



**Transfer of
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



Summary of Submissions: Group Standards for Inks

April 2006

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1. Introduction

1.1 Background to the Consultation

This document reports on the submissions that were received on proposals to establish group standards for inks. 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 nine group standards for inks on 7 November 2005. Consultation closed on 19 December 2005. Notification of this consultation was via public notice in the four main metropolitan newspapers and the ERMA New Zealand web site.

The consultation document and draft group standards,¹ or a letter advising of the availability of these documents, were provided to 98 parties who were considered likely to have an interest in this consultation. This included companies who notified inks or related products under the Toxic Substances Act 1979, other industry sectors and associations, government departments, enforcement agencies and territorial authorities. The documentation was also available on the 'consultation page' of the ERMA New Zealand website.²

Eight submissions were received, of which one submitter requested to be heard. The Agency met with this submitter on 2 March 2006, and as a result of this meeting they withdrew their request for a hearing.

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

The following commonly occurring points were made in the submissions.

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

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

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

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

This summary of submissions has been provided to all parties who made a submission on the inks group standards, major notifiers of inks and related materials³ and to the Hearings Committee of the Authority.⁴ It is also available from the ERMA New Zealand web site: <http://www.ermanz.govt.nz/hs/groupstandards/standards/sec.html>. A copy will be provided to any other interested party on request. Contact:

Haromi Roberts
ERMA New Zealand
PO Box 131
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Phone +64 4 918 4871
Email NOTS@ermanz.govt.nz and enter "Inks 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.⁵ Once the notifier has recorded on the template the NOTS that need to be moved, they must email the completed template back to us for processing. This template will be available up until 30 June 2006.

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

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

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

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

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

1.3 Overlap of Consultation with Chemicals of Concern

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

1.4 Combining Group Standards

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

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

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

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

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

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

1.5 Approval of Group Standards

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

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

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

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

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

1.6 Further Consultation Required

1.6.1 New Conditions and Amendments to Conditions for Group Standards

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

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

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

1.6.2 Additional Group Standards for Surface Coatings and Colourants

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

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

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

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

1.7 Gazetting 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 surface coatings and colourants, and other product types, is available from:

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

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

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

2. Submitter's Comments and Agency Response and Recommendations

Code to submitters

No.	Submitter
1	Nuplex Industries Ltd
2	DIC Graphics NZ
3	Abstel-Glyde Ltd
4	Employers & Manufacturers' (N) Association Inc
5	Ministry of Health
6	3M New Zealand Ltd

