



**Transfer of  
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



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

May 2006

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# 1. Introduction

## 1.1 Background to the Consultation

This document reports on the submissions that were received on proposals to establish group standards for fertilisers. 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 four group standards for fertilisers on 27 January 2006. Consultation closed on 14 March 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 50 parties who were considered likely to have an interest in this consultation. This included companies who notified fertilisers 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>

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

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

The following commonly occurring points were made in the submissions:

- Certain notified products (NOTS) were placed in the wrong group standard and it was requested that they be moved to the correct group standard (see Section 1.2);
- The importance of providing information, tools or other assistance to aid industry classify products and assign them to the appropriate group standard, and to aid compliance activities undertaken by companies;
- Passenger service vehicle limits for fertilisers were too low;
- Advertising requirements for fertilisers were considered inappropriate;
- Secondary containment should not apply to solid fertilisers;
- The classification and conditions for agricultural lime were overly restrictive;
- Certain ammonium nitrate containing products were incorrectly classified as oxidisers when their compound nature minimised their oxidising potential;
- The disposal section needed to specifically exclude the beneficial application of fertiliser to the land;

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

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

- The emergency response plan and signage requirements were too restrictive, especially in the farm environment;
- Bulk transport containers were not defined and conditions relating to the handling of bulk materials were inadequate;
- The need to define general public and where farmers fit into this;
- Concern that trace mineral impurities in phosphate rock would trigger the chemicals of concern provisions of the group standards.

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

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

## 1.2 Moving NOTS

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

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

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

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

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

### **1.3 Reformatting of Group Standards**

Parties who read the original group standard proposals will 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. This reformatting and editing has not changed the requirements of any aspect of the group standard.

### **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 fertilisers in late May 2006. A notice of their decision will be placed on the ERMA New Zealand web site as soon as practicable after the consideration.

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

### **1.5 Further Consultation Required**

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

1. address matters inadvertently omitted from some group standards, particularly with respect to the labelling of hazardous ingredients; and
2. seek further feedback on certain points raised by submitters from the initial consultation.

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

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

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

## **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 fertilisers, and other product types, is available from: <http://www.ermanz.govt.nz/hs/groupstandards/list.html>.

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

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

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

### Code to Submitters

No.	Submitter
1	PGG Wrightson Limited
2	Gro-Chem NZ Ltd
3	Ravensdown Fertiliser Co-op Ltd
4	NZ Fertiliser Manufacturers Research Assoc
5	Balance Agri-Nutrients Ltd
6	NZ Groundspread Fertilisers Association
7	Fertiliser Quality Council
8	Federated Farmers of New Zealand

Submitter	Submission	Agency response and recommendation	Group standards amended
1	<p>Refer the section dealing with Secondary containment requirements found on page 32, paragraphs 44 – 49 in the document titled “Site &amp; Storage Conditions for Class 5 Oxidising Substances”</p> <p>The use of secondary containment facilities for Oxidisers stored over and above certain thresholds (from table 12) is required. The logic of using secondary containment facilities over and above the requirements for separation/segregation distances seems somewhat illogical for solid (dry granular) fertilisers.</p> <p>Spills/leakage of solid (dry granular) fertilisers are unlikely to move a significant distance on their own accord from the point of contact with a floor - as compared to liquids. There are already requirements for the separation/segregation of Oxidisers to be stored away (depending on Class and quantity) from incompatible substances. These required segregation distances should</p>	<p>Secondary containment relates to “pooling substances”, and will not apply to solid fertilisers. The relevant section of the “Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides” will be amended to clarify this point.</p>	<p>Yes – amend the site and storage conditions</p>

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>significantly limit the likelihood of contact of Oxidisers with incompatible substances.</p> <p>In a rural retail environment fertilisers are often stored and displayed in significant quantities (many tonnes). The requirements for secondary containment would add substantial financial and operational cost to the function of the sales location as specific bunding and containment facilities would have to be installed. Provided separation distances are adhered to, the likelihood of the mixing of dry granular products with incompatible substances would be assessed as being very low.</p> <p>On this basis we would submit that the group standard (and annexes) should be altered so as to exclude solid (dry granular) fertilisers from Secondary containment requirements in the proposed group standard for fertilisers.</p> <p>As an observation the group standard Annex refers to Secondary Containment requirements for containers of X <u>litres</u>. I wonder if the intent of these requirements are supposed to only relate to liquids. If so our concerns are allayed regarding the requirements for secondary containment. If this is the case a clearer description that the secondary containment requirements only apply to liquids are needed within this section.</p>		
2	<p>NOTS# 179454</p> <p>Trace-it Magnesium</p> <p>Originally the incorrect CAS number was used in correspondence. 10377-60-3 representing anhydrous Magnesium Nitrate was used. The hydrated form actually works out to 37.6%w Magnesium Nitrate in the final product.</p> <p>Using the hydrated form this product is not believed to be an oxidiser. Supporting our argument is the fact that it is not treated as an oxidiser by the UK or North America. The links below are to two data sheets as evidence of this:</p> <p><a href="#">William Blythe Ltd, UK</a>      Note the transport section.</p> <p><a href="#">Mineral Research, USA</a></p> <p>NOTS# 179455</p>	<p>Any evidence (like that supplied) supporting reclassification of products can be used to justify the reallocation of products between different group standards.</p> <p>As noted in the consultation document, notifiers are able to reclassify their products and reassign to an alternative groups standard (or make non-hazardous) as necessary.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Trace-it Molybdenum</p> <p>This liquid is the reaction product of Phosphoric acid and Sodium Molybdate. These compounds react to form a Phospho-molybdate complex.</p> <p>We do not believe it should be classed as corrosive. It does not contain any free Phosphoric acid. The pH of 4 is similar to other phosphate salts, eg Mono-Ammonium Phosphate.</p>		
2	<p>There is apparent inconsistency in regards to packing group for Class 5.1.1B between NZS 5433 (Potassium Nitrate) and the group standard (Section 5.4 (2) Annex I, Page 14).</p> <p>Potassium Nitrate we believe would be assigned Class 5.1.1B and is the most active oxidizer in any of our fertilizers categorized as 5.1.1B. NZS 5433 assigns packing group III to Potassium Nitrate while this group standard assigns packing group II to class 5.1.1B fertilisers.</p> <p>We believe the packing group assignment of the group standard to be unjustified and it will increase our production costs if it stands.</p>	<p>Potassium Nitrate should be classified as HSNO 5.1.1C which attracts a Packing Group III requirement. This is in line with the requirements of NZS 5433.</p>	<p>No amendment required</p>
3	<p>It must be noted that a number of our key fertiliser products and trace elements have not been classified by ERMA into any of the four group standards. Urea, DAP, MAP and potassium chloride for instance appear to have their own classification. This makes interpretation of the total effect on the fertiliser industry very difficult to determine. Yet mixes including these products have been classified in Annex 4 (Subsidiary Hazard).</p>	<p>Single components have been classified under the Single Components NOTS project, and are being individually transferred on 1 July 2006. These single component substances may have many uses and so consultation on their transfer has been expanded to include all potential uses across multiple industries, rather than including them in each consultation for each specific industry.</p> <p>Single component NOTS that are used in the fertiliser industry can be assigned to and become a HSNO approved substance under a group standard, provided they fit the scope of the group standard. The conditions imposed by that fertiliser group standard will then manage the use of that substance.</p>	<p>No amendment required</p>
3	<p>Ravensdown supports the concept of group standards as an efficient way of dealing with the multitude of fertilisers. However we do not believe that the classification system which includes most of our products being classed as</p>	<p>The only HSNO classification for agricultural limestone, 6.4A, has been removed. This means this substance will be treated as though it was non hazardous and not</p>	<p>Remove 6.4A classification</p>

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>hazardous, including agricultural lime and superphosphate, and then puts considerable new impositions on the fertiliser industry can be justified based on the risk profile.</p> <p><i>Decision Sought</i> – either</p> <ol style="list-style-type: none"> <li>1. Allow fertiliser and lime products to be categorised as non hazardous, or</li> <li>2. Amend group standard conditions so that the industry can continue to function with its safe efficient bulk handling, without un-necessary and costly regulation.</li> </ol>	<p>require any HSNO controls.</p> <p>The superphosphate classifications are often dependent on components other than the phosphate rock itself (which is non hazardous). The nature of those components determines the hazard classifications.</p>	
3	<p>The second paragraph highlights a flaw in the application of the standards. Fertilisers may contain an oxidising substance (eg. Ravensdown Nitrophoska range of products, imported from Germany). Yet the portion of the oxidiser is in a well granulated compound fertiliser (not a blend) and is very safe, removing any risks from the oxidising portion. We handle this product safely in bulk throughout New Zealand, and it is sold extensively through garden centres as a home garden fertiliser. It is safely spread by hand by home gardeners, and through drills and groundspreaders on farms. <i>Site and Storage Conditions for Class 5, Oxidising Substances</i>, is far too severe for the risks imposed by a fertiliser that only contains an oxidising substance, but displays none of the high risk characteristics of an oxidising agent.</p> <p><i>Decision Sought</i> – either:</p> <ol style="list-style-type: none"> <li>1. Reclassify low risk fertilisers out of Fertiliser-Oxidising standard by changing the interpretation that any product with an oxidising substance content must be categorised as an oxidising hazard, or</li> <li>2. Rewrite <i>Site and Storage Conditions for Class 5, Oxidising Substances</i> so that it is not an impractical imposition.</li> </ol>	<p>The compound nature of Nitrophoska fertilisers suggests that it will not present an oxidising hazard. These substances, therefore, should be reallocated to the Subsidiary Group Standard.</p>	<p>Reallocate to subsidiary group standard</p>
3	<p>Paragraph 6 suggests that some fertilisers may need to be assigned to another group. With the exception of oxidising fertilisers, this re-assignment would make very little difference to the practical outcome as proposed by the Fertiliser Group Standards. All are adversely affected by new Site and Storage Conditions, which will (as proposed) dramatically change current best practice, add considerable cost and inappropriately manage a very low risk range of products. In practice, because most fertilisers are sold as blends including a range of trace</p>	<p>The site and storage requirements for the Subsidiary Group Standard (into which the majority of fertilisers fall) have been amended to reduce the regulatory requirements, especially in the farming environment.</p>	<p>Yes – amend the site and storage conditions</p>

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>elements such as selenium, management of the “hazard” is elevated.</p> <p><i>Decision Sought – Either</i></p> <ol style="list-style-type: none"> <li>1. Provide a Fertiliser Group Standard category that has minimal regulatory requirements, or</li> <li>2. Amend all the regulations around each standard to be practical and workable for bulk and bagged fertiliser products, more accurately reflecting their low risk.</li> </ol>		
3	<p>It is difficult to see under the current classification regime being used by ERMA which fertilisers would be classified as non-hazardous. More provision for this should be made. Agricultural lime, which sells for around \$20.00/tonne in bulk appears to fall into Fertilisers-Subsidiary Hazard because of its 6.4A classification. Two million tonnes is mined and spread annually, including small packs for home gardeners. Yet it now needs labelling with 24 hour emergency numbers, “keep out of reach of children” wording, and disposal information. It also needs a full safety data sheet for quantities over 50kg. Quantities of under 2.5kg need child resistant packaging, and over 3kg cannot be taken on a passenger service vehicle.</p> <p><i>Decision Sought – Either</i></p> <ol style="list-style-type: none"> <li>1. Provide a Fertiliser Group Standard category that has minimal regulatory requirements, or</li> <li>2. Modify the system to allow more fertilisers to be considered as non-hazardous and outside of the group standards restrictions, or</li> <li>3. Amend all the regulations around each standard to be practical and workable for bulk and bagged fertiliser and lime products, more accurately reflecting their low risk.</li> </ol>	<p>Lime and many other fertilisers are considered non-hazardous. At the completion of transfer, notifiers will be advised of any notified products that have, to our knowledge, no HSNO classifications and therefore fall outside group standard restrictions.</p>	No
3.	<p>Ravensdown believes there are sufficient serious shortcomings in the Standards as drafted and the approach taken, that the transition of NOTS under transitional provisions will not be successfully achieved by 1 July 2006. It is inappropriate to rush fertiliser through the system when until recently it has been regarded as low priority. For a \$1 billion industry, vital to the NZ economy and export earnings, it seems more appropriate to seek Government authorisation for an extension to this time. Transitional provisions do not mitigate a poor outcome. They only</p>	<p>Recently we have met with representatives from both the fertiliser industry and federated farmers. We are confident that, through continued discussion with interested parties, we can resolve all fertiliser group standard issues within the current statutory timeframe.</p>	No extension sought by ERMA NZ

