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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY



NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO

## Update No. 1

# GROUP STANDARDS

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**This is the first of a series of updates on group standards. In this issue, we outline what a group standard is, the processes for their development and how they link with the transfer of notified toxic substances (NOTS). Future editions will include information on compliance and enforcement issues for group standards once NOTS have been transferred. If you have any suggestions about topics that you would like to see included in *Group Standards Update*, please contact [paul.badco@ermanız.govt.nz](mailto:paul.badco@ermanız.govt.nz)**

## Background

The Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Bill (colloquially known as the 'Macropatch') will allow, under a new Part 6A of the Hazardous Substances and New Organisms (HSNO) Act, a new form of hazardous substance approval, to be known as a *group standard*. One of the reasons group standards are being established is to streamline the transfer of NOTS from the transitional provisions to the main framework of HSNO. This transfer of NOTS must be completed before the expiry of the HSNO transitional provisions on 1 July 2006.

The Macropatch amendment is currently awaiting its second reading by the House of Representatives, having been reported back by the Education and Science Select Committee. The Committee's report is available at: <http://www.clerk.parliament.govt.nz/Content/SelectCommitteeReports/244bar2.pdf>

## What is a group standard?

A group standard is an approval given by the Authority for a group of hazardous substances of a similar nature, type, or having similar circumstances of use. Each group standard will have a single set of conditions to manage any risks posed by the substances throughout their life-cycle.

### Conditions versus HSNO controls

Users of group standards must comply with the conditions contained in the standard. While the conditions of a group standard will generally be based on the existing HSNO control regulations, the conditions will stand in place of the HSNO controls regulations (unless the regulations are specifically referenced in the conditions). Where possible, group standard conditions will be more prescriptive and user-friendly than the HSNO regulations.

## Group standards for existing substances (NOTS)

Group standards will allow the grouping of substances based on product type (e.g. group standards for paints or industrial cleaners). It is this ability to group substances that will enable NOTS to be transferred efficiently and within the statutory timeframe of 1 July 2006.

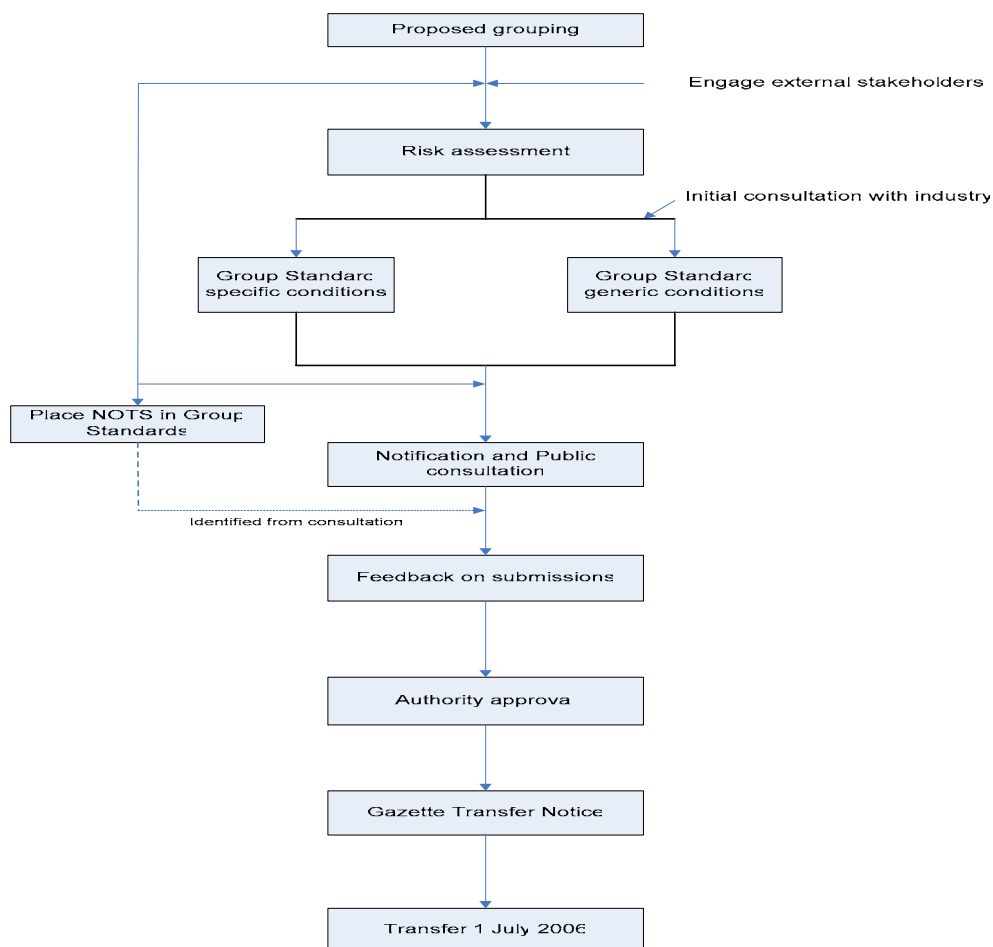
### How new substances may be affected

Any *new* hazardous substance or product that is manufactured or imported into New Zealand that complies with the conditions of a specific group standard will be covered by the HSNO approval for that group standard. Under these circumstances, a manufacturer or importer of a new product will not be required to apply to ERMA New Zealand for an individual HSNO approval for that product.

