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Certified handler requirements

KEY FACTS

Some work with highly hazardous substances must be carried out by a certified handler.

Certified handlers need to:

- meet certain competency requirements, and
- receive workplace-specific information, training and instruction by or on behalf of the business, and
- obtain a certified handler compliance certificate from a compliance certifier.

You need a certified handler for:

- substances that require a controlled substance licence (CSL), such as most explosives, fumigants and vertebrate toxic agents (VTAs)
- acutely toxic (6.1A and 6.1B) substances.

This guide

Part 1 of this guide tells you about your duties as a person conducting a business or undertaking (PCBU) to have one or more certified handlers if your workplace uses, handles, manufactures or stores certain hazardous substances.

- For more information on the PCBU and its duties, see our website.

Part 2 of this guide tells workers what to do to become a certified handler. It also has useful information for PCBUs about their duties and the training their workers will need.

Changing from HSNO to HSWA

Previously, under the Hazardous Substances and New Organisms Act 1996 (HSNO) many substances had to be handled by approved handlers.

Under the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) approved handlers are known as certified handlers, and are required for fewer substances.

Under the new Regulations anyone who handles a hazardous substance must be properly trained. However, additional information, training and instruction is required for certified handlers who handle highly hazardous substances, such as explosives, fumigants, vertebrate toxic agents (VTAs) or acutely toxic (6.1A and 6.1B) substances.

If you need to know more about the changes to the Regulations, see our interpretive guidelines, *Changes to the Regulations for Hazardous Substances in the Workplace*.

Part 1: What does the PCBU need to do?

This part of the guide is written for PCBUs as they have a duty to ensure that substances with certified handler requirements are under the personal control of a certified handler. In this part of the guide, 'you' means the PCBU.

In simple terms, a PCBU is an individual or a company carrying on a business, but it can also be other types of organisations. More information on PCBUs and other duty holders in the workplace and their duties is available on our website: www.worksafe.govt.nz

Do you need a certified handler?

You need a certified handler if your workplace needs to handle:

- substances requiring a controlled substance licence (CSL), such as most explosives, fumigants and VTAs
- acutely toxic (class 6.1A and 6.1B) substances, for example certain pesticides and VTAs.

You can find the classification of a substance on its safety data sheet (SDS).

For more information on classifications, see *Your Practical Guide to working safely with hazardous substances*.

You do not need a certified handler for:

- other substance classes (eg the substance classes that previously had approved handler requirements):
 - class 2 (flammable gases)
 - class 3 (flammable liquids)
 - class 4 (flammable solids, self-reactive substances, spontaneously combustible substances, substances that are dangerous when wet)
 - class 5 (oxidising substances), and
 - class 6.1C (toxic) and class 6.7A (carcinogenic) substances.
- laboratories where hazardous substances are used in research and development, analytical testing or teaching. However, you will still need a CSL for certain substances held in laboratories.

In some cases, people who are not certified handlers can handle substances with certified handler requirements. See below under *Can other people handle the substances?*

To check if you need a certified handler in your workplace, enter your substances into the *Hazardous Substances Calculator* or search the Environmental Protection Authority's *Approved Hazardous Substances with Controls* database.

You can find the Calculator at www.hazardoussubstances.govt.nz

You can find the *Approved Hazardous Substances with Controls* database at www.epa.govt.nz

Certified handler compliance certificates

Compliance certifiers issue certified handler compliance certificates for particular phases of the life cycle (ie manufacture, transport, use, storage or disposal) of hazardous substances. These certificates are valid for five years.

A certified handler compliance certificate shows that a worker meets the competency requirements for handling highly hazardous substances. This means that the worker has in-depth knowledge about the substance they will work with and has received the information, training and instruction that they need.

For more information about the competency requirements and about information, training and instruction, see *Competency Requirements* in Part 2.

Can other people handle the substances?