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>give time to attempt to implement the poor outcome.</p> <p>Decision Sought –</p> <p>ERMA to seek Government backing to extend the NOTS expiry date by 12 months and in that time they work more closely with industry to achieve a better outcome.</p>		
3	<p>Because of a minor content of nitrate within our Nitrophoska product range, these products have been placed by ERMA in the oxidising category. So too are Ammonium Sulphate Nitrate and Calcium Ammonium Nitrate. Nitrophoska is a popular fertiliser for maize crops and specialist horticultural applications. It is also very popular with home gardeners as the potassium source does not contain any chloride. Ravensdown sells directly and through other companies to this home garden market. Over 25,000 tonnes of these products are sold annually, mainly in bulk. These products have always been regarded as very safe. Current labelling does not carry risk warnings. Home gardeners would frequently apply these products by hand. As mentioned earlier, Ravensdown believes that the criteria to classify a compound fertiliser with a portion of an oxidising substance as an oxidiser is incorrect as this ignores the safety achieved by the manufacturing and granulation process.</p> <p>Decision Sought –</p> <p>Reassess the classification of compound fertilisers with only a portion of an oxidising substance in their make-up.</p>	See our previous comments on Nitrophoska fertilisers.	Reallocate to subsidiary group standard
3	<p>No definition of bulk handled materials is provided. As the standard currently ignores the reality that the fertiliser industry handles bulk materials, this should be addressed. The term “bulk transport containers” is used in 5.1.2.4, but this term is not defined and we are unsure of what is covered by this definition.</p> <p>Decision Sought –</p> <ol style="list-style-type: none"> <li>1. Provide a definition of “bulk handled material” acknowledging that this presents issues for labelling, and substantial modification to Standards based around small packs of containerised liquids.</li> <li>2. Provide a definition for “bulk transport containers”</li> </ol>	<p>The labelling/marketing requirements for substances transported in bulk have been clarified. A definition of “bulk” (as per the Land Transport Rule 45001/1) is now given and the term “bulk transport container” is no longer used.</p> <p>Fertilisers transported in bulk by road or sea are only required to comply with the Land Transport Rule or the Maritime Rule respectively. The group standards set no additional requirements.</p>	Yes – define “bulk” and clarify requirements

Submitter	Submission	Agency response and recommendation	Group standards amended
3	<p>The standards are written based on the assumption that these products are supplied in small packs. In fact they can be brought into the country on 40,000 tonne ships, and transported to stores in 28 tonne bulk truck loads and sometimes in railway wagons. The information requirements on a label (or if we assume in the case of bulk products – the accompanying documentation) are onerous and well beyond what is needed given the minimal risks associated with these products. Remember duplication is already occurring in that some of these products could be impacted by Dangerous Goods requirements under LTSA. The lack of compatibility between systems will further add to compliance costs for New Zealand industry.</p> <p>Examples of excessive and unnecessary labelling requirements are:</p> <ul style="list-style-type: none"> <li>a) 24 hour emergency telephone service</li> <li>b) Disposal information about the substance or its packaging</li> </ul> <p>Such information where required can be supplied with the Safety Data Sheet.</p> <p>Decision Sought –</p> <p>ERMA to review labelling requirements as relates to bulk handled products given the low risk presented by products that only contain a small portion of an oxidising substance safely contained within the product.</p>	<p>The Land Transport Rule, Civil Aviation Rule and Maritime Rule are the means of compliance when substances are transported in bulk.</p> <p>In the case of bulk substances, the SDS is the place for the example information to be provided.</p>	Yes – define “bulk” and clarify requirements
3	<p>Clarification is required in point 2 on the top of page 6, as to what “available to the general public” includes. Will farmers be considered the general public, or only when the products are being retailed in garden centres or similar? If sale of products from our industrial sites to landholders will require this labelling, then we object to the provisions in 5.1.2.2 (2). Even for garden shop sales, the provisions seem excessive.</p> <p>Decision Sought –</p> <ol style="list-style-type: none"> <li>1. Define “available to the general public”</li> <li>2. Exclude industrial sales to farmers from general public</li> <li>3. Review the necessity for these labelling requirements against the risks actually posed by fertilisers.</li> </ol>	A farm is considered to be a place of work. Farmers are not intended to be captured in the definition of general public.	No

Submitter	Submission	Agency response and recommendation	Group standards amended
3	<p>Clause 5.1.2.5- Multiple Packages</p> <p>Assuming this related to palletised bags, the need to label the outside of a shrink wrapped pallet is onerous relative to the low risks these products have.</p> <p>Decision Sought – Delete this clause.</p>	<p>For fertilisers with a subsidiary hazard only (most fertilisers), this condition requires compliance with the Land Transport Rule</p>	No
3	<p>Clause 5.1.3 – Safety Data Sheets</p> <p>Ravensdown believes if the headings for a Safety Data Sheet cover 3 ½ pages, then it is likely to produce an onerously long document that will not be read or widely understood. This should be reviewed for fertilisers due to their low risk. Clause 5.1.3 (5 c) may present difficulties for the fertiliser industry. Many products are dispatched as blends, such as superphosphate with potassium chloride and selenium prills. There may frequently be more than five components to a special mix. These can be dispatched in either bulk or bags. Our dockets itemise the components of a mix where applicable, but Safety Data Sheets will only apply to each separate item. It would be impossible to generate a unique and specific Safety Data Sheet for each special mix.</p> <p>Decision Sought – Review this clause to make applicable to the industry practice.</p>	<p>The use of generic SDS, in conjunction with the provision of specific information on the different fertiliser components, is allowed under the SDS conditions of a group standard. This means that unique and specific SDS for each special mix is not required.</p> <p>Summarised SDS can also be used, provided that a full SDS is available upon request. A similar approach is used in the NZCIC Code of Practice.</p>	No
3	<p>Clause 5.1.4 – Advertising</p> <p>Ravensdown strongly objects to this clause. Almost all fertilisers have been classed under 6.1D. Advertising is targeted to a farming audience. To state in all advertisements that fertiliser is “acutely toxic” and should be kept away from children is grossly unfair to the products. It has implications of the tobacco industry, and would create an unnecessarily negative message to the urban community about fertilisers.</p> <p>Decision Sought – Delete this clause.</p>	<p>This clause 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>This clause is intended to capture consumer products and will not apply to bulk products used in a place of work. That is, the advertising condition will not apply to the advertising of bulk fertilisers for use on farms.</p>	Yes
3	<p>Clause 5.3 – Approved Handler</p>	<p>In accordance with HSNO regulations and the Globally Harmonised System of Classification and Labelling of</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Ravensdown does not believe that those fertilisers classified as oxidising substances need to be handled in a different manner to fertilisers that fall under the subsidiary hazard category. Therefore approved handler status is unnecessary.</p> <p>Decision Sought – Delete approved handler criteria.</p>	<p>Chemicals (GHS), all oxidising substances require approved handlers for quantities greater than 500 kg (5.1.1B) or greater than 1000 kg (5.1.1C).</p> <p>Fertilisers (such as the Nitrophoska range) that have no oxidising properties and which are assigned to the subsidiary hazard group standard will not require approved handlers.</p>	
3	<p>Clause 5.4 – Packaging</p> <p>There is an over-emphasis on packaging when most of the fertiliser is handled in bulk. The provisions appear to be principally written with liquid products in mind.</p> <p>Decision Sought – Review this clause making more applicable to the fertiliser industry.</p>	<p>The packaging conditions in the group standards are based on the UN Model Regulations. These use UN Packing Groups to define the required specifications for packages containing hazardous substances.</p> <p>This section is not intended to apply to substances not contained within packages. While the majority of fertiliser is handled in bulk, some fertiliser is sold in packaged form. The nature of this packaging must be managed, and therefore the presence of the packaging section within the group standards for fertilisers is warranted.</p>	No
3	<p>Clause 5.5.1 – Personal Protective Equipment</p> <p>Again, the regulations proposed here seem to be totally out of alignment with the risks of fertiliser products. These products are safe to spread by hand, to work with, to manually shovel, to pour out of bags, and generally handle like other inert materials. Specific protective clothing is not required at our sites now. Overalls are used. Dusk masks may occasionally be used if finer particles are present. To require stores people, carriers, spreaders and farmers to have protective clothing for materials that do not require it, should not become a regulation. There is also ambiguity as to what constitutes protective clothing. ERMA should also recognise that work places are covered by Occupational Health and Safety regulations. Another set of regulations covering the same issues is unwelcome and unnecessary.</p> <p>Decision Sought – Delete this clause.</p>	<p>HSNO and OSH regulations work in tandem to protect the safety of workers. While OSH requires that hazards, generally, are identified and managed, HSNO helps address specific chemical hazards in a workplace, and specifies performance based requirements to manage these hazards. The Department of Labour workplace inspectors will be enforcing both the OSH and HSNO requirements in workplaces.</p> <p>The HSNO and HSE legislation are complementary.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
3	<p>Clause 5.6.1 – Tank wagons and transportable containers</p> <p>Currently the solid fertilisers are principally transported in bulk trucks. This clause seems to be written for liquid products, but as drafted seems to refer to all fertilisers, solid or liquid. It is unclear how the provisions apply to bulk trucks.</p> <p>Decision Sought – Make this clause specific to liquid products only.</p>	<p>A definition of “bulk” (as per the Land Transport Rule 45001/1) is now given and the term “bulk transport container” is no longer used.</p> <p>Fertilisers transported in bulk trucks will only have to comply with the existing requirements under the Land Transport Rule.</p>	Yes – define “bulk” and clarify requirements
3	<p>Clause 5.6.3 – Fire extinguishers</p> <p>Two fire extinguishers are required when carrying over 500 kg of an oxidising fertiliser. This is an unnecessary cost imposition (particularly when the extinguisher specification is revealed in Annex 5). Some nitrate fertilisers in combination with accelerants can be used for explosives, but this should not be confused with flammability.</p> <p>Decision Sought – Delete this clause.</p>	<p>While oxidisers themselves are not “flammable”, the fact that they have the potential to intensify a fire is reflected in the requirement to carry fire extinguishers when transporting large amounts of oxidising substances.</p>	No
3	<p>Clause 5.6.4 – Passenger service vehicle restrictions</p> <p>The 1 kg criteria as the maximum amount of fertiliser that could be taken in a bus or taxi is nonsensical. There are no risks here. The average garden fertiliser pack is 5 kg or over. Home gardeners could no longer use public transport to get home from the garden centre. The risks have been incorrectly evaluated.</p> <p>Decision Sought – Delete this clause.</p>	<p>We have increased the limits to minimise the likelihood of fertilisers sold in small volumes for domestic use being captured by this condition. For example, the new limits for subsidiary hazard fertilisers are 5 L or 10 kg.</p> <p>A taxi is not a passenger service vehicle.</p>	Yes – increase trigger quantities
3	<p>Clause 5.7.1 – Disposal of substances</p> <p>This clause seems to miss the purpose of fertiliser, being to apply to the land to provide nutrients. The relevance of disposal is unclear. Even if product was physically damaged, such as wet or over-fine due to granule breakdown, farmers would go to considerable length to ensure the product was applied to farm land.</p> <p>Decision Sought –</p>	<p>A subclause has been added in the disposal of substances condition that makes it clear that the beneficial application of fertiliser to land is not disposal.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	Re-write this clause to be aligned to fertiliser practices		
3	<p>Clause 5.9.1 – Chemicals of Concern</p> <p>Ravensdown notes and agrees that where a substance of concern is an ingredient / additive of a fertiliser then ERMA should be notified. What is less clear is if the natural mineral traces that are part of rock derived fertilisers such as phosphate rock could trigger this criteria. These elements are well understood and concentrations are very low. For instance mercury compounds (as a pesticide) is listed as a chemical of concern. It will be possible to find traces of mercury in fertilisers, but we do not believe this should trigger clause 5.9.1.</p> <p>Decision Sought –</p> <p>Clarify this clause in relation to excluding trace contents in fertilisers.</p>	<p>This condition has been removed from all group standards. For more information refer to our website <a href="http://www.ermanz.govt.nz/hs/groupstandards/coc.asp">http://www.ermanz.govt.nz/hs/groupstandards/coc.asp</a>.</p>	Yes
3	<p>Many of Ravensdown’s fertilisers and mixes have been classified as “Subsidiary Hazard”. This includes base products such as superphosphate and (we assume) agricultural lime. So we are very mindful of the impositions this standard puts on the industry. These are new impositions that have a very high cost associated with implementing and maintaining. Products in these categories amount to 5 million tonnes of sales each year. New regulations need to be well justified as they are likely to undermine our industry and New Zealand agricultural efficiency and international competitiveness.</p> <p>Decision Sought – either:</p> <ol style="list-style-type: none"> <li>1. Reassess the classification of fertilisers into any hazardous substance category, or</li> <li>2. Ensure that the regulations relating to the group standard have low compliance costs.</li> </ol>	<p>Please see previous comments on agricultural lime.</p> <p>The group standard framework allows for self-allocation of products to a group standard. ERMA New Zealand is committed to developing tools and guidance material to assist companies to classify products and self-assign to a group standard.</p>	No
3	<p>We understand that these conditions are already published and not strictly part of the submission process. However, as Clause 5.2 from Annex 1 cross-references to these conditions, comment is warranted. It should also be noted that the trigger quantities set out in clause 5.2 will all be exceeded by fertiliser users. We believe these site and storage conditions are not appropriate to oxidising fertiliser and would impose an unnecessary burden on the fertiliser</p>	<p>The compound nature of Nitrophoska fertilisers supports the reallocation to the Subsidiary Group Standard. The site and storage conditions for class 5 oxidising substances will not apply to this range of fertilisers.</p>	Reallocate Nitrophoska fertilisers to subsidiary group standard

