



**Transfer of
Substances**

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY
NGĀ KAIWHAKATŪPATO WHAKARARU TĀIAO



Summary of Submissions: Group Standards for Polymers

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 Polymers. 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 five group standards for Polymers on 16 February 2006. Consultation closed on 31 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,¹ or a letter advising of the availability of these documents, were provided to approximately 160 parties who were considered likely to have an interest in this consultation. This included companies who notified polymers 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

Twelve submissions were received, of which three submitters requested to be heard. Further consultation was conducted with the parties who requested a hearing. As a result, all submitters confirmed their wish to be heard.

The comments made by submitters are summarised in Section 2, along with 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.

This summary of submissions has been provided to all parties who made a submission on the polymers group standard, major notifiers of polymers³ 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/consultations/gs/polymers.asp>. A copy will be provided to any other interested party on request. Contact:

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Email NOTS@ermanz.govt.nz and enter "Polymers Summary of Submissions" in the subject line.

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/polymers.asp>

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

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

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@erманz.govt.nz.⁵ Once the notifier has recorded on the template the NOTS that need to be moved, they must email the completed template back to us for processing. This template will be available up until 30 June 2006.

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

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

1.3 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 polymers, the Class 3.1B and 3.1C flammable group standards have been combined.

From the consultation on other sets of group standards 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.

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

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.

1.4 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.⁶

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 polymers on 25 May 2006. This consideration will immediately follow the hearing that has been requested by a number of submitters.⁷ A notice of the Committee's decision will be placed on the ERMA New Zealand web site as soon as practicable after the consideration.

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

1.5.1 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 conditions for the tracking of the most toxic (Class 6.1B) substances and the labelling of hazardous ingredients; and
2. seek further feedback on certain points raised by submitters from the initial consultation.

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

1.5.2 Additional Group Standards for Polymers

At the time of the original consultation on the five group standards for polymers, carcinogenicity (HSNO 6.7) and corrosive (HSNO 8.2B and 8.2C) hazards were not included. Additional polymer group standards to cover these hazards have since been

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

⁷ This hearing is scheduled for the morning of 25 May 2006 at the offices of ERMA New Zealand, 666 Great South Road, Auckland.

made available. This has resulted in the release for consultation of the following three additional group standards for polymers:

1. Hazardous Substances (Polymers, Flammable, Corrosive) Group Standard Notice 2006
2. Hazardous Substances (Polymers, Flammable, Toxic [6.7]) Group Standard Notice 2006
3. Hazardous Substances (Polymers, Toxic [6.7]) Group Standard Notice 2006

These group standard proposals are available from the ERMA New Zealand web site: <http://www.ermanz.govt.nz/consultations/gs/addspolymers.asp>.

These additional group standards include the new conditions and amendments to conditions discussed in Section 1.5.1.

As a consequence of undertaking further consultation, including on new group standards, 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.

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 polymers 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
1	Plastics New Zealand
2	Cabot Corporation
3	3M New Zealand Limited
4	Nuplex Industries Limited
5	DuPont
6	Ciba Specialty Chemicals NZ Limited
7	Ministry of Health
8	Armatac Environmental Ltd

