicals is an onerous administration task where a new substance does not alter the hazard profile of the final mixture.</p>	<p>The inventory of chemicals will assist ERMA New Zealand in knowing what chemicals currently exist in New Zealand. The maintenance of an inventory is consistent with many other developed countries, including Australia, US and Europe.</p> <p>Notification is required only when a substance is new to New Zealand (i.e. when it is imported into the country for the first time).</p>	No
7	<p>Duplication of notification to ERMA of new substances - importer/manufacturer and subsequent manufacturer using material are both required to notify ERMA. Clause should be rewritten to remove this duplication.</p>	<p>Duplication should not occur. If an importer imports a new substance, then it is the responsibility of the importer to notify ERMA New Zealand, not the user who subsequently purchases the substance from the importer. As noted earlier, we wish to work with industry in ensuring the process works well for all parties. This will involve the preparation of information and guidance material on the role of the inventory and requirements under this condition.</p>	No
Conditions for fragrance materials			
6	<p>Imposing the requirement to comply with the IFRA standards, without providing a copy of this standard for viewing is unreasonable. We suspect this standard will be restrictive and impose additional unwarranted costs.</p>	<p>A link to the IFRA website was provided in the interpretation section of each group standard. It is available at: http://www.ifraorg.org/GuideLines.asp</p> <p>The IFRA Code will also be available to be inspected free of charge during normal business hours at the ERMA New Zealand office, Wellington.</p>	No amendment required
Conditions for antimicrobial substances			
1	<p>Hypochlorite products and some alcohol based products are likely to fail the tests referenced, therefore another one or two tests need to be referenced to allow recognised disinfectants</p>	<p>The condition for antimicrobial substances generated considerable opposition from many sectors of the industry. It was also recognised that there are no specific provisions in the HSNO regulations to set</p>	Yes – antimicrobial condition removed

Submitter	Submission	Agency response and recommendation	Group standards amended
	to have verifiable claims made	efficacy requirements for hazardous substances. Consequently, this condition has been removed from all Industrial and Institutional Cleaning Product Group Standards.	
2	It is overly onerous to require the evidence of the claimed level of action against micro-organisms to be held of file for three years - 30 days is a more reasonable period of time. Also term 'file' is not defined and should allow for electronic documentation as part of a definition.		
3	Agree with establishment of new condition requiring verification of antimicrobial performance as provides confidence to end user that products perform to an accepted standard (a moot point whether the HSNO regulations are the appropriate vehicle for this requirement).		
3	Section 5.11.2 wording is too broad in that it allows 'non-standard' or 'non-validated' methods to be acknowledged and advertised ((e) individual manufacturer standard methods and (f) data from the actual development of the antimicrobial substance). Defeats the purpose of the condition by including claims which cannot be substantiated against a known standard. Wording needs to be changed to reflect acknowledgement of the national standards of our major trading partners in compliance with overseas legislative requirements.		
3	Requirement for a specified period of time in 5.11.3(a) is not required if the antimicrobial has been tested against a recognised standard procedure. The standard procedure will have a specified standard time of exposure associated with the test. In the real world application/exposure times will vary by circumstance and need to be determined by supplier dependant on these circumstances.		
3	Need to allow for the national standards of our major trading partners (e.g. AOAC, US FDA/EPA standard methods, DVG & DLG European community standardised methods).		
3	Subclause (4) option for providing data in SDS is not appropriate use of SDS. Use of SDS should be reserved for safety issues relating to handling of product only.		

Submitter	Submission	Agency response and recommendation	Group standards amended
3	Include new sub-clause as follows: Testing must be carried out by a recognised laboratory with either GLP registration, national certification, relevant ISO registration or industry specific registration.		
5	The special requirements for antimicrobial substances are interesting and it is hard to rationalise the need for their existence.		
Miscellaneous			
1	Check grammar e.g. Annex 1 pg 8 “if medical advice is needed: Have....” omit colon and capital H in Have.	These statements are presented exactly as given by the GHS. Refer Annex 3 (p. 308) of the document <i>Globally Harmonised System of Classification and Labelling of Chemicals</i> , 1 st revised edition (2005).	No
3	Supportive of group standard concept and benefits provided by way of simplification of storage/handling information and process/cost of approvals, and simpler process for review of Regulations by compiling into single document and the use of common language.	Support noted.	No amendment required
4	Generally support the conditions specified and agree they are more user friendly	Support noted.	No amendment required
4	Seek clarification around the relationship of group standard 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

