

New rules for hazardous substances

*CHANGES TO THE REGULATIONS
FOR HAZARDOUS SUBSTANCES
IN THE WORKPLACE*

November 2017



**Guidance to the changes introduced by
the Health and Safety at Work (Hazardous
Substances) Regulations 2017.**

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1.0

Introduction

These guidelines provide an overview of key changes introduced by the Health and Safety at Work (Hazardous Substances) Regulations 2017.

There are new regulations for work with hazardous substances. The Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) bring together workplace requirements for hazardous substances (other than for ecotoxic substances and for disposal) into a single place.

The new regulations sit under the Health and Safety at Work Act 2015 (HSWA).

Previously these requirements were in regulations, group standards, transfer notices and individual substance approvals under the Hazardous Substances and New Organisms Act 1996 (HSNO). Most HSNO workplace requirements transfer directly to the new regulations with only minor changes.

The Environmental Protection Authority (EPA) continues to approve substances. It also sets the requirements that manufacturers and importers must follow to ensure hazardous substances have the correct label, safety data sheet (SDS) and packaging. It also sets disposal rules and rules to protect the environment from hazardous substances.

The EPA will also have a new enforcement role in making sure substances are approved, have the right label, SDS and packaging, and comply with the limits on hazardous substances in some products. WorkSafe will continue enforcing HSNO ecotoxic and disposal controls in workplaces, and the requirements for hazardous substances in the new Regulations.

Most requirements take effect from December 1, 2017. These guidelines will highlight any requirements that begin from another date.

See Chapter 7, The Transition, for more information about when new requirements will come into effect. See the Appendices for more about the roles and responsibilities of the different agencies.

These guidelines and other WorkSafe guidance

These guidelines are **a summary of key changes** to requirements for hazardous substances, not a list of every requirement or control for working with hazardous substances.

Chapter 2, General Requirements and Chapter 3, Handling Hazardous Substances, cover the changes for most businesses.

The changes in Chapter 4, Storage Requirements, Chapter 5, Transit Depots and Tank Wagons and Chapter 6, Requirements for Substance Classes, have examples of other changes that may apply to you depending on the type and quantity of hazardous substances in your workplace.

Each chapter starts with a brief summary of key changes followed by details about the changes and what they mean for you. The appendices provide general information on legislation, changes to WorkSafe and EPA roles and the abbreviations used in these guidelines.

The purpose of this guide is to highlight new requirements and changes to existing requirements in the new Regulations. For a complete overview of all the controls and requirements you have to follow if you work with hazardous substances, you should also read WorkSafe's other guidance and use the following online tools from the Hazardous Substances Toolbox, available at: www.hazardoussubstances.govt.nz

- The *Hazardous Substances Calculator* (the Calculator) is an online tool that allows you to enter the substances you have in your workplace and their quantities to find the key controls that apply to them.
- *Your Practical Guide* to working safely with hazardous substances provides practical examples and definitions of key controls and terminology. It also explains the system for classifying hazardous substances.
- The *Emergency Response Flipchart* is a template for an emergency response plan that you can use in your own workplace.
- The *Workbook* guides you through the steps of preparing an inventory.

For more detail on the key requirements, see our guides on:

- workplace labelling requirements
- your duty to provide safety data sheets in the workplace
- certified handlers
- signage
- storing class 6 & 8 substances
- transit depots
- risk management
- preparing an inventory.

You can also find all the controls for a particular substance on the EPA's *Approved Hazardous Substances with Controls* database.

Who is this guide for?

The person conducting a business or undertaking (PCBU) is responsible for meeting most requirements for hazardous substances in the workplace. For this reason, when you see 'you' in this guide, it means the PCBU.

The PCBU is one of the main duty holders under HSWA. In simple terms, the PCBU is generally a business, but can also be an organisation, or an individual person.

For more information on PCBUs, other HSWA duty holders and their duties, see the guidance available on our website.

2.0 General requirements

IN THIS SECTION:

- 2.1 Summary: general requirements
- 2.2 Hazardous waste
- 2.3 Managing risks and reviewing control measures
- 2.4 Inventory
- 2.5 Safety data sheets
- 2.6 Labelling
- 2.7 Packaging
- 2.8 Signage
- 2.9 Emergency response plans
- 2.10 Fire extinguishers

This chapter deals with changes for all workplaces that work with hazardous substances.