1. 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
General Comments			
3	General support for applying group standards to deal with product types of similar hazard. Simplifies ERMA's management of hazardous substances and reduce compliance costs for industry.	Support noted	No amendment required
3	Clarification needed 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.	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 reformulated and the hazard profile is changed will also be covered by a group standard if such a group standard exists.	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
		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.	
3	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 GS under which their product is deemed approved.	No amendment required
3	Note that polymers are considered as raw materials and limited to a place of work rather than available for general sale.	Point noted. Group standards exclude the sale or supply of substances to the general public. This allows certain conditions to be modified as they are not relevant, specifically conditions for child resistant packaging, advertising and carriage on a passenger service vehicle.	No amendment required
3	Identify that products captured under the polymers group standards are considered non-pesticidal and do not require pesticide controls to be applied.	Point noted. The types of controls that are designed for pesticide use (e.g. keeping a record of use) have not been applied as conditions in the group standards.	No amendment required
4	Supports concept of group standards	Support noted	No amendment required
4	Grouping of substances based on a broad use definition, e.g. Polymers, Inks etc, will lead to confusion. Difficulties might arise as a particular substance may have more than one end use. It would be advantageous to categorise substances on the basis of their hazard. This approach would remove any confusion when assigning products to a group standard.	The scope of group standards are defined on the basis of hazard and use. If a substance has multiple uses, it can be assigned to more than one group standard.	No amendment required
4	Appears that carcinogens and suspected carcinogens are being treated equally. This is misleading and may possibly undermine the importance of the classification system. Known carcinogens should be managed accordingly e.g. appropriate information requirements. Likewise, substances that are suspected carcinogens should have information requirements to reflect the lesser risk. The conditions of the group standards must definitively distinguish between 'known' and 'suspected' carcinogenic hazards. Carcinogens and suspected carcinogens must be treated separately.	Although class 6.7A and 6.7B are included in the same group standards, they are not being treated equally. The conditions (including labelling and approved handler) for a 6.7A substance are different to a 6.7B substance. The way group standards are written allows products of differing hazards to be in the same standard. Different conditions are followed depending of the particular classification of the product.	No amendment required
6	New Zealand HSNO regulations lack clear EU and GHS	The HSNO regulations are aligned with the GHS. This is the system	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>alignment creating compliance costs. Request that ERMA New Zealand</p> <ul style="list-style-type: none"> ○ Amend the HSNO regulations to accept EU standards post 2010 <p>Provide guidance contrasting HSNO and the current EU-GHS classifications.</p>	<p>that is being adopted globally. ERMA New Zealand acknowledges that some countries have not adopted GHS, causing potential disparity in requirements. Group standards provide for alternative compliance with the information provisions via the “2010 clause” that the submitter refers to.</p> <p>This 2010 date has been set based on current expectations of when the GHS will be adopted internationally. A review or extension of this date based on any delay in implementation of GHS globally would only be contemplated in response to that circumstance occurring.</p> <p>Guidance will be provided following transfer on 1 July 2006.</p>	required
7	Generally support the conditions specified and agree they are more user friendly	Support noted.	No amendment required
8	Understand that it is the responsibility of each company to assign products to appropriate group standards. Aware that comments submitted on the Site and Storage Conditions for Class 3.1 Flammable Liquids are applicable to all relevant group standards.	This is correct.	No amendment required
Scope			
3	Require clarification as to whether polymer solutions are captured under the suite of polymer group standards.	Polymer solutions are captured under the polymer group standards, and should be placed in the relevant group standard based on the scope of hazards covered by the standard.	No amendment required
5	True solid polymers are not covered by the current suite of polymer group standards. A number of standards are in place for polymers in solvent solutions whereby the solvent is driving the classification of the product. Propose that current group standards capturing polymer/solvent mixtures be renamed as ‘Resin Solutions’ group standards. Create a set of separate standards for solid polymers not exempted under the Plastics New Zealand section 26 application.	The intention is that solid polymers will be covered by the group standards. Our understanding is that these will fit under the subsidiary hazard group standard. If further group standards are required, notifiers were asked to advise us as part of the consultation.	No amendment required
5	<p>General Comments</p> <p>Will the Toxic and Subsidiary Hazard Polymer group Standards be combined? If this occurs will the 6.1B & 6.1C classifications be included as a subsidiary hazard?</p>	<p>The toxic and subsidiary hazards group standards have not been combined.</p> <p>Ecotoxic hazards have been treated as subsidiary hazard in all group standards.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Products attracting an ecotoxic classification can be accommodated under the Polymer Subsidiary Hazard Group Standard.</p> <p>There is no accommodation for 6.7B, suspected human carcinogen hazard, in any of the polymer group standards. Suggest that the 6.7B classification be included as a subsidiary hazard or an additional group standard be available to capture products with a 6.7B classification.</p>	<p>New group standards have been written for 6.7B and 6.7A substances (see Section 1.5.2).</p>	
Non-Hazardous Substances			
5	<p>The criteria for exempt polymers under the Plastics New Zealand section 26 application are too restrictive. The majority of solid polymers produced are considered non-hazardous. However, they do not fit the overly cautious, narrow definition allowed for by the section 26 exemption. The emphasis in predicting hazardous nature should not be homopolymer or copolymer but dependant on the functional group equivalent weight of reactive groups.</p> <p>Typically, packaging, engineering and elastomer polymers are of high molecular weight and contain insoluble fillers. Additives such as extrusion lubricants, colourants, glass fillers, anti-oxidants and stabilizers are used generally in small amounts. Furthermore, these compounds are trapped within the polymer matrix meaning that release (if any) is slow and toxicity negligible. The vast majority of these polymer compounds easily fit the non-hazardous class.</p>	<p>The issue of section 26 criteria is not applicable to the development of group standards.</p> <p>Industry can determine a product to be non-hazardous and remove them from the coverage of a group standard. However, this will be solely an industry assessment, and will not be a formal determination by the Authority under s.26 of the Act.</p> <p>Following transfer, we wish to work with the polymer industry to provide greater guidance on the hazardous/non-hazardous interface.</p>	No amendment required
5	<p>Alignment of HSNO classifications with equivalent classification criteria in Australia and North America.</p> <p>Presently, HSNO does not align with equivalent overseas regulatory regimes, for example, NICNAS polymer of low concern criteria. Specifically for polymers, molecular weight is an important factor in determining hazard status</p> <ul style="list-style-type: none"> ○ Molecular weight. Polymers > NAMW 10,000 considered too large to be toxic. Even polymers > NAMW 1000 considered too large to elicit systemic toxicity. 	<p>ERMA New Zealand will be developing guidance on the hazardous/non-hazardous interface, particularly taking into account the polymer of low concern approach in Australia. We wish to work with the industry do develop this guidance material, which we aim to commence following the completion of the transfer programme.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>Solid polymers that meet the criteria of polymer of low concern in Australia, the exempt polymer criteria prescribed by USA or Canada, should be considered under HSNO to be non-hazardous.</p> <p>ERMA New Zealand must provide guidelines and practical tools to enable the huge number of solid polymers to be assigned a non-hazardous classification.</p>		
Conditions for labelling			
1	<p>Concern that labelling requirements under the group standard differ from current worldwide labelling practices. The majority of raw materials are sourced from Australia, Asia, the Middle East and Europe and are labelled according to regulations in their country of origin. NZ is a small market and unable to dictate labelling requirements to multi-national manufacturers. If NZ labelling practices were in conflict with global requirements all imported products would need to be re-labelled upon entering the country. This would be totally impractical.</p> <p>Seek an additional clause be inserted requesting a review of the 31 December 2010 expiry date for alternative compliance measures.</p>	<p>The labelling approach under the group standards is consistent with the GHS, which is being progressively implemented globally. Nonetheless, until GHS is in place in countries where raw materials are sources, we acknowledge the disparity in labelling requirements that may occur, and the potential for increased costs to the New Zealand industry.</p> <p>To avoid this, group standards include a variety of alternative compliance measures, including the “2101 clause” that the submitter refers to.</p> <p>This 2010 date has been set based on current expectations of when the GHS will be adopted internationally. A review or extension of this date based on any delay in implementation of GHS globally would only be contemplated in response to that circumstance occurring.</p>	No amendment required
3	<p>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 HSNO regulations.</p>	<p>This proposed condition is based on the HSNO regulations, but has been made more stringent in a number of aspects. The condition will be amended to align exactly with the current regulatory requirements. Note the need for a 24 hr emergency phone number is a requirement of the Emergency Management Regulations for certain hazard classifications.</p>	Yes – amend to align with HSNO regulations
7	<p>Support for contact information (i.e. name, full address, phone No).</p>	<p>Support noted.</p>	No amendment required
7	<p>Support the use of prescriptive statements on labels, e.g. ‘keep out of reach of children’, and supportive of contact details being on a label, especially from an enforcement point of view. Are these requirements applicable to substances not approved under a group standard.</p>	<p>Support noted.</p>	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
Advertising			
1	Seek clarification of the advertising clause as promotional materials are often used outside of a place of work and may inadvertently be available to the general public.	The advertising condition would not apply to promotional material that was solely intended for advertising to companies, trades or associations etc as part of business or commerce. If the public were to see or obtain copies of such material then this would not be contrary to the condition of the group standard.	No amendment required
Transportation			
1	Concern that products approved under a group standard will require transport by specialised chemical couriers. This places a substantial cost on industry. Currently all products likely to be captured by the polymers group standard are not transported as dangerous goods. Seek clarification as to the transport requirements for polymer products under the group standards.	This should not be the case. The group standard places no additional requirements on the transportation of products that would not already apply under the Land Transport Rule, Civil Aviation Rule or the Maritime Rule.	No amendment required
Passenger Service Vehicle Restrictions			
1	The port of Auckland is the major entry point for imported polymer raw materials. From there they are transported throughout the country via road, rail, sea and air. Seek clarification on the definition of passenger service vehicle.	The condition applies to a vehicle that carries fare paying passengers. Even then, it only applies when a substance is carried in the main (public) carriage of a vehicle, such that, in the event of a spillage, there may be public in the immediate vicinity who might be exposed. The limits do not apply to a substance that is carried in the principle luggage compartment of a passenger service vehicle. For example, a substance carried in the cargo hold of the Cook Strait Ferry would not be limited by this condition.	No amendment required
Disposal of Substances			
1	Seek additional wording under 5.6.1 Disposal of substances. Include the word "resource" in sub-clause 5.6.1(a) so that the sub-clause reads "exporting the substance from New Zealand as a waste or a resource"	Including the word "resource" as suggested implies that the condition also covers the recycling of a substance. This is not the case. The condition specifically includes a clause to make it clear that recycling is not covered. We have had separate discussions with the submitter on this issue.	No amendment required
Notification to the Authority			
2	Proposal to notify the Authority of any new substance (product)	The notification provision will enable ERMA New Zealand to maintain a	No amendment

