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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY



Update No. 2

GROUP STANDARDS

In this issue of *Group Standards Update*, we concentrate on the completion of the transfer programme, the issuing of group standards by the Authority for the transfer of notified toxic substances, and matters related to the approval of a hazardous substance under a group standard. Information on other transfer notices is also given, including updates on the transfer of single component NOTS, pesticides and veterinary medicines.

Completion of Transfer Programme

ERMA New Zealand is pleased to announce that the transfer of substances was completed on 1 July 2006. This last phase of the transfer programme saw the transfer of over 100,000 notified substances (NOTS) from the transitional provisions to the main part of the HSNO Act. This transfer was affected with the Authority issuing 200 group standards in the *Hazardous Substances (Group Standards) Notice 2006*. This notice was published as a supplement to the *New Zealand Gazette*. A copy of the group standards notice is available at <http://www.ermanz.govt.nz/resources/publications/pdfs/gn74june06.pdf>.

During the period October 2005 to May 2006, ERMA New Zealand undertook a series of consultations on draft group standards. From these consultations and submissions received, the draft proposals were amended. Final group standards were approved by the Authority in June 2006. These group standards were issued and came into force on 1 July 2006. All NOTS that fit the scope of a group standard are now HSNO approved substances.

ERMA New Zealand would like to thank all industry representatives, submitters and supporting bodies who assisted with the development of group standards. We have appreciated your support, patience and expertise, which have been vital in achieving the completion of transfer.

Company Reports

ERMA New Zealand has sent to notifiers a Company Report of their notifications. This Company Report lists the NOTS that have been transferred and their HSNO approval number. It includes NOTS transferred by group standards as well as NOTS that have been transferred individually.

If notifiers have not yet received their Company Report, they should email us at hsinfo@ermanz.govt.nz or call 0800 376 234.

Final Suite of Group Standards

The group standards issued by the Authority cover 28 categories of substances. These categories are predominantly based on the use of a product. For example, there are separate group standards for cleaning products and for water treatment chemicals.

There are also a smaller number of group standards that are based solely on the hazardous properties of the product. With these group standards, the use of the product is not specified. For example, the group

standards for aerosols include products with quite different uses, such as spray paints and aerosol cleaning products.

The 28 categories of group standards are given below. Individual group standards for each of these categories are available at <http://www.ermanz.govt.nz/hs/groupstandards/index.html>.

Categories of Group Standards issued by the Authority on 1 July 2006

Additives, Process Chemicals and Raw Materials	Fire Fighting Chemicals
Aerosols	Food Additives and Fragrance Materials
Animal Nutritional and Animal Care Products	Fuel Additives
Class 4 Substances	Industrial and Institutional Cleaning Products
Class 5.1.1 Oxidising Substances	Laboratory Chemicals and Reagent Kits
Class 5.2 Organic Peroxides	Leather and Textile Products
Cleaning Products	Lubricants
Compressed Gas Mixtures	Metal Industry Products
Construction Products	N.O.S. (Not Otherwise Specified) Substances
Corrosion Inhibitors	Photographic Chemicals
Cosmetic Products	Polymers
Denatured Ethanol	Refining Catalysts
Dental Products	Solvents
Embalming Products	Surface Coatings and Colourants
Fertilisers	Water Treatment Chemicals

A consolidated list of all the group standards that were issued by the Authority is available at <http://www.ermanz.govt.nz/hs/groupstandards/gslist.pdf>.

Group Standards Available on CD

ERMA New Zealand has produced a CD that holds all 200 group standards, the document Labelling of Hazardous Substances: Hazard and Precautionary Information and the six site and storage documents published in July 2006. The CD also contains background information on group standards.

For a copy of the CD call the Hazardous Substance Compliance Line on 0800 376 234, or email us at hsinfo@ermanz.govt.nz. Additional CD images can be downloaded from the ERMA New Zealand website at <http://www.ermanz.govt.nz/hs/groupstandards/GroupStandardsCD.iso>. Please note this is a very large file (55Mb). On a dial-up connection it will take about two hours to download. On a high speed connection it will take 5-15 minutes.

Structure of Group Standard

The group standards released by ERMA New Zealand share a common structure, containing key sections for the Scope of the Group Standard, Conditions, Transitional Conditions, Interpretation and Explanatory Notes. The content and purpose of each section is summarised below.

The Group Standard – this section includes the title of the group standard, its HSNO approval number, the date it came into force (1 July 2006) and its scope. The scope enables users to determine whether or not a substance is covered by the group standard. This is a critical part for users who wish to self-classifying their products and assign them to a group standard.

The scope sets the use and hazard parameters of the group standard. It describes the types of products that are covered by the approval. The scope sets the hazard properties of substances belonging to the group standard, and precludes substances which have hazard properties other than those specified. The scope also specifies any specific use restrictions or exclusions.