For example, if the manufacturer of a paint that already has HSNO approval wishes to change the formulation slightly (e.g. change the solvent or introduce a new pigment), then provided the risks from the new product are managed by the scope of the existing group standard approval (or an alternative paint group standard) the manufacturer will not need any further approval from ERMA New Zealand.

## Process for establishing a group standard

The initial emphasis in developing group standards is to streamline the transfer of NOTS. The process, illustrated in the schematic below, involves initial technical work to group 'like-substances', the development of conditions which are relevant to that group, public consultation, revision and approval by the Authority. Consultation will be through formal public notification of a group standard, followed by a statutory period (30 working days) during which submissions can be made on any aspect of the proposed group standard.



Once a group standard has been approved by the Authority, it will be legally established by notification in the *New Zealand Gazette*.

## What are the requirements to establish a group standard?

Before a group standard can be issued, the Macropatch Bill requires that the Authority be satisfied:

1. the group standard is a more efficient and effective way of managing the risks of all the substances in the group; and
2. all the substances or products in the group have a similar nature, are of a similar type, or have a similar circumstance of use, such that the risks of the group can be effectively managed by one set of conditions.

In addition, the Authority must consider the:

1. best international practices and standards for the safe management of hazardous substances; and
2. the types of conditions that would be applied if a Part V approval had been given.

## Notified substances to be transferred

Approximately 218,000 substances were notified under section 32 of the Toxic Substances Act 1979, of which roughly 118,000 are required to be transferred. We estimate that up to 150 group standards will be required for this purpose.

The remaining NOTS (approximately 100,000) have been inactivated and do not require transfer to HSNO. The reasons for this include:

- they are covered by substances that have already been transferred, most commonly as a dangerous good or scheduled toxic substance;
- duplicate notifications (i.e. the same substance was notified more than once);
- obsolete products; and
- the substances are not hazardous or they are manufactured articles and are therefore not covered by HSNO.

## Consultation on group standards

Until the Macropatch Bill becomes law, the Authority has no legal power to approve, or consult on, a group standard.

However, recognising the short period of time that remains to complete the development of group standards and the transfer of NOTS, the Hon. Marian Hobbs, Minister for the Environment, asked ERMA New Zealand to proceed with consultation, beginning with “*simpler group standards that stakeholders are willing to engage on early*”. The Government is planning to introduce an amendment to the Bill “*recognising consultation on group standards that has been undertaken prior to the passing of the Bill*”. A copy of the Hon. Minister’s letter is available on our website at:

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

What this means for notifiers and other stakeholders is that **you should engage in the forthcoming consultation process as if the Macropatch were already law.**

On the expectation that 150 group standards will be established, we plan to split these into roughly three equal groups for consultation.

## Upcoming consultation

The first round of consultation will be on group standards for the following types of products:

- paints
- adhesives and resins
- inks, dyes and pigments
- oils, lubricants, greases and related mechanical fluids
- industrial and institutional cleaners
- compressed gases and aerosols
- industrial fragrances and essential oils
- veterinary medicines (nutrient supplements and electrolytes).

Draft group standards will be released for the above products during the period 10 October to 7 November 2005 as they become available. Group standards for the same type of products, such as those for paints, will be released for consultation at the same time.

In accordance with the requirements of the HSNO Act, consultation on each group standard will last for 30 working days from the date of release. So for example, group standards released on 10 October will close for submissions on 18 November, and those released on 7 November will close off for submissions on 16 December 2005.

All notifiers will receive a letter advising when group standards relating to their notifications will be available. Notifiers will either be sent copies of the proposed standards or they will be able to download them from our website at: <http://www.ermanz.govt.nz/consultations/index.asp>. Printed copies of the group standards will be sent to those who request them.

The second and third rounds of consultation on group standards will not commence until 2006. Consultation dates will be advised via further *Group Standards Update* and the ERMA New Zealand website.

## Register your interest in group standards

You can register your interest in group standards using the automatic notification system on our website. Simply go to <http://www.ermanz.govt.nz/notify/>, fill in your details and select the group standards option. You will receive an email notification each time new information is released on group standards, including new consultation documents, updates on the Macropatch Bill, and other general information.

If you do not wish to receive information on group standards or future editions of *group standards Update*, please email your details to [notes@ermanz.govt.nz](mailto:notes@ermanz.govt.nz) and include the text 'Remove from group standards' in the subject line.

## Further Information

If you have any queries on group standards, how they may work and what they may mean for you or your business, you can:

- email us at: [notes@ermanz.govt.nz](mailto:notes@ermanz.govt.nz)
- visit our website at: <http://www.ermanz.govt.nz/hs/groupstandards/>
- read *Group Standards Update* at: <http://www.ermanz.govt.nz/hs/groupstandards/update.asp>
- register to receive email updates on group standards, including this update, through our website at: <http://www.ermanz.govt.nz/notify/>