In the following situations, substances with certified handler requirements do not have to be under the personal control of a certified handler:

GUIDANCE AND ASSISTANCE OF A CERTIFIED HANDLER

A person who is not a certified handler can handle hazardous substances that normally require one if a certified handler:

- is present at the place where the substance is being handled, and
- has provided guidance to the person about handling the substance, and
- is available at all times to assist while the person is handling the substance.

TRANSPORTING HAZARDOUS SUBSTANCES

A certified handler must always be present when explosives are being transported. A certified handler is not always required for transporting other hazardous substances that usually have certified handler requirements.

If a driver transporting packaged hazardous substances by road has a dangerous goods (D) endorsement on their driver licence, this is equivalent to a certified handler compliance certificate for road transport.

A driver must hold a certified handler compliance certificate for bulk transport to be able to transport hazardous substances with certified handler requirements in a bulk tank wagon or transportable container by road or rail. A **transportable container** is a container that is not fixed to a vehicle, which can be unloaded or transferred to another mode of transport (eg transport by rail), and which is defined in chapter 6.5 or 6.7 of the UN Model Regulations. You can find the UN Model Regulations at: www.unece.org

A certified handler is not required for transporting packaged hazardous substances by rail, sea and air, as long as the people handling the hazardous substances have recognised training and appropriate qualifications for the type of transport.

However, these types of transport must still comply with the applicable rules, such as the Land Transport Rule: Dangerous Goods 2005, the Maritime Rules (carriage of cargoes - dangerous goods), the Civil Aviation Rules, and others.

For more information on these rules, see the [New Zealand Transport Agency](http://www.nzta.govt.nz) website, the [Maritime New Zealand](http://www.mta.govt.nz) website, or the [Civil Aviation Authority](http://www.caa.govt.nz) website.

HANDLING EXPLOSIVES

Explosives (Class 1 substances) must be under the control of a certified handler. But there are some exceptions that are listed with their classifications and UN numbers in the following tables:

SUBSTANCE

Class 1.4S safety ammunition (including pre-primed cartridges and primers)

Class 1.4G and 1.4S airbag initiators and seatbelt pre-tensioners

Class 1.4S cable cutters (UN0070)

Class 1.4S power device cartridges (UN0323)

Class 1.4S signal tubes and shock tubes (UN0349)

Class 1.4S cassette degradation devices (UN0432)

Any other class 1 substance specified in a relevant safe work instrument (SWI)

SUBSTANCE

retail fireworks in a quantity of less than 500 kg (gross weight)

Class 1.3G, 1.4G and 1.4S emergency flares and signalling devices in a quantity of less than 100kg (gross weight)

Class 1.4G and 1.4S model rocket motors in a quantity of less than 100 kg (gross weight)

Class 1.3C and 1.1C propellants in a quantity of less than 50 kg (gross weight) (UN 0160, UN0161 and UN0499)

Class 1.1D gunpowder in a quantity of less than 50 kg (gross weight) (UN0027)

Class 1.4G igniting fuses in a quantity of less than 100 kg (gross weight) (UN0317)

Class 1.4S igniters in a quantity of less than 50 kg (gross weight) (UN0454)

Any other class 1 substance specified in a relevant SWI.

SUBSTANCE

Retail fireworks

Class 1.3G, 1.4G and 1.4S emergency flares and signalling devices

Class 1.4G and 1.4S model rocket motors

Class 1.3C and 1.1C propellants in a quantity of less than 15 kg (UN0161, UN0499, UN0160)

Class 1.1D gunpowder in a quantity of less than 15 kg (UN0027)

Class 1.4G igniting fuses (UN0317)

Class 1.4S igniters (UN0454)

Any other class 1 substance specified in a relevant SWI.

Class 1 substances also do not have to be under the personal control of a certified handler in the situations listed under *Guidance and assistance of a certified handler* (see above) or if the substance is secured in an appropriate container at a hazardous substance location (HSL) or **designated use zone**. A designated use zone is an area established under the Regulations for detonating or deflagrating explosives, but does not include an HSL, designated transfer zone, or discharge area.

