

THE HSNO REGIME

The Act
Implementation
Legislative Update

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY
NGÄ KAIWHAKA TŪPATO WHAKARARU TAIAO



THE HSNO ACT

Definitions

Exclusions

Features

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New Zealand



THE HSNO ACT

Definitions

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Section 25(1)

No hazardous substance shall be imported or manufactured otherwise than in accordance with an approval issued under this Act or in accordance with Parts XI to XVI of this Act.

- ≡ **Part V approvals**
- ≡ **Transitional provisions**

What is a hazardous substance?

- /// **A substance that exceeds the regulatory threshold for one or more of the following properties:**
 - Explosiveness
 - Flammability
 - Ability to oxidise
 - Corrosiveness (metallic and biological)
 - Toxicity (including chronic toxicity)
 - Ecotoxicity
- /// **It is not a brand name product (c.f. Pesticides)**

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Exclusions

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Exclusions

/// Medicines

- as defined in Medicines Act 1981 with some exceptions

/// Foods

- foods managed under Food Act 1981, but excluding food additives

/// Hazardous substances used in R & D and teaching in certain laboratories (s.33 of Act)

/// Manufactured articles (except explosives)

/// Non-hazardous substances

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Features

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Key Features of HSNO

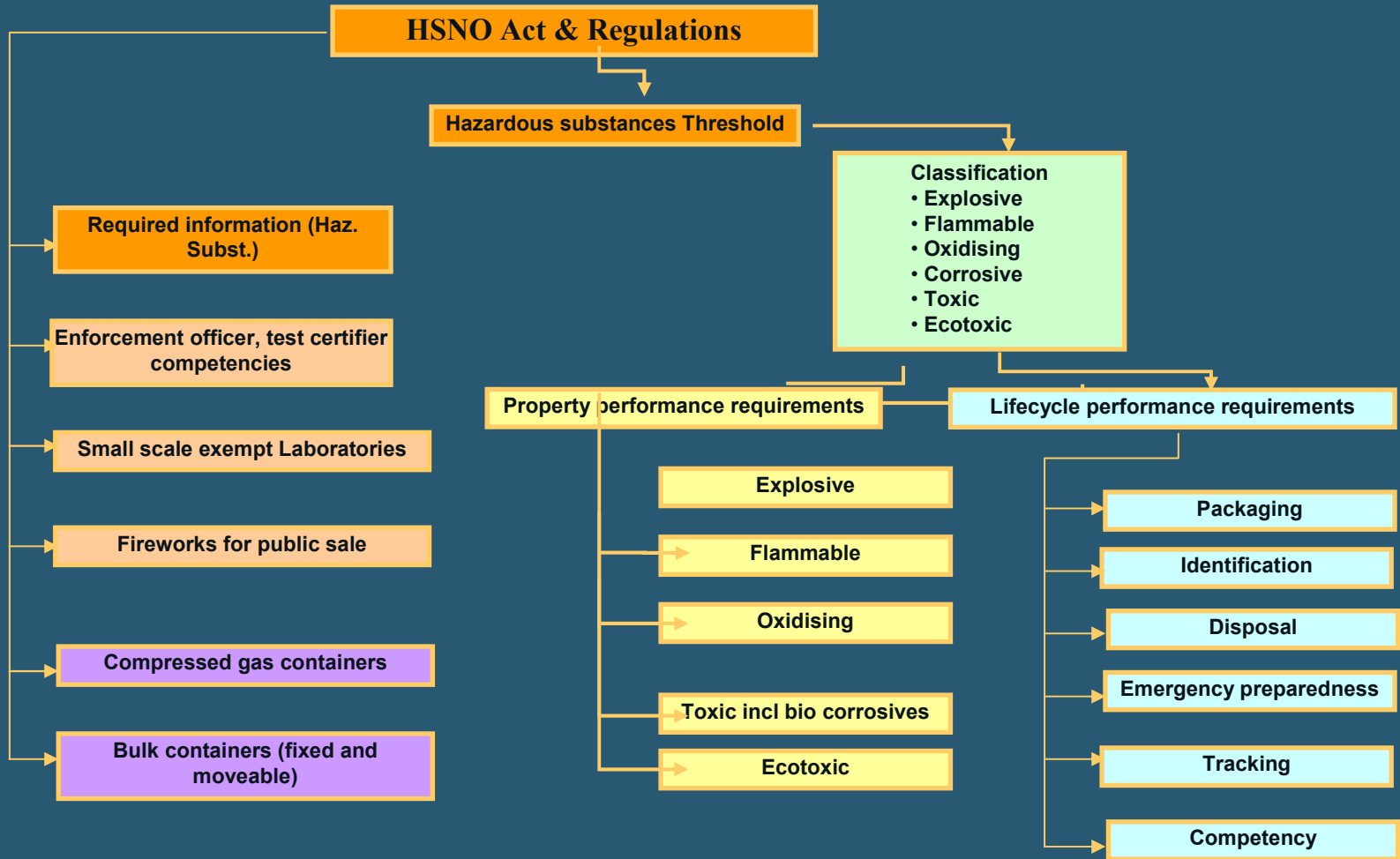
- /// Regulations
- /// Controls
 - Person in Charge
 - Test Certificates
 - Tracking
- /// Transfer

Regulations

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HSNO Regulatory “Toolbox”



Regulations

- /// **Minimum Degrees of Hazard** Regulations 2001
- /// **Classification** Regulations 2001
- /// **Class 1 to 5 Controls** Regulations 2001
- /// **Class 6, 8 & 9 Controls** Regulations 2001
- /// **Packaging** Regulations 2001
- /// **Identification** Regulations 2001
- /// **Emergency Management** Regulations 2001
- /// **Disposal** Regulations 2001
- /// **Tracking** Regulations 2001
- /// **Personnel Qualifications** Regulations 2001

Further Regulations

- /// **Compressed Gases Regulations 2004**
- /// **Tank Wagons and Transportable Containers Regulations 2004**
- /// **Controls for Stationary Container Systems**

Other Documents

- /// **Fireworks, Safety Ammunition & Other Explosives Transfer Regulations 2003**
- /// **Hazardous Substances (Dangerous Goods and STS) Transfer Notice 2004**
- /// **Hazardous Substances (Timber Preservatives, Antisapstains, and Antifouling Paints) Transfer Notice 2004**
- /// **Hazardous Substances (Pesticides) Transfer Notice 2004**
- /// **Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004**

Thresholds

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What is a threshold level?

A **threshold** is the amount or concentration of a substance that is likely to cause an adverse effect on people or the environment.

It is a **trigger level** for an effect that may, on consideration by the Authority, require controls on the substance to meet the purpose of the HSNO Act.

Hazardous property thresholds

- /// **Defined in: *HSNO (Minimum Degrees of Hazard) Regulations 2001***
 - To be hazardous substances must meet one of the threshold criteria
 - Substances meet the criteria on the basis of data, not on the absence of data

- /// **Based largely on UN GHS Classifications**

- /// **Guidance material**
 - *User Guide to Thresholds & Classifications*
 - *Summary User Guide to Thresholds & Classifications*

Classification Regulations

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Hazard Classifications

- /// **Classifications are the “tools” linking the substance and its hazardous properties to the controls**
- /// **Identify and trigger appropriate controls to manage effects from the hazards**

Classification

- /// **Classification is not new. It existed under the previous legislation. We still have:**
 - **Class 1 - Explosives**
 - **Class 2 – Gases**
 - **Class 3 – Flammable Liquids**
 - **Class 4 – Flammable Solids**
 - **Class 5 – Oxidising Agents and Organic Peroxides**
 - **Class 6 – Toxic**
 - **Class 8 – Corrosives**
 - **Class 9 – Ecotoxic (new)**

Flammability

Flammable Gases (2.1.1)

Two categories

- Category A (high danger) = (UN 2.1)
- Category B (medium danger) = any gas or gas mixtures (other than category A) that has a flammable range when in a mixture with air. This category extends the threshold (UNCETDG recommendation) to such substances as methyl bromide and ammonia

Flammability

/// Flammable Aerosols (subclass 2.1.2)

- Single category
- Criteria as per threshold
 - Mixture containing a gas, compressed, liquefied, or dissolved under pressure, with or without a liquid, paste or powder; comprising $\geq 45\%$, by mass, flammable ingredients; packed under pressure, in a way that is designed to be released ...
 - /// flammable ingredient = any gas, liquid or solid that meets flammability threshold
 - Not totally aligned with final GHS proposal