2.1 Summary: General requirements

| AREA | KEY CHANGES |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazardous waste | The requirements for handling, storing and transporting hazardous substances apply to hazardous waste from June 2019. However, inventory and labelling requirements apply to hazardous waste from December 1, 2017. |
| Managing risk | You must manage the risks caused by hazardous substances in the workplace. |
| Inventory | You must keep an inventory of all hazardous substances used, handled, manufactured or stored in your workplace. This includes hazardous waste. |
| Safety data sheets | You need a safety data sheet (SDS) for every hazardous substance supplied to your workplace. The SDS (or a condensed version of its key information, such as a product safety card) needs to be accessible to everyone who could be exposed to the substance in your workplace. |
| Labelling | Every container of hazardous substances in your workplace needs to be labelled. This includes containers of hazardous substances you produce in your workplace and hazardous substances you remove from their original containers. |
| Packaging | Every hazardous substance in your workplace needs to be properly packaged. This includes hazardous substances in their original containers and hazardous substances that you repackage in your workplace. |
| Signage | Some substances and locations have new signage requirements. You need to maintain your signs and keep them up to date. |
| Emergency response plans | There are additional items on the emergency response plan to: <ul style="list-style-type: none"> - cover any emergency that could happen in your workplace - list any training needed by people with responsibilities in an emergency - provide an inventory and a site plan. |
| Fire extinguishers | Fire extinguishers must be clearly visible and readily accessible and have a rating of at least 30B. |

TABLE 1:
Summary of new
general requirements

Training: See Section 3.1 of this guide for more on the requirement to make sure every worker who handles hazardous substances receives the information, training, instruction and supervision that they need.

2.2 Hazardous waste

What's new?

The Regulations apply to hazardous waste that:

- is created by a manufacturing or other industrial process, and
- is, or is likely to contain, a substance that is hazardous due to its explosive, flammable, oxidising, toxic or corrosive properties.

The requirements for using, handling, and storing hazardous substances (eg specifications for containers, separation distances and other requirements that apply to substances of similar classifications) apply to hazardous waste from June 1, 2019.

A few requirements (eg inventory and labelling) apply to hazardous waste earlier, from December 1, 2017.

You can find out the requirements for hazardous waste by entering its likely classification (or its UN class and packing group if available) and its quantity into the Calculator.

Where can I find this in the regulations?

[Regulation 1.4](#): Application to hazardous waste (from June 1, 2019).

[Regulation 3](#): Definition of hazardous waste (from September 1, 2017).

2.3 Managing risks and reviewing control measures

You need to manage the risks caused by hazardous substances (including hazardous waste) in your workplace. You must **eliminate** risks to health and safety so far as is reasonably practicable. If you can't eliminate a risk, you must **minimise** it so far as is reasonably practicable following the hierarchy of controls.

Find out the views of your workers and their representatives when identifying and deciding how to deal with risks. They have technical and operational knowledge that is useful for identifying, assessing and eliminating or minimising risks. Involve workers who have a range of knowledge and experience. For more information about your worker engagement, participation and representation duties, see our [website](#).

Make an **inventory** of your substances to know what is in your workplace and what specific technical requirements apply to where and how you use, handle, manufacture and store your substances.

You can find out many of the technical requirements that apply to hazardous substances by entering the substances and their quantities into the Calculator.

However, even if you follow the specific requirements for your substances, they may still cause risk to workers and other people in your workplace. There may also be additional risks not managed by the Regulations.

You need to manage these remaining risks by following the risk management process (hierarchy of controls). For more information about the hierarchy of controls, see our guidance on the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (the GRWM Regulations).

What's new?

When you manage the risks of the hazardous substances in your workplace, you need to think about:

- the amount of hazardous substances in your workplace
- any health or physicochemical hazards of the hazardous substances (due to the physical or chemical properties of the substances, such as flammability, corrosiveness, ability to oxidise, or explosiveness)

- any possible chemical or physical reactions between the hazardous substances and other substances (including any new substance that could be created by the reaction)
- any ignition sources (eg flames, heat or sparks) that could ignite the hazardous substances
- any structure, plant (ie equipment) or system for using, handling, manufacturing or storing the hazardous substances
- the work that your workers will do, including how at risk they are of exposure to the hazardous substances or any prescribed exposure standard (PES) or restricted entry interval (REI) for the substances.