Submitter	Submission	Agency response and recommendation	Group standards amended
	<p>that contains a component (chemical) not present in NZ before 1 July 2006</p> <p>The blanket notification provision for new chemicals should be amended to a more selective approach. The provision should be based on overall product risk, not just the hazards of components. For example, polymer masterbatches may contain a component that triggers a HSNO classification threshold. However, the hazardous component is completely bound within the polymer matrix and cannot migrate, therefore the risk of an adverse effect from this component is virtually non-existent.</p> <p>In instances such as the masterbatch example, requiring notification of a new substance is burdensome and provides no information of value to ERMA New Zealand. Notification conditions should only be applied to Group Standards having high risks.</p>	<p>current inventory of chemicals that are known to be present in New Zealand. The notification provision does not put into question the approval that a product will have under the group standard. It is not clear why the submitter considers this will be a burdensome task.</p> <p>The process for notification, and guidance on the information to be provided under the notification condition, will be developed in partnership with the industry.</p>	required
Inventory of Chemicals			
2	<p>Inventory of Chemicals – Sub-clause 5.8.2</p> <p>The intent of this sub-clause is unclear. Consider re-writing to clarify meaning. The text references sub-clause 5.9.2 that does not exist. Terms such as “components” and “ingredients” are used but not defined.</p>	<p>The intent of this subclause is to place a requirement on manufacturers or importers to advise ERMA New Zealand if they manufacturer or import a substance that contains a chemical not on the Inventory of Chemicals. In essence, ERMA New Zealand wishes to maintain an inventory of all chemicals that are known to be present in the country.</p> <p>Definitions will be provided.</p>	Yes – definitions provided
Interpretation			
2	<p>Group standards for polymers should include an “Interpretation” section to define specific words and terms used in the documents. For example, the terms “substance” and “chemical” are not defined in any section of the group standard. Request a definition of these terms or reference where definitions can be found.</p>	Definitions will be included.	Yes – definitions provided
Conditions for safety data sheets			
2	<p>Safety Data Sheets – “Regulatory Information” – Subclause 5.1.3 (4) (o)</p>	The HSNO approval number will be assigned at the time group standards come into force on 1 July 2006. Shortly after, ERMA New	No amendment required