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>industry and to farmers who are using these products. Ravensdown has safely dealt with large quantities of bulk and bag oxidising fertiliser products for decades, and believes that these conditions do not align with the low relative risk. Bulk products are stored in open concrete bins. Bagged products are in large bags, or 40 kg bags (palletised). In all cases they are under cover having protection from direct rainfall. There is a total lack of fit with the conditions and existing safe practice with these fertilisers.</p> <p>These conditions bring in a new regulatory requirement across not only all of Ravensdown's 114 Works or stores, but onto thousands of farms that use the fertiliser products where they are likely to store briefly before spreading. Yet no risk issues are apparent with the current arrangements despite decades of such practices with fertilisers such as Nitrophoska. Hence everything in these conditions becomes an unnecessary imposition and cost.</p> <p>Decision Sought – Either:</p> <ol style="list-style-type: none"> <li>1. Remove fertilisers from the provisions of Annex 5 Conditions, or</li> <li>2. If general use fertilisers continue to be classified as oxidisers, develop a different set of Site &amp; Storage Conditions that are appropriate for bulk and bagged fertilisers and to the rural environment in which they are used.</li> </ol>		
3	<p>Part A Introduction - Purpose</p> <p>The first sentence states that the document is for site and storage conditions for class 5 oxidising liquids and solids. Ravensdown does not believe that as written the conditions deal appropriately with solids. The drafting seems to be principally around liquids.</p> <p>Decision Sought –</p> <p>Make conditions applicable to solids.</p>	<p>Since there is no prohibition on having liquid fertilisers under the fertiliser group standards, the site and storage conditions must reflect the possibility of both liquid and solid substances. The conditions as written are applicable to solids.</p>	No amendment required
3	<p>Part B Conditions</p> <p>Our comments below on the various condition clauses are to reinforce the decisions we have sought above to either:</p> <ol style="list-style-type: none"> <li>1. Remove fertilisers from the provisions of Annex 5 Conditions, or</li> <li>2. If general use fertilisers continue to be classified as oxidisers, develop a</li> </ol>	<p>Please see our previous answer to this topic. The site and storage conditions for oxidising substances will only apply to a very limited number of fertiliser products which have recognised oxidising potential.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>different set of Site &amp; Storage Conditions that are appropriate for bulk and bagged fertilisers and to the rural environment in which they are used.</p> <p>All comments can be taken as opposition to the clauses and are to reinforce how inappropriate such conditions are for solid fertiliser products.</p>		
3	<p>Clause 2 – Test certification</p> <p>Testing every 12 months with a potential maximum of 36 months is excessive and costly. This is particularly so for the rural locations involved.</p>	<p>Test certificate renewal periods are established by regulation and are intended to ensure that hazardous substance locations maintain a high level of compliance, so that the safety of people and the environment is protected. The process can be managed via a code of practice.</p>	No
3	<p>Clause 3 – Approved Handlers</p> <p>Requiring store operators, transporters/spreaders and farmers to be approved handlers for such safe fertiliser products is unjustified.</p>	<p>Only fertiliser products with significant hazards (e.g. oxidising potential) require approved handlers. As noted previously, products such as the Nitrophoska range will be reassigned to the subsidiary hazard group standard and will not require approved handlers.</p>	No
3	<p>Clause 4 - Spills</p> <p>The provisions make no sense for solid fertilisers stored in open bins. Recovered material may include granules that have moved out of the bin tracking with front end loaders. This will simply be swept back into the bin. It does not need to be dealt with as Clause 4 (2) (b) suggests with an analytical test to check it is free from any incompatible substances.</p>	<p>Oxidisers when mixed with combustible material may cause a fire. Ensuring that incompatible substances are not mixed in the event of a spill is an important fire safety precaution.</p>	No
3	<p>Clause 5 – General limits</p> <p>Because farmers will frequently store products for more than 18 hours, many farms using oxidising fertilisers will need to become hazardous substance locations, whether the material is in bulk or bags. Clause 5 (2) assumes these products are packaged. They are not, nor do they need to be.</p>	<p>Clause 5(2) also relates to containers. After discussion with industry, the trigger level for this requirement has been increased from 100 kg to 3000 kg for 5.1.1C substances on farms. We understand from discussions with the industry that now only a small number of farms will trigger this requirement. Where this trigger quantity is exceeded, guidance material will be developed in cooperation with the industry/user groups.</p> <p>Nitrophoska products are no longer classified as class 5 substances and therefore do not trigger this</p>	Yes – increase trigger quantity