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

Submitter	Submission	Agency response and recommendation	Group standards amended
The classification of substances and assigning to group standards			
6	Where do products that have been matched via the SOS process fall under and how will this information be conveyed?	Substances that have been matched to NOTS via the Status of Substance (SOS) process have been recorded in our database. Companies who made these SOS applications will be advised (post 1 July 2006) of the group standard under which their product is deemed HSNO approved.	No amendment required
4	Skin/eye irritants should fall under class 8 and all gases should be covered by class 2 only to align with GHS.	The assigning of an irritancy hazard is set out in the HSNO (Classification) Regulations, which has been applied to classifications for group standards. Class 6 irritants are seen as having a reversible toxic effect, whereas class 8 corrosives have irreversible effects. Thus, HSNO has separated irritancy and corrosivity. Flammable gases are covered within class 2 in HSNO, as in GHS. Non-flammable gases are covered under other classes, depending on their hazardous properties. We have recently released group standard proposals for flammable and non-flammable gases, covering a range of other hazards including toxicity and corrosivity. These are available at: http://www.ermanz.govt.nz/consultations/consult-gs.asp .	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
Structure of group standards			
3	Request for an index to each group standard to be included to allow easy identification of areas of interest.	The overall layout of group standards is being amended to be more in keeping with the layout and style of regulations. A Contents section will be included in each group standard.	Yes – contents section to be included
Conditions for labelling			
<i>Contact information required is excessive</i>			
2, 4, 6	The contact information (i.e. name, full address, phone No) and 24 hour emergency phone number requirements for labelling in the group standards are excessive. These requirements are not in line with GHS intentions, nor are they required by the regulations. The requirement for a 24 hour emergency phone number would be more appropriately met by the NZ Poisons Centre.	This condition is based on the HSNO regulations, but had been made more stringent in a number of aspects. The condition will be amended to align exactly with the current regulatory requirements. Note the need for a 24 hr emergency phone number is a requirement of the Emergency Management Regulations for certain hazard classifications.	Yes – amend to align with HSNO regulations
2	Concern expressed over the labelling requirements which will require the implementation of new printing systems and software to be ready by mid 2006.	We acknowledge the potential implications to current processes as a result of label changes. However, group standards are aligning with the GHS and other international trends in labelling, and therefore it is important we keep step with these developments. To minimise compliance costs, a period of staged implementation will be given (see Annex 1). This could be through to 31 December 2010.	No
<i>Existing labels</i>			
2	Would a secondary label indicating the hazard which is currently in practise be an acceptable way of communicating such hazards?	An existing label that complies with the conditions of the group standard is acceptable. Alternative means of compliance are also provided for. In the final group standards, an alternative means of compliance for the labelling conditions will be compliance with the information provisions of the HSNO identification, disposal and emergency management regulations.	No
<i>Labelling of multiple packages</i>			
2	Would shrink-wrapping constitute multiple packages as defined in section 5.1.2.5 of the group standard?	Yes.	No
<i>Hazard and precautionary statements</i>			
5	Support the use of prescriptive statements on labels, e.g.	Support noted.	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	'keep out of reach of children', and supportive of contact details being on a label, especially from an enforcement point of view.		required
2	Suggest that requirement for "Keep out of reach of children" on labels for 6.1 and 8.3A classified inks be only required for ink stationary products, stamp pads and printer products. This should not be required for inks supplied to industrial printers. Suggest that a group standard for stationary products be developed to reflect these differences.	The condition of the group standard is clear that this precautionary statement only applies when a substance is available to the general public. In the case of inks supplied to industrial printers, where members of the public would not ordinarily have access, this statement is not required. There is no need to develop a separate group standard for stationary products.	No
<i>Alternative compliance measures</i>			
4	Concern expressed that local manufacturers must comply with labelling regardless of 2010 clause.	The dates will be aligned so that all products (locally manufactured and imported) will receive the 2010 provision provided that they comply with the labelling requirements in Europe, Australia, USA or Canada. Further consultation on this issue is being undertaken (refer Section 1.6.1).	Yes, our current intention
2	Request ERMA considers possible extension to the 2010 sunset clause upon expiry to ensure implementation of GHS in overseas jurisdictions matches New Zealand. Particularly appropriate for Australia and new Zealand closer economic relations.	The 2010 date has been set based on current expectations of when the GHS will be adopted internationally. A review based on any delay in implementation of GHS globally would only be contemplated in response to that circumstance occurring. The inclusion of a statement to this effect in the group standard is unnecessary.	No
4	Support the provision recognising the labelling and packaging of our major trading partners. However, believe the 2010 sunset clause should be reviewed for possible extension upon expiry to ensure implementation of GHS in overseas jurisdictions matches New Zealand. Want clearer statement within GS to this effect.		
6	Agree with alternative compliance for labelling of substances, i.e. aligned with overseas trading partners adopting GHS.	Support noted	No amendment required
4	Notification to ERMA New Zealand and National Poisons Centre should be allowed for as an alternative compliance measure to the New Zealand specific labelling conditions.	A label is the key means by which information is communicated to the user of a product. The proposed suggestion will not provide users with ready access to such information.	No
<i>Other</i>			
4	Believe substances assessed under REACH should be	The basis of REACH is individual chemicals, rather than products as per	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	accepted automatically if captured under GS.	HSNO. Group standards will be closed to new chemicals (not to be confused with formulated products) that are not on the proposed Inventory of Chemicals. It is proposed that new chemicals not on the inventory will require a separate approval from ERMA New Zealand. A separate consultation on this concept has been released (see Section 1.6.1).	required
Conditions for safety data sheets			
4	HSNO approval number seen as unnecessary on SDS and irrelevant where the GS is stated.	The inclusion of local regulatory information on a safety data sheet is consistent with international best practice, the NZCIC Code of Practice for SDS, and the GHS. Providing information to show that a substance is HSNO approved will assist compliance and enforcement initiatives. As a result of other submissions, the wording of the particular condition will be amended to allow for <i>either</i> the HSNO approval number or the name of the group standard to be provided on the SDS.	Yes – wording amended, but requirement for an indication of HSNO approval remains
6	Disagree with conditions in subsection 5.1.3 (5,a,iii) as this contradicts the current ID regulations..	The Safety Data Sheet requirements to provide contact details and an emergency contact are consistent with the requirements of regulations 39(3) and 39(4)(b) of the Hazardous Substances (Identification) Regulations, the NZCIC Code of Practice and the GHS provisions for safety data sheets.	No
4	Disposal and handling conditions not compliant with GHS requirements. Conditions based on regulations designed to manage higher risk substances.	The disposal and handling conditions of the group standard are based on the HSNO regulations, which are designed to manage all levels of risk of a hazardous substance. These conditions are non prescriptive and therefore allow a variety of means of compliance. The NZCIC is developing a code of practice to assist compliance with the HSNO requirements for disposal.	No
Conditions for advertising			
4	Advertising section perceived as unworkable for business as it imposes unnecessary regulatory burden for no appreciable gain in risk prevention.	These conditions are based on the requirements of the HSNO (Identification) regulations. They also reflect the provisions of the previous Toxic Substances Regulations. We do not agree that providing information on the hazards of a substance under the requirements of an advertising condition will not result in risk prevention. Nonetheless, we acknowledge from other submissions that the workability of the current wording is problematic, and are currently reviewing the condition. Enforcement lies with HSNO enforcement agencies.	An advertising condition will remain, but the wording is currently under review
4	Questions asked as to who will enforce this requirement. Suggest this requirement should be removed from group standards		

