

Managing Chemicals on Your Site

Your obligations under HSNO.

All hazardous substances are subject to the Hazardous Substances and New Organisms (HSNO) Act.

If you have hazardous substances at your premises you must comply with the legislation.

This could mean that you have to obtain certificates to confirm that your site is to the required standard and that staff are properly trained.

Tell your insurance company if you are unable to obtain a certificate and take immediate action to remedy any area of non-compliance. Otherwise, you may experience difficulties if you have an accident, a spill or any other type of incident.

The following information tells you about the legislation and your obligations.

What are the consequences of non-compliance?

Anyone using hazardous substances has a responsibility for safe handling practices. Non-compliance is an offence under the Act.

At the same time, businesses have a responsibility under their insurance policies to take reasonable care and to avoid circumstances that may result in a claim.

Prompt action to remedy hazards can help you achieve these common aims.


It has been estimated that more than 500 people die each year from exposure to hazardous substances. The impact on the economy is thought to be in excess of \$1 billion. Clearly, we all want to avoid incidents where there is harm of this nature.



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

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What else must I follow?

The person in charge must hold information about the substance and its properties and ensure the site has safety equipment and a plan to deal with any likely emergency.

Signage must be displayed to warn people that hazardous substances are present and identify the risks they pose.

Very hazardous substances must be “tracked”. This means a record must be kept of what happens to the substance from the time it arrives at the site to the point of use, despatch or final disposal.

The controls that apply to a substance may be found in the ERMA New Zealand hazardous substance register or in a group standard. These are available on the ERMA website.

Who enforces the legislation?

The HSNO legislation is administered by ERMA New Zealand.

There are a number of agencies responsible for enforcing the Act. They include the Department of Labour, who enforce the provisions of the Act in any place of work.

Staff at regional Department of Labour offices will be able to give you advice on hazardous substance compliance.



Why the HSNO Act?

The HSNO Act provides a consistent approach to the management of hazardous substances that not only prevents harm to people but also protects the environment.

Historically, hazardous substances were controlled by different and sometimes conflicting legislation, each focusing on one type of hazard or one aspect of use.

New Zealand lagged behind international best practice and was out of alignment with efforts to regulate substances in a globally consistent way. The Act has reversed this trend.

The HSNO Act has replaced the Dangerous Goods Act, the Explosives Act, the Pesticides Act and the Toxic Substances Act, which you may have had to comply with in the past.

What is a hazardous substance?

The legislation deals with a wide range of hazardous substances from industrial chemicals to everyday household products. In reality, most substances are hazardous, often in a number of ways. For example, petrol is not only flammable but also poisonous.

A hazardous substance will have one or more of the following properties:

- explosive
- flammable
- able to oxidise (accelerate a fire)
- poisonous to people
- corrosive (to human tissue or metal)
- harmful to the environment.

What are your obligations?

There are specific requirements to be followed to safely manage hazardous substances.

Businesses should review their current state of compliance with the hazardous substances legislation.

Responsibility rests with the “person in charge”.

Who is the Person in Charge?

The person in charge is in control of the place where the hazardous substances are present. They could be the owner, lessee, sub-lessee or occupier of the place.

In effect, it is the person who is in control or possession of the relevant part of the site.

What must the person in charge do?

The role is similar to the person in control of a workplace under the health and safety legislation, although the HSNO legislation is not confined to the workplace.

The person in charge must ensure that the legislation is followed and that, where necessary, certificates are obtained to confirm the place is to the required standard.

A starting point is to undertake a risk survey. Prepare a list or inventory of the hazardous substances that you have on site, the quantities held and the controls that have to be in place.

What are test certificates?

Test certificates are similar to a warrant of fitness for a car or the previous dangerous goods licence. They are documents that show a site (including its equipment) or a person meets the standards for the safe use of a hazardous substance. The certificates are issued by a test certifier.

You are most likely to need certificates for approved handlers, approved fillers, locations and stationary containers systems.

- An approved handler is a person competent to handle the most hazardous substances;
- An approved filler is a person allowed to fill a gas cylinder or pressure vessel;
- A location certificate is needed where very flammable or oxidising substances are present in excess of specified quantities;
- A stationary container system includes a below ground tank, or an above ground tank or a process container, of more than a specified capacity.

You can minimise your compliance requirements by carefully managing the quantities of hazardous substances that you store on site.

Where do I find a test certifier?

A test certifier is an individual who is approved by ERMA New Zealand to issue test certificates they will advise on what you may need to do. There is a list of test certifiers on the ERMA New Zealand website at: www.ermanz.govt.nz/search/tc.html