Submitter	Submission	Agency response and recommendation	Group standards amended
		requirement.	
3	<p>Clause 6 – Requirements to reduce combustion</p> <p>It is not possible that hundreds of tonnes of fertiliser be stored in sealed packages or containers. Ravensdown brings such products into New Zealand in the holds of bulk ships, unloads with grabs across a wharf, and puts into trucks carrying 28 tonne loads. It is then distributed in bulk (safely) all around the country.</p> <p>Nor is it possible that such a handling system can be secured behind locks.</p>	<p>We agree that the wording of this condition is not appropriate for bulk storage. A code of practice could address the intent of this condition (i.e. to reduce the likelihood of unintended combustion or explosion of class 5.1.1 oxidising substances).</p>	No
3	<p>Clause 7 – Requirements for location</p> <p>Within a fertiliser store, products such as Nitrophoska are treated similarly to others and will be shifted into any available bay depending on the quantities being held at the time. These quantities will fluctuate greatly. Therefore within a store a separate hazardous substance location will not be able to be identified. This makes Clause 7 (1) and (2) unable to be complied with.</p> <p>Farmers and fertiliser stores will not be able to notify enforcement officers 30 days in advance of the substance being stored as per clause 7 (3). This is driven by orders and seasonal demand which can be very volatile. It is particularly impractical for farmers. Notifying of maximum quantities is also very restrictive as stores bring in products in response to orders, which may arrive at short notice. Even if a farmer was not to store the product but have it bought by truck to the farm for application to the land, clause 7 (3) (c) implies 30 days notice would be required before the fertiliser is “used”.</p> <p>Requiring site maps (clause 7 (5) (b) assumes these products will always be in the same bins. As stated above, this is not the case and to require this would result in gross under-utilisation of our fertiliser stores. Equally, for a farmer, where they store it will change depending on whether they have ordered bulk or bags and in what quantities.</p>	<p>This clause is not relevant to Nitrophoska products.</p> <p>Clause 7(3) relates to the <u>commissioning</u> of a hazardous substance location for the storage of class 5.1.1 substances only. Once commissioned, a hazardous substance location can have multiple uses as long as the maximum quantity, as declared at the time of commissioning, is not exceeded. The amount of substance actually present at the hazardous substance location does not need to be declared every time the quantity changes.</p> <p>Clause 7 (5) (b) assumes that the hazardous substances that require hazardous substance locations will stay within the designated area on a site. It therefore makes sense to designate all areas where those hazard substances are stored as hazardous substance locations.</p> <p>All concerns raised in this area may be addressed via an approved code of practice.</p>	No
3	<p>Clause 8 – Requirements to reduce ignition</p> <p>The fertiliser products we work with, even when classified as oxidisers, are not easily combustible. They are handled by large diesel powered loaders, run over elevators and up augers, and mixed in drag chain bins. Risks are insignificant</p>	<p>A code of practice is the means by which these issues should be addressed.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>despite the classification.</p> <p>Direct contact by persons in the location (clause 8 (1) (e)) cannot and need not be prevented. After loading, truck drivers will occasionally enter the truck bin with a shovel to even the load on the truck. Our staff are in regular contact with these bulk materials. Special protective clothing is unnecessary.</p> <p>As explained earlier, bulk materials are not in “containers that must be kept closed at all times” as Clause 8 (2) insists.</p>		
3	<p>Clause 9 – Extra requirements for manufacture or use</p> <p>Again this clause is totally irrelevant to our situation, and shows the error in a classification system that is based on minor contents of the product being oxidisers. The products are not in containers and protective clothing is unnecessary.</p> <p>Because almost all fertilisers are classified as hazardous, clause 9 (2) would require either 8 metres separation between all fertilisers or fire walls between. This is not required as the act of “manufacturing” or “use” is actually going to mix these products together.</p>	<p>See our previous comments on Nitrophoska fertilisers.</p> <p>Only fertilisers with oxidising potential require hazardous substance locations and the corresponding separation from any other hazardous substance locations. No other class of fertilisers require hazardous substance locations.</p>	No
3	<p>Clause 10 – Requirements for Person in Charge</p> <p>Part 3 of this clause would require the office and truck drivers and staff smoko room to be separated by a fire wall or more than 8 metres away.</p>	<p>The use of a fire wall or 8 metre separation are two examples of methods which can be used to ensure that no person is exposed to unacceptable levels of heat radiation. Clause 10(3)(c) allows for any other set of arrangements that would achieve this objective.</p>	No
3	<p>Clause 11 – Test certification requirements</p> <p>This clause sets the criteria for test certification at 1 tonne or over of fertilisers like Nitrophoska. This captures almost all commercial users and puts a huge imposition on the fertiliser industry and the agricultural community.</p>	<p>See previous comments on Nitrophoska fertilisers.</p> <p>No test certification is required for fertilisers (like Nitrophoska) which do not demonstrate a potential to oxidise.</p>	No
3	<p>Clause 12 – Matters to be certified</p> <p>The impracticality of the conditions in this clause have largely been discussed above. Further issues arise with signage (to be covered in our submission on clause 50), fire extinguishers, emergency plans and secondary containment.</p>	<p>Individual issues are addressed elsewhere in this document as they are raised by the submitter.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
3	<p>Clause 13 – Matters to be certified for manufacture and use</p> <p>This clause puts further documentation pressure on farmers because they use the substance.</p>	<p>According to our discussions with federated farmers, the use of oxidising fertilisers by farmers in New Zealand at levels exceeding the trigger quantities is rare (noting that Nitrophoska and similar compound fertilisers have been removed from the oxidising group standard to the subsidiary hazard group standard). Therefore, additional documentation pressure on farmers will be minimal as a result of these group standards.</p>	No
3	<p>Clause 14 – Transit Depot</p> <p>The same impracticalities arise for transit depots when the oxidising substance is a bulk or bagged fertiliser.</p>	<p>The control of transit depots for handling certain hazardous substances is uniform across all industries and based entirely on the hazards associated with those substances. The specific issues relating to the handling of bulk substances may need to be addressed by way of a code of practice.</p> <p>The removal of Nitrophoska fertilisers from the oxidising group standard will minimise the impact of transit depot requirements on the industry and users.</p>	No
3	<p>Clauses 32 to 34 – Fire extinguishers required</p> <p>Two fire extinguishers are necessary (clause 32), of high specification (clause 34). These are required in our stores, in trucks and on farm when over 500 kg of fertiliser is involved. In the store or on the farm, these extinguishers must be no more than 30 metres away. Ravensdown has had no incidents of these products igniting, so to deal with them in this way is excessive, particularly on farm.</p>	<p>Oxidisers when mixed with combustible materials may cause fires. By definition, oxidisers will intensify any fire when present. Fire extinguishers are required to minimise the effects of this hazard.</p>	No
3	<p>Clauses 36 – 43 – Emergency Plans</p> <p>A written emergency plan is required by each Ravensdown store and for every farmer when 5 tonnes of oxidising classified fertilisers are stored. (Ironically, this figure is only 1000 kg for our fertiliser products in the Fertiliser – Subsidiary Group Standard). The plan must cover all of the reasonably likely emergencies, and have a response plan. All people and equipment described in the response plan must be present, and the plans must be tested at least every 12 months. . Any change to persons or procedures must be retested within 3 months of the</p>	<p>The emergency plan conditions have been modified to reduce the regulatory requirements, especially where these substances are present and used on a farm of not less than 4 hectares.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>change.</p> <p>Relative to risk, these plans are an onerous imposition on small businesses or workplaces.</p>		
3	<p>Clauses 44 – 49 – Secondary Containment</p> <p>By having over 5000 kg of oxidising fertiliser, secondary containment is required. This appears to only have relevance to liquids however Table 12 lists solids. This makes interpretation impossible when clauses 45 to 48 all refer to litres or pooling. Solids are stored in bulk or bags, usually in concrete bins. They are protected from water by roofing as the product will deteriorate in physical form and be difficult to spread if it gets wet. Ravensdown believes the secondary containment provisions have no relevance to our solid fertilisers. Secondary containment is not needed and could not be achieved due to vehicle movement into and out of bins.</p>	<p>Secondary containment applies to pooling substances. The relevant section of the site and storage document will be amended to clarify this point.</p> <p>The table relating to secondary containment has been modified to list quantities for liquid substances only.</p>	Yes
3	<p>Clause 50 – Signage requirements</p> <p>Where one tonne or more of fertiliser is stored new signage requirements for the building are necessary. This is more manageable for fertiliser stores but will create considerable difficulties for farmers. The signs need to state the hazardous substances present. Fertiliser stores could only do this in generic terms because of the large number of fertilisers now deemed as hazardous. Farmers have a similar issue as they will frequently change their fertiliser types that they may be storing both within a year and between years.</p>	<p>The signage condition has been modified to reduce the regulatory requirements, especially where fertilisers are present and used on a farm of not less than 4 hectares.</p> <p>Where signs are required, they need to state that hazardous substances are present; there is no requirement to state the different fertiliser types (or product names of the fertilisers). Signs, therefore, do not need to be constantly updated, and can use generic statements such as those given in the NZCIC code of practice for signage.</p>	Yes
3	<p>We understand that these conditions are already published and not strictly part of the submission process. However, as Clause 5.2 from Annex 4 cross-references to these conditions, comment is warranted. It should also be noted that the trigger quantities set out in clause 5.2 (usually 1000 kg) will all be exceeded by all commercial fertiliser users. We believe these site and storage conditions are not appropriate to fertiliser and would impose an unnecessary burden on the fertiliser industry and to farmers who are using the products.</p> <p>Ravensdown has safely dealt with large quantities of bulk and bag fertiliser products for decades, and believes that these conditions do not align with the low relative risk. Our mainline product, superphosphate is included in the toxic</p>	<p>The site and storage conditions for subsidiary fertilisers (into which most fertilisers fall) have been modified to reduce the regulatory requirements, especially where these substances are present and used on a farm of not less than 4 hectares.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>substance category. We manufacture superphosphate at three sites and produce over 800,000 tonnes annually. Treating it as toxic with heavy restrictions is farcical. Bulk products are stored in open concrete bins. Bagged products are in large bags, or 40 kg bags (palletised). In all cases they are under cover having protection from direct rainfall. There is a total lack of fit with the conditions and existing safe practice with fertilisers.</p> <p>These conditions bring in a new regulatory requirement across not only all of Ravensdown's 114 Works or stores, but onto tens of thousands of farms that use the fertiliser products where they are likely to store briefly before spreading. Yet no risk issues are apparent with the current arrangements despite decades of such practices with fertilisers and lime. Hence everything in these conditions becomes an unnecessary imposition and cost.</p> <p>Decision Sought – Either:</p> <ol style="list-style-type: none"> <li>1. Remove fertilisers and lime from the provisions of Annex 6 Conditions, or</li> <li>2. If general use fertilisers continue to be classified as toxic, develop a different set of Site &amp; Storage Conditions that are appropriate for bulk and bagged fertilisers and to the rural environment in which they are used.</li> </ol>		
4	<p>Indicative HSNO classifications provided to member fertiliser companies indicate that a wide range of fertiliser products fall into categories which require onerous and unnecessary labelling, storage and transport conditions which are not commensurate with the environmental and human health risks, as has been demonstrated with their widespread use over time. Blending and recombination of components of fertiliser products ( which in their pure form may justify proposed conditions) lead to relatively inert fertiliser products which under the proposed group standards, require excessive restrictions or requirements for labelling, transport and storage.</p> <p>New restrictions need to be well considered and well justified, because unnecessary burden and imposition on the farming community will seriously undermine farmer efficiency and international competitiveness.</p>	<p>The majority of fertilisers will fall into the subsidiary hazard group standard. After discussions with the industry and federated farmers, the regulatory requirements for fertilisers in this group have been significantly reduced, especially where these substances are present and used on a farm of not less than 4 hectares.</p>	Yes
4	<p>Under the current proposal for group standards, unreasonable restrictions will be placed on relatively safe products, a number of which are used in both commercial and home garden applications. Compliance will place an</p>	<p>The classification of agricultural lime has been reviewed and the 6.4A classification has been removed. This means that this substance does not trigger any HSNO</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>unnecessary burden on farmers, home garden consumers and their suppliers, e.g. for agricultural lime (calcium carbonate), a 24 hour help line, and 3 kg limit on public service vehicles apply. Many relatively safe and inert fertiliser blends will be similarly affected.</p> <p>Decision Sought:</p> <p>Re-classification of many standard fertiliser products, outside the group standards restrictions, or with inclusion of a group standard which reflects the low risk of these products.</p> <p>Permit more time for a well considered transition of NOTS working closely with the fertiliser industry.</p>	<p>classifications and therefore will be removed from the Subsidiary Group Standard.</p> <p>Recently we have met with representatives from both the fertiliser industry and federated farmers. Through continued discussion with interested parties, we intend to resolve all fertiliser group standard issues within the current statutory timeframe.</p>	
4	<p>Clause 5.7.1 (3) requires clarification regarding spreading of fertilisers, ( as a substance which may contain very small amounts of 'bio-accumulative and not rapidly degradable' components ) such that fertilisers may be discharged to land without further dilution. Fertilisers are a substance which may contain very small amounts of these naturally occurring components in the parent material,-( trace levels of heavy metals in phosphate rock, for example). It is not possible to dilute fertiliser for its normal use. Under the Resource Management Act, application of fertiliser to land, in normal use, is technically a discharge of contaminant to the environment, and is a permitted activity subject to conditions. There is potential for serious conflicts over interpretation of the group standard.</p> <p>The blanket requirement under this group standard for any substance with 'bio accumulative or not rapidly degradable' components to be diluted 1:99 is unworkable for normal application of some fertilisers.</p> <p>Decision Sought:</p> <p>Clarification that in normal use, fertiliser may be discharged to land without dilution. Specifically, that in normal use, application of fertiliser to land is not disposal of fertiliser. (Compliance with other environmental limits would still apply.)</p>	<p>A subclause has been added in the disposal of substances condition that makes it clear that the beneficial application of fertiliser to land is not disposal.</p>	Yes
4	<p>Site and Storage Conditions for Toxic, Corrosive, and Ecotoxic Substances ( to be applied to Annexes 1-4 )</p> <p>Reason for Submission:</p>	<p>Secondary containment applies to pooling substances. The relevant section of the site and storage document has been amended to clarify this point.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Clause 9. Table 1 Threshold Quantities for Emergency Plans and Secondary Containment describes thresholds for solids. Secondary containment for bagged and bulk solid fertiliser is an unnecessary requirement and will add unsustainable costs and burden to farming operations and farming systems.</p> <p>Decision Sought:</p> <p>Solid fertilisers to be exempt from rules for secondary containment, and clarification that secondary containment applies only to products capable of liquid pooling.</p>		
4	<p>Annex 4- Hazardous substances (Fertilisers, Subsidiary Hazard)</p> <p>Reason for Submission:</p> <p>Claus 5.6.3 (b): (i) and (ii) Passenger Service Vehicle Restrictions with limits of 1 L or 3 kg for most fertiliser blends or agricultural lime are unnecessarily restrictive, particularly given that common home garden packaging of such products are greater than these limits.</p> <p>Decision Sought:</p> <p>Increase limits in Clause 5.6.3(b) (i) and Clause 5.6.3(b) (ii) to practical limits consistent with existing packaging and handling systems for domestic use. ( e.g. 25 kg ).</p>	<p>We have increased the limits to minimise the likelihood of fertilisers sold in small volumes for domestic use being captured by this condition. For example, the new limits for subsidiary hazard fertilisers are 5 L or 10 kg.</p>	<p>Yes – increase trigger quantities</p>
4	<p>Site and Storage Conditions for Class 5 Oxidising Substances ( to be applied to Annexes 1-4 )</p> <p>Reason for Submission:</p> <p>Clause 7 (3) 30 Working Days notice is unworkable for agricultural fertilisers which are ordered, received, stored temporarily and dispersed at short notice. This requirement is unmanageable should any standard, commonly used fertiliser fall into the specified HSNO category, as has been indicated to members companies with indicative listings.</p> <p>Decision Sought:</p> <p>Provision for standard fertiliser farming practices, without undue restrictions on commercial operation where demonstrable risk is minimal.</p>	<p>This requirement relates to the commissioning of a hazardous substance location for the storage of class 5.1.1 substances only, and will not impact on the majority of fertilisers used in the NZ farming environment. Once commissioned, a hazardous substance location can have multiple uses as long as the maximum quantity, as declared at the time of commissioning, is not exceeded. The amount of substance actually present at the hazardous substance location does not need to be declared every time the quantity changes.</p>	<p>No</p>