TABLE 1:

Class 1 substances that do not need to be under the personal control of a certified handler

TABLE 2:

Class 1 substances that do not need to be under the personal control of a certified handler **before being sold to the public**

TABLE 3:

Class 1 substances that do not need to be under the personal control of a certified handler **after being sold to the public**

OFFICERS CARRYING OUT OFFICIAL DUTIES

Some people do not need to hold a certified handler compliance certificate to carry out their duties because they receive this training and knowledge as part of their work:

- inspectors under the Health and Safety at Work Act 2015 (HSWA) or any other person exercising the powers of an inspector under HSWA
- enforcement officers under HSNO
- any member of the Civil Staff of the New Zealand Defence Force whose duties include collecting, storing or disposing of explosives
- an Agricultural Compounds and Veterinary Medicines (ACVM) officer appointed under the ACVM Act
- a Customs officer under the Customs and Excise Act 1996
- an authorised person under the Fire and Emergency New Zealand Act 2017
- a member of the New Zealand Police
- an aviation security officer person employed in the Aviation Security Service.

LABORATORIES

Authorised people in laboratories where hazardous substances are used in research and development, analytical testing or teaching do not need to be certified handlers to handle substances that would otherwise require a certified handler.

An authorised person is someone who is required to enter the laboratory in their normal course of work, or someone under that person's direct supervision. Direct supervision means that the person who is supervising is present in the laboratory.

However, the PCBU with management or control of the laboratory must make sure that every person handling a hazardous substance in the laboratory has the information they need to safely handle the substance.

This information includes procedures to prevent contamination, to ensure people are not exposed to hazardous substances above a prescribed exposure standard, and how to correctly handle, package and store unapproved substances.

This information must also include how to dispose of substances and the actions in the emergency response plan for accidents/accidental exposure.

A person also needs to hold a CSL to possess substances with CSL requirements.

Part 2: Becoming a certified handler

This part of the guide is for workers who want to become certified handlers. In this part of the guide, 'you' refers to the worker.

Getting a certified handler compliance certificate

Contact a compliance certifier who is authorised to issue a compliance certificate for the substance you need to work with. See our website for a list of compliance certifiers.

The compliance certifier sets the cost of assessing the candidate, and if you meet the relevant criteria, issues the certificate. If you do not meet the criteria, you will still need to pay for the assessment. Contact several compliance certifiers to discuss their services and fees.

Competency requirements

The compliance certifier will tell you what the requirements are for obtaining the compliance certificate.

To become a certified handler you need to meet the same general training requirements as all workers who handle hazardous substances. However, you also need the following specific knowledge about the substance(s) that you are going to use or handle:

- the hazard classifications (eg 6.1A) and properties (eg toxic) of the substance or substances that you are required to handle and how they can harm you and others
- what the Regulations say you must do when handling each of these substances
- whether any SWI varies the way you need to comply with requirements in the Regulations, and if it does, how it varies these requirements
- any other requirements and controls for the substance(s) under HSNO
- how to prevent the substance(s) from causing injury or illness to anyone at the workplace
- the procedures to respond to emergencies involving the substances.

You also need to meet any conditions that the compliance certifier places on your compliance certificate.

You must also have (and be able to demonstrate) working knowledge of the procedures and equipment, including personal protective equipment (PPE), required to manage the substance(s) safely.

You will also need to have received information, training and instruction. See below for more on this.

DOCUMENTING YOUR KNOWLEDGE

The compliance certifier will need to see evidence of your competence. Performance standards for compliance certifiers will prescribe what this evidence needs to look like.

If you received the knowledge and practical skills that you need to become a certified handler on a course, the record for this course will need to show all of the following:

- what knowledge was assessed (eg complying with prescribed controls, or what to do when pesticides are misapplied, lost, spilt or stolen)
- how this knowledge was tested or assessed
- your results in these tests or assessments.