Schedule 1: Conditions of Group Standard – this section details the requirements (i.e. the conditions) that any substance belonging to the group standard must comply with. The conditions are generally based on the Hazardous Substances Regulations, but are written in a way that is more user friendly and easier to understand. In some cases, the conditions are more prescriptive than the regulations. This is particularly the case with the conditions for the information requirements of the group standard.

In any group standard, the conditions are set out in 10 parts:

- Part 1 Information Requirements
- Part 2 Site and Storage
- Part 3 Approved Handler
- Part 4 Packaging
- Part 5 Equipment
- Part 6 Transportation
- Part 7 Disposal
- Part 8 Exposure Limits
- Part 9 Notification to the Authority
- Part 10 Other Matters.

The conditions are the legal means by which compliance with a group standard will be measured.

Schedule 2: Transitional Conditions – all group standards contain provisions for “staged implementation”. The purpose of staged implementation is to allow importers, manufacturers and users of NOTS a period of time to become familiar with the group standard conditions, and to progressively implement these conditions. Staged implementation only applies to substances that were in lawful use in New Zealand immediately before 1 July 2006. Further information on staged implementation is given later in this Group Standards Update.

Schedule 3: Interpretation – this section gives the definitions and terms used in the group standard.

Explanatory Note – this section provides guidance material to users of the group standard. Depending on the particular group standard, it may list the types of products covered, and give information on the packing group and UN Numbers of substances that may belong to the group standard. This section also provides information on where copies of the group standard and related material may be obtained.

Hazards Not Included in Group Standards

In establishing the group standards framework, certain hazard properties were not included in the group standards issued by the Authority on 1 July 2006. This was because of the particular nature of these hazards (i.e. they were of the most hazardous classifications) and because of the relatively small number of NOTS with these classifications that required transfer.

The following HSNO classifications were not included in any of the 200 group standards issued:

- 3.1A (extremely flammable liquids)
- all class 3.2 (liquid desensitised explosives)
- all class 4.1.2 (self reactive substances), and 4.1.3 (desensitised explosive)
- 4.2A (pyrophoric substances)
- 4.3A (release flammable gas on contact with water)
- 5.1.1A, 5.1.2A, 5.2A (extremely oxidising substances)
- 6.1A (acutely toxic)
- 8.2A (highly corrosive).

NOTS with these hazards were individually transferred in the Hazardous Substance (Miscellaneous Transfers) Transfer Notice 2006. A copy of this transfer notice is available at <http://www.ermanz.govt.nz/resources/publications/pdfs/gn71june06.pdf>.

Staged Implementation

The transitional conditions, given in Schedule 2 of each group standard, provide for a period of staged implementation for existing substances (i.e. substances that were in lawful use at the time the group standard was issued). The key dates for staged implementation are set out below. Note that depending on whether there is any existing HSNO requirement, some of these provisions may not apply (see the section “If Existing HSNO Provisions Apply”).

Key Dates for Staged Implementation

1 July 2006	NOTS transferred to HSNO. Six month period commences before any 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 conditions, with the exception of: <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➤ Packaging⁵
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 Specific packaging provisions (CRP, permanent identification) are compliant to this date if the packaging complies with the relevant packaging requirements of specified countries (group standards only)

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. Unless the substance complies with the labelling requirements of Europe, Australia, USA or Canada, in which case a 4 year period of transition applies.
4. A 4 year period is 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.
5. Compliance is not required for child resistant packaging or permanent identification of packaging if there is compliance with relevant packaging requirements from specified countries (this provision applies to group standards only).

If Existing HSNO Provisions Apply

Where an existing HSNO provision applies to a substance of the same class that requires an approved handler test certificate, location test certificate, emergency management or signage, then

there will be no staged implementation for these requirements. Compliance is required by 1 January 2007. The reason for this is to prevent people “double-dipping” and getting a second period of time to implement their HSNO requirements. All other provisions for staged implementation (eg. labelling, packaging etc) will apply as set out above. Full staged implementation (including for test certificates, emergency management and signage) will apply if the person is dealing with **new classes** of substances.

For example, a person who imports or manufacturers a NOTS that is a class 3.1 substance (eg. a flammable adhesive) will not receive staged implementation for test certificates, emergency management or signage if they also store other class 3.1 substances (eg. flammable solvents used in the manufacture of that adhesive) that are already HSNO approved and for which they are already required to have the necessary test certificates, and emergency management and signage provisions in place for those approvals. If, however, they are manufacturing or storing a different class of NOTS for the first time (class 5 oxidising substances, for example), then staged implementation will apply as set out above, but only for that new class of substance.

Substances Already HSNO Approved

The provisions of the HSNO Act allow group standards to apply to substances that are already HSNO approved, whether they were approved under Part V of the Act or through a previous transfer under section 160A of the Act. The importer, manufacturer or user of the substance may elect to comply with either the conditions of the group standard, or the controls from the Part V approval or section 160A transfer.

For example, xylene, which was transferred as a Dangerous Good on 1 April 2004, may also be covered under the *Solvents (Flammable) Group Standard 2006*. With the exception of staged implementation, the conditions of this group standard mirror the controls set for the Dangerous Goods transfer. Therefore, compliance with HSNO can be achieved by compliance with either the conditions in the group standard or the controls set by the original transfer notice. Allowing existing HSNO approved substances to be placed in a group standard can simplify compliance requirements for persons dealing with many different products. This is because they should be able to better manage their products under fewer HSNO approvals.

Similarly, a substance may be approved under more than one group standard. For example, many solvents or solvent blends used in the paints or adhesives industry will be covered by a solvent group standard **and** also be approved under a surface coating and colourants group standard. It is again left to the manufacturer, importer or user of the solvent to decide under which group standard they wish their approval to fall. It is important to note that, regardless of which group standard is chosen, their HSNO requirements will be the same.

How Group Standards Work for New Hazardous Substances

Although group standards were developed for the transfer of NOTS, they can also be used for the approval of **new hazardous substances**.

For a new hazardous substance to be approved under a particular group standard, it must fit within the scope of that group standard. That is, the substance must:

- be used for the purpose set out in the group standard, and meet the relevant definition for the particular type of substance
- comply with any use restrictions that may be specified. For example, some group standards do not allow substances to be used for pesticide or veterinary medicine purposes
- have only those hazardous properties that are specifically allowed under the scope of the group standard
- not be a pure chemical. Any new chemical (i.e. a chemical that is not listed on the Inventory of Chemicals) must have an individual approval before it can be imported or manufactured.

When a new hazardous substance is manufactured or imported into New Zealand, the manufacturer or importer is responsible for identifying an existing group standard for that substance. This requires the manufacturer or importer to undertake their own hazard classification using the composition of the substance and other hazard information available on the substance, such as that given on a safety data sheet.

Any new substance that fits within the scope of a group standard is automatically a deemed HSNO approved substance. When a manufacturer or importer places a substance under a group standard approval, there is, with one exception, no requirement to inform ERMA New Zealand. The exception is when the substance contains a hazardous chemical that is not listed on the Inventory of Chemicals. See the section Inventory of Chemicals in this edition of *Group Standards Update*.

If a manufacturer or importer determines that a new substance doesn't fit within the scope of any existing group standard, then they **must** make an application to ERMA New Zealand for an approval to import or manufacture that substance.

ERMA New Zealand is currently developing guidance on the self-classification process for group standards. This guidance will be available by January 2007. For companies who prefer not to self-classify their product or who wish to get confirmation from ERMA New Zealand of their self-classification, you can use our Status of Substance Service. This service will provide you with the product's HSNO classification. Information on this service is available at <http://www.ermanz.govt.nz/hs/applications/status-of-substance.html>.

Keeping Record when Assigning Substance to Group Standard

When a substance is assigned to a group standard, it is a requirement of the group standard for a record to be kept. A company must be able to provide this record if asked to do so by an enforcement officer. The relevant condition states:

- (1) *The manufacturer or importer of a substance who determines, or is otherwise independently advised, that the substance complies with clause 4 of this Group Standard (Scope of Group Standard) must keep a record of that determination or advice and have that record available for inspection.*
- (2) *The record must contain sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard (Scope of Group Standard).*

For **existing substances (NOTS)** that ERMA New Zealand have assigned to a group standard, the Company Report is the official "record". This record must be retained by the notifier. If the notifier wishes to move a substance from one group standard to another (for example, to consolidate their NOTS under the same set of group standards), then a new record must be made. Again, this record must be retained by the notifier.

The Company Report includes classifications that have been assigned by ERMA New Zealand. These classifications are indicative only, based on information available to us at the time of transfer. Notifiers should review their classifications and ensure that their products are in the correct group standard. If the company changes the classification of a NOTS, again a record must be kept and be available for inspection.

If a product is moved from one group standard to another, or if the classification of a product is changed, it is **not necessary to inform ERMA New Zealand**.

For **new substances**, manufacturers or importers will previously have classified the substance in order to assign it to the correct group standard. The information they have used for this classification is the record that must be kept. The group standard condition is written in such a way that allows persons other than the manufacturer or importer to undertake the self-classification (eg. it could be done on behalf of a manufacturer by a consultant or using ERMA New Zealand's Status of Substance Service). Nonetheless, it is the manufacturer or importer who must hold the record.

The record must contain sufficient information to allow for independent verification that the substance fits into the group standard to which it has been assigned. It must include information on the hazardous properties and the HSNO classifications of the substance and, where applicable, the use(s) of the substance.