Submitter	Submission	Agency response and recommendation	Group standards amended
4	<p>Reason for Submission:</p> <p>Clause 5.1.2.4 No Definition of ‘Bulk Transport Container’ is provided and given the wide range of containers and volumes handled by member companies and their clients, some uncertainty remains regarding circumstances that conditions apply.</p> <p>Decision Sought: provide workable definition for ‘bulk handled materials’ and ‘bulk transport containers’ .</p>	<p>A definition of “bulk” (as per the Land Transport Rule 45001/1) is now given and the term “bulk transport container” is no longer used.</p> <p>Fertilisers transported in bulk by road or sea are only required to comply with the Land Transport Rule or the Maritime Rule respectively. The group standards set no additional requirements.</p>	Yes – define “bulk”
4	<p>Reason for Submission:</p> <p>Clause 5.6 Transportation . Tank wagons and transportable containers. The clause appears to apply to all products solid and liquid. Most fertiliser is solid and transported in bulk trucks and it is unclear how this clause applies.</p> <p>Decision Sought:</p> <p>Clarify that the clause is specific to liquids.</p>	<p>See above.</p> <p>Fertilisers transported in bulk trucks will only have to comply with the existing requirements under the Land Transport Rule.</p>	Yes – clarify requirements
4	<p>Reason for Submission:</p> <p>The proposed standards do not allow for exemption from signage and emergency response plan requirements ( as is given in Site and Storage Conditions for Class 5 Oxidising Substances) for short term stores. For example up to 48 hours.</p> <p>As indicated by member fertiliser companies, storage of 1 tonne or more of fertiliser or lime triggers new signage requirements and emergency response plans for bulk storage on farm sites. Various products may be temporarily stored for a short term, prior to application by the farmer concerned or by other farmers who share the facility. The fertiliser products and blends which have to-date, demonstrated very low risk, will require different signage and emergency response plans regardless of term of storage, including very short term storage periods. This poses a potential burden on the farming community, lending it to be costly, impractical and difficult to manage properly.</p> <p>Decision Sought:</p> <p>Include provision for fertilisers and lime to be stored temporarily ( e.g. up to 48 hours ) without the requirement for signage and emergency response plans, as</p>	<p>The trigger quantities for signage and emergency response plans have been modified for subsidiary hazard fertilisers where these substances are present and used on a farm of not less than 4 hectares. The requirements only apply on a farm when greater than 1,000 kg of a class 9.1A or 9.1B fertiliser is present.</p> <p>There is no requirement for signage or emergency plans for other hazard classifications in the subsidiary group standard.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	is provided for in Class 5 Oxidising Substances.		
5	<p>Incomplete Consultation Process</p> <p>Figure 1 – group standards for the Transfer of NOTS, clearly shows two additional levels of stakeholder consultation that to our knowledge have not been undertaken. The first level of stakeholder consultation is shown after ERMA makes the proposed grouping of substances and the second stage is shown as the ‘Initial consultation with Industry’ after the consideration of risks of the group of substances. It appears to Ballance that neither consultation has occurred.</p>	<p>Figure 1 of the consultation document illustrates the generic process for development of group standards. A number of industry groups (particularly within the surface coatings industry) were consulted to develop generic group standard conditions and processes.</p> <p>Staff of ERMA New Zealand’s Liaison and Screening team first engaged the fertiliser industry in 2003 to develop ERMA groups for screening purposes. These groups have formed the basis of the group standards. We are committed to ongoing consultation with the industry.</p>	No
5	<p>Time frame for Consultation</p> <p>Ballance was notified of the group standards for Fertilisers on 1st February 2006, and given until 14th March 2006 to provide comment. This is just 6 weeks in which to review the information, gain some understanding of the theory and potential implications of the Standards, and then determine how the actual implementation of these Standards could impact our operations across the country. Unlike the theory of a ‘Group Standard’ which is one simple set of conditions for the industry to follow, the Standard delivered is extremely confusing and still has widely variable implications depending on the classification of substances, how much is being stored and in combination with other substances.</p> <p>Given the complexity of the Standards and variability of impacts across our operations, 6 weeks is not an adequate timeframe for Ballance to gain a full understanding of the proposed group standards, how these Standards would have to be implemented, make an assessment of how effective they will be in achieving the desired outcome and what impact this would have on our different operations.</p>	<p>The 30 working day timeframe for consultation on group standards is the time period specified in the HSNO Act. This statutory consultation period is one part of the overall consultation on group standards. We are committed to ongoing discussions with interested parties up until 1 July 2006, at which time fertilisers will be transferred.</p> <p>Following transfer, we wish to continue working with the fertiliser industry to develop information and guidance material.</p>	No
5	<p>Complexity of the Group Standards</p> <p>The original intention of a group standard providing one simple set of conditions for the industry to follow. Our view is that this has not been achieved.</p>	<p>Please see our previous answers relating to secondary containment for solids, passenger service vehicle requirements and other relevant conditions of the group standards.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Take for instance a Storage Centre containing only Urea (ERMA classification 6.1D, 6.3B, 6.4A, 9.3C NOTS#16190). If the store contained 10 or more tonnes the site and storage regulations must be followed. If the product was simply in bulk, NO secondary containment would be required as NO Surface containers existed and the clause 9-15 can not be interpreted. If the store however had ONE 40kg bag and the remainder in bulk, then a bund with the capacity of the larger of 2500L or a quarter of the total pooling potential is required. Since Urea is incapable of pooling under normal conditions a bund of 2500L is needed. Not only in the bund capacity different but the store staff must also ensure that the customer is questioned on the mode of transport they wish to use (as 3kg cannot be transported on passenger service vehicles) and that they have previously received and SDS.</p> <p>This puts considerable new impositions on the industry that cannot be justified based on the risk profile of the products and the track record of the industry to date.</p> <p>Given the example above, now try to assess the impacts from the Standards on all of Ballance's range of products individually, and then on the endless combinations that they occur around the country.</p> <p>Then factor in that we have a dynamic environment, where the type, number and volume of substances can vary substantially from day to day, week to week and year to year – how do we track the ever changing controls that may be required when we store more than a previously given volume?</p>		
5	<p>Complexity of Implementing HSNO with a mix of individually notified and Group Standard Notified substances.</p> <p>In addition to the above point, there is also the added complexity in that some of our substances have already been individually transferred and have a different set of controls, which then have to be aligned and/or combined with the controls from the group standard at the different sites and for the different substances.</p> <p>Some of our substances eg ammonia, potassium nitrate have been transferred as stand alone substances in previous transfers, some are now being transferred under a group standard and further substances still need to be transferred, how can we fully appreciate impacts of the group standard and provide comment when the full impacts to our operations will not be quantifiable until all of our products have been classified. This piece-meal approach is confusing, and does</p>	<p>Single components have been classified under the Single Components NOTS project, and are being individually transferred on 1 July 2006. These single component substances may have many uses and so consultation on their transfer has been expanded to include all potential uses across multiple industries, rather than including them in each consultation for each specific industry.</p> <p>Single component NOTS that are used in the fertiliser industry can be assigned to and become a HSNO approved substance under a group standard, provided they fit the scope of the group standard. The conditions imposed by that fertiliser group standard will then</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	not allow considered comments to be provided.	manage the use of that substance.	
5	<p>Group standards are currently incomplete</p> <p>There are numerous examples throughout the Standards where it is stated “Further work in this area is required, and a separate consultation will be undertaken.” How can we understand and comment on these Group Standards when they are incomplete? Even if further consultation on a specific process is undertaken in the future, we have lost the opportunity to comment on the impact of the Group Standards as a whole. One area of particular concern is P19 of the Standards which states “The one area where controls are more likely to be modified is with respect to ecotoxicity particularly for non pesticidal substances where the risk of any uncontrolled release or discharge and subsequent deleterious environmental effects is only likely to occur by way of an accidental or catastrophic event.”</p>	<p>We are engaging interested parties as soon as developments occur to give them as much time as possible to comment.</p> <p>The removal of a number of ecotoxic controls has already occurred within the group standards. The explanation on p19 of the consultation document is simply recording the justification for this removal.</p>	No
5	<p>Risk Assessments</p> <p>Group standard states it is based on reducing risks, however there doesn't appear to have been any risk assessment on the substances being included in the group standard, or any justification as to why the proposed level of controls are necessary.</p>	<p>The conditions set in the group standards reflect the controls that are in place under the HSNO regulations for substances with specified hazards.</p>	No
5	<p>Classification Decisions</p> <p>All responsibility for classification is placed back on the company, yet the process gives different outcomes depending on who determines the classification. Indeed in some cases the same product, classified by the same organisation on two different occasions can yield different classification. An example would be Calcium Ammonium Nitrate (CAN). NOTS# 41434 and 150219 giving Class 6.1D in one case and 5.1.1C in another.</p> <p>Ballance would like to see the inclusion in the group standards or as a separate Guideline the level of scientific scrutiny which will be required in classifying substances and assigning controls to provide duty of care protection in legal disputes.</p>	<p>The development of group standards and the HSNO 'Macropatch' amendment were predicated on the basis of industry self responsibility.</p> <p>As noted previously, ERMA New Zealand will be providing guidance and information material following transfer. We will include, as part of this guidance material, information relating to the level of evidence necessary to justify classification of products. We will also provide access to a number of resources to assist in the classification process.</p>	No
5	<p>Clause 5.3 Approved Handlers.</p> <p>Ballance do not believe that all farmers handling over 500kg should have to</p>	<p>Only substances classified as 5.1.1B will require approved handlers for quantities greater than 500 kg,</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>undertake approved handler training. Low risk of most products should see this limit raised significantly, or removed altogether. Persons who Drive load or unload a vehicle are required to have DG endorsements but do not need to be approved handlers. However those who spray or drop the materials by air are required to have approved handlers certification for Class 5.1. Ballance believe that which ever endorsement is required, it should be standard across all forms of application.</p> <p>Decision Sought –</p> <p>Remove the requirement for approved handlers for application of the products covered by this standard.</p>	<p>and 5.1.1C substances have a trigger quantity of 1000 kg. Lower risk (Subsidiary Hazard) products will not have been assigned these classifications and therefore will not require approved handlers.</p> <p>The DG endorsement for road transport is recognised as fulfilling the requirements of an approved handler.</p>	
5	<p>General</p> <p>All Ballance fertilisers and mixes have been classified as “Subsidiary Hazard”. This includes base products such as superphosphate and Urea. We are mindful of the impositions this standard puts on the industry and our customer base. The justification must be well supported as the regulations will not only add cost to the industry but undermine the international competitiveness of New Zealand’s agricultural products.</p>	<p>As a result of meetings with members of the fertiliser industry and Federated Farmers, the regulatory requirements for fertilisers in the Subsidiary Hazard Group Standard have been significantly reduced, especially where these substances are present and used on a farm of not less than 4 hectares.</p>	Yes
5	<p>Clause 2 - Commencement</p> <p>As mentioned in the general comments Ballance does not believe sufficient time has been given for the consultation and seeks the delay of the introduction of this standard.</p> <p>Decision Sought –</p> <p>Extend commencement by 12 months and work closely with the industry to achieve more appropriate standard.</p>	<p>Dialogue with notifiers of fertiliser products commenced in 2003 as part of the Liaison and Screening process, and more recently we have met with representatives from both the fertiliser industry and Federated Farmers. As a result of these discussions, significant changes have been made to the conditions of the fertiliser group standards.</p> <p>Through continued discussion with interested parties, we intend to resolve all fertiliser group standard issues within the current statutory timeframe.</p>	No
5	<p>Clause 3 - Interpretation</p> <p>90% of the material handled by the industry is bulk solid. Ships holds, truck and trailer units and spreader trucks are not defined within the interpretation section. The term “bulk transport containers” is used in 5.1.2.4, but this term is not</p>	<p>A definition of “bulk” (as per the Land Transport Rule 45001/1) is now given and the term “bulk transport container” is no longer used.</p> <p>Fertilisers transported in bulk by road or sea are only required to comply with the Land Transport Rule or the</p>	Yes – define “bulk” and clarify requirements