Flammability

/// Flammable Liquids (sub class 3.1)

- **3.1A** Flash Point < 23°C Initial BP ≤ 35°C
- **3.1B** Flash Point < 23°C Initial BP > 35°C
- **3.1C** Flash Point ≥ 23°C, but ≤ 60°C
- **3.1D** Flash Point > 60°C, but ≤ 93°C
 - HSNO 3.1A & B = DG class 3(a)
 - HSNO 3.1C = DG class 3(b)
 - HSNO 3.1D - proposed by UNSCETDG - covers in part DG class 3(c), fuel oils

Flammability

/// Flammable Solids

- HSNO classification system mirrors the UNRTDG system
- 5 sub-classes
 - Flammable solids (sub-class 4.1.1 = UN 4.1(a))
 - Self-reactive substances (sub-class 4.1.2 = UN 4.1(b))
 - Desensitised explosives (sub-class 4.1.3 = UN 4.1(c))
 - Spontaneously combustible substances (sub-class 4.2 = UN 4.2)
 - Substances dangerous when wet (sub-class 4.3 = UN 4.3)

Capacity to oxidise

- Ability to promote fire
- 2 elements of the threshold:
 - Oxidising substances not organic peroxides
 - Organic peroxides [-O-O-] structure
- Thresholds follow UN criteria

Oxidising property

- /// **Oxidising substances (solids/liquids)**
 - Subclass 5.1.1, Categories A, B, C
 - Equivalent to UN 5.1 PG I, II, III
- /// **Oxidising gases**
 - Subclass 5.1.2, Category A
 - Corresponds to UN 2.2 (part)
- /// **Organic peroxides**
 - Subclass 5.2, Categories A-G
 - Equivalent to UN Division 5.2

Corrosivity

≡ Metallic corrosives:

- ≡ Substances corrosive to metals (sub-class 8.1A)

≡ Biological corrosives:

- ≡ Substances corrosive to dermal tissue (sub-class 8.2A-C)
- ≡ Substances corrosive to the eye (sub-class 8.3A)

Toxic Substances

- /// Sub-class 6.1 - Substances which are acutely toxic
- /// Sub-class 6.3 – Substances which are skin irritants
- /// Sub-class 6.4 - Substances which are eye irritants
- /// Sub-class 6.5 - Substances which are sensitisers
- /// Sub-class 6.6 - Substances which are mutagenic
- /// Sub-class 6.7 - Substances which are carcinogenic
- /// Sub-class 6.8 - Substances which are reproductive or developmental toxicants
- /// Sub-class 6.9 - Substances which are target organ /systemic toxicants

Toxic Substances – 6.1

/// Sub-class 6.1 - Substances which are acutely toxic

	Category 6.1A	Category 6.1B	Category 6.1C	Category 6.1D	Category 6.1E
Oral LD50 (mg/kg bw)	≤5	≤50	≤300	≤2000	≤5000
Dermal LD50 (mg/kg bw)	≤50	≤200	≤1000	≤2000	≤5000
Gases LC50 (ppm in air)	≤100	≤500	≤2500	≤5000	
Vapours LC50 (mg/L in air)	≤0.5	≤2.0	≤10	≤20	
Dusts and Mists LC50 (mg/L in air)	≤0.05	≤0.5	≤1.0	≤5	

Poisons – old vs. new classifications

LD ₅₀ Oral liquids (mg/kg body weight)							
	5	20	50	200	300	2000	5000
TSA	Deadly		Dangerous		Standard		Harmful
HSNO 6.1	A	B		C		D	E

Ecotoxicity - Class 9

5 Thresholds, 4 sub-classes, 14 classifications

- /// 9.1A-D Aquatic
- /// 9.2A-D Soil
- /// 9.3A-C Terrestrial vertebrate
- /// 9.4A-C Terrestrial invertebrate
- /// 9.1D Designed for biocidal action

Some Classifications

Substances	Assigned classifications (that require approved handlers and/or location certificates)
Petrol	3.1A (but will use some 3.1B controls)
Mineral Turpentine	3.1C
Kerosene	3.1C
Acetylene, LPG	2.1.1A
Ammonia (gas)	2.1.1B, 6.1C
Chlorine	5.1.2A, 6.1A, 8.2A, 9.1A, 9.2A

Process of Controls

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Controls

– link with classifications

- /// Each hazardous property classification triggers a set of controls (default controls)
- /// Controls are consolidated once substance classified to give a suite of default controls
- /// For guidance on which controls are triggered by which classification see
 - *User Guide to Controls*
 - *The Matrix*

Controls – some basics

- /// Controls are the primary tools to manage adverse effects to meet purpose of Act
- /// Performance based
 - Create certainty about ‘what’ is to be met
 - Provide flexibility in ‘how’ to meet requirement
 - Allowing for changing technologies

HSNO

- /// Full life cycle (manufacture to disposal)
- /// Hazardous properties and controls
- /// Set out in regulations
 - Toxic and ecotoxic
 - Physical hazards (eg flammability)
 - Identification
 - Packaging
 - Disposal
 - Emergency Management
 - Tracking
 - Personnel Qualifications

Physical

/// Class 1 to 5 Controls

- Controls to prevent adverse effects
 - Unintended ignition/combustion
- Locations
- Handlers

Toxic

/// Class 6, 8 and 9 Controls

- Record keeping
- Equipments
- PPE
- Handlers
- Exposure limits

Identification Controls

- /// Information immediately available (label)
 - **Priority Identifiers**
(signal words eg DANGEROUS POISON, UN/EU pictograms)
 - **Secondary Identifiers**
(substance name, NZ contact details, nature of all toxic and ecotoxic hazards - warning/precautionary statements (eg. *harmful if swallowed, avoid skin contact*), identification and concentrations of toxic ingredients – Abamectin 18% w/w)

Identification Controls

- /// **Documentation (MSDS)**
 - **must be supplied with substance**
 - **must be accessible in place of work**
 - **COP in preparation based on ISO format**

Emergency Management

/// Level 1 (label)

- **symptoms of exposure e.g. *nausea, stomach pains, irritating to skin and eyes***
- **first aid information e.g. *seek medical advice, if swallowed give large amounts of water, do not induce vomiting***
- **emergency contact details e.g. *contact Poison Centre 03 474 7000***

Emergency Management

- /// **Level 2 (MSDS)**
 - **emergency preparedness including training, equipment, remedial actions, spill response**
- /// **Level 3 (emergency response plan)**
 - **emergency response plans and secondary containment, signage (trigger quantity 100L)**

Disposal Controls

/// Disposal control options

- treatment of substance to reduce hazard below threshold level, or
- discharge of substance provided that any TELs or EELs are not exceeded, or
- export substance as waste

/// Control for disposal of containers

- either destroy or “triple rinse”

Tracking Controls

- /// **Control requirements**
 - **Record location and movement of substance**
 - **Record quantity of substance**
 - **Record disposal of substance**
 - **Identify approved handlers**
 - **Qualifications of handlers**
 - **Records to be kept**
- /// **Similar to current TSA “Poisons Book”**

Packaging Controls

/// Packaging for items < 450 L

Compressed Gases

- /// Controls on cylinders
- /// Design Verification
- /// Test Certificates for imported cylinders
- /// Pre-commissioning test certificates
- /// Periodic test certificates
- /// Cylinder fittings
- /// Approved Fillers

Tank Wagons

- /// Tank Wagon Design
- /// Pre-commissioning certificates
- /// In-service certificates

- /// DEFERRED UNTIL 1 October 2005.

Stationary Container Systems

/// Schedule 8 of the Gazette Notice No 35

Personnel Qualifications

- /// Enforcement Officers
- /// Approved handlers
- /// Test Certifiers

The MATRIX

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The Matrix

Degree of Hazard	Nature of Toxic Hazard			
	Acute Toxicity 6.1	Skin Irritant 6.3	Eye Irritant 6.4	Sensitiser (respiratory & contact) 6.5
A	T1,T2,T3,T4,T5,T6,T7,T8 I1,I8,I9,I16,I17,I18,I19, I20,I21,I28,I29,I30 P1,P13,PG1 D4,D6,D7,D8 EM1,EM6,EM8,EM11, EM12,EM13 TR1 AH1	T1,T2,T4,T7 I1,I9,I16,I19,I21,I28 P1,P3,P13 D4,D6,D7,D8 EM1,EM6,EM8, EM11,EM12	T1,T2,T4,T7 I1,I9,I16,I19,I21,I28 P1,P3,P13 D4,D6,D7,D8 EM1,EM6,EM8, EM11,EM12	T1,T2,T4,T5,T7 I1,I9,I16,I17,I18, I19,I21,I28 P1,P3,P13,PG3 D4,D6,D7,D8 EM1,EM6,EM8, EM11,EM12
B	T1,T2,T3,T4,T5,T6,T7,T8 I1,I8,I9,I16,I17,I18,I19, I20,I21,I28,I29,I30 P1,P3,P13,PG2 D4,D6,D7,D8 EM1,EM6,EM8,EM11, EM12,EM13 TR1 AH1	T1,T2,T4,T7 I1,I9,I16,I19,I21,I28 P1,P3,P13 D4,D6,D7,D8 EM1,EM6,EM8, EM11,EM12		T1,T2,T4,T5,T7 I1,I9,I16,I17,I18, I19,I21,I28 P1,P3,P13,PG3 D4,D6,D7,D8 EM1,EM6,EM8, EM11,EM12

Key to Matrix

Toxic substances (incl biological corrosives)	Classes (6,8 and 9) Controls Regulations	Description
T1	Reg 11-27	Limiting exposure to toxic substances; setting values for acceptable daily intake (ADE)/reference dose (RfD), potential daily exposure (PDE), tolerable exposure limit (TEL); prohibition on use of substances in excess of TEL
T2	Regs 29-30	Controlling exposure in places of work and other 'use' situations; setting of workplace exposure standards (WES)
T3	Regs 5 (1), 6	Requirements for keeping records of use
T4	Reg 7	Requirements for equipment used to handle substances
T5	Reg 8	Requirements for protective clothing and equipment
T6	Reg 9	Quantities of toxic substances that require an approved handler
T7	Reg 10	Restrictions on carriage of toxic substances on passenger service vehicles
T8	Reg 28	Controls for vertebrate poisons

Glyphosate/Round-up

/// Classification: 9.1B

Ecotoxic:	E1, E2, E6, E8
Identification:	I1, I3, I9, I11, I19, I21, I23, I29
Packaging:	P1, P3, P15, PG3
Disposal:	D5, D6, D7, D8
Em. Man:	EM1, EM7, EM8, EM11, EM12, EM13
App. Handler:	No

Person In Charge

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Person in Charge

/// Responsible for:

- Keeping records
- Looks after equipment used
- Advice on protective clothing
- Ensures compliance for hazardous substance locations

Person in Charge

(Classes 1 to 5 Controls - Regs 26, 27, 77 & 78)

- /// The 'person in charge' of the place must :
 - Establish the HS location
 - Notify an enforcement officer
 - Be an AH, or demonstrate that an AH is available
 - Secure the building or container
 - Obtain a Test Certificate
 - Have a site plan available
 - Establish and maintain a HS zone
 - Compliant electrical equipment

Test Certification

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Old “Licenses”

- /// **DG licence obtained from Territorial Authority or OSH**
- /// **Poisons licence to pack or sell obtained from the Ministry of Health**
- /// **Fumigants - Certificates of Competence (MoH)**
- /// **Vertebrate poisons licences (ACVM)**
- /// **Explosives – Certificates of Competence (OSH)**

Types of Test Certificates

- /// **Location certificate**
 - **Required only for flammables and oxidisers**
- /// **Bulk tank certificates**
- /// **Cylinders**
- /// **Tank Wagons**
- /// **Approved Handlers**
 - **Required for all types of hazardous substances**

Test certificates and test certifiers

- /// Test certificates must be obtained from an approved Test Certifier
- /// ERMA will maintain a register of approved Test Certifiers
- /// Approval relates to specific test certification functions

Location Test Certificates

- /// **What does the Test Certifier do?**
 - **Administration**
 - **Sources of Ignition**
 - **Segregation**
 - **Personal Protective Equipment – limited**
 - **Spills and failure**
 - **Identification and Signage**
 - **Emergency Management**

Location Test Certificates

/// What is not done?

- Tracking
- Information
- Packaging
- “Illegal” substances

Test Certification – Locations (Classes 1 to 5 Controls - Regs 55 & 77)

/// Table 4, Schedule 3 (as amended) specifies where location certificates are required

- Gases 100 kg (or 100m³)
- Aerosols 3000 L
- 3.1A Storage 20 lt; Use 20 lt
- 3.1B Storage* 250 lt; Use 50 lt
- 3.1C Storage* 1500 lt; Use 250 lt

* Containers up to 5 litres. 100 & 500 lt respectively for containers greater than 5 lt

Handlers

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What products require Approved Handlers?

- /// **Tracked substances**

- /// **Highly hazardous substances**
 - **Flammable**
 - **Toxic**
 - **Ecotoxic**

- /// **Where a Location Certificate is required**

Who is an Approved Handler?

- /// **A suitably competent and qualified person who can provide guidance to others**
- /// **Knowledgeable about the relevant parts of HSNO**

Why is an Approved Handler required?

- /// To manage hazardous substances to prevent damage to:
 - Environment
 - Spray drift
 - Affecting waterways
 - Workers

- /// Know what to do in an emergency

Test Certificate Trigger Levels - Flammables

/// Approved handlers – Table 2, Schedule 3

- | | |
|----------------|--------------------------------|
| – Gases 2.1.1A | 100 kg (or 100m ³) |
| – Aerosols | 3000 L |
| – Liquids 3.1A | Any quantity |
| – Liquids 3.1B | 250L (>5L)
500L (<5L) |

Approved Handler Requirements (Classes 1 to 5 Controls - Reg 56 & 77)

- /// **Classes 2 and 3 must be under the personal control of the Approved Handler or secured**
- /// **Exceptions**
 - The Approved Handler has provided guidance
 - The Approved Handler is available to provide assistance...at all times...whilst the substance is being handled

Test Certificate Trigger Levels -Oxidisers

/// Approved handlers

- Liquids/solids – Schedule 4, Table 3
 - 5.1.1A Any amount
 - 5.1.1B 500 kg or L
 - 5.1.1C 1000 kg or L
- Gases – Schedule 4, Table 3
 - 5.1.2A 250 kg/200m³
- Organic peroxides – Schedule 5, Table 2
 - 5.2A or B Any amount
 - 5.2C, D, E, F 10 kg or L
 - 5.2G not required

Approved Handlers for LPG (Cylinder Filling)

- /// Approved Handler required for the site
- /// Approved Filler required for the cylinder filling

Approved Handler Requirements (6, 8 & 9 Controls – Reg 9)

- /// Under the personal control of an Approved Handler, or secured for the following:
 - Any quantities of classes:
 - 6.1A/B/C
 - 8.2A
 - 9.1A, 9.2A, 9.3A, 9.4A
 - 10kg/lt or more of Class 6.7A
- /// Unless the person:
 - Same requirements as for Classes 1 to 5

Pesticides

/// Ecotoxics

- Generally this control has been removed, except:
 - For contractors
 - For widely dispersive use
 - For use into or over water

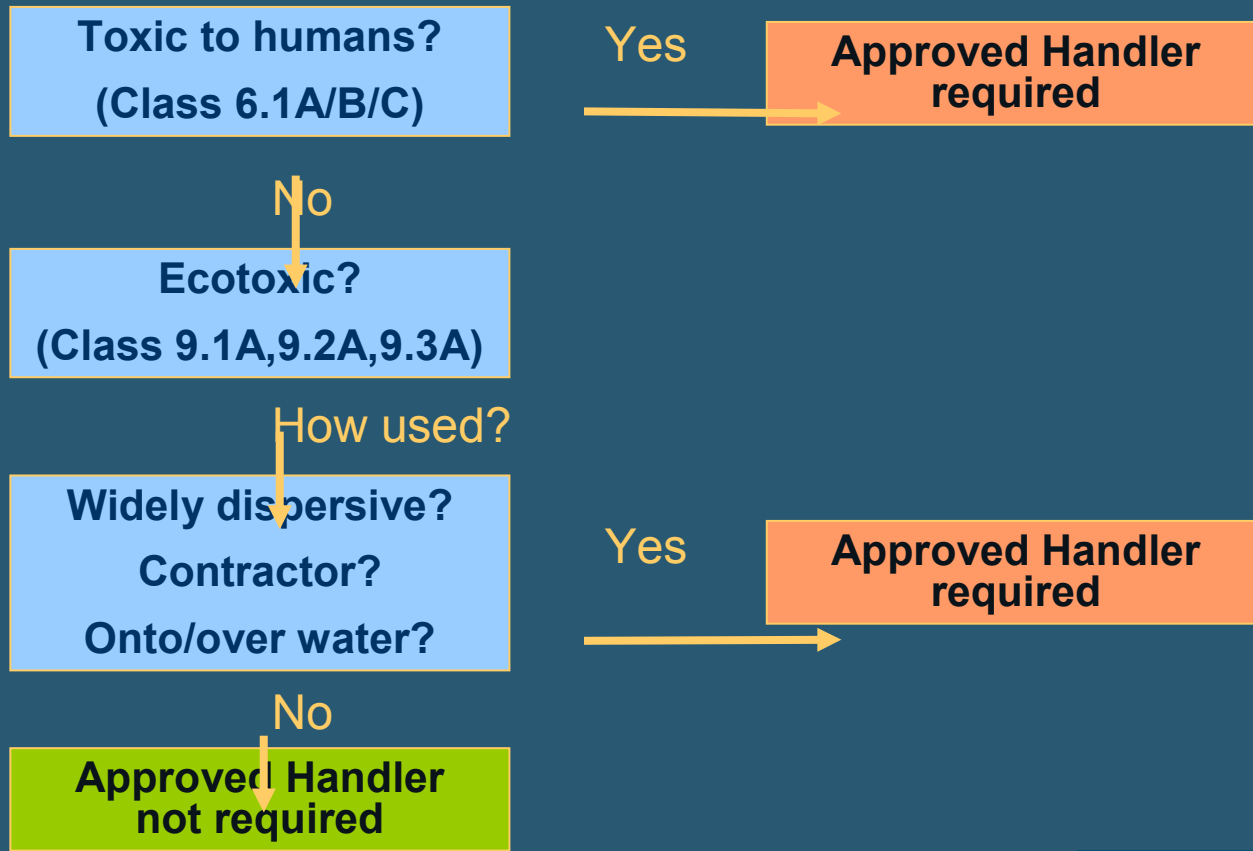
/// Poisons

- Substances highly toxic to humans
- Equivalent to deadly and dangerous poisons

/// Flammables

- If more than 2000 litres (total on a farm)
- Lower quantities outside of farms

Is an Approved Handler required?



Need to be present and available?

- /// Approved Handler will not need to be present
- /// Approved Handler must have provided guidance
- /// Approved Handler will need to be available
- /// Available means:
 - Contactable within 5 minutes
 - Able to provide advice

Approved Handler Equivalents Transport

- /// Road – ‘D’ endorsement
- /// Sea – Maritime Rules
- /// Air – CAA Rules
- /// Does not include:
 - Explosives
 - Tank Wagons
 - Loading aircraft for spraying or dropping

How to become an Approved Handler

/// Transitional

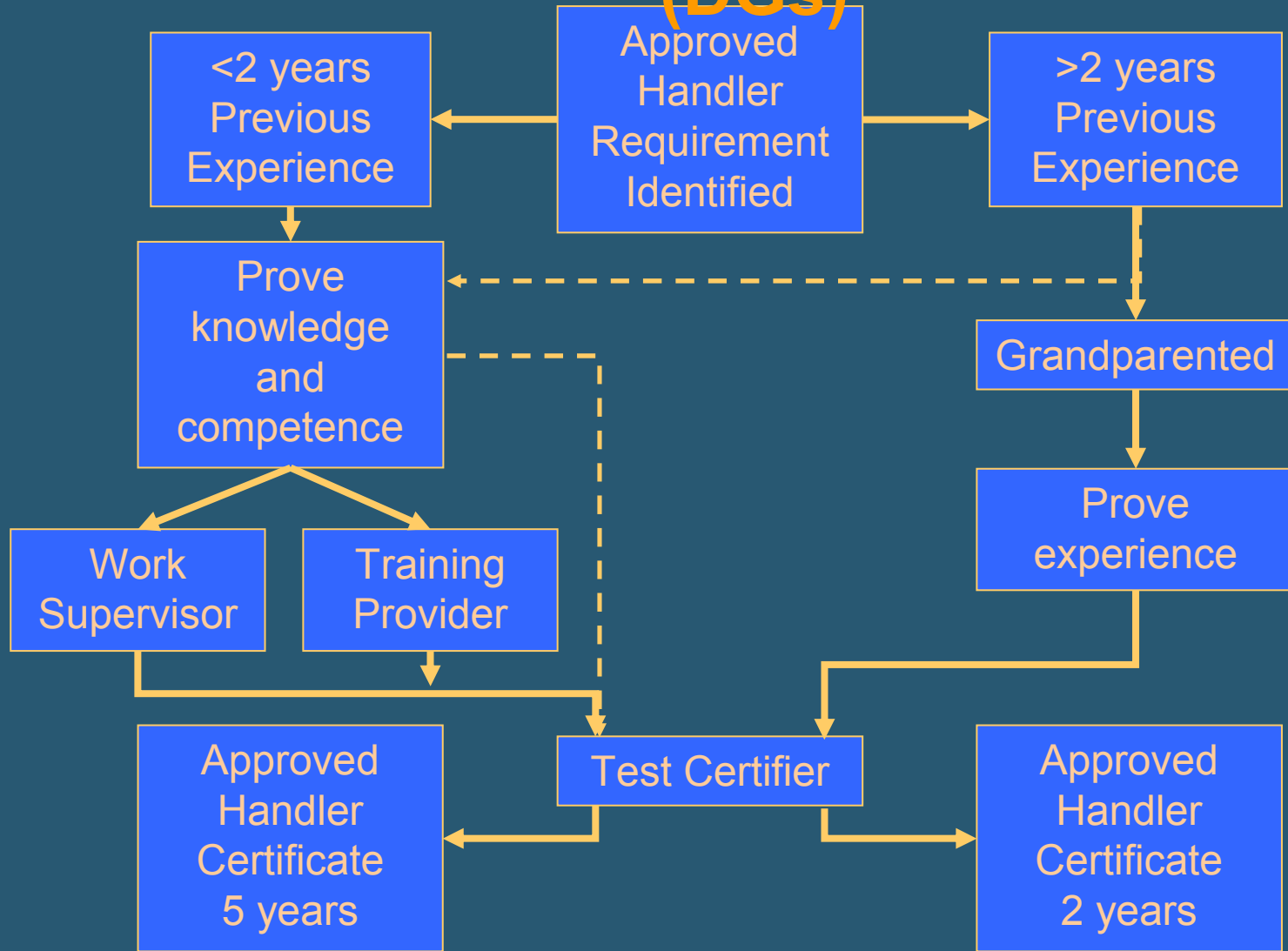
- Need to demonstrate 2 years experience
- Lasts for 2 years, non-renewable

/// Full

- Apply to a test certifier
- Knowledge of substances
- Practical competence
- HSNO knowledge

Approved Handler Process

(DGs)

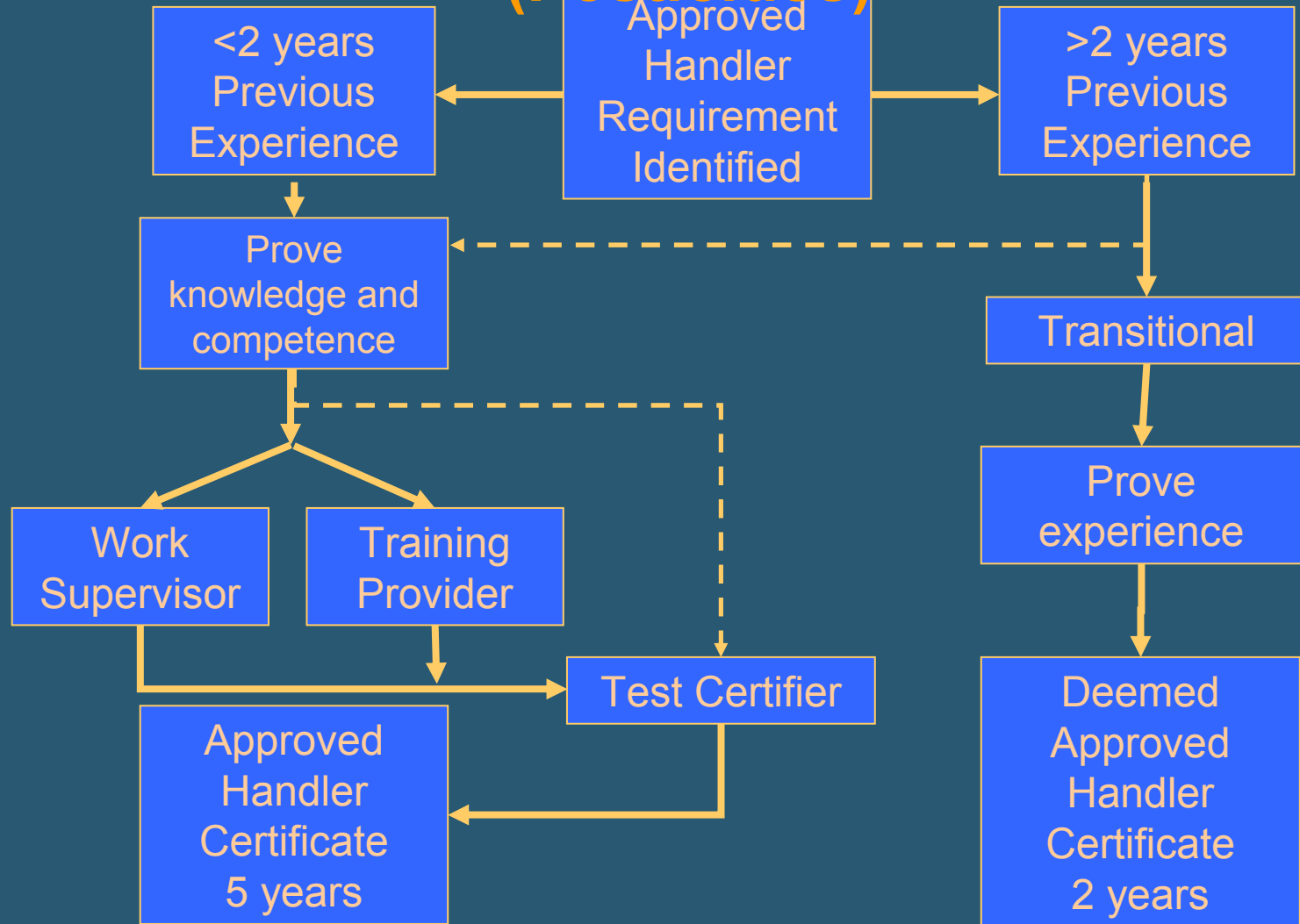


Approved Handlers (Dgs)

/// Transitional provisions

- Need >2 years experience working under previous legislation
- Still need to apply for certificate
- 2 year automatic certificate
- Will then need to demonstrate full competence

Approved Handler Approval Process (Pesticides)



Approved Handlers (Pesticides)

/// Transitional provisions

- Need >2 years experience working under previous legislation
- 2 year automatic certificate
- Will then need to demonstrate full competence

Transitional Approved Handler Qualification

- /// Regulation change allows self assessment
- /// Requirement to complete a declaration to demonstrate compliance
- /// Form available from our website and will be widely distributed

Approved Handlers

- /// **Approved by test certifiers**
 - **Training, and/or**
 - **Experience / competency**
 - **Issued for specified types of substances and phases of lifecycle**
 - **Valid for 5 years from date of issue**

Approved Handlers

/// Competency requirements

- Knowledge of substance hazard classification, adverse effects, any controls imposed, precautions required to prevent injury, emergency management procedures
- Knowledge of obligations and liabilities under the Act
- Knowledge of relevant regulations and codes of practice.
- Practical experience and ability

Approved Handlers

- /// **What needs to be presented to a test certifier?**
- /// **A written record**
 - **Signed by a training provider or work supervisor; and**
 - **Describes the assessment method and results**

HSNO LICENCES

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HSNO LICENCES

/// Approved Handler

PLUS

/// Fit and proper person

/// Vertebrate poisons, fumigants

Tracking

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Tracking

- /// Only required for Classes 3.1A/2A, 4.1.2A/B, 4.1.3A, 4.2A/3A, 5.1.1A, 5.2A/B, 6.1A/B/C, 9.1A/2A/3A/4A

- /// Records at each stage of lifecycle
 - Manufacture / import through to disposal / use

- /// May only transfer if:
 - To an approved handler
 - To an approved location (for storage)
 - Responsibility with ‘person in charge’

Transport

- /// **Approved Handler not required if Land Transport Safety Rules are met**
- /// **Tracking is not applied to the transport mode if Land Transport Safety Rules are met**
- /// **Tracked substance may be collected by someone who is not an Approved Handler**

Tracked Substance Typical Lifecycle

/// Manufacturer / Importer

- Requires Approved Handler
- Must ensure an Approved Handler receives goods

/// Transport

- LTSA Rules apply

/// Distributor

- Requires an Approved Handler
- Must ensure an Approved Handler receives goods

/// Transport

- LTSA Rules apply

/// User

- Requires an Approved Handler

ENVIRONMENTAL SUSTAINABILITY
Keep records of use / disposal
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Stationary Container Systems

- /// Schedule 8 of the Gazette Notice
- /// Certification requirements for new tank systems
- /// Existing – 2 years to be checked
 - - 3 years for compliance plan

Controls for stationary container systems

- /// Grandparenting provisions for existing containers
- /// engage a test certifier within two years to undertake assessment
- /// If not compliant provide to ERMA New Zealand within three years a compliance plan
- /// ERMA New Zealand to approve (or decline) compliance plan
- /// Compliance plan to be complied with

TEST CERTIFIERS

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Test Certifiers Who are they?

- /// List available here
- /// See ERMA New Zealand website

www.ermanz.govt.nz

- /// Contact ERMA New Zealand

Test Certifiers

- /// Applications for Test Certifiers to ERMA
 - Prove expertise, competency, and knowledge of the Act
- /// Approvals initially for 3 years
 - (Subsequently up to 5 years)
- /// Approvals restricted to areas of expertise

Test Certifiers

Information pack available from
ERMA NZ

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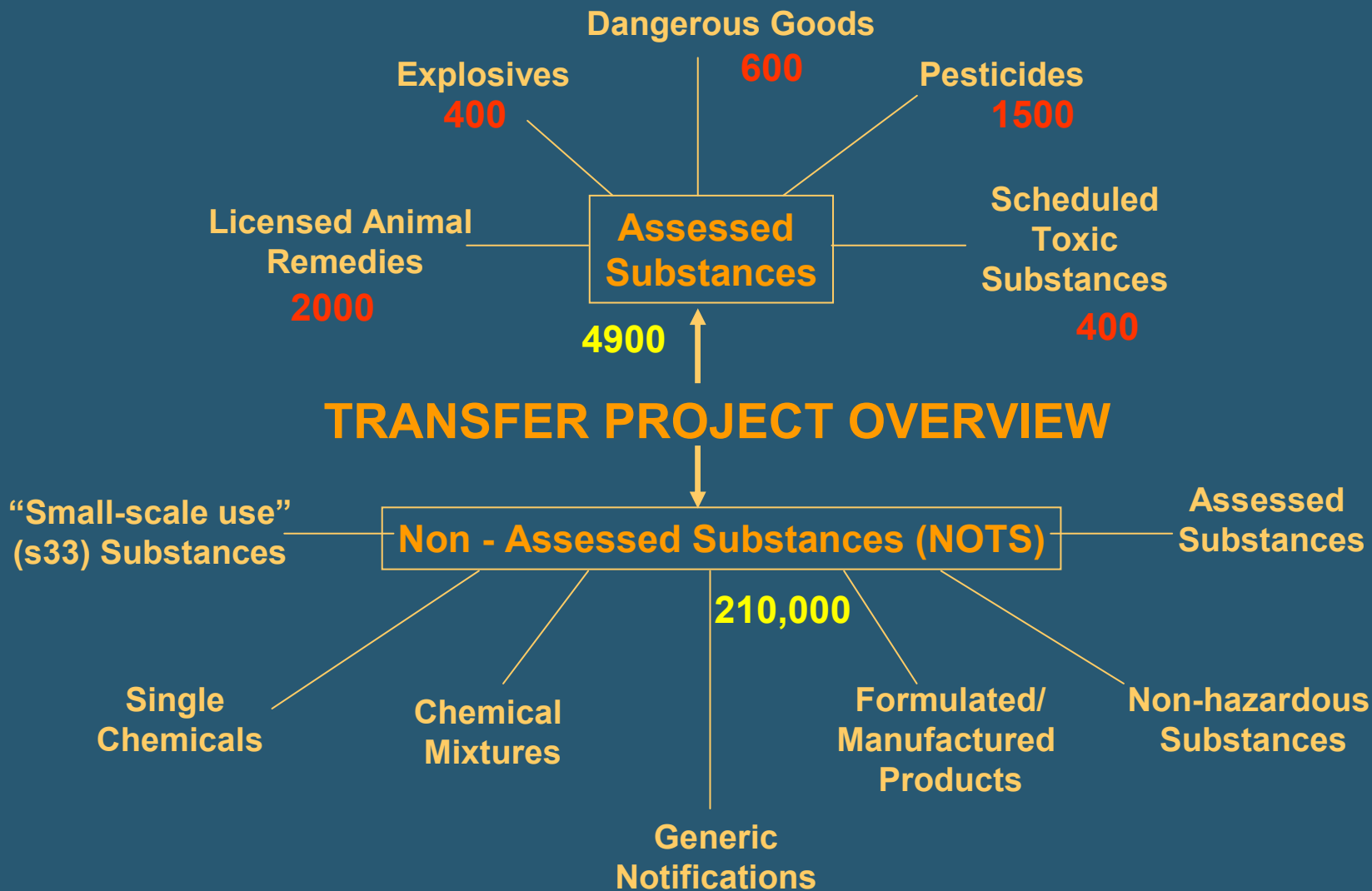
Test Certificate database

- /// For all certificates
 - Approved Handlers
 - Approved Fillers
 - Locations
 - Tanks
- /// Protects test certifiers commercial information
- /// Accessible by enforcement agencies
- /// Searchable by TAs for RMA purposes

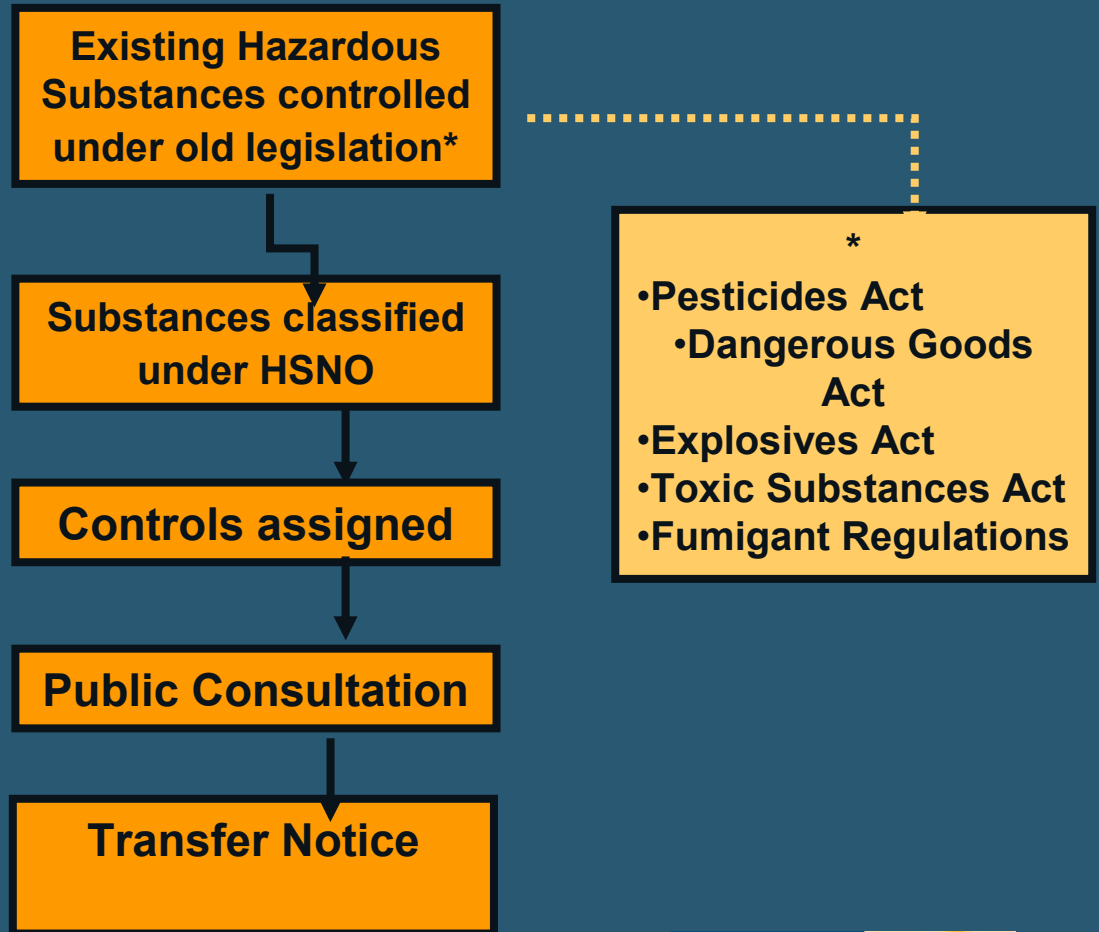
TRANSFER

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Transfer Project



Transfer Timing

- /// **Explosives** 28 August 2003
- /// **Dangerous Goods/STS** 1 April 2004
- /// **Pesticides** 1 July 2004
- /// **Notified Toxic Substances (NOTS) Ongoing to June 2006**

Transfer Update

- **Veterinary medicines**
 - on target to transfer high and medium priority vet meds by 1 July 2005
 - some issues being worked through with industry
- **NOTS**
 - completion of screening by July 2005
 - Integration into Group Standards

Transfer Update

- **Pesticides – Information provision**
 - **Trade name products listed on ERMA NZ website with classifications, controls and Approval Number**
 - **Proprietors offered component information for toxicity identification**
 - **Similar provision to be offered for toxicological and ecotoxicological data for SDS preparation**
 - **Later, access to RISCC database of component information to facilitate formulation of less hazardous products**

Transfer of Dangerous Goods

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Transfer DGs

/// Notice of transfer

- List of substances with assigned hazard classifications
- Controls that apply to these substances
- Published in the New Zealand Gazette

What was transferred?

- /// **Single component dangerous goods**
 - **DG Classes 2, 3, 4, and 5**
- /// **Petrol and petroleum products**
- /// **Non-hazardous compressed gases**

- /// **Single component scheduled toxic substances**

What was not transferred

- /// Dangerous goods that are formulated products
- /// Aerosol products

These will transferred as part of the notified toxic substances (NOTS) programme

Other Transfers

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Pesticides

1 July 2004 for pesticides (1,600 products)

- /// **Herbicides**
- /// **Insecticides**
- /// **Fungicides**
- /// **PGRs**
- /// **Molluscicides**

Timber Treatment

1 July 2004 for:

- /// **Timber treatment chemicals**
- /// **Antifouling paints**

Vertebrate Poisons

1 November 2004 for:

/// Vertebrate poisons

/// Fumigants

/// **NOT 1080**

Others

Veterinary medicines (scheduled for 2005)

- /// Ecto and endo parasiticides
- /// Anti-microbials
- /// etc

NOTS (scheduled for 2006):

- /// Dairy sanitisers
- /// Chloride of lime

Transfer Dates

/// Transferred

- Explosives
- Dangerous Goods
- Scheduled toxic substances

/// July 2004

- Pesticides
- Timber treatment
- Antifouling paints

/// November 2004

- Fumigants
- Vertebrate poisons

/// July 2005

- Veterinary medicines

/// Up to July 2006

- Mixtures and formulated products

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Staged Implementation

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The “micro-patch”

Hazardous Substances and New Organisms (Transitional Provisions and Controls) Amendment Act 2004