Submitter	Submission	Agency response and recommendation	Group standards amended
Site and storage			
3	Where a GS differs from HS (Class 1 to 5 controls) Regulations, including trigger quantities, these should be clearly stated at the front of the GS.	The site and storage conditions are an accurate reflection of the HSNO 1 to 5 Controls. There are no changes in trigger quantities or in the compliance requirements.	No
Notification to ERMA New Zealand			
<i>Chemicals of Concern</i>			
4	Chemicals of concern should be kept as small as possible and based on substances with internationally recognised risks.	The list of Chemicals of Concern is limited, and is based on substances recognised internationally as having the potential to pose significant risk to human health and/or the environment. Nevertheless, the chemicals of concern notification condition is no longer proceeding under the group standards framework. See also the summary of submissions from the Chemicals of Concern consultation (c.f. Section 1.3).	Yes – chemicals of concern being removed from GS
<i>Inventory of Chemicals</i>			
2	Products and single component chemicals are so divergent that an Inventory of chemicals would create a second tier 2-layer system of chemical regulation. This would be an unnecessary duplication of effort which is at odds to the HSNO concept. Similarly with the chemicals of concern which should only be included if the new component adds new hazards to the product.	The Inventory of Chemicals will not result in a second tier of chemical regulation. No inventory of products under group standards will be maintained, and the inventory of chemicals will assist industry in knowing what chemicals currently exist in New Zealand. Only products that contain new chemicals will be required to come to ERMA New Zealand. The maintenance of an inventory is consistent with many other developed countries, including Australia, US and Europe. It is recognised that further work is required on the process by which information on new chemicals should be reported to ERMA New Zealand, and we will work with industry in developing this process.	No
Miscellaneous			
2	Support principles of HSNO and concept of group standards.	Support noted	No amendment required
2	Definition of ink and circumstances of use in consultation document is generally accurate.	Comment noted	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
2	Naming of carcinogenic group standards needs to be reviewed. Seen as an overemphasis as this information will appear on the label and safety data sheets.	<p>The Group Standards framework aims to be as user-friendly as possible. The title of a group standard should quickly and clearly inform the user what the group standard covers (i.e. the application type and primary hazards).</p> <p>There is no condition that requires the name of a group standard to be given on a product label, and whilst such a condition was included for safety data sheets, as a result of other submissions, the wording of the condition is being amended to allow for <i>either</i> the HSNO approval number or the name of the group standard to be provided on the SDS.</p> <p>Nevertheless, and reflecting the concern expressed by a number of submitters over the use of the term "carcinogenicity", we will no longer use this term in group standard titles, but will instead address carcinogenicity by reference to the HSNO classification (i.e. 6.7).</p>	Yes – use 6.7 for carcinogenicity hazard
2	The hazards associated with raw materials in ink products should not be indicated to the end user of the product if those hazards do not exist in the finished product. For example, powder pigments pose a dust hazard associated with the raw material but users are not exposed to this hazard so it should not be required on a label.	Only the hazards associated with the finished product need to be provided on the product label. For example, carbon black is a carcinogen by inhalation, but in a liquid product this exposure pathway does not occur. Therefore the product should not be labelled as a carcinogen from this ingredient.	No
2	Propose that inks supplied to customers be treated as manufactured articles as an ERMA information sheet has stated ink as an example of a manufactured article.	Ink in a container such as a toner cartridge or ball point pen is a manufactured article and outside the scope of the group standard. However, a bottle of ink (e.g. as used to refill a fountain pen) is not a manufactured article, and therefore falls under the group standard.	No
2	Recognise the primary drivers for the Act are the Rotterdam and Stockholm Conventions. We have not and do not use the substances on those lists in the products we supply in the NZ market. Furthermore, our individual companies have cooperated to establish an International Code of Practice, the CEPE exclusion list, which we support and strictly adhere to. This is a significant precautionary approach. Use of the CEPE exclusion list could reduce the number of group standards by 4.	Comment noted.	No
3	There is no specific mention of the use of differential pressures or mechanical ventilation methods in controlling hazardous substances locations.	Electrical systems and equipment are included under provisions equivalent to regulation 59(1) of the Hazardous Substances (Classes 1 to 5 Controls) Regulations. Other systems are covered generically by the performance based provisions equivalent to regulations. 61, 63, 65 and 67.	No