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>defined and we are unsure of what is covered by this definition.</p> <p>Decision Sought –</p> <ol style="list-style-type: none"> <li>1. Provide a definition for “bulk transport containers”</li> <li>2. Provide a definition of the General Public</li> </ol>	<p>Maritime Rule respectively. The group standards set no additional requirements.</p> <p>A farm is considered to be a place of work. Farmers are not intended to be captured by the definition of general public.</p>	
5	<p>Clause 5.1.2 – Labelling</p> <p>As mentioned above 90% of the material handled is in a bulk form. The labelling section focuses solely on substances that are in containers/packages. Clarification is also needed as to who is defined as general public.</p> <p>Decision Sought –</p> <ol style="list-style-type: none"> <li>1. Re-write section to focus on bulk solids</li> <li>2. Define the general public and exclude industrial sales to farmers and farmer representatives (eg spreaders)</li> </ol>	<p>The labelling requirements under 5.1.2.2 relate to packaged products only. Safety concerns relating to the delivery of bulk products are generally managed via the SDS requirements and signage at the storage site.</p> <p>As noted above, labelling or making for substances transported in bulk is as per the requirements of the Land Transport Rule or the Maritime Rule. The group standards set no additional requirements.</p> <p>A farm is considered to be a place of work. Farmers are not intended to be captured by the definition of general public.</p>	Yes – define “bulk” and clarify requirements
5	<p>Clause 5.1.3 – Safety Data Sheets</p> <p>As mentioned earlier Ballance strives to promote the use of its products in a way which protects both the customer and the environment. With this in mind, easily understandable, Single page Safety Data Sheets are available with all products we sell. The production and presentation of an SDS in which the headings alone will occupy 4 ½ pages will simple numb the recipient and knowledge of the real risks will be lost. When a customer requests a “special mix” which sometimes contains 10 or more single components, the paperwork could be more than 100 pages.</p> <p>Decision Sought –</p> <p>Review this clause to make applicable to the industry practice and level of risk.</p>	<p>The use of generic SDS, in conjunction with the provision of specific information on the different fertiliser components, is allowed under the SDS conditions of a group standard. This means that unique and specific SDS for each special mix is not required.</p> <p>Summarised SDS can also be used, provided that a full SDS is available upon request. A similar approach is used in the NZCIC Code of Practice.</p>	No
5	<p>Clause 5.1.4 – Advertising</p> <p>All fertilisers have been classed under 6.1D. To incorporate statements relating</p>	<p>This clause 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</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>to acutely toxic and keep away from children is unnecessarily negative. Ballance objects strongly to this clause.</p> <p>Decision Sought –</p> <p>Delete this clause.</p>	<p>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>This clause is intended to capture consumer products and will not apply to bulk products used in a place of work. That is, the advertising condition will not apply to the advertising of bulk fertilisers for use on farms.</p>	
5	<p>Clause 5.2 – Site and Storage</p> <p>Annex 5 makes reference to the length of time which a substance has to be present for site and storage regulations to take effect. This allows for temporary, transitional storage and does not impose undue restrictions. Annex 6 does not contain such a statement which makes the regulation unduly harsh. Much of the fertiliser used in New Zealand is transported to farms, unloaded into temporary storage and spread onto the land. Annex 6 states signage, secondary containment and emergency plans must be in place. Yet if the product was a more hazardous Class 5.1, no such requirement exists. We oppose this clause.</p> <p>Annex 5 requirements for secondary containment are not applicable to materials which are under standard temperature and pressure, granular solids. However, nowhere within Annex 5 is reference made to the secondary containment provisions only being applicable to pooling liquids.</p> <p>Decision Sought –</p> <ul style="list-style-type: none"> <li>-Modify this clause to include the provision for temporary storage for 48 hr without the need for site and storage requirements.</li> <li>-Specifically exclude the need for secondary containment for granular solids.</li> </ul>	<p>The time periods stated in Annex 5 relate to specific conditions for oxidising substances (including the requirement to establish a hazardous substance location). There are no time periods for signage, secondary containment or the emergency plan conditions for oxidising substance (see pages 29 – 35 of Annex 5). Likewise there are no time periods in Annex 6 (non-oxidising substances) for signage, secondary containment or the emergency plan. [Note, as stated earlier, secondary containment does not apply to solid fertilisers].</p> <p>Rather than including a time period before compliance is required, the trigger quantities for signage and emergency response plans have been modified for subsidiary hazard fertilisers where these substances are present and used on a farm of not less than 4 hectares. The requirements will only apply when greater than 1,000 kg of a class 9.1A or 9.1B fertiliser is present. These revised trigger quantities were developed in consultation with the fertiliser industry.</p> <p>Secondary containment applies to pooling substances. The relevant section of the site and storage document have been amended to clarify this point.</p>	Yes
5	<p>Clause 5.4 – Packaging</p> <p>There is an over-emphasis on packaging when most of the fertiliser is handled in bulk. The provisions appear to be principally written with liquid products in mind. Additionally, bagged fertiliser products are generally despatched in multi-trip</p>	<p>The packaging conditions in the group standards are based on the UN Model Regulations. These use UN Packing Groups to define the required specifications for packages containing hazardous substances.</p>	No