The provider of the course will need to sign this record.

If training was provided at work, the same information will be required, but your supervisor or manager will need to provide the signed written record.

In any case, the compliance certifier needs to be assured of the quality of training.

Information, training and instruction

As well as having the specific knowledge above, you must receive workplace-specific information, training and instruction.

INFORMATION

You must show that you have received information about:

- the operations involving hazardous substances in the area where you work
- where you can find information in your workplace about:
 - the hazards of the substance(s)
 - how to handle the substance(s) safely
 - how to store the substance(s) safely.

This information includes, but is not limited to, the SDS.

TRAINING AND INSTRUCTION

You must show that you have received training and instruction from your PCBU (in other words, from the business you work for). This needs to reflect your work, what the PCBU knows about the risks involved with the work, and the measures in place to control this risk. Training and instruction should cover:

- the physicochemical (ie explosive) and health (ie toxic and corrosive) hazards of the hazardous substance(s)

- the procedures for safely using, handling, manufacturing, storing and disposing of each hazardous substance(s)
- any duties you have under the Regulations when working with the substances
- what you need to do if there is an emergency.

In other words, know the hazards you can face, and what to do to minimise and manage the risk.

If your PCBU can demonstrate that your previous experience or training is equivalent to the training and instruction listed above, you do not need to receive additional training unless your PCBU considers that refresher training is necessary. You will still need to have the knowledge listed under *Information* above, and receive a site-specific induction and supervision in the new workplace.

PRACTICE AND PRACTICAL EXPERIENCE

Your training and instruction must include practice in safely using any equipment, machinery and PPE that you will use when working with the hazardous substances, and a period of practical experience under direct supervision.

RECORDS

Your PCBU needs to keep a record of the above training and instruction and make this record available to inspectors or compliance certifiers. The record should include details such as the date of the training, the name of the trainer or training institution, the materials covered, assessment results, and any other relevant information.

TRAINING IS ONGOING

Training is not a one-off obligation. Your PCBU must make sure that your training meets the needs of the work that you do at all times. Your PCBU needs to make sure that what you have learnt stays fresh in your mind, and if things change, that you know how any changes affect your work.

The information, training and instruction requirements for hazardous substances come into effect from 1 June 2018.

However, all PCBUs also have duties to provide their workers with the training they need to do their work safely under HSWA.

Steps to becoming a certified handler

- Learn and get experience
- Prove your knowledge and competence
- Contact a compliance certifier
- Obtain a certified handler compliance certificate

Renewing a compliance certificate

Your compliance certificate expires after five years. If your compliance certificate has expired you cannot continue to work as a certified handler. If you don't know when your certificate was issued, contact the certifier or organisation that issued it.

Contact a compliance certifier who is authorised to issue certified handler compliance certificates for the substances you wish to work with to renew your certificate.

To renew the compliance certificate, the certifier will check that you still meet the competency requirements listed above.

The renewed certificate will have a new number. Make sure you (or your PCBU) tell retailers or suppliers the new number.

Find out more

To find out more about certified handlers and other controls, see *Your Practical Guide* to working safely with hazardous substances.

Enter your substances into the *Hazardous Substances Calculator* to find out if your workplace has hazardous substances that require a certified handler.

These tools are available at: www.hazardoussubstances.govt.nz

Other guidance for hazardous substances can be found at: www.worksafe.govt.nz

Abbreviations

TERM	DEFINITION
ACVM	Agricultural Compounds and Veterinary Medicines Act 1997
CSL	Controlled substance licence
HSL	Hazardous substance location
HSNO	Hazardous Substances and New Organisms Act 1996
HSWA	Health and Safety at Work Act 2015
PCBU	Person conducting a business or undertaking
PPE	Personal protective equipment
SDS	Safety data sheet
SWI	Safe work instrument
VTA	Vertebrate toxic agent