

Spirits & Fortified Wines

New requirements under HSNO.

There are new rules for bulk spirits and fortified wines. These rules, issued by ERMA New Zealand, are being progressively implemented over three years from July 2006. They replace the requirements for bulk alcoholic beverages from the former Dangerous Goods Regulations.

This guide outlines the rules that producers, suppliers and retail liquor outlets handling and storing alcoholic beverages in bulk need to be familiar with for compliance with the Hazardous Substances and New Organisms Act (HSNO). These rules are intended to manage any risk from the flammable nature of spirits and fortified wines. The requirements of other legislation, for example the Food Standards Code, Sale of Liquor Act or the Customs and Excise Act, that also apply to alcoholic beverages are not addressed in this document.

What other HSNO rules apply?

There are a number of other rules that may apply to bulk spirits and fortified wines. These include:

- Signage to warn that flammable liquids are present. Signage is required by 1 July 2008;
- A stationary container test certificate for any bulk tank that holds alcoholic beverages. This is required by 1 July 2008 or a report from a test certifier seeking dispensation until 1 July 2009. For more information on stationary container test certificates, see: <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-IS-29-1.pdf>

You must also have someone in the role of 'person in charge'. The person in charge is responsible for ensuring the spirits and fortified wines are correctly managed and that the HSNO rules are followed. You must have a person in charge from 1 January 2007.

-  For more information see our *Quick Guide on Person in Charge* at: <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-28-1.pdf>

How "new" is all this?

The Dangerous Goods legislation previously set requirements to manage the flammability hazard when storing alcoholic beverages. These requirements have been carried over to the new HSNO rules.

Where can I get more information?


For more information on the HSNO requirements that apply to bulk spirits and fortified wines, contact our Hazardous Substances Compliance Line on: **0800 376 234**, email: hsinfo@ermanz.govt.nz or online at: <http://www.ermanz.govt.nz/hs/compliance/index.html>

-  A test certifier will also be able to give you guidance and assistance. You can find a test certifier at: <http://www.ermanz.govt.nz/search/tc.html>

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY



NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO

-  ERMA New Zealand, PO Box 131, Wellington 6140
Hazardous Substances Compliance Line
(toll free): 0800 376 234
Email: hsinfo@ermanz.govt.nz
Website: www.ermanz.govt.nz

Which alcoholic beverages are covered?

Any spirit or fortified wine with **more than 15% abv** (alcohol by volume) is subject to the new rules. This includes:

- sherry
- port wine
- liqueur
- 'light' liquors (spirits)
- spirits
- 'cask strength' whisky or rum
- neutral grain spirit
- general alcoholic beverages.

The rules apply when the spirit or fortified wine is in a container of more than 5 litres. This is most likely to be at producers' or suppliers' premises, or with the 'fill-your-own' spirits held at retail liquor outlets.

Low alcohol drinks, beer, wine, cider and any other alcoholic beverage with an alcohol content at or below 15% abv are **not** subject to the HSNO legislation.

Where do the new rules apply?

The rules apply where alcoholic beverages with more than 15% abv are stored in containers with a capacity of more than 5 litres. These types of beverages will be found at:

- retailers;
- stores and warehouses;
- places where alcoholic beverages are produced.

What do the new rules require?

Where spirits or fortified wines are stored at a premise in containers of more than 5 litres, a **location test certificate** is required if:

- for beverages up to and including 50% abv;
 - more than 500 litres is held in containers that remain closed on the premise;
 - more than 250 litres is held in containers that are open or may be opened on the premise (e.g. for decanting, bottling, 'fill your own');
- for beverages more than 50% abv;
 - more than 100 litres is held in containers that remain closed on the premise;
 - more than 50 litres is held in containers that are open or may be opened on the premise.

An **approved handler** is also required where more than 250 litres of alcoholic beverage of more than 50% abv is held in containers greater than 5 litres.

A location test certificate or an approved handler may not be required if the premise is equipped with a drainage and drenching system and a vapour detector, and the containers are constructed of stainless steel, concrete or other approved material.

What is a location test certificate?

A location test certificate shows that a premise where alcoholic beverages are produced or stored complies with the HSNO Act. A location test certificate is issued by a test certifier and replaces the old Dangerous Goods Licence.

i For more information, refer to the *Quick Guide on Location Test Certificates* at: <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-23-1.pdf>

What is an approved handler?

An approved handler is someone who has been certified by a test certifier as competent to handle spirits and fortified wines in bulk. They need to have experience in handling flammable substances (such as these alcoholic beverages), know about the HSNO legislation and the requirements that apply to spirits and fortified wines.

i For more information, see: <http://www.ermanz.govt.nz/hs/compliance/ahtc.html> and <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-QG-21-2.pdf>

How do I contact a test certifier?

You can find a list of test certifiers on the ERMA New Zealand website at: <http://www.ermanz.govt.nz/search/tc.html>. Test certifiers are not employed by ERMA New Zealand, and there is no set fee for issuing a location test certificate or an approved handler certificate. The cost for a certificate is a commercial arrangement between you and the test certifier.

When do the new rules start?

Generally, you must have a location test certificate by 1 January 2008. If you already have a location test certificate for other flammable substances held at the premises, and the renewal date for that certificate falls before 1 January 2008, your location test certificate for alcohol beverages must be obtained by that earlier date. Until you have a certificate, you must continue to comply with the Dangerous Goods Regulations.

You must have an approved handler with a full 5 year certificate by the earlier of 1 January 2009 or the renewal date of any approved handler certificate held for other flammable substances.