A PES protects people's health by setting a maximum limit of exposure to hazardous substances. A PES is set in regulations, safe work instruments (SWIs) or in controls or other instruments under HSNO.

An REI is how long you have to wait before re-entering an area where hazardous substances (eg pesticides) have been applied.

You need to check that the control measures you put in place to manage risk are still doing their job. Review your control measures:

- if the SDS for a substance changes significantly
- if the information about a hazardous substance listed in your inventory changes significantly (eg its quantity, location or storage and segregation requirements)
- at least once every five years
- after a notifiable event involving a hazardous substance at your workplace.

For hazardous substances, a notifiable event could be an unplanned or uncontrolled incident that exposes the health and safety of workers to a serious risk, such as immediate or imminent exposure to a substance escaping spilling or leaking.

You also need to review control measures if:

- they do not control risks so far as reasonably practicable (eg if an incident happens or monitoring shows workers are still being exposed to risk)
- a change in your workplace will create new or different risks that control measures might not fully control (eg a change in the substances in your workplace, work systems, processes or procedures)
- a new hazard or risk caused by a substance, process or system is identified
- health monitoring shows a worker has been exposed to potentially harmful levels of a substance hazardous to health and that the worker has an elevated level of the substance or its metabolites in his or her body
- health monitoring leads to a recommendation for a PCBU take remedial measures
- test results show that a worker may have contracted a disease or illness or suffered an injury due to work involving a substance that has health monitoring requirements
- exposure monitoring shows a substance is present at the workplace at a concentration above the PES (if any) for that substance
- worker engagement (see below) suggests control measures need to be reviewed
- a health and safety representative requests a review.

Where can I find this in the regulations?

Part 3, the Regulations

Regulation 8, GRWM Regulations

Further information

For more information on the risk management requirements see our *Guide to Hazardous Substance Risk Management* or our interpretive guidelines *General Risk and Workplace Management*.

See our website for more on health and exposure monitoring and on worker health.

2.4 Inventory

You need to keep an inventory of the hazardous substances you use, handle, manufacture or store at your workplace.

For each substance in your inventory you need to include:

- the product or chemical name, and the UN number, if available
- the maximum amount likely to be at your workplace
- its location (eg indoor storage cabinet, dangerous goods store)
- any specific storage and segregation requirements (eg substances it is incompatible with or whether it has to be held in a closed container)
- a current SDS or condensed version of its key information (eg a product safety card). A product safety card presents key information from an SDS in a condensed way.

Your inventory must include any hazardous waste and:

- describe its nature as closely as possible (eg flammable waste, corrosive waste, chlorinated solvent waste)
- list the maximum amount of the waste likely to be at the workplace
- identify the location of the waste
- state any specific requirements for storing or segregating the substance.

Any emergency service worker who attends your workplace during an emergency and after the workplace is evacuated must be able to readily access the inventory. This means that it is easy for people to find when they need it, and that there are no barriers to easily accessing it.

You do not need to keep an inventory:

- for a transit depot (or designated transfer zone) if you can provide the product or chemical name and quantity of each hazardous substance at the depot or transfer zone to an emergency service worker if they ask for this information
- for consumer products used in amounts similar to domestic use
- for a laboratory using hazardous substances in research and development, analytical testing or teaching, except if these substances are unapproved substances or would be subject to tracking. For unapproved or tracked substances in a laboratory, you need to keep a record with the information listed above.

Where can I find this in the regulations?

[Regulation 3.1](#), Duty of PCBU to keep hazardous substances inventory

[Regulation 18.6](#), Recording of hazardous substances in laboratory

Useful tools

For more information on how to prepare an inventory, see our *Guide to Inventory Requirements for Hazardous Substances*. For a template to prepare an inventory, see the *Workbook*. You can also prepare your inventory by entering your hazardous substances into the Calculator.

2.5 Safety data sheets

You need an SDS for every substance in your workplace.

What's new?