Submitter	Submission	Agency response and recommendation	Group standards amended
3	There is no mention of possible dust deflagrations in the control options for hazardous substances locations.	Dust is not a hazard under the HSNO legislation. It is legislated under Health and Safety in the Employment Act.	No
3	What is the validity of AS/NZS60079.10.2004 where the coverage of AS/NZS2430.3 is inconclusive?	This standard is incorporated by reference into AS/NZS2430.3 and thus it is valid to use.	No
3	ASNZS2430.3 is too harsh for some indoor locations requiring ventilation.	Agree in principle to suggested solution. Use principles of AS/NZS60079.10.2004. AS/NZS2430.3.6 currently includes fume cupboards. ASNZ2430.3.9 includes spray booths. Gazette Notice 35: Schedule 10, clause 29(4) is a new clause that also deals with flammable liquids in specific circumstances.	No
3	Use of certification by qualified personnel confirming the design and interlocks to assist in the issuing of a hazardous substances location certificate.	Use of AS/NZ60079.10.2004 enables the determination of hazardous atmosphere zones from first principles. This should be by appropriately trained persons. Agree in principle.	No
1	Support concept of group standards.	Support noted.	No amendment required
1	Submission deadline period – the timeframe to comment on group standards is extremely short.	We acknowledge the limited time industry has had to engage in a large number of group standard proposals. The statutory requirement of the Act for a 30 working day period of consultation has been followed in all cases. Unfortunately longer periods could not be provided as a matter of course due to the need to complete group standards and transfer NOTS on 1 July 2006. Where industry asked for an extension, this was assessed on a case-by-case basis, and in all instances, an extension provided. We have also indicated that we will accept on-going feedback from industry and other parties right up until the immediate deadline for a 1 July 2006 transfer.	No amendment required
1	6.7A and 6.7B should not be lumped together especially where information relating to the possible carcinogenicity is subject to debate in the scientific community for some substances e.g. styrene.	Group standards have scope to manage substances of differing hazards. The conditions used to manage any single substance are relevant to the particular hazards of that substance. Separating out 6.7A and 6.7B into different group standards has no consequential effect on the conditions that must be followed for these classifications than if they were within the same group standard. Because substances can flip between 6.7A and 6.7B with new information, it is reasonable to keep them in the same group standard.	No
1	Process needs to be put in place where classifications can be challenged without going through a re-assessment process	No process is required. As explained in the consultation document, the classification of NOTS provided to companies was indicative only. Industry is able to reclassify and reassign products to different group standards	No

