



**Transfer of  
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



# **Summary of Submissions: Group Standards for Domestic Cleaning Products**

June 2006

Prepared: June 2006

File reference: TRFR-01-02-02-08-10-01

# Contents

1. INTRODUCTION	1
1.1 Background to the Consultation	1
1.2 Moving NOTS	2
1.3 Combining Group Standards	2
1.4 Approval of Group Standards	3
1.5 Gazetting of Group Standards and Staged Implementation	3
2. SUBMITTER'S COMMENTS AND AGENCY RESPONSE AND RECOMMENDATIONS	4
ANNEX 1: STAGED IMPLEMENTATION FOR NOTS	23



# 1. Introduction

## 1.1 Background to the Consultation

This document reports on the submissions that were received on proposals to establish group standards for domestic 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 seven group standards for domestic cleaning products on 31 March 2006. Consultation closed on 17 May 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 143 parties who were considered likely to have an interest in this consultation. This included companies who notified domestic 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.<sup>2</sup>

Twelve submissions were received, of which six 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 domestic cleaning products group standards, major notifiers of domestic cleaning products<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/cleaners.html>. A copy will be provided to any other interested party on request.

---

<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/dcp.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.

Contact:

Haromi Roberts  
ERMA New Zealand  
PO Box 131  
Wellington  
New Zealand

Phone +64 4 918 4871

Email [NOTS@ermanz.govt.nz](mailto:NOTS@ermanz.govt.nz) and enter “Domestic Cleaning Products Summary of Submissions” in the subject line.

## 1.2 Allocating NOTS to Group Standards

When Domestic Cleaning Product Group Standards were released for consultation, notifiers were given a list of their products notified under the Toxic Substances Act 1979 (NOTS) associated with these group standards.

Because of the domestic nature and small consumer pack size of these products, there are many cases where a NOTS was assigned to a low risk group during the screening of notifications undertaken by ERMA New Zealand between 2003 to 2005. As a consequence, ERMA New Zealand does not have the classification of these products, and there is insufficient information on these notifications to definitively assign that NOTS to a specific group standard. This means that it is the notifiers’ responsibility to assign their NOTS to an appropriate Domestic Cleaning Product Group Standard.

If notifiers wish, they can advise ERMA New Zealand which group standard they have assigned their NOTS to. To assist notifiers, 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 have been allocated to a group standard, they will need to email the completed template back to us for processing. This template will be available up until 30 June 2006.

## 1.3 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 domestic cleaning products, these group standards have been combined with industrial and institutional cleaning products and renamed as *Cleaning Products Group Standards*.

Importantly, group standards were only combined where the hazards were common. For example, we have combined the subsidiary hazard group standard for the domestic cleaning products with the subsidiary hazard group standard for the industrial and institutional cleaning products. However, we have **not** created a *Cleaning Products (Toxic [6.1]) Group Standard*, because although there is an Industrial and Institutional Cleaning Products (Toxic [6.1]) Group Standard there is no “equivalent” domestic cleaning product group standard.

---

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

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.

#### **1.4 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.

The Hearings Committee is scheduled to consider the group standards for cleaning products in mid June 2006. This consideration will follow the public hearing which has been requested by submitters.<sup>7</sup> A notice of the Committee's decision will be placed on the ERMA New Zealand web site as soon as practicable after the consideration.

#### **1.5 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 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.

---

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

<sup>7</sup> 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	Safekids New Zealand
2	Dunedin Safekids Coalition Coordinator
3	Royal New Zealand Plunket Society (Inc)
4	Dunedin Business and Professional Women's Club Inc
5	HaS Expertise Ltd
6	Reckitt Benckiser
7	Kidsafe Taranaki Trust
8	Ministry of Health
9	Packaging Council of New Zealand Inc.
10	Quantum Pacific Ltd
11	3M
12	Waikato District Health Board

Submitter	Submission	Agency response and recommendation	Group standards amended
<b>The classification of substances and assigning to group standards</b>			
<i>Self-classification</i>			
10	The system is complex. First it requires the hazardous properties of a product, or at least all its ingredients, to be known. Secondly, it requires importers and manufacturers to have a working knowledge of not only the HSNO classifications, and legislation (including the Group Standards themselves) but also other relevant labeling and packaging regimes (such as the GHS and the laws in Australia) as these systems are permitted "defaults" in some cases	Whilst the system may appear to be complex, ERMA New Zealand will provide importers and manufacturers of hazardous substances guidance on how to classify their products. The classification of products is based on the GHS system, which is progressively being adopted worldwide. Some guidance material on HSNO classifications is available on the ERMA New Zealand web site; refer to the <i>User Guide to HSNO Thresholds and Classification</i> .	

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>for compliance with the New Zealand regulations. The Group Standards propose that the manufacturer or importer of a substance determines a product's hazardous property classifications and therefore the requirements of controls on that product. It is unclear whether manufacturers or importers will be obliged to adopt a precautionary approach. The only safeguard appears to be that the manufacturer or importer must keep a record of the determination and have that record available for inspection. In the regime as proposed, it would be up to other manufacturers to question and challenge the self-classification, and to request that ERMA classify and force compliance. In the interim, it is quite possible that children could be harmed.</p>	<p>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 HS-6 application (SOS process) currently provided by ERMA New Zealand. Manufacturers and importers of hazardous substances will be obliged to adopt a precautionary approach as outlined in the <i>'User guide to HSNO Thresholds and Classifications'</i> document. They are also required under a condition of the group standard to maintain a record of the basis for assigning a product to a group standard.</p> <p>For a company that self-classifies its products, the issue of whether they classify those products correctly is initially a matter of education and ultimately of compliance and enforcement.</p> <p>It is the responsibility of any company manufacturing and/or supplying of cleaning products to know how the group standards framework is intended to operate, and to ensure they understand and comply with the regulatory requirements of this framework.</p>	
10	<p>A factor which is likely to lead to harmful automatic dishwasher preparations being sold without child resistant packaging or adequate warnings is the decision to move the responsibility for deciding in which Group Standard a product falls on to the notifier (manufacturer or importer) rather than ERMA classifying the product and notifying the relevant Group Standard.</p>	<p>The premise of the HSNO Act is industry self-management. Group standards are based on industry being able to self-classify and assign their products to the appropriate group standard. It is acknowledged that necessary guidance and processes must be in place to support self-classification. The provision of information and supporting tools will be a priority once group standards come into force and during the implementation period. For a company that self-classifies its products, the issue of whether they place those products in the correct group standard is one of compliance and enforcement. ERMA New Zealand will be working with enforcement agencies to prioritise initiatives for checking industry self-determination.</p> <p>As noted above, a condition of a group standard will require a record to be kept of any self-classification and assignment to a group standard. An enforcement officer can ask to see this record and have it independently verified.</p>	

Submitter	Submission	Agency response and recommendation	Group standards amended
<b>The suite of Domestic Cleaning Products group standards</b>			
<i>Exclusion of Automatic Dishwashing preparations with a pH &gt;12.5</i>			
1, 2, 3, 4, 7, 8, 12	Strongly support the prohibition of sale and supply of automatic dishwashing preparations with a pH greater than 12.5 to the general public from 1 January 2007.	Support noted. Note that the commencement date of this prohibition has been changed to 1 July 2007 as a result of other submissions received.	No amendment required
10	<p>We are concerned with the six month transition period relating to the prohibition of automatic dishwasher preparations with a pH of over 12.5 being sold to the public. Quantum Pacific will have to re-formulate its product to ensure that it is beneath the 12.5 pH level. This will involve reformulation, sourcing materials and testing. Quantum Pacific requires more than six months to do this. It estimates that it will need until May 2007 to achieve this. This could have a serious impact on the market in New Zealand for this product, as there are only two main suppliers, and Quantum Pacific products represent almost 40% of the market. Given the structure of the market, if Quantum Pacific has not completed its re-formulation of Active by 31 December 2006, then the other main supplier in New Zealand will have an extremely dominant position in the market, having what amounts to a monopoly until such time as Quantum Pacific have reformulated. Quantum Pacific proposes that Clause 4 (6) of the Domestic Corrosive Group Standard be amended to read:</p> <p>“Subclause (5) does not apply for the period 1 July 2006 to 1 June 2007.”</p> <p>The brands which represent nearly 100% of the powder market in New Zealand are all sold in CRP. This means that extending the transition period should not increase the likelihood of incidents, or at least the risk is slight and needs to be balanced against the negative effects of having only one brand of automatic dishwashing preparation available to the public.</p>	<p>The 1 January 2007 timeline has been extended to 1 July 2007.</p> <p>The original timeline was set in order to align as closely as possible with similar action being taken in Australia. We were concerned that if we did not align the dates, that there was the potential for corrosive dishwashing preparations no longer allowed to be sold in Australia being imported and placed on the New Zealand market. However, further consideration of this issues, including the small size of the Australian market for corrosive dishwashing preparations (&lt; 4%) suggests this “off-loading” of product to New Zealand is unlikely.</p>	
<b>Interpretation</b>			
6	Please include a definition of ‘outer packaging’, indicating that it is the transport pack.	The interpretation section of the group standards states that outer packaging has the same meaning as in regulation 3 of the	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>Hazardous Substances (Packaging) Regulations 2001. Regulation 3 defines outer packaging as:</p> <p><i>The outer part of combination-packaging, together with any absorbent materials, cushioning, and other components necessary to contain and protect the inner package.</i></p>	
<b>Conditions for labelling</b>			
<i>Hazard and precautionary statements</i>			
1, 2, 3, 4	<p>Urges improved warning labels and information measures for all automatic dishwashing products on sale to the general public.</p>	<p>Depending on the hazards of a product there will be requirements for the relevant signal words, pictograms, and hazard and precautionary statements such as “Keep out of reach of Children” to be on the label. These requirements are outlined in each group standard and the ‘Hazard and Precautionary Information for Group Standards’ document. These requirements are adopted from the GHS labelling system. Whilst there are alternative compliance measures provided for in the group standard, the current proposals will, we believe, create an improved labelling system in New Zealand.</p>	No amendment required
1, 4	<p>Section (11) of the Domestic Cleaning Products, Corrosive Group Standard states that if a substance is in a package of less than 5L/5kg the label does not need the pictogram required by subclause (4)(a) &amp; (4)(b) or the hazard and response statements for HSNO class 9 substances. Is this provision for lesser labelling on smaller packaging (when such packaging may be more likely for general public consumption) balanced against any other provisions or considerations that provide better safety for smaller volume containers? What provisions will be put in place to alert domestic purchasers of such products of the dangers?</p>	<p>Clause 4(11)(a), which removes the requirement for a label to carry a pictogram, is based on the HSNO Identification Regulations which stipulates the need for priority identifiers. The regulations do not state the nature of the priority identifier, which could be a pictogram or a signal word. The group standard still requires that a package with a capacity of 5 litres/5 kg or less must have a signal word. This clause simply removes the requirement for both a signal word <u>and</u> a pictogram. Hazard and precautionary statements are still required on the label and these will convey safety information.</p> <p>Clause 4(11)(b) has a similar intent, except that here the provisions apply to hazard and response statements and for class 9 substances only. Substances will still be required to be labelled with the relevant prevention statement, such as “Avoid release to the environment” for a class 9.1 substance. We do not feel that the removal of the pictogram and the hazard and response statements relevant to a class 9 classification will affect the safe handling of these smaller packages.</p>	

Submitter	Submission	Agency response and recommendation	Group standards amended
		This clause is not mandatory. A manufacturer may elect to provide this information on labels for products supplied in quantities less than 5 litres or 5 kg.	
8	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.</p> <p>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.</p> <p>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 can choose to use these statements as a means of compliance with the regulations.</p>	Yes – align with the regulations
9	Labelling requirements appear to be more prescriptive than the regulations, specifically the following: 'Keep out of reach of children' and 'If medical advice is needed: Have product container or label at hand' and 'Read label before use' and the requirements of the prescriptive symbols and phrases in the document 'Hazard and Precautionary information for Group Standards'. However, clause 2(16) states that the requirements are met if the label meets the requirements of the 'Identification Regulations'. These regulations are not prescriptive so we suggest the words 'Subject to subclause (16)' are inserted at the beginning to make it clearer that it is not necessary to comply with the prescriptive wording so long as you comply with the regulations.	The current drafting of the labelling provisions are clear and legally robust. As with any legal document, it is important that any user of a group standard read and consider it in full, not just in regard to individual clauses.	No amendment required
10	Where an automatic dishwasher preparation falls into the corrosive group (HSNO 8.2B or 8.2C) it must have the signal word <b>danger</b> and the hazard statement <b>causes severe skin burns and eye damage</b> , as well as the general precautionary statement on the main label <b>keep out of reach of children</b> . Under the domestic	If a company knowingly self-classifies a product such that it is assigned a lower hazard classification than the product actually has, then this is a matter of enforcement. There is a condition in the group standard that requires that a record is kept of the classification assigned to a product and this record must be	

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>subsidiary group standard where the product is HSNO 6.1D, 6.1E or 8.3A then it must have the general precautionary statement <b>keep out of reach of children</b> on the main label. Further, in compliance with the <i>Hazard and Precautionary Information for Group Standards</i>, if the product is HSNO 8.3A then it must have <b>danger</b> and <b>causes serious eye damage</b>. If it is HSNO 6.1D or 6.1E, then it need only have <b>warning</b> with further hazard statements relating to the particular hazard. If the product is not classified as HSNO 6.1D, 6.1E or 8.3A then it appears that other than general information, it only has to have the general precautionary statement read <b>label before use</b>. Some importers or manufacturers will choose to self-classify outside of the 8.3A or 6.1D or 6.1E categories, so that in fact the labels will not contain any hazard or precautionary information at all. Again this would lead to a failure to manage risk, and a misrepresentation that there are some automatic dishwasher preparations which are actually safe. Even those substances &lt;11.5 pH can have serious consequences when ingested by children, these should also require <b>warning</b> and <b>keep out of reach of children</b>. We propose that the domestic subsidiary group standard be amended to make it mandatory that all automatic dishwashing preparations should have at least the signal word <b>warning</b> and the precautionary statement <b>keep out of reach of children</b> (and where required the signal word <b>danger</b>).</p>	<p>available for inspection. ERMA New Zealand will be working with enforcement agencies to prioritise initiatives for checking industry self-determination.</p> <p>It is not appropriate to set more stringent requirements across all products to address the issue of a company choosing to misleadingly self-classify. Such an approach would:</p> <ol style="list-style-type: none"> <li>1. place higher compliance costs on companies who strive to be fully compliant which the group standards framework; and</li> <li>2. represent a significant disincentive to risk reduction by removing an important benefit to develop lower risk products.</li> </ol>	
11	<p>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>	<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"> <li>➤ the relevant identification provisions of the HSNO Identification, Emergency Management and Disposal Regulations;</li> <li>➤ an approved Code of Practice, and</li> </ul>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>➤ the GHS system of classification and labelling of chemicals. It would be expected good business practice for companies using these provisions to document their decisions and make this available to an enforcement officer if required.</p>	
<i>Ingredient labelling</i>			
9	<p>Clause 2(7) requires the concentration of each ingredient contributing to the hazard classification to be listed on the label, this is not consistent with international best practice and this information is not relevant on the label.</p>	<p>This condition is adopted directly from the Hazardous Substances (Identification) Regulations, which specify that certain hazardous components must be identified on the product label. There was also a similar requirement under the former Toxic Substances Regulations with respect to the identification of acutely toxic and/or corrosive components.</p> <p>Alternative compliance provisions are given in the group standard, including, for a period through to December 2010, the labelling requirements of Australia, the EU, USA and Canada.</p>	No
9	<p>It would be helpful to provide guidance on the number of ingredients which should be on the label. For example, the EU Dangerous preparations directive (1999/45/EC) states “<i>as a rule, a maximum of four chemical names shall suffice to identify the substances primarily responsible for major health hazards.....</i>”</p>	<p>The Hazardous Substances (Identification) Regulations, from which this condition was adopted, do not make allowances for a maximum number of ingredients. However, the ingredient only needs to be listed on the label if it contributes a certain hazard classification (specified in each group standard), and in some cases, only if its concentration reaches a minimum specified concentration value.</p> <p>Further guidance on labelling provisions will be provided following transfer on 1 July 2006.</p>	No amendment required
<i>Alternative compliance measures</i>			
10	<p>The group standards state that the labelling provisions do not need to be met if a substance complies with the labelling requirements in place in our “major trading partners” including Australia. In Australia products which are &gt;11.5 pH require the signal word <b>caution</b>, with various further hazard statements. <b>If the product is &lt;11.5 pH there are no labelling restrictions at all.</b> It appears that this will mean that the differentiation between <b>danger</b> and <b>caution</b> will be overcome in New Zealand, at least until 2010. However it will also mean that there is likely to be product which despite being under 11.5 pH can still cause serious harm when</p>	<p>The group standard approach to alternative compliance measures will not result in a substance not carrying the appropriate warning statements. It will ensure that there is consistency between the two labelling systems.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	ingested which will be on the market with no warnings at all.		
10	Uncertainty surrounds the “sunset clause” which allows this compliance with Australian regulations until 2010. Elsewhere ERMA has stated that it is Australia’s intention to comply with the GHS by 2008. It is not clear whether New Zealand manufacturers or importers would then have to comply with the New Zealand labelling regulations, or the new Australian regulations, or whether they can retain labelling which is compliant with Australia in 2006 until 2010.	As and when Australia fully implement the GHS, then labelling of products imported from Australia should, by default, comply with the group standard provisions. This means they would need to comply with the provisions currently in place in Australia. That is, they would not be able to continue to comply with the 2006 (pre-GHS) labelling provisions.  The alternative compliance clause in the group standard will be amended to make it clear that the provision applies to the current provisions.	Yes
<i>Other</i>			
4	Labelling on products being environmentally friendly may lead consumers to believe that these products are less harmful than other dishwashing powders. Phrases such as “no harmful chemicals” may mislead consumers into thinking that these products are less harmful if swallowed than other brands.	There is a requirement in the group standards that states that any information provided on the label must not include any statement that is false or misleading in relation to the safety of the substance or that misrepresents any property of the substance. This requirement should prevent misleading information appearing on a label. The Advertising Standards Authority has a code of practice for Environmental Claims that also covers this issue.	No amendment required
1, 4	Group Standards include some requirements for labelling and packaging, but do not have any constraints in regards to the use of flavours and colouring that look edible to promote these products for sale. Bright coloured packaging (similar to sweets or milk packaging) along with an often enticing scent may increase the attractiveness of the powders to small children and increase the risk of ingestion. Requests ERMA to consider including provisions to discourage the use of edible substances to promote the use of household cleaning products and dishwashing powders.	As noted above, the general information provisions of a group standard prevent a label carrying any false or misleading information in relation to the safety of a substance. If a product that is toxic to people were to be labelled in a manner that would imply the product was safe to consume (including, for example, by having on the label bright coloured pictures of foods), then this would be contrary to this condition. In such cases, action could be taken by an enforcement agency. The current provision is similar to that under the former Toxic Substance Regulations.	No amendment required
9	We would like the following added to clause (11) Small packages: (c) the disposal information required by subclause (6).  The detailed disposal requirements are not appropriate for consumer products which should be disposed of as domestic waste.	The disposal condition for packaging (Part 7 of the group standard) has been amended by the inclusion of a new subclause that provides for disposal via domestic refuse collections. This subclause states:  <i>Packaging (that may or may not contain any residual substance) that is lawfully disposed of by householders or other consumers through a public or commercial waste collection service is a means</i>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p><i>of compliance with subclause (2).</i></p> <p>[Subclause (2) being the requirements that are set for disposal]. No similar provision is given in the disposal of substance section as a consumer is unlikely to dispose of the substance other than in the package. The new subclause (above) allows for residual levels of a substance to be in the package.</p> <p>As a consequence, a statement on the product label that the product should be “disposed of in the domestic waste” (or words to this effect) will meet the requirements if clause 2(6). We note that many consumer products already contain such wording.</p>	
<b>Conditions for safety data sheets</b>			
5	<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 headings</i>”. This has been amended to “... <i>must be provided under the following <b>general headings</b></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
6	<p>Australian safety data sheets require a 16 header format. We understand that ERMA is supportive of Australian SDS’s being accepted in New Zealand. Some additions to the Australian SDS would be required for it to be New Zealand compliant e.g. NZ poisons information, HSNO approval number, exposure controls and information for the NZ importer/supplier to be contacted.</p>	<p>The submitter is correct in that ERMA New Zealand wishes to see a universal adoption of the 16 header format for safety data sheets. There should be no reason why an Australian SDS would not be acceptable in New Zealand, provided that the format as set out in the group standard was adhered to. There will be a need for a small amount of New Zealand specific information (as identified by the submitter), but we do not consider this to be unreasonable and</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>can be included in the same SDS used in Australia.</p> <p>The group standard conditions for SDS are consistent with the GHS provisions and the NZCIC Code of Practice for Safety Data Sheets.</p>	
<b>Conditions for advertising</b>			
6	<p>The advertising requirements in the group standard are unnecessary for products sold through retail outlets as the consumer has the opportunity to read the label before purchasing the product. The label contains the relevant warnings and safety statements which the consumer has access to before they decide to purchase. We understand ERMA is amending the advertising requirements and we support this change.</p>	<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>	Yes
10	<p>Quantum Pacific's view was that the advertising clause is unnecessarily strict to require such advertising, when there were already stringent warnings on the label of the relevant domestic cleaning products. We have been advised that ERMA had decided that the statements in advertising would not be required where a product had warnings on the label, and was sold in a situation where the purchaser could see those warnings. The section would be limited only to those situations where a purchase was made without the purchaser seeing the product beforehand. Quantum Pacific requests confirmation that this is ERMA's position on this provision.</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>	
<b>Conditions for packaging</b>			
<i>Child resistant packaging</i>			
1, 2, 3, 4	<p>Group Standards should specify the mandatory use of packaging that meets the NZ Standard for Child Resistant Packaging (NZS 5825:1991) and provide smaller openings to reduce powder flow. The definition in the group standards for child resistant packaging has a lesser requirement than the NZ standard.</p>	<p>The definition in the group standard is taken directly from the HSNO (Packaging) Regulations. It is a performance based description and therefore allows for a variety of means of compliance. The New Zealand Standard is one means by which a manufacturer of a domestic cleaning product may determine whether a package is compliant as a child resistant package. It is not necessary to specifically stipulate this code in the group standard.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
6	<p>The group standards requirement for extensive application of child resistant packaging remains inconsistent with international best practice. This will mean that products which do not currently require CRP will now require it in the future. We encourage ERMA to consider CRP requirements of major trading partners and compare these with what is currently being proposed for group standards. We propose the following alternative options:</p> <ol style="list-style-type: none"> <li>1. Limit the CRP requirement to skin corrosives only (HSNO 8.2 classification), or</li> <li>2. Provide an alternative compliance option until 2010 for packaging, similar to that provided for labelling.</li> </ol>	<p>We have amended the child resistant packaging provisions for group standards by removing the requirement for irritants to be in CRP.</p> <p>We acknowledge that there remains some disparity between the group standard CRP provisions and overseas packaging requirements. Nonetheless, the current retention for CRP for acute toxicity (6.1D and 6.1E) and corrosivity will be retained, including for eye corrosivity (HSNO 8.3A). This is consistent with the Hazardous Substances (Packaging) Regulations. It is also consistent with the Ministry of 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>	No
9	<p>The CRP requirement for substances classified as 6.1D, 6.1E or 8.3A still goes beyond international best practice. Substances classified as 6.1D/E or 8.3A would not require a CRP in the EU. The CRP requirements in Australia and USA are somewhat different and are applied to specific product types rather than classifications.</p>	<p>In summary, group standards:</p> <ol style="list-style-type: none"> <li>1. will retain a CRP requirement for 6.1D, 6.1E and 8.3A substances;</li> <li>2. not provide an alternative means of compliance similar to the 2010 labelling option.</li> </ol>	
11	<p>The requirement for child resistant closures should be based on international best practice.</p>	<p>The group standards provide for a period of staged implementation for packaging if they comply with the previous requirements in place under the former Toxic Substances Regulations. For CRP, this will entail:</p> <ol style="list-style-type: none"> <li>1. a six month period for corrosive domestic cleaners (from 1 July 2006 to 31 December 2006);</li> <li>2. a 12 month period for non-corrosive (i.e. 6.1D and 6.1E) domestic cleaners (from 1 July 2006 to 30 June 2007).</li> </ol> <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>	
8	<p>Clause 9(2) - suggest that the pH should be specified (pH&gt;11.5 to 12.5)</p>	<p>pH is not the sole determinant of corrosivity. Specifying these parameters as suggested would be misleading. Products that have a pH &lt; 11.5 may still be corrosive. In addition, non-ionic products without a measurable pH may be corrosive, and would require child resistant packaging.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
10	<p>In New Zealand CRP is mandatory for automatic dishwashing preparations which are skin corrosive (8.2B, 8.2C) and sold in packages of 5kgs/litres or under (domestic corrosive, schedule 1, part 1, clause 9); or are eye corrosive (8.3A) or acutely toxic (6.1E or 6.1D) and sold in packages of 2.5 kgs/litres or less (domestic subsidiary schedule 1, part 1, clause 9). As a result, if an automatic dishwasher preparation falls under the subsidiary hazard group standard, and does not have the hazard classifications listed in clause 9, it is not required to have child resistant packaging. Quantum Pacific is very concerned that the decision regarding the level at which CRP will and will not be required will mean that the risk associated with ingestion of automatic dishwashing powder will not be adequately managed. Quantum Pacific sees a clear danger to children in requiring some automatic dishwasher preparations to be sold in CRP while allowing others to be sold without them. We propose that the domestic subsidiary group standard be amended to make it mandatory to package all automatic dishwashing preparations in CRP. This requirement will overcome the problems of subjective and self-serving classifications by importers or manufacturers, and reflects the fact that in all likelihood any automatic dishwashing preparation will actually fall under at least 6.1E. We consider that all automatic dishwasher preparations will fall into at least 6.1E. This is supported by the hazardous property data for three of the major ingredients of dishwashing preparations, sodium metasilicate, sodium tripolyphosphate and sodium silicate. While the first is found in higher pH products, the second and third ingredients are found also in lower pH preparations. Therefore, theoretically all automatic dishwashing preparations should be packaged in CRP, whatever its pH.</p>	<p>The requirement for child resistant packaging is based on hazard. Substances of lower hazard should not be required to be placed in CRP. To require all substances, regardless of hazard, to meet the same packaging requirements would be a significant disincentive to risk reduction. In addition, it would also mitigate any differentiation between products of different hazard (irritants vs. corrosives), thereby downplaying the importance of CRP for substances that are highly hazardous and justifiably require it.</p> <p>Regarding the corrosivity, pH is not the sole determinant for classification of corrosivity. A product with pH &lt; 2 or &gt; 11 is automatically deemed to be corrosive. This does not mean that a product with a pH that falls outside of this range cannot also be classified as corrosive, provided there is supporting test data on this end point. Following transfer, ERMA New Zealand will be releasing guidance to ensure industry are familiar with the requirements for corrosivity classification.</p> <p>The issue of subjective and self-serving classifications by importers or manufacturers is one of compliance, and is addressed elsewhere in this summary of submissions.</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>	No
10	<p>As it is up to the manufacturer or importer to decide into which category its product falls, it seems likely that the simpler criterion of pH will be relied on, and the product will be sold on the market without CRP. In the view of Quantum Pacific, if this happened it would lead to an increase in serious incidents to children. CRP has been shown to be highly important for preventing ingestion and even dishwashing products with a pH of &lt;11.5 can do serious damage. Therefore, if one takes the lifecycle approach used by ERMA to assess risk, at the time the different products are in their</p>		

Submitter	Submission	Agency response and recommendation	Group standards amended
	packages, the risk from the preparations of >11.5 pH is being managed, while the demonstrable risk from preparations of <11.5 pH is not being managed. In fact the differentiation between packaging could lead consumers to believe that one set of products are entirely safe for children, which is not the case.		
8	We do not oppose the removal of CRP requirement for an irritancy hazard as this requirement would capture most of the domestic products.	Noted.	No amendment required
9	We welcome the decision by ERMA to remove the child resistant packaging (CRP) requirements for irritants.	Support noted.	No amendment required
12	Supports the use of child resistant packaging when packaging substances in quantities of less than or equal to 5L or 5kg and for substances that are highly corrosive (i.e. pH >11.5 <12.5) when in larger packaging. Child resistant packaging is an important initiative in minimising the opportunity for harm to children from hazardous substances.	Support noted. The requirement for child resistant packaging for acutely toxic and corrosive substances applies to substances when packaged in quantities of less than or equal to 2.5 litres or 2.5 kg. Automatic dishwashing preparations that are corrosive have a requirement for child resistant packaging when packaged in quantities of less than or equal to 5 litres or 5 kg.	No amendment required
<i>Specific requirements for certain 6.1 substances</i>			
6	We believe the requirement for the packaging of class 6.1 substances to be permanently identified as having contained a toxic substance should be grouped together with the alternative compliance measures for labelling and that products should be exempt from this requirement until the end 2010 if they comply with the packaging and labelling of Australia, Canada, EU or USA.	The current condition is based on requirements in the HSNO (Identification ) Regulations, which were themselves based on the provisions in the former Toxic Substances Regulations. Similar provisions also exist internationally. Therefore, the intent of this condition will be retained.	Yes
9	We request the clause for specific packaging requirements for certain 6.1 substances be removed. It is our understanding that this requirement comes from the repealed Toxic Substances Act and required packaging to be embossed, a requirement which would be specific to New Zealand. The information requirements in Part 1 for the label to be 'legible and durable' negate the need for this clause anyway.	The condition will, however, be amended to limit the requirement to liquid substances (as per the Toxic Substances Regulations), and will provide an alternative means of compliance through to 2010. This date will align with the alternative compliance requirement for labelling. Alternative compliance will be with the equivalent provision in Australia, the EU or any other country approved by the Authority.  The Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP) sets permanent identification requirements for Scheduled poisons, and requires compliance with Australian Standard 2216 (1997). This standard sets a number of requirements, including	

Submitter	Submission	Agency response and recommendation	Group standards amended
		<p>tactile identification (embossing and ribbing). The EU also has requirements for tactile identification for toxic chemicals sold to the public (Council Directive 92/32/EEC).</p> <p>ERMA New Zealand does not interpret permanent identification to mean a package has to be embossed. Permanent identification could include indelible labelling or printing in a colour in distinct contrast to the background colour.</p> <p>Further guidance will be provided after transfer on what constitutes permanent identification under the requirements of this condition.</p>	
<i>Alternative compliance</i>			
9, 11	<p>We believe that the clause the permits labelling from Australia, USA, Canada, the EU or any other approved country until 2010 should also apply to Part 4 packaging.</p>	<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 <a href="http://www.ermanz.govt.nz/consultations/gs/addgs.pdf">http://www.ermanz.govt.nz/consultations/gs/addgs.pdf</a>). 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 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</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		hearing by the Authority on Wednesday 14 June 2006.	
<b>Conditions for disposal</b>			
6	We are pleased ERMA will be reviewing and revising the disposal section of the group standards to make them workable for the domestic situation and request that other group standards be included in this revision.	The disposal condition for packaging (Part 7 of the group standard) has been amended by the inclusion of a new subclause that provides for disposal via domestic refuse collections. This subclause states:	Yes
9	The requirements of clause (15) are not appropriate for domestic products and consumers would not be able to comply with these requirements even if they understood them. We suggest that these requirements only apply to volumes exceeding 5L/kg.	<i>Packaging (that may or may not contain any residual substance) that is lawfully disposed of by householders or other consumers through a public or commercial waste collection service is a means of compliance with subclause (2).</i>	
9	Clause 16(2)(a) requiring the package to be 'rendered incapable of containing any substance' is dangerous. Is the consumer supposed to punch holes in the container? How do you achieve this with glass containers e.g. glass vials used in plug-in air-fresheners? We suggest the following clauses are taken from the amended aerosol group standards: (i) For consumer products, disposal of the empty container as part of domestic waste is a means of compliance with this clause. (ii) The clause does not apply to containers intended for recycling.	[Subclause (2) being the requirements that are set for disposal]. No such provision is given in the disposal of substance condition as a consumer is unlikely to dispose of the substance other than in the package. The new subclause (above) allows for residual levels of a substance to be in the package.  This provision will be applied to all group standards that cover products available to the general public.	
6	We are particularly concerned with the requirements to treat the substance before disposal and the need to render the packaging incapable of containing any substance. We believe that consumers should be encouraged to recycle packaging.	The amendment described above will negate the need for the consumer to "treat the substance and render the package incapable of containing any substance".	Yes
11	Section 16 of Part 7 disposal is directly copied from the industrial cleaners group standard and is of little relevance to domestic Cleaners. It would not be practical for half a bottle of household bleach to be "exported from New Zealand as waste or treating the substance so that it is no longer hazardous". Small quantities can be disposed of down the domestic sewer. Suggest a quantity (5L/kg) to be specified before the full procedures of section 16 be invoked. We do agree packaging should be rinsed out and	The conditions as consulted on were based on the provisions set out in the Hazardous Substances (Packaging) Regulations. However, as outlined above, we have now included a new subclause that will address the issue of domestic disposal of consumer goods. Whilst this new subclause means a consumer will not have to "treat" the substance, there is nothing in the condition that would prevent a householder from rinsing any substance down the domestic sewer.	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	recycled.		
<b>Notification to ERMA New Zealand</b>			
<i>Inventory of Chemicals</i>			
6	The inventory has the potential to significantly delay the introduction of products containing 'new' chemicals. We hope the ERMA will incorporate the Australian Inventory of Chemicals into the NZ inventory. The NZ notification process needs to be simple and fast. We request that ERMA automatically grant approval for new chemicals that are approved through NICNAS and also new chemicals approved through Canadian, EU and USA systems.	<p>We are aware of the concerns of this and other submitters regarding the development of a New Zealand inventory of chemicals. 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.</p> <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 ERMA New Zealand 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>	No amendment required
<b>Miscellaneous</b>			
1, 2, 3, 4, 7	Strongly supports ERMA New Zealand's proposed group standards for domestic cleaning products and the improved controls proposed by the group standards and congratulates the Authority for its action to prevent further injuries to children.	Support noted.	No amendment required
1, 2, 3, 4	Urges the improvement of child resistant packaging and labelling requirements for automatic-dishwashing products on sale to the general public.	<p>There a number of aspects of these group standards that have improved the labelling and packaging of domestic cleaning products, especially of corrosive automatic dishwashing preparations.</p> <p>In particular, the corrosive group standard will prohibit the sale and supply of automatic dishwashing preparations with a pH greater than 12.5 to the general public from 1 July 2007, and also requires</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
		child resistant packaging for corrosive automatic dishwashing preparations when they are packaged in quantities of up to 5 L or 5 kg. See also earlier comments under Labelling and Packaging.	
1, 2, 3, 4	Child resistant packaging is not fully childproof. Urges government to fund ongoing public education programmes to warn manufacturers, importers, retailers, families and caregivers about the dangers of domestic cleaning products and about the safe use, marketing and storage of all household chemicals that may injure children. Ongoing education with warning notices, advice on storing products out of children's sight and reach; and appropriate first aid information is needed to minimize risk from harmful household substances. Looks forward to ongoing government support for further education programmes, designed to reduce the incidence of child poisoning from household cleaning products.	Comment noted. ERMA New Zealand is aware of the importance of education to improve public safety from hazardous substances. We are pleased to be involved in, and to support, the forthcoming educational programme that is being organised by Safekids.	No amendment required
1, 2, 3	Urges mandatory requirements for improved warning and up-to-date information on labels, packaging and marketing/advertising materials.	The labelling and packaging conditions of the Domestic Cleaning Products Group Standards will provide improved labelling requirements, including warning statements and other hazard and precautionary information. Child resistant packaging for acutely toxic and corrosive substances will also provide further safety measures. Notwithstanding these provisions, there will be a period of staged implementation to enable industry to implement the new requirements. During this period, compliance will be required with the existing provisions that apply under the Toxic Substance Regulations.	No amendment required
6	Supports the use of group standards to afford a deemed approval both to NOTS and any new hazardous substance that fits the scope of the group standard. Group standards will streamline the mechanism for the introduction of new substances under the HSNO Act.	Support noted.	No amendment required
6	Companies may not have the required resources to confirm that all of their NOTS can be allocated to a group standard by the end of June and may only identify NOTS that cannot be allocated until after 1 July 2006. We propose that ERMA allows for a 'catch all' group standard for remaining NOTS and allow provision for the	During the first six months of staged implementation, companies should endeavour to make sure all their NOTS are fully classified and allocated to a group standard. There are a number of Not Otherwise Specified (N.O.S.) group standards that can be used for NOTS that do not fit the scope of the product specific group	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	creation of further group standard annexes after 1 July 2006.	standards. In the event that a notifier has a NOTS that cannot be assigned to any group standard, they should contact ERMA New Zealand as expeditiously as possible.  Group standards can be created after transfer is complete, although ERMA New Zealand is not anticipating leading such initiatives in the way it has done over the past 12 months for the transfer of NOTS. Industry are also able to make an application to ERMA New Zealand for a new group standard.	
8	Generally support the conditions specified and agree they are more user friendly.	Support noted.	No amendment required
8	Inconsistency in the Executive Summary which states that "...required to be in a CRP when packaged in quantities of greater than or equal to ...." – I assume this should read "...less than or equal to..."?	Noted. The child resistant packaging requirements for corrosive automatic dishwashing preparations outlined in the Executive Summary should have read 'less than or equal to'.	No amendment required
10	We submit that the Group Standards approval mechanism is unworkable from the perspective of both compliance and enforcement. Action for non-compliance can only be pursued following exposure of people and communities to incorrectly classified substances.	Comment noted.  As explained else where in this document, ERMA New Zealand will be providing guidance and information to enable industry to classify substances and to comply with the provisions of the group standards. There are also provisions within the group standard that require information to be retained on a substance classification and placement in a group standard.  Action for non-compliance can be taken by an Enforcement Agency at any time. It does not require an incident to have occurred in which there has been exposure. We have relayed the concerns of this submitter to the relevant Enforcement Agencies.  There is a requirement in the HSNO Act for ERMA New Zealand to monitor the effectiveness of the Act. Over time, this will demonstrate whether the group standard approvals mechanism is or is not workable, and whether it is effective in preventing harm to people and the environment.	No
10	We submit that the Group Standards approval mechanism merely seeks to hide the deficiencies of a fundamentally inefficient and ineffective regulatory environment by transferring the true costs of compliance to importers and manufacturers. In so doing it	Comment noted.  We consider that the group standards framework provides greater flexibility (and thereby certainty) to industry in their management,	

Submitter	Submission	Agency response and recommendation	Group standards amended
	introduces unwelcome commercial uncertainty in respect of the likelihood of enforcement action being pursued.	<p>development and use of hazardous substances. The general feedback we have had from industry on this framework supports this view.</p> <p>Any uncertainty that may occur with respect to self classification can be alleviated by contacting ERMA New Zealand and using the classification service that will be available. Similarly, any uncertainty with respect to compliance with the group standard conditions can be mitigated by the industry engaging with the relevant parties. These may include, for example, test certifiers, Enforcement Agencies and ERMA New Zealand.</p>	
11	3M New Zealand Limited agrees with 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 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	Support noted.	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.

<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).