You must get an SDS from the manufacturer, importer or supplier of every hazardous substance supplied to your workplace the first time it is supplied to your workplace. This includes when a substance is supplied:

- for the first time in five years
- for the first time after the information on an SDS for a substance changes.

You must make the SDS (or a condensed version of its key information) readily accessible to any worker, emergency service worker or anyone else who could be exposed to the hazardous substance.

Readily accessible can mean that the people who need to access the information can access it without obstacles. An obstacle could be the SDS being kept in a locked cupboard, or on a secure part of your computer system.

When workers are travelling between workplaces, they do not necessarily have to carry the full SDS with them. You can keep the SDS at your main place of business if your workers can access key information from it or a condensed version of it (eg a product safety card) in an emergency wherever they are.

For more information, including an example of a condensed version of the key information from an SDS, and advice about how to make this information readily accessible, see our *Guide to Safety Data Sheets in the Workplace*.

WHEN DON'T YOU NEED AN SDS?

You don't need an SDS for hazardous substances that are:

- in transit, however because the Land Transport Rule: Dangerous Goods 2005 still applies, you need documentation about the dangerous goods and their hazards
- packaged and labelled consumer products in a retailer's workplace intended for supply to other premises and that will not be opened on the retailer's premises
- consumer products used at the workplace in amounts and ways similar to domestic use if kept in their original containers.

You don't need an SDS for amounts of anhydrous ammonia smaller than 100 kg contained in equipment where it is used as a refrigerant.

However, even in the above situations, you still need to make information about how to safely use, handle, and store the hazardous substances readily accessible to workers in their work areas.

Where can I find this in the regulations?

[Regulation 2.11](#), Duty of PCBU to obtain and provide access to safety data sheets

Further information

For more information about the SDS requirements and about what the condensed version of this information could look like, see our *Guide to Safety Data Sheets in the Workplace*.

The requirements for the format and content of safety data sheets are set in the EPA Hazardous Substances (Safety Data Sheets) Notice 2017. For information about these requirements or to read the notice, see the EPA website: www.epa.govt.nz

2.6 Labelling

All hazardous substances in your workplace need to be properly labelled.

This includes making sure that the correct manufacturer or importer label is on containers of hazardous substances that arrive at your workplace and that this label can be read.

The Regulations specify new labelling requirements for hazardous substances you produce in your workplace (including waste) and for substances that are decanted or transferred in the workplace.

The rules in the Regulations for labelling containers in the workplace apply only if the substance is not supplied outside the workplace. If the substance is supplied outside the workplace, it must comply with the rules in the EPA Hazardous Substances (Labelling) Notice.

What's new?

If you remove a substance from its original container, or you produce a hazardous substance or hazardous waste in your workplace, you need to label the containers you use for these substances.

SUBSTANCES PRODUCED, DECANTED OR TRANSFERRED IN THE WORKPLACE

If possible, keep substances in original containers. If you move substances from their original containers into smaller containers (eg for ease of storage or use), make sure the containers are suitable for the substance and label them.

If you produce a substance in your workplace, you must also label its container.

You must label containers holding substances you manufacture at your workplace and portable containers (40 L or less) holding substances that you decant or transfer from their original containers. You must not supply these containers outside your workplace.

The label needs to be in English and include:

- the product or chemical name of the substance
- hazard pictograms and hazard statements reflecting its hazardous properties.

While a container is labelled for a hazardous substance, use it only for that substance. If you relabel a container, before you place a new substance in it, completely remove the former label and thoroughly clean the container of any residue of the previous substance first.

You do not have to label portable containers if you are going to use the substance so soon after you put it into the container that it is impracticable to label it. You also need to thoroughly clean the container immediately after you use it, making sure that no residue that could pose a hazard remains.

If you can do so safely according to the EPA Hazardous Substances (Disposal) Notice 2017, you can dispose of labelled containers (eg ampoules or vials). For more information about this notice, see the EPA website: www.epa.govt.nz

HAZARDOUS WASTE

You also need to label containers of hazardous waste in your workplace.

The label must be in English and:

- identify the nature of the waste (eg flammable waste, corrosive waste, chlorinated solvent waste)
- show the name, address and business phone number of its producer (if known)
- include hazard pictograms and hazard statements reflecting what you know about the hazards of the waste.

WHAT ABOUT SUBSTANCES IN ORIGINAL CONTAINERS?

Make sure that the manufacturer or importer label remains on the containers of hazardous substances in your workplace and that this label continues to be legible.

Where can I find this in the regulations?

[Regulations 2.1 to 2.4, Labelling](#)

Further information

For more information about the labelling requirements, see our *Guide to Labelling, Decanting and Repackaging Hazardous Substances in the Workplace*.

For more detailed information about labels and the information that they contain, see *Your Practical Guide* to working safely with hazardous substances.

The requirements for what information must be on the manufacturer or importer's label on a supplied hazardous substance is set in the EPA Hazardous Substances (Labelling) Notice 2017. For information about these requirements or to read the Labelling Notice, see the EPA website: www.epa.govt.nz

2.7 Packaging

Make sure all hazardous substances in your workplace are packaged in the right sort of containers.

It's always best to keep substances in their original containers but if you decide to move them into smaller containers for ease of storage or use around your workplace, the containers must be:

- in sound condition
- able to safely contain the substance at the temperature range at which the container will be used as long as the substance is packaged
- made of a material compatible with and not likely to be affected by the substance.

You **must not** use containers that are usually used to hold food or beverages or containers easily mistaken for food or beverage containers for holding hazardous substances.

Where can I find this in the regulations?

[Regulations 2.12 and 2.13, Packaging](#)

Further information

If you are a company that repackages hazardous substances for sale (ie you buy large quantities of hazardous substances and repackage and sell them in smaller quantities), you need to package them according to the Hazardous Substances (Packaging) Notice 2017. To read this notice, see the EPA website: www.epa.govt.nz

2.8 Signage

The signage requirements for hazardous substances remain largely the same. This includes:

- threshold quantities for displaying signs
- the information that signs need to include
- the locations where you need to display signs.

The requirements for signs for class 9 (ecotoxic) substances also remain the same but are now set under the EPA's Hazardous Substances (Hazardous Property Controls) Notice 2017 (the HPC Notice). To read this notice, see the EPA website.

What's new?

Some locations and substances have new signage requirements, and the new regulations also explain your duty to maintain signs for hazardous substances.

You need to maintain your signs. This means updating the information on the signs, as soon as practicable, if there is a change in the type, class or quantity of hazardous substances at your workplace that affects the type of signs you need to display.

Keep your signs clean, in good repair and not covered or obscured.

There are new signage requirements for transit depots. See Section 5.1 on transit depots for more information.

If you store a class 6.1A, 6.1B, or 6.1C vertebrate toxic agent (VTA) or agrichemical at a **temporary storage site outdoors** (and not in a building, or a room or compartment in a building) you do not need to display signs. This could be a temporary handling site for field bait or an aircraft loading site.

Where can I find this in the regulations?

[Regulations 2.5 to 2.10, Signage](#)

Further information

For more information on the requirements for signs see our *Guide to Hazardous Substance Signage*. If you are not sure whether you need signs for the substances and quantities at your workplace, use the Calculator to find out.

2.9 Emergency response plans

Most of the requirements for preparing an emergency response plan (ERP) if you have certain hazardous substances in your workplace remain the same, including:

- the threshold quantities for preparing an ERP
- the people who need to be able to access the ERP
- your duty to test the ERP and keep a record of these tests
- the requirements for class 9 (ecotoxic) substances (which are now set under the HPC Notice).

However, you also need to include a few new items in your ERP.

What's new?

In addition to the previous information that your ERP needed to provide, your ERP must now also:

- address all 'reasonably foreseeable' emergencies arising from hazardous substances.

Make sure that your ERP includes all the emergencies that could reasonably be expected to happen at your workplace due to a breach or failure of the controls of any hazardous substances that you have or likely to have at your workplace.

- state any **special training** that the people who have responsibilities in an emergency need for emergencies involving each substance.

Think about what workers need to know to respond to an emergency at your workplace.

- provide an inventory of the hazardous substances at your workplace, and a site plan showing all hazardous substance locations (HSLs) in the workplace.

This could mean keeping the inventory and site plan close to your ERP, attaching them to the ERