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Update No. 3



GROUP STANDARDS

In this issue of *Group Standards Update*, we explain how the conditions of a group standard vary from the HSNO regulations, we take a closer look at what is required on a safety data sheet and we explain how the various elements of the group standards framework are interlinked. Finally, we provide answers to some of the more commonly asked questions that we have received on the Hazardous Substance Compliance Line.

How Conditions of Group Standards Vary from HSNO Regulations

A group standard is an approval under the HSNO Act for a hazardous substance or a group of substances. If there is to be compliance with the HSNO approval, the conditions of the group standard must be followed. These conditions cover the lifecycle of the hazardous substance. They include, for example, conditions for information provisions (labelling, safety datasheets and advertising), site and storage, approved handlers and tracking.

Generally, group standard conditions are based on the Hazardous Substance Regulations. A person familiar with these regulations should quickly come up to speed with these conditions. There are some differences, however, that people need to be aware of. Commonly, group standard conditions deviated from the regulations so that they (i.e. the conditions) would better align with comparable regulatory obligations of our major trading partners.

Some of the differences between group standard conditions and the Hazardous Substance Regulations are outlined below. These differences are those that are common to all or most of the group standards issued by the Authority on 1 July 2006. Some group standards may have other specific differences from certain regulations. Users should **not** assume that, apart from those listed below, all other aspects of the group standard conditions exactly mirror the regulations.

Labelling

Group standards provide exemptions from certain labelling provisions for:

1. Products in small packages. Packages with a capacity of 5 L or 5 kg, or less, do not need to be labelled with any signal word, hazard and response statements for ecotoxic (class 9) hazards.
2. Ecotoxic hazards. This provision applies regardless of quantity. Substances do not need to be labelled with:
 - any hazard statement for a 9.1C or 9.1D classification; or
 - any pictogram, hazard, prevention and response statement for any 9.2, 9.3 or 9.4 classification.

Note: This dispensation from labelling for ecotoxic hazards does not apply to products that are intended for release to the environment.

Safety Data Sheets

The use of a 16 header format for safety data sheet information is mandatory under group standards. This is in contrast to the hazardous substances regulations that allow for a performance based approach to safety data sheet content. A detailed explanation of the group standard safety data sheet conditions is given later in this edition of *Group Standards Update*.

Tracking

Group standards do not require tracking for the following classifications: 6.1C, 9.1A, 9.2A, 9.3A, 9.4A.

Packaging

The areas of difference are tabled below.

Requirement	Group standards	HSNO regulations
UN PGIII for: 6.5A, 6.6A, 6.7A, 6.8A, 6.9A, 8.3A	No	Yes
Child resistant packaging for: 6.3A, 6.3B, 6.4A	No	Yes
Permanent identification of packaging for: 6.1B, 6.1C, 6.1D	Liquids only	Liquids Solids

Disposal

Group standards contain a provision for a householder or other consumers of a product to dispose of the product's packaging (even if that packaging contains some residual amounts of the product) through a public or commercial waste collection service.

The intent of this provision was to provide end users with more certainty on their disposal options, and to reflect what is, in reality, current practice. For example, consumer products such as a used packet of washing powder, or an empty aerosol container etc will be disposed of by the public in their household refuse.

Labelling

As part of the group standards framework, ERMA New Zealand has published '*Labelling of Hazardous Substances: Hazard and Precautionary Information*'. This guidance document is available from our website at <http://www.ermanz.govt.nz/hs/groupstandards/standards/ss/hplabelling.pdf>. The guidance is based on the GHS, and describes a procedure to determine the pictograms, signal word, and hazard and precautionary statements required on the label of a hazardous substance.

ERMA New Zealand wishes to encourage labelling alignment with the GHS. As a result, the labelling conditions of the group standards are based on the GHS requirements and directly reference *Labelling of Hazardous Substances: Hazard and Precautionary Information*. Although use of such hazard and precautionary information is considered best practice, group standards provide for alternative means of compliance with the labelling conditions by way of the hazardous substances regulations.

Labelling of Hazardous Substances: Hazard and Precautionary Information includes user-friendly "step by step" instructions. Before you can begin the labelling process, you need to know the hazard classifications of the product. For each hazard classification there may be a corresponding pictogram,

signal word, and hazard and precautionary statement. By identifying the hazard classifications and assigning the appropriate hazard and precautionary information, a comprehensive label can be compiled.

Companies can seek informal advice from ERMA New Zealand on whether a label complies with the labelling conditions of a group standard or the hazardous substances regulations. They need to complete Form HS-09, available at <http://www.ermanz.govt.nz/hs/applications/labelling.html>. A charge of \$100 plus GST applies.

Safety Data Sheets

Each group standard has conditions for the availability and preparation of safety data sheets (SDS). These cover;

- trigger quantities for when a SDS is required;
- access to a SDS in a place of work;
- availability and legibility of SDS;
- information to be given on a SDS.

Group standards require that safety data sheet information be set out under a **16 heading format**. This format is consistent with that of the ERMA New Zealand approved *Code of Practice for Safety Data Sheets*, published by the NZ Chemical Industry Council (NZCIC). It is also consistent with the *Globally Harmonized System of Classification and Labelling of Chemicals* (GHS), and is recognised as best international practice.

Under the 16 header format, information is required on:

Identification of the substance and supplier

Hazards identification

Composition/information on ingredients

First aid measures

Fire fighting measures

Accidental release measures

Handling and storage

Exposure controls/personal protection

Physical and chemical properties

Stability and reactivity

Toxicological information

Ecological information

Disposal considerations

Transport information

Regulatory information

Other information

For substances that were notified under the Toxic Substances Act (NOTS), importers and manufacturers have to 1 July 2008 to prepare their safety data sheets in compliance with this format. For hazardous substances that are imported or manufactured for the first time after 1 July 2006, 16 header format safety data sheets are required immediately.

Site and Storage Documents

Site and storage documents detail the conditions for managing the physical hazards of a substance, such as flammability, and the requirements for emergency management and signage. Because these conditions are common to many groups of substances, they are contained in separate documents rather than included in each individual group standard. The site and storage conditions are incorporated into the requirements of a group standard by referencing the relevant site and storage document. **To comply with a group standard, you must comply with the site and storage conditions.**

The following site and storage documents are referenced in group standards:

Site and Storage Conditions for Aerosols

Site and Storage Conditions for Class 4 Substances

Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides

Site and Storage Conditions for Compressed Gases

Site and Storage Conditions for Class 3.1 Flammable Liquids

Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances.

These conditions are based on the regulations and controls given in:

Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

Hazardous Substances (Emergency Management) Regulations 2001

Hazardous Substances (Identification) Regulations 2001

Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

If you comply with the site and storage conditions of a group standard, then you do not need to comply with these regulations.

Corrections to site and storage conditions

Following their publication in July 2006, we have been advised of some minor typographical errors in the site and storage conditions. Corrections for these errors are available at:
<http://www.ermanz.govt.nz/hs/groupstandards/siteandstorage.html>.

If you identify other errors, please advise us by sending an email to hsinfo@ermanz.govt.nz.

Group Standards Landscape

A group standard comprises not just the group standard documentation, but incorporates a number of other elements, some of which must be followed, some of which is guidance and some of which may provide alternative means of compliance. As an example, the site and storage conditions are incorporated into a group standard by reference, and compliance with these conditions is mandatory. On the other hand, compliance with the labelling conditions and the document *Labelling of Hazardous Substances: Hazard and Precautionary Information* is not mandatory if manufacturers prefer to achieve labelling compliance via the hazardous substance regulations. How these various elements of a group standard relate is illustrated in the “Group Standards Landscape” (see Figure 1).

Self-Classification of Products

ERMA New Zealand is developing a guidance document to enable manufacturers and suppliers to self-classify their hazardous substances. This document, ‘*Assigning a Hazardous Substance to a Group Standard*’ will explain how to convert European Risk-phrases commonly found on a safety data sheet to

an equivalent HSNO classification. This guidance will be available in early 2007. The document will be workshopped at a series of meetings scheduled for March/April 2007 (see below).