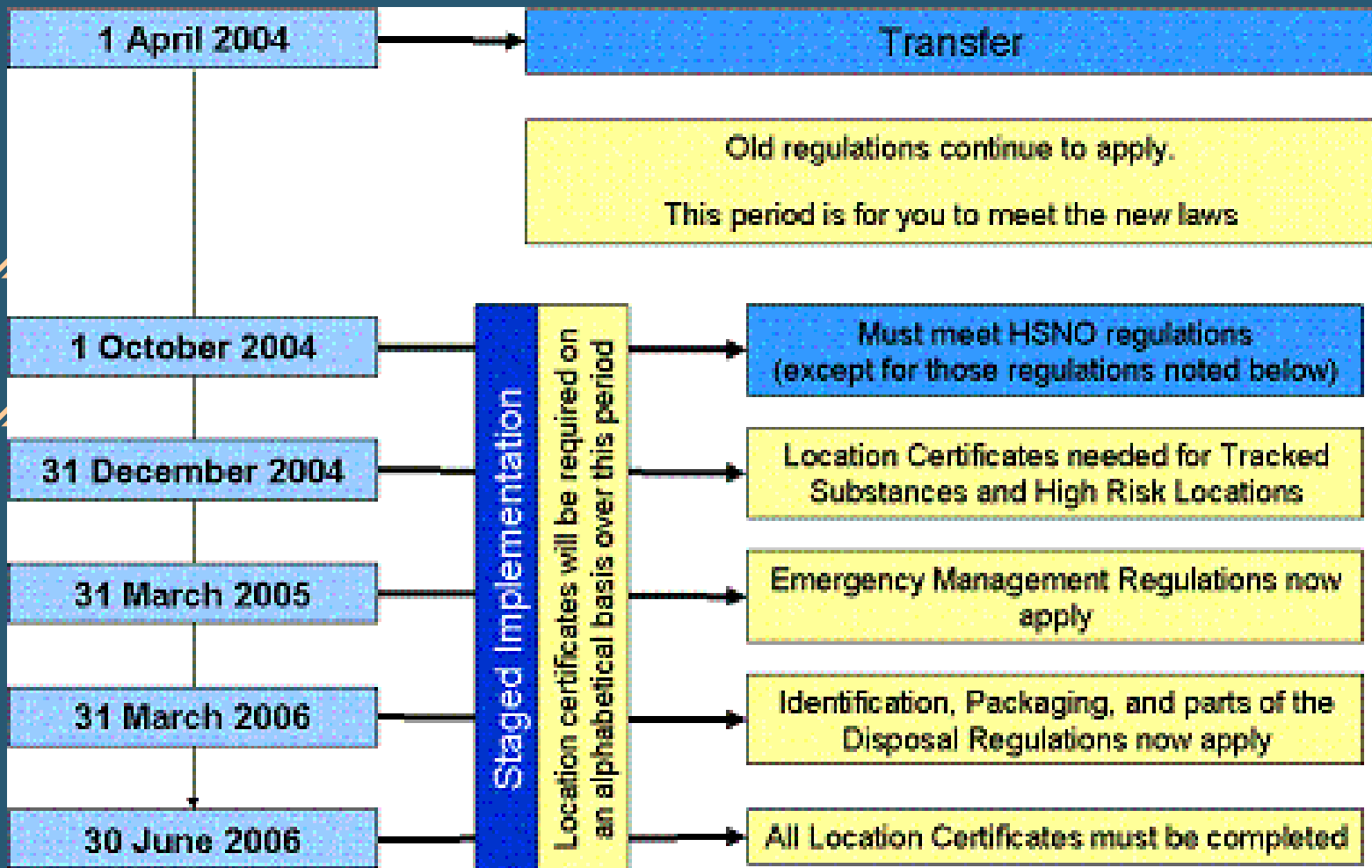
/// Staged implementation

Why Staged Implementation

- /// Industry needs time to learn and implement the new controls
 - Use the present legislation until required to change
- /// Test Certificate issue needs to be spread over the period of their renewal

Staged Implementation (DGs)

- /// 6 month transitional period until 1 October 2004 – existing legislation applies.
- /// After 1 October implementation staged.
- /// Tracked substances – HSL by 31 December 2004
- /// Others substances – by alphabet or approved scheme
- /// Emergency management – 31 March 2005
- /// Identification and packaging – 31 March 2006



Notified Toxic Substances

/// Flammables

- Extension of the Dangerous Goods Licence

/// Poisons

- Continue to issue a poisons licence

/// New substances / locations

- Test Certificate required - equivalent to current licences

Staged Implementation Pesticides

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Pesticides

Key dates for approved handlers:

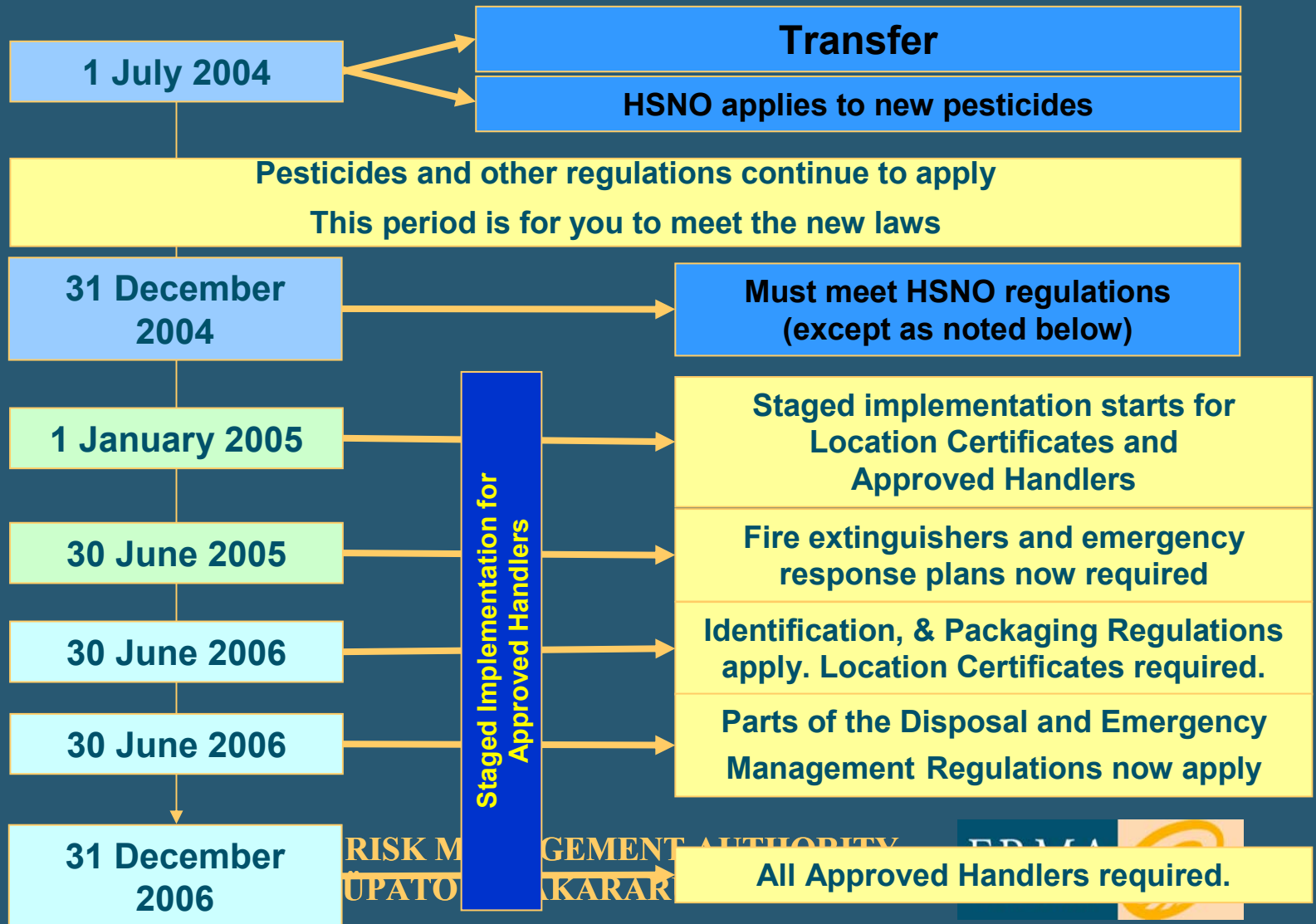
1 Jan 05

**Deemed or full test
certificates**

1 Jan 07

All full test certificates

Timetable for Pesticides Transferred in July 2004



Transitional VTAs

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VTAs

Transitional arrangements until 1 November 2005

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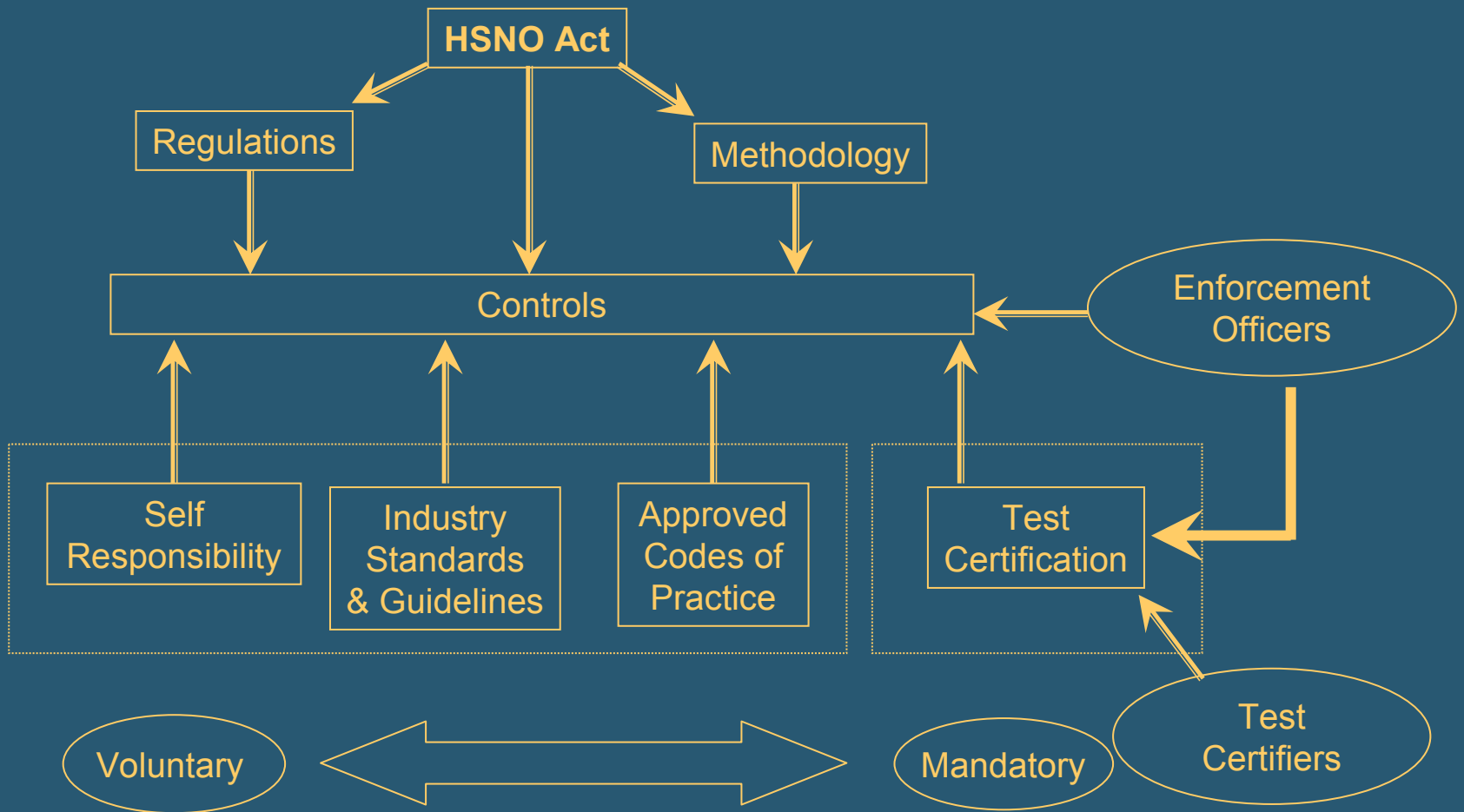


Compliance Mechanisms

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The HSNO System



Codes of Practice

- /// **Via adoption of Codes of Practice**
- /// **Codes will detail acceptable means of meeting performance requirements**
- /// **ERMA can issue, amend, approve and revoke Codes of Practice**
- /// **Initially, Codes will be existing documents, such as standards, other COPs, industry 'best-practice' guidelines**

Formal Codes of Practice

/// Approved

- Exempt Laboratories
- NZS 8409: Agrichemicals
- Signage

Codes coming up

- /// **Safety Data Sheets**
- /// **Labelling**
- /// **Emergency Management**
- /// **Various industry specific codes (eg LPG)**

Informal Codes of Practice

- /// Informal documents being considered to expedite progress
- /// Approved by Authority but not through formal HSNO process
- /// May be a good staging point en route to full approval

Enforcement

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ERMA New Zealand's role

- /// **Supervise**
- /// **Facilitate arrangements between agencies**
- /// **Set benchmarks and standards**
 - **Set priorities**

Responsible Agencies

OSH

Energy Safety Service

LTSA

Police

CAA

MSA

Ministry of Health

Territorial Authorities

MAF

Workplace

Gas appliances, installation and distribution

Land transport (optional)

Land transport

Air transport

Maritime transport

To protect public health

Any other situation

“may” enforce when enforcing RMA provisions

“shall” ensure enforcement of transitional provisions in relation to dangerous goods

New Organisms

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Enforcement Contracts

- /// Cabinet has provided funding to retain skilled resources in TAs

- /// Needs to address:
 - TA role in emergency response and HSTLCs
 - TA role for public places and private dwellings
 - TA residual responsibility for NOTS
 - ESS's responsibility under HSNO
 - Assist in fulfilling OSH's role under HSNO for classes 1-9

Regional Councils

- /// ERMA will be examining the potential for regional council involvement in HSNO
- /// MfE looking at Act amendments
- /// ERMA will run pilot programmes to 2006

Compliance Requirements

- Formal point of reference is Transfer Notice and Controls Regulations
- Major challenge in making information accessible
 - Information guides
 - Controls “tool”

Location Test Certificates

- /// **What does the Test Certifier do?**
 - **Administration**
 - **Sources of Ignition**
 - **Segregation**
 - **Personal Protective Equipment – limited**
 - **Spills and failure**
 - **Identification and Signage**
 - **Emergency Management**

Location Test Certificates

/// What is not done?

- Tracking
- Information
- Packaging
- “Illegal” substances

Enforcement

- /// **What does an Enforcement Officer do?**
 - **Not what the Test Certifier does!**
- /// **Confidence**
- /// **Audit**

Legislative Update

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Micropatch content

- /// **Now enacted**
- /// **Transfer by notice (s160A and S160B)**
- /// **Transitional management (S142A and S154)**
- /// **Ability to add further controls (s77A)**
 - **Permissions**
 - **Licences**

The “Micro-patch”

- /// Allowed Transfer by Gazette
- /// Secondary permissions
 - Licences
 - Permissions
- /// s77A: wide scope for controls
- /// Tidied up loose ends

s77A Implications

- /// Approvals can be “use” constrained
- /// For “uses” outside of “approved use” further application and risk assessment required
- /// Increase in confidence that identifiable risks can be prevented or managed
- /// Likely to feature in methylated spirits, clopyralid and 1080 reassessments

'Macropatch' Bill

- **HSNO (Approvals and Enforcement) Amendment Bill**
 - **Group Standards**
 - **Exposure limits**
 - **Rapid assessment and reassessment processes**
 - **Exempt laboratory provision**
 - **containment - export only**
 - **various enforcement enhancements**
- **First Reading February 17**
- **Expected to be passed July 2005**

Group standards

- /// Will allow groups of substances to be managed by common set of controls
- /// A group standard will be a combination of:
 - Definition
 - Condition
 - Control
- /// Set through publicly notified process

Communications

- /// Various publications available from our website.
- /// Step by step guides for industry sectors
- /// Pan industry guides for common issues
 - Eg Approved Handlers

Guides

/// Quick Guides

- Approved Handlers
- Locations, etc.

/// Simple Guides for Industry

- Service Stations, LPG
- Ammonia, Chlorine,
- Agricultural Industry, etc.

Further information

- /// ERMA New Zealand web site
www.ermanz.govt.nz
- /// ERMA New Zealand publications (web or hard copy)
- /// By email info@ermanz.govt.nz
- /// By phone **0800 376 234**

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