Submitter	Submission	Agency response and recommendation	Group standards amended
	The requirements under this clause state that “a HSNO approval number, name of group standard, HSNO classification and other regulatory requirements” must be available on a safety data sheet. What is the process for obtaining a HSNO approval number?	Zealand will write to all notifiers to advise them of their approval numbers.	
Site and storage			
8	Requirement to establish a Hazardous Atmosphere Zone; submitter refers to earlier submission on other group standards.	<i>Response from Summary of Submission for Adhesives</i> The development of a code of practice will address the problems for the fibreglass industry identified by the submitter. ERMA New Zealand has met with the submitter and is assisting in the development of such a code.	No
8	Condition 3, Table 1; the quantities should provide for a greater differentiate between 3.1B and 3.1C substances (by a factor greater than 10); seeks an increase in the trigger quantity for 3.1C in closed containers.	The values given in this table are taken directly from the Classes 1 to 5 Controls Regulations. It is necessary that consistency is maintained between the regulations and group standard conditions to avoid disparity between groups of substances covered by different approvals. The issue can be addressed through the development of a code of practice for fibreglass manufacturers, which as noted above is being progressed.	No
8	Clause 29(2)(a) should set trigger quantities that differentiate between 3.1A, 3.1B and 3.1C substances. Many fibreglass factories are captured by this clause.	This condition is adopted from the Dangerous Goods Gazette Notice (April 2004). For the reason notes above, it is necessary to maintain consistency with existing regulatory requirements. The issue should be addressed through the development of a code of practice for fibreglass manufacturers.	No

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 polymers 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 certificates required for existing stationary bulk container systems
1 January 2011	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 will enable New Zealand to align itself with the implementation of GHS in our major trading markets, currently scheduled for 2010. This proposal has yet to be approved by the Authority. If approved, the 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.