For companies who do not wish to self-classify, or who would like to get confirmation from ERMA New Zealand of their self-classification, you can use our Status of Substance Service. You will need to complete and send to us Form HS6A, available at <http://www.ermanz.govt.nz/resources/publications/word/ER-AF-HS-06A-4.doc>. We will provide you with the classification of your substance and the group standard under which the substance may be HSNO approved. The cost for this service is \$100 plus GST.

Moving NOTS between Group Standards or Changing a Classification

In *Group Standards Update No. 2*, we advised that if notifiers reassign their NOTS to a different group standard to that given in the Company Report, or if they amended the classification of a NOTS, then they must keep a record of that change. However, they do not need to notify ERMA New Zealand.

Nevertheless, some companies are writing to us and advising of changes. Whilst there is no legal requirement for them to do so, if companies do notify us, we will keep that information on a paper file. We will not, however, be recording these changes in a database of approved products.

What to do if the Classification of a NOTS does not meet the Scope of the Group Standard

Where ERMA New Zealand has incorrectly assigned a NOTS to a group standard (as advised to the notifier in their company report), then the notifier of the substance should reassign it to the correct group standard, provided that:

- the classification given in the company report is verified, and;
- the hazards of the substance meet the scope of the new group standard to which it will be reassigned by the notifier

Where there is a discrepancy between the **classification** of the product and the hazards allowed under the group standard listed in the company report, it is important to not automatically amend the classification to fit the scope of the group standard. **The classification must be verified first.**

For example, if a product has been listed in a company report with a 3.1C flammable classification but has been assigned by ERMA New Zealand to a non-flammable group standard, then the notifier should not amend the classification to remove the 3.1C classification. The notifier must verify the product classification, and only then can they determine the appropriate course of action. If the product is confirmed as flammable, it should be reassigned to the appropriate flammable group standard. If the 3.1C classification given in the company report is wrong and the product is non-flammable, then it is likely that the product has been assigned to the correct group standard. However, it would be wise to check any other classifications that the product has, as listed in the company report. Where a notifier makes any change to a product classification or reassigns a product from one group standard to another, they must keep a record of that change.

Where there is a discrepancy between the **use** of the substance and the use permitted under the group standard, but no discrepancy in the classification itself, then clearly there is no need for the notifier to verify the classification.

Company Reports

Company reports were sent to all notifiers in mid September. Since then, we have received a few calls from notifiers who did not receive their report. If you have not received your Company Report, please email us at hsinfo@ermanz.govt.nz or call 0800 376 234.

Workshops on Group Standards

ERMA New Zealand will be holding a series of workshops on group standards in March and April 2007. These will be co-hosted with the New Zealand Chemical Industry Council (NZCIC). These workshops will be run in the main metropolitan centres and a number of the provincial centres (tbc). Further details on the workshops will be available from the ERMA New Zealand website and in the next edition of *Group Standards Update* (February 2007).

If you wish to register your interest in attending one of these workshops, please email us at hsinfo@ermanz.govt.nz, providing us with your name and contact details.

Group Standards Quick Guide

ERMA New Zealand has recently published a quick guide to group standards. A copy of this guide is available at <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-31-1.pdf>.

Some Common Questions

Our Hazardous Substance Compliance Line continues to receive a steady stream of enquiries regarding group standards. From these enquiries, we have prepared a Q and A information sheet, which is available at <http://www.ermanz.govt.nz/help/faq-gs.html>. This Q and A includes our responses to general queries raised in the group standards consultation, as well as the Test Certifier Workshops held in May and October 2006.

Some of the more common questions that we have been asked by notifiers, and our answers, are given below.

Q. Where do I find the HSNO approval number for a group standard?

The HSNO approval number is given on page 1, clause 1 (Title), of the group standard.

Q. ERMA New Zealand has advised me of the group standard my NOTS have been assigned to. Can I reclassify and reassign them to a different group standard without seeking further approval from ERMA New Zealand?

Yes. If you reclassify and reassign a NOTS to a different group standard, you do not need to advise ERMA New Zealand. However, you must keep a record of this reclassification and change of group standard. An Enforcement Officer can ask to see this record as proof that the substance has been correctly assigned to a new group standard.

Further guidance on classifying and assigning a substance to a group standard will be available on the ERMA New Zealand web site (<http://www.ermanz.govt.nz/>) in early 2007.

Q. What if a notifier disagrees with the group standard assigned by ERMA New Zealand?

They can reassign that substance to a different group standard, provided it meets the scope of the new group standard. If a NOTS is reassigned to a different group standard, the notifier must keep a record of that decision. The record must contain sufficient information to allow for independent verification.

Q. If I manufacture or import a hazardous substance that doesn't fit within the scope of an existing group standard, is the substance illegal?

Yes, unless it is covered by another existing approval. All hazardous substances must have a HSNO approval. If a substance is not covered by a group standard, a Part V approval, or a Transfer Notice, then the substance is illegal.

Q. If I reformulate a HSNO approved product, do I need to do a new approval?

If you reformulate an existing substance that is approved under a group standard and the classification of the new substance fits the scope of the group standard, then it is automatically approved under the group standard.

If the new substance does not fit the scope of the group standard (for example, the existing substance was flammable but on reformulation it is no longer flammable), then you should check to see if there is another group standard available under which it can be approved. If no group standard exists, you may need to make an application for a new approval. You should seek the advice of an applications advisor at ERMA New Zealand. You can contact us on 04 916 2426.

Q. Can I assign a substance which has already been transferred, such as a dangerous good, to a group standard?

Yes. Any substance which has been transferred individually, such as a dangerous good or scheduled toxic substance can be assigned to a group standard, provided that it meets the scope of the group standard. For example, solvents used in the formulation of adhesives can be assigned to the relevant surface coatings and colourants group standard. Similarly, any solvent transferred as a dangerous good can also be assigned to the relevant solvents group standard.

This is not limited to previously transferred substances. A substance that has been given a Part V approval under the Act can also be assigned to a group standard, provided that it meets the scope of the group standard. For example, a cleaning product approved under Part V could be assigned to a cleaning products group standard.

Q. Will ERMA New Zealand maintain a register or database of products approved by group standards?

No. ERMA New Zealand is not keeping a register of products that are HSNO approved under a group standard. There is no requirement for an importer or manufacturer to notify us of new products unless that product contains a chemical that is not on the New Zealand Inventory of Chemicals.

Group Standards Update No. 4

In the next edition of *Group Standards Update* we will provide further information on the following topics:

- Transportation
- What is meant by permanent identification
- Assigning substances to a group standard
- Establishing a substance record
- The Inventory of Chemicals

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

GROUP STANDARDS LANDSCAPE

Group Standard

Preamble and Scope
Conditions (Schedule 1)
Transitional conditions (Schedule 2)
Interpretation (Schedule 3)
Explanatory notes

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

Alternative means of compliance for Group Standard conditions

Codes of Practice
HSNO Regulations

Supplementary material to a Group Standard

Hazard and Precautionary Information

(www.ermanz.govt.nz/hs/compliance/inventory.html)

Inventory of Chemicals

(www.ermanz.govt.nz/hscompliance/inventory.html)

Hazardous Substances Register

Conditions incorporated into a Group Standard by reference [COMPLIANCE IS MANDATORY]

Site and Storage Conditions, for

- Aerosols
- Compressed gases
- Class 3.1 flammable liquids
- Class 4 substances
- Class 5.1.1 and Class 5.2 substances
- Toxic, corrosive and ecotoxic substances

(<http://www.ermanz.govt.nz/hs/groupstandards/siteandstorage.html>)

Stationary Container Controls [Schedule 8 Dangerous Goods Transfer Notice]

(www.ermanz.govt.nz/resources/publications/pdfs/consolidatedGN35and128.pdt)

Compressed Gas Regulations
Personnel Qualification Regulations
Tracking Regulations
Tank Wagon Regulations

International Fragrance Association (IFRA)
Code of Practice
(www.ifraorg.org/)