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	<p>500kg or 1000kg bags. If permanent labelling is required, the use of multi-trip packaging is seriously affected and as a result wasteful single use packaging will be needed.</p> <p>Decision Sought –</p> <ul style="list-style-type: none"> <li>-Review this clause making more applicable to bulk granular fertiliser and an additional clause for liquids if required</li> <li>-Delete the need for any permanent labelling.</li> </ul>	<p>This section is not intended to apply to substances not contained within packages. In addition, the group standards are designed to capture both packaged <u>and</u> bulk fertiliser. It is not appropriate to modify the clause to make it more applicable to bulk fertiliser.</p> <p>There is no condition within the group standard that prevents multi-trip packaging which has been permanently labelled as containing a toxic substance from being reused.</p>	
5	<p>Clause 5.6.3 – Passenger service vehicle restrictions</p> <p>Many fertiliser products are sold in small packages to home gardeners. To restrict sales only to those who have private motor vehicles, bicycles or who wish to walk is overly restrictive considering the low risks associated with the products.</p> <p>Decision Sought –</p> <p>Delete this clause.</p>	<p>We have increased the limits to minimise the likelihood of fertilisers sold in small volumes for domestic use being captured by this condition. For example, the new limits for subsidiary hazard fertilisers are 5 L or 10 kg.</p>	Yes – increase trigger quantities
5	<p>Clause 5.7.1 (3) is severely restrictive. The blanket requirement that any substance with ‘bio accumulative or not rapidly degradable’ components to be diluted 1:99 is unworkable for normal application of fertiliser. Nearly all fertilisers are substances which contain very small amounts of these naturally occurring ‘bio accumulative or not rapidly degradable’ components. These components come from the parent material ( trace levels of heavy metals in phosphate rock. Under the Resource Management Act, application of fertiliser to land, in normal use, is technically a discharge of contaminant to the environment, and is a permitted activity subject to conditions. There is potential for protracted litigation should these clause remain within the standard.</p> <p>Decision Sought –</p> <p>Re-write this clause to be aligned to fertiliser practices.</p>	<p>A subclause has been added in the disposal of substances condition that makes it clear that the beneficial application of fertiliser to land is not disposal.</p>	Yes
5	<p>Clause 5.9.1 – Chemicals of Concern</p> <p>Ballance agrees that chemicals of concern should be notified. However, with modern analytical techniques trace amounts of elements and compounds can be</p>	<p>This condition has been removed from all group standards. For more information refer to our website <a href="http://www.ermanz.govt.nz/hs/groupstandards/coc.asp">http://www.ermanz.govt.nz/hs/groupstandards/coc.asp</a>.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>found almost anywhere and certainly in materials which are natural in origin.</p> <p>Decision Sought –</p> <p>Clarify this clause in relation to trace contents of fertilisers.</p>		
5	<p>Given the potential impacts of this legislation on not only the fertiliser industry but also the associated dairy, agricultural and horticultural industries, these group standards for Fertilisers should not be ‘pushed’ through to meet an arbitrary deadline. This would leave the industry to try and adhere to an unworkable system and tie up industry, department and legislative resources in the future. A better solution would be for the relevant industries to be given time to assess the full impacts of these Standards and work with ERMA and other relevant groups to develop workable solutions that will meet the needs of all parties.</p>	<p>Dialogue with notifiers of fertiliser products commenced in 2003 as part of the Liaison and Screening process, and more recently we have met with representatives from both the fertiliser industry and Federated Farmers. As a result of these discussions, significant changes have been made to the conditions of the fertiliser group standards.</p> <p>Through continued discussion with interested parties, we intend to resolve all fertiliser group standard issues within the current statutory timeframe.</p>	No
6, 7, 8	<p>NZGFA, FFNZ and FQC support the use of group standards for approval of hazardous substances. We note group standards are based on substances in the group having a similar nature, being of a similar type and having similar circumstances of use. Our organisation supports the use of group standards as the most efficient and economical method to classify substances of a similar nature, similar circumstances of use, and risks that can be managed by one set on conditions. We understand the majority of fertiliser products will be classified along with agricultural lime, [calcium carbonate] in to the Fertilisers Subsidiary Hazard Group. In some fertiliser mixes, minor amounts of substances that have a higher hazard level may be blended with much more benign substances to create a fertiliser product.</p> <p>Relief sought: Classify all fertilisers in the Fertilisers Subsidiary Hazard Group to reduce costs of compliance.</p>	<p>The only HSNO classification for agricultural limestone, 6.4A, has been removed. This means this substance will be treated as though it was non hazardous and will not require any HSNO controls.</p> <p>When considering the hazard associated with a product the hazards of <u>every</u> component (not just the minor amounts of high hazard substances) are incorporated into internationally recognised mixture rules to calculate the hazard of the final product. The amount of the component, as well as the degree of the hazard of that component, is considered during this calculation.</p>	No
6, 7, 8	<p>Group standards for the Transfer of NOTS. (page 1)</p> <p>The technical grouping of like substances has not been achieved in the proposed standards. This has imposed excessive controls on low risk substances. The implementation date for group standards for fertilisers of 1 July will preclude adequate consultation with affected parties.</p>	<p>Fertilisers in these group standards are grouped on the basis of hazard. Substances of like hazard are grouped together. Products that are in the Subsidiary Hazard Group Standard will have less stringent conditions than fertilisers in higher hazard group standards (such as the oxidising group standard). As noted in the consultation document, industry is able to reclassify their products</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Relief sought: Urgently promote consultation with all parties in the fertiliser industry so that hazards in fertilisers may be correctly defined and proposed excessive controls on harmless fertiliser products removed. There should be consultation about the costs of implementation of proposed controls. This may require the implementation date to be extended.</p>	<p>and reassign to an alternative group standard than that initially assigned by ERMA New Zealand.</p> <p>The proposed staged implementation timetable (see Annex 1) will provide enough time for ERMA New Zealand to prepare and disseminate information and educational requirements necessary to implement the group standards for fertilisers. This includes the development of tools and guidance material relating to the classification of substances.</p>	
6, 7, 8	<p>Site and Storage Conditions (page 6)</p> <p>The amount of an oxidising substance that a fertiliser may contain must affect the degree of hazard inherent in that fertiliser. It is unreasonable to classify a fertiliser that may contain a chemically and physically altered oxidising substance into Class 5 Oxidising Substances, imposing higher handling costs when the fertiliser may exhibit no characteristics of an oxidising substance. An example of this is imported Nitrophoska fertiliser commonly used for pastoral, arable and horticultural purposes. It is also widely used in the home garden so the controls described in Class 5 Oxidising Substances would be imposed on Garden Centres and private garden sheds where the product may be stored.</p> <p>Relief sought: Low hazard fertilisers that may contain low levels of an oxidising substance should be able to be reclassified to Class 4 the Subsidiary Hazard Group.</p>	<p>The compound nature of Nitrophoska fertilisers suggests that it will not present an oxidising hazard. On this basis, they will be reallocated to the Subsidiary Hazard Group Standard.</p>	No
6, 7, 8	<p>Linking NOTS to Group Standards (page 8)</p> <p>Notwithstanding the need to correctly identify the degree of hazard inherent in every fertiliser product so it may be correctly identified, fertilisers as a group are benign substances that are used to supply to the soil nutrients essential to plant growth. Practical experience has shown that fertiliser products do not produce conditions of hazard in the manufacture, storage, transportation and application to the land. Fertiliser mixes may contain small quantities of substances that by themselves in quantity may be described as more hazardous e.g. selenium. In a fertiliser mix the degree of hazard is reduced to that of the base fertiliser material. It is unreasonable to impose conditions that will affect all users of fertilisers by imposing additional costly measures of labelling, public notification, secondary containment, on to a fertiliser mix that is essentially in group Class 4</p>	<p>See our previous comments on the mixture classification process.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Subsidiary Hazard Group.</p> <p>Relief sought: Accurately identify the aggregate hazard of fertiliser mixes rather than classifying them in a higher hazard group thus imposing costly conditions for no safety outcome.</p>		
6, 7, 8	<p>ERMA has identified a small number of substances that fall outside the current suite of fertiliser group standards. NZGFA, FFNZ and FQC submit that low hazard, low risk substances such as lime should not be classified as hazardous. Such substances should be classified as non-hazardous. Agricultural Lime [Classification 6.4A] if classified as a Class 4 Fertilisers Subsidiary Hazard, will bring approximately 2 millions tonnes into a Classification that will require labeling including 24 hour emergency numbers, disposal information and child warning notices. For home garden use, packaged lime requires child-proof packaging and a restriction on carrying more than 3kg on public transport, including bus, train or taxi.</p> <p>Relief sought: Either define agricultural lime as a non hazardous substance and not assign it to a Group standard or reduce the regulatory requirements for Class 4 Fertilisers Subsidiary Hazard, to more accurately reflect the non hazardous nature of most commonly used fertiliser products.</p>	<p>See our previous comments on the reclassification of lime.</p> <p>Non hazardous fertilisers are not captured by HSNO and therefore are not included in any of the fertiliser group standards.</p>	No
6, 7, 8	<p>Matters relevant to NOTS and notifiers. (page 10)</p> <p>ERMA New Zealand is consulting on the group standard rather than the individual NOTS. In this context NZGFA, FFNZ and FQC submit that the conditions imposed on Class 4 Fertilisers Subsidiary Hazard are excessive and do not accurately reflect the degree of hazard contained in the average range of fertilisers used on farm.</p> <p>Relief sought: The conditions imposed should have a defined safety outcome in relation to the costs imposed on all users of fertiliser products. Further the classification of fertiliser mixes should not reflect the inclusion of a more hazardous product, the classification should accurately reflect the actual hazard of the fertiliser product that is applied to the land.</p>	<p>The conditions imposed on fertilisers in the Subsidiary Hazard Group Standard are based on the hazard classifications of those substances in accordance with HSNO regulations and the GHS. If an incorrect classification has been given to a substance, the industry can reclassify and resign to an alternative group standard (or remove from the group standards if they consider the substance is non-hazardous).</p> <p>We understand that most fertilisers used on a farm will fall into the Subsidiary Hazard Group Standard. In consultation with industry, significant amendments have been made to this group standard to reflect current farming practices.</p> <p>Refer also to previous comments on the use of mixture rules.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
6, 7, 8	<p>A group standard can be considered if it achieves the desired outcomes. The desired outcomes of this policy have not been clearly outlined nor costs of achieving any outcome estimated. At the time of release of this document there has been no dialogue with the users of fertiliser products to test the technical feasibility of proposed group standards. Similarly without the understanding and support of fertiliser manufacturers, carriers, spreaders and farmers as the users of fertiliser products, compliance with the proposed standards will be low. The concept of group standards is not opposed, but controls must relate to the degree of hazard and these proposed group standards do not accurately reflect hazard or risk of handling commonly used fertiliser products.</p> <p>Relief sought: Delay the implementation of the proposed group standards for fertiliser until, the technical feasibility, risk management, compliance levels and efficiency of the proposals is reassessed in close co-operation with the total fertiliser industry, including fertiliser manufacturers and importers, fertiliser transporters and spreaders and farmers and growers.</p>	<p>Dialogue with notifiers of fertiliser products commenced in 2003 as part of the Liaison and Screening process, and more recently we have met with representatives from both the fertiliser industry and Federated Farmers. As a result of these discussions, significant changes have been made to the conditions of the fertiliser group standards.</p> <p>Through continued discussion with interested parties, we intend to resolve all fertiliser group standard issues within the current statutory timeframe.</p>	No
6, 7, 8	<p>Conditions that would apply under a Part V Approval (page 18)</p> <p>Conditions that apply to each group standard for fertiliser must not just reflect the most hazardous substance that may be part of that particular fertiliser mix. The aggregate effect of mixing a minute amount of a Fertiliser Toxic Substances Group substance (e.g., Selenium into a superphosphate fertiliser mix) is not to make the superphosphate mix any more hazardous. Also to regulate that packaging must comply with the most stringent requirements, if there is a minute amount of a substance of a higher level of hazard in the product, is unnecessary and will impose higher costs without any safety outcome.</p> <p>Relief sought: An understanding of the nature of the mixed fertiliser product is necessary before an accurate categorising into hazard groups can be made.</p>	Please refer to our previous comments regarding the use of mixture rules for classifying the hazards of mixtures.	No
6, 7, 8	<p>3.3.1 Conditions based on HSNO Controls Regulations. (page 19)</p> <p>We note in paragraph 2 that ERMA concedes that the preparation of group standards should not be taken as a comprehensive risk assessment of all the substances (i.e., NOTS) around which the group standard has been developed. The controls as proposed will impose constraints and additional costs on a large scale industry that despite the sheer size of its activities has a very good record for human and environmental safety. The application of fertiliser to farm land is</p>	<p>The conditions (controls) as proposed are based on HSNO regulations and the GHS. These provisions were designed by international experts in the areas of human and environmental health and safety for the purpose of protecting human and environmental health.</p> <p>We understand from discussions with this submitter that their main concern relates to the cost implications of the</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>covered by the Resource Management Act 1991 through regional plans and there is no evidence that the additional controls proposed will give any improved environmental outcomes.</p> <p>Relief sought: Urgent and comprehensive consultation with the wider fertiliser industry before the imposition of group standards for fertiliser because the outcomes of the proposed groups standards will add costs to manufacturers, fertiliser spreaders and farmers, for no additional human or environmental safety outcomes.</p>	<p>requirement for secondary containment for fertilisers. As previously noted, solid fertilisers (which are the bulk of fertilisers used in New Zealand) do not require secondary containment.</p> <p>In addition, following further consultation with the fertiliser industry, significant changes have been made to the conditions of the fertiliser group standards.</p>	
6, 7, 8	<p>The staged implementation of:</p> <ul style="list-style-type: none"> <li>Test certificates for hazardous substances locations</li> <li>Test certification for Approved Handlers</li> <li>Packaging</li> <li>Identification, documentation and signage</li> <li>Fire extinguishers, emergency management response plans and secondary containment.</li> </ul> <p>This staged implementation may be appropriate when there is a clear understanding of the characteristics of fertilisers and fertiliser mixed used on New Zealand farm land. As demonstrated through this submission NZFSA, FFNZ and FQC, while not opposed to the concept of group standards for Fertilisers for previously defined NOTS substances, believe that there are sufficient serious anomalies in the proposed regulations that the implementation of these regulations should be delayed until these matters are settled. Fertiliser has been considered a low risk hazardous substance and its record proves that to be the case. The size and complexity of the industry which has the capacity to produce, store and apply 5 million tonnes of product per year to land throughout New Zealand must be appreciated. To stage the implementation of incorrectly regulated risks will result in additional costs, low levels of compliance and no beneficial safety outcome.</p> <p>Relief sought: ERMA should delay the transfer of the NOTS to a group standard for fertiliser, until full consultation has occurred with industry, there is a good level of understanding within all parts of the industry, and clear benefit defined for measures to be taken.</p>	<p>The details of the staged implementation process are provided in Annex 1. During this implementation period, the information and educational resources necessary to implement the group standards for fertilisers will be developed.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
6, 7, 8	<p>NZGFA, FFNZ and FQC understand that several commonly applied fertilisers contain a portion of nitrates which is defined as an oxidising agent. Other fertilisers similarly affected are: ammonium sulphate, ammonium nitrate, calcium ammonium nitrate the range of Ravensdown BASF Nitrophoska fertiliser products and the Ballance Yarra Hydro fertilisers. These products are used in arable and horticultural production including maize crops. Nitrophoska is also widely used by home gardeners and past experience in both agricultural and horticultural use including home gardens has shown the product to be totally safe.</p> <p>We note that the current label does not carry risk warnings and the product has not displayed any human or environmental risk.</p> <p>Relief sought: Fertilisers that contain a minor amount of an oxidising agent should be accurately assessed on their actual human or ecotoxicity.</p>	<p>Please see our previous comments on Nitrophoska products; these apply equally to Balance Yarra Hydro fertilisers.</p>	No
6, 7, 8	<p>NZGFA, FFNZ and FQC understand that the majority of fertilisers and fertiliser mixes applied to farm land throughout New Zealand will be classified in the “Fertilisers Subsidiary Hazard Group Standard”. This will include the base fertiliser products such as superphosphate and agricultural lime. In this context we must be mindful that this group standard will apply to 5 million tonnes of dry, principally bulk product. The cost of the implementation of this group standard as proposed will impose considerable initial cost on the industry together with an annual additional cost for no defined gain. Regulation that is costly not understood or not accepted by the people who are meant to benefit, will fail through non compliance. Furthermore, any additional costs imposed on our principal export industry will have to be recovered from overseas markets. There has been no discussion of implementation costs in relation to safety, nor to our international trade competitiveness in the proposed standards.</p> <p>The definition of fertiliser in the proposed standard does not differentiate between the solid or liquid form of a fertiliser. This is a major shortcoming as the facilities required to safely manage a solid product are vastly different to facilities for managing a liquid product.</p> <p>Relief sought: Ensure that the costs of compliance for the Fertilisers Subsidiary Hazard Group Standard do not impose additional unjustifiable costs on to the farming industry.</p>	<p>Please see our previous comments on the reclassification of agricultural lime.</p> <p>Following transfer on 1 July, we will be developing educational and guidance material targeted towards compliance with group standards.</p> <p>As a result of meetings with this submitter and others in the fertiliser industry, we have significantly reduced the site and storage regulatory conditions for fertilisers where these substances are present and used on a farm of not less than 4 hectares.</p> <p>We will provide guidance to clarify which conditions apply to solid fertilisers and which apply to liquid fertilisers.</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
6, 7, 8	<p>5.1.2. Labelling</p> <p>Fertiliser in New Zealand is principally supplied in bulk. The labelling requirements are designed for products that are supplied in packages and require information about 24 hour services and disposal information. This requirement is totally unsuitable for the delivery of bulk products.</p> <p>Relief sought: Recognise the low risk of fertiliser products and withdraw excessive labelling requirements.</p>	<p>The labelling requirements under 5.1.2.2 relate to packaged products only, safety concerns relating to the delivery of bulk products are generally managed via the SDS requirements and signage at the storage site.</p> <p>As noted earlier, labelling or marking for substances transported in bulk is as per the requirements of the Land Transport Rule or the Maritime Rule. The group standards set no additional requirements.</p>	Yes – define “bulk” and clarify requirements
6, 7, 8	<p>Safety Data Sheets (page 8)</p> <p>Number (aF - requires a safety data sheet if the substance is likely to be used at the place of work. All farms and consignment stores are places of work. The provision of a safety data sheet of over 4 pages [for headings only] is an unnecessary imposition on low risk fertiliser products. Further, many different fertiliser mixes are used on farms to provide the specific nutrient requirement for specified fields or crops; a 4 page safety data sheet would be required for each fertiliser mix. Current fertiliser company Material Safety Data Sheets specify the nutrients and the chemical compounds that contain those nutrients for the information of carriers, spreaders and farmers. Additional safety data information is a cumbersome duplication that will only add cost for no benefit.</p> <p>Relief sought: Refer to current industry practice to provide the safety data information.</p>	<p>The use of generic SDS, in conjunction with the provision of specific information on the different fertiliser components, is allowed under the SDS conditions of a group standard. This means that unique and specific SDS for each special mix is not required.</p> <p>Summarised SDS can also be used, provided that a full SDS is available upon request. A similar approach is used in the NZCIC Code of Practice.</p>	No
6, 7, 8	<p>5.1.4 – Advertising (page 13)</p> <p>The Classification for most fertilisers used in New Zealand is 6.1D. The target audience for fertiliser promotion is farmers. To require advertising to state that <i>Fertiliser is acutely toxic and should be kept away from children</i> is seriously misleading, untruthful and as such in clear breach of advertising standards. Further it has the potential to give fertiliser a negative perception in the minds of gullible viewers.</p> <p>Relief sought: Remove advertising requirements.</p>	<p>This clause 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>This clause is intended to capture consumer products and will not apply to bulk products used in a place of work. That is, the advertising condition will not apply to the advertising of bulk fertilisers for use on farms.</p>	Yes