Submitter	Submission	Agency response and recommendation	Group standards amended
		(assuming the appropriate group standard exists) without seeking any further approval from ERMA New Zealand. See Section 1.4 on moving notifications between group standards. Guidance will be provided after transfer on the classification of products.	
1	Conditions should reflect and be different for industrial and domestic products as the industrial environment is quite different to the retail/domestic use type.	If the conditions were prescriptive, this would be true. However, conditions that reflect different lifecycle patterns in industrial and domestic situations are not prescriptive, and therefore the same group standard can cover both these environments.	No
1	Legal status of group standards not clear. Seek clarification around restriction of use if a product with a wide range of applications can't be assigned to multiple group standards.	Provisions within the Scope of the Group Standard set the parameters around whether a substance is covered by the group standard. This includes provisions for use and allowed hazards. If a substance has been assigned to the incorrect group standard, then it can be reassigned to an alternative group standard. If a substance has multiple uses, then the substance can be assigned to more than one group standard. ERMA New Zealand has had further discussions with the submitter on this issue.	No
6	Require clarification when a new substance requires a Rapid Assessment. Understand that a raw material that did not alter the hazard of a substance would be defined as 'the same as'. Seek clarification where product modification reduces risk, i.e. moves from 3.1B to 3.1C.	<p>If a 'new' substance (such as an existing substance that was reformulated) has the same hazard classification as the original product, then it is covered by the same group standard approval (presuming it is of the same application type and nothing else has been changed that would take it out side the scope of the group standard). Similarly, a product that is reformatted and the hazard profile is changed will also be covered by a group standard if such a group standard exists.</p> <p>In situations where no group standard exists, a reformulated product may require a rapid assessment. The Act allows for the rapid assessment of a substance that has been formulated such that one or more of its hazardous properties has a lesser degree of hazard than any substance that has been approved under the Act.</p> <p>Further guidance will be provided once Group Standards are issued and the transfer of NOTS complete.</p>	No amendment required
5	Generally support controls and conditions specified and state that they are more user friendly.	Support noted.	No
6	Support for the modification of the ecotoxicological controls in the group standards for non-pesticidal use substances	Support noted	No amendment required
6	General support for applying group standards to deal with	Support noted	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	product types of similar hazard to simplify ERMA's management of hazardous substances and reduce compliance costs for industry		required
5	Seek clarification around the relationship of GS and existing legislation, especially with respect to the notification process of new substances.	<p>Whilst the conditions of a group standard are based on the regulations, the conditions are the legal means by which compliance with a group standard will be measured. That is, the conditions stand in place of the HSNO regulations, unless the regulations are specifically referenced in the conditions.</p> <p>In this case of the notification provision, this is a new condition that is not based on any HSNO regulation. It will only apply to substances deemed approved under a group standard that contain that provision. It does not apply to other approvals given under other parts of the Act (e.g. a Part V approval). If such a control were considered appropriate for a Part V approval, it would need to be specifically included in the approval at the time of that approval, or in the case of an existing approval by way of a section 77A amendment to the approval.</p>	<i>No amendment required</i>

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 inks and related products a period of time to become familiar with the new group standard conditions, and to progressively implement these conditions.

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

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

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

If Existing HSNO Provisions Apply

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

For example, a person who imports or manufactures 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.