If the hazardous properties are determined using information available from a safety data sheet (for example risk-phrases or hazard statements), then these and their equivalent HSNO classification must be recorded. A copy of the safety data sheet should also be attached as part of the record.

If the HSNO classification is determined according to the criteria set out in the document *User Guide to HSNO Thresholds and Classifications*, then the following must be recorded on the record:

- Full composition of the substance and the percentage of each component
- The hazardous properties of each component of the substance
- Workings of all the calculations undertaken
- Any hazardous property data on the mixture (if available)
- Any assumptions made.

A copy of the *User Guide to HSNO Thresholds and Classifications* is available at <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-UG-03-1.pdf>.

There is no requirement to submit this information or record to ERMA New Zealand. We are not holding a record of NOTS or substances assigned to a group standard.

Inventory of Chemicals

As noted previously, when a manufacturer or importer assigns a substance to a group standard, they must notify ERMA New Zealand if the substance contains a hazardous chemical that is not listed on the Inventory of Chemicals. Under this notification condition, the following must be provided:

- the name of the substance
- the HSNO approval number and/or title of the group standard under which the substance has a deemed approval
- the name and CAS number of the chemical not listed on the Inventory of Chemicals that is present in the substance
- the concentration of that chemical in the substance
- the hazardous properties of the chemical, including the relevant hazard data used to assign the substance to the group standard
- the proposed use of the substance.

The inventory is intended to be a record of chemicals present in New Zealand. It will include non-hazardous chemicals, where these are known. Whilst there is no obligation for non-hazardous components to be notified, any non-hazardous chemical that we are advised of will be added to the inventory.

A draft inventory is available at <http://www.ermanz.govt.nz/hs/compliance/inventory.txt>. We are currently working with industry to further develop this inventory, including the process for notification. A discussion document on its operation and maintenance will be available for consultation later this year. For further information, see <http://www.ermanz.govt.nz/hs/compliance/inventory.html>.

Other Transfers

As well as group standards, ERMA New Zealand issued a number of Transfer Notices or amendments to previous Transfer Notices to complete the transfer programme. This included notices for the transfer of single component NOTS, other notified substances and a small number of residual pesticide and veterinary medicines.

The following Transfer Notices were issued in June 2006:

- *Hazardous Substances (Miscellaneous Transfers) Transfer Notice 2006*. This notice transferred NOTS that would not fit within a group standard. A copy of the notice is available at: <http://www.ermanz.govt.nz/resources/publications/pdfs/gn71june06.pdf>.
- *Hazardous Substances (Chemicals) Transfer Notice 2006*. This notice transferred over 5,000 single component NOTS, including remaining dangerous goods and scheduled toxic substances not transferred on 1 April 2004, as well as pesticide, veterinary medicines and pharmaceutical actives. A single component NOTS is a substance with a composition of a specified CAS number at 100% (or approximately 100%), or at some concentration in an inert medium, such as an aqueous solution. A copy of the Chemicals transfer Notice is available at: <http://www.ermanz.govt.nz/resources/publications/pdfs/gn72june06.pdf>.

The following amendments to Transfer Notices were issued in June 2006:

- *Hazardous Substances (Pesticides) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Veterinary Medicines) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Timber Preservatives, Antisapstains and Antifouling Paints) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Vertebrate Toxic Agents) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Sodium Fluoroacetate) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Sodium Fluoroacetate) (Amendment) Transfer Notice (No 2) 2006*
- *Hazardous Substances (Fumigants) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) (Amendment) Transfer Notice 2006*
- *Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) (Amendment) Transfer Notice (No 2) 2006*.

These amendments updated the classifications and controls for substances that had been previously transferred in 2004 and 2005. Consolidated versions of the Transfer Notices incorporating these amendments are available at <http://www.ermanz.govt.nz/hs/transfer/docs.html>.

Further Editions of Group Standards Update

We are aware that there has been a considerable delay in releasing this edition of *Group Standards Update* since the first edition was published back in 2005. There is still more information and guidance on group standards that ERMA New Zealand wishes provide to notifiers and users of hazardous substances. In the next edition, we will:

- explain the process for self-classification
- provide guidance on product labelling
- explain the background to the site and storage documents
- give an update on the Inventory of Chemicals
- answer common questions that have been received on the Hazardous Substances Compliance Line.

If there are any specific topics or issues that you would like to see covered in *Group Standards Update*, please email your suggestions to hsinfo@ermanz.govt.nz.

Further Information

If you have any queries on group standards or any other matters related to the transfer of substances, you can contact the ERMA New Zealand Hazardous Substance Compliance Line, by:

Phone: 0800 376 234, or

Email: hsinfo@ermanz.govt.nz