Submitter	Submission	Agency response and recommendation	Group standards amended
5	The timing of consultation over the Christmas break was not well managed.	The timing was dictated by the requirement to complete group standards and transfer NOTS by the statutory deadline of 1 June 2006. We acknowledge it was unfortunate that this consultation period spanned the Christmas break. Nonetheless, the statutory requirement of the Act for a 30 working day period of consultation was followed. Where industry asked for an extension, in all instances, an extension was provided. We have also indicated throughout that we would accept on-going feedback from industry and other parties right up until the immediate deadline of 1 July 2006. Many industries (on these and other group standards) have availed themselves of these opportunities and have provided important input into the group standards framework outside of the official consultation periods.	No amendment required
5	System is cumbersome and overemphasises hazards rather than acknowledging and managing the risks. Feels that it could eliminate some 'reduced-risk products' from NZ.	Group standards are significantly more user friendly and provide a greater degree of flexibility to industry to develop new hazardous substances than the current HSNO approvals and regulatory provisions. The view expressed by this submitter is contrary to many views expressed by others in industry who have supported the development of group standards.	No amendment required
5	Compulsory labelling will lead to low-level risk products being branded as undesirable products, and undesirable products being lost among the mountain of words and pictograms presented to users. Does not ensure the risks associated with chemical products in NZ are well managed.	The labelling provisions based on the information in the Hazard and Precautionary Statements document are not compulsory. It is quite clear in the group standards that alternative means of compliance exist, including compliance with the HSNO regulations, a code of practice and the GHS. See also comments under the labelling section of this summary of submissions.	No amendment required
5	It is difficult to meet some of the expectations in the consultation document in that we cannot propose to move products to other group standards that are yet to be drafted.	All group standards have now been drafted and consulted on. A full list of these standards is available from: http://www.ermanz.govt.nz/hs/groupstandards/list.html . We have developed a process to assist notifiers move their products between group standards (see Section 1.2 of this summary of submissions).	No amendment required
9	3M New Zealand Limited agrees with principles of group standards. Applying group standards, and further sub grouping products (substances) according to their hazard classifications	Support noted.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	will eliminate the requirement to assess every product individually and make it simpler to ERMA develop a register of "Hazardous Substances". Group Standards will also reduce the compliance costs to the manufacturer or importer/supplier. We also approve of the modification of to the ecotoxicological controls for those products, triggering ecotoxic degrees of hazard, but are non-pesticidal substances used in industrial, domestic or otherwise contained indoor environments		
9	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 or 6.1D to 6.1E.	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. For example, a 3.1B cleaning product without any other primary hazard that is reformulated to lower the flammability hazard to a 3.1C (and not introduce any other primary hazard) will not require any approval from the Authority because a group standard exists that captures 3.1C cleaning products. In situations where no group standard exists, a reformulated product may require a rapid assessment. The Act allows for the rapid assessment of a substance that has been formulated such that one or more of it's hazardous properties has a lesser degree of hazard than any substance that has been approved under the Act.	No amendment required
10	Would like to make sure they are involved in the Group Standard process	Comment noted. We have attempted to engage industry as much as possible in the development of group standards.	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 cleaning products 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.

1 July 2006	NOTS transferred to HSNO. Six month period commences before any group standard conditions apply. Persons continue to comply with current regulatory requirements
1 January 2007	Approved handler test certificates required (either deemed ¹ or full five year certificate) ² Compliance required with all group standard conditions, with the exception of conditions for: <ul style="list-style-type: none"> ➤ Test certificates for hazardous substance locations² ➤ Stationary bulk container systems ➤ Emergency management² ➤ Signage² ➤ Labelling, safety data sheets and packaging
1 July 2007	Compliance required with emergency management conditions ² (fire extinguishers, response plans and secondary containment)
1 January 2008	Test certificates required for hazardous substance location ²
1 July 2008	Report required from test certifier for existing stationary bulk container systems Compliance required with conditions for: <ul style="list-style-type: none"> ➤ Labelling^{3,4} ➤ Safety data sheets ➤ Signage² ➤ Packaging
1 January 2009	Full 5 year approved handler test certificate required
1 July 2009	Test certificate required for existing stationary bulk container systems
31 December 2010	Product labels are compliant to this date if they comply with the labelling requirements of Europe, Australia, USA or Canada ⁴

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.