Submitter	Submission	Agency response and recommendation	Group standards amended
6, 7, 8	<p>5.2 – Site and Storage (page 13) [these comments also cross reference to the site and storage regulations that apply to Annex 1, 2 and 4].</p> <p>Table 2 Trigger quantities at which site and storage conditions apply.</p> <p>The trigger quantities do not differentiate between liquid and bulk or bagged solid fertiliser. The 10,000 kg trigger for additional storage regulation is too low a trigger and ignores the record of safe use of fertiliser products for over 60 years. As written the Table 2 requirements for response plans, secondary containment and signage are grossly excessive, do not relate in any way to current safe practice, have no demonstrated benefit and may well create an impediment to the safe movement of fertiliser into and out of storage. We oppose this clause.</p> <p>Relief sought: Withdraw the site and storage trigger quantity conditions.</p>	<p>Secondary containment applies to pooling substances. The relevant section of the site and storage document will be amended to clarify this point.</p> <p>The trigger quantities for signage and emergency response plans have been modified for subsidiary hazard fertilisers where these substances are present and used on a farm of not less than 4 hectares. The requirements only apply on a farm when greater than 1,000 kg of a class 9.1A or 9.1B fertiliser is present.</p> <p>There is no requirement for signage or emergency plans for other hazard classifications in the subsidiary group standard.</p>	Yes
6, 7, 8	<p>5.3 Approved Handler (page 13)</p> <p>We accept that substances covered under this group standard do not require an approved handler. We also submit that where substances that have been classified as oxidising substances and have been mixed into Group 4 Fertilisers, the resultant fertiliser product does not need to be handled in any different manner. An approved handler status is unnecessary for any handlers of fertiliser products.</p> <p>Relief sought: Remove the approved handler criteria.</p>	<p>Those fertilisers that are oxidisers will require approved handlers for quantities greater than 500 kg (5.1.1B substances) or 1000 kg (5.1.1C). Fertilisers that have no oxidising properties will not require this condition.</p> <p>Compound fertilisers such as the Nitrophoska range have been removed from the Oxidising Group Standard to the Subsidiary Hazard Group Standard, for which there is no approved handler condition. Consequently, we understand that there is now likely to be only a very small number of users of fertilisers in the Oxidising Group Standard that exceed the trigger quantities (above), which would require them to be approved handlers.</p>	No
6, 7, 8	<p>5.4 Packaging (page 14)</p> <p>The standard does not take cognisance of the fact that 5 million tonnes of fertilisers are applied to land in New Zealand each year, principally in a bulk solid fertiliser form. The proposed standard appears to reflect an over-emphasis on packaged small volume sales when most of the fertiliser used in New Zealand is handled in bulk. Also the inclusion of liquid and solid fertiliser requirements in one table creates confusion and unworkable regulations.</p> <p>Relief sought: Review this clause making it more applicable to the fertiliser</p>	<p>The packaging conditions in the group standards are based on the UN Model Regulations. These use UN Packing Groups to define the required specifications for packages containing hazardous substances.</p> <p>This section is not intended to apply to substances not contained within packages. While the majority of fertiliser is handled in bulk, some fertiliser is sold in packaged form. The nature of this packaging must be</p>	No

Submitter	Submission	Agency response and recommendation	Group standards amended
	industry.	managed, and therefore the presence of the packaging section within the group standards for fertilisers is warranted.	
6, 7, 8	<p>5.5.1 Personal Protective Equipment (Page 15)</p> <p>The proposed regulations appear to be completely excessive in relation to the risk of the fertiliser products being handled. These products are in effect as safe as any inert product so may be safely spread by hand or handled with a shovel. There is no safety benefit from prescribing specific protective clothing and levels of compliance would be minimal at consignment stores, in spreader trucks and on farms.</p> <p>Relief sought: Delete this clause.</p>	<p>The HSNO regulations require that any risk to human health from substances classified as 6.1D, 6.3A, 6.5A, 6.6A, 6.6B, 6.8A, 6.8B, 6.9A, 6.9B or 8.3A must be managed by way of personal protective equipment. The group standard adopts this as a condition, but does not set prescriptive means of compliance.</p>	No
6, 7, 8	<p>5.6 Transportation (page 16)</p> <p>Clause 5.6.1 Tank wagons and transportable containers</p> <p>The industry practice is to transport solid fertilisers in bulk trucks. This clause appears to be written for liquid products, reflecting that the proposed group standard does not give any clear delineation between solid and liquid fertilisers.</p> <p>Relief sought: Clarify the proposed regulations to differentiate between liquid and bulk fertiliser products.</p>	<p>A definition of “bulk” (as per the Land Transport Rule 45001/1) is now given and the term “bulk transport container” is no longer used.</p> <p>Fertilisers transported in bulk trucks will only have to comply with the existing requirements under the Land Transport Rule.</p>	Yes – define “bulk” and clarify requirements
6, 7, 8	<p>Clause 5.6.4 Passenger service vehicle restrictions (page 17)</p> <p>The 3 kg criteria as the maximum amount of fertiliser that could be taken aboard any form of public transport bears no relationship to risk of any kind. Home gardeners with a 5 kg pack of garden fertiliser would be inconvenienced for no benefit.</p> <p>Relief sought: Delete this clause.</p>	<p>We have increased the limits to minimise the likelihood of fertilisers sold in small volumes for domestic use being captured by this condition. For example, the new limits for subsidiary hazard fertilisers are 5 L or 10 kg.</p>	Yes – increase trigger quantities
6, 7, 8	<p>5.7 – Disposal (page 17)</p> <p>Clause 5.7.1 Disposal of substances</p> <p>Fertiliser is produced to be applied beneficially to the soil to provide desired nutrients to stimulate plant growth. 5 million tonnes of fertiliser products are</p>	<p>A subclause has been added in the disposal of substances condition that makes it clear that the beneficial application of fertiliser to land is not disposal.</p>	

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>applied annually to New Zealand farm land. Cl. 5.7.1 totally misses the purpose of a fertiliser. Essentially its use is measured “disposal” to land. However in practice it never needs to be “disposed of” as if it becomes unsuitable for a specific use, it may be amended in many ways and still used beneficially to contribute nutrients to the soil.</p> <p>Relief sought: Delete this clause as it is not relevant to fertiliser products.</p>		
6, 7, 8	<p>Clause 5.9.1 Chemicals of Concern (page 18)</p> <p>NZGFA, FFNZ and FQC agree that where a “chemical of concern” is a component or ingredient of a fertiliser then ERMA should be notified. What is not defined is the level of a “chemical of concern” that may be derived from natural mineral traces that may be part of rock derived fertilisers such as phosphate rock. These elements are well understood and concentrations minute, but phosphate rock is a natural product and subject to variation in composition. Clarity is required as to levels of “chemicals of concern” that may trigger clause 5.9.1.</p> <p>Relief sought: Greater clarity is needed in relation to trace contents of fertilisers.</p>	<p>This condition has been removed from all group standards. For more information refer to our website <a href="http://www.ermanz.govt.nz/hs/groupstandards/coc.asp">http://www.ermanz.govt.nz/hs/groupstandards/coc.asp</a>.</p>	

## Annex 1: Staged Implementation for NOTS

All group standards will contain provisions for staged implementation. These provisions will apply to notified toxic substances (NOTS) that are transferred from the transitional provisions to the main framework of the HSNO Act. The purpose of staged implementation is to allow importers, manufacturers and users of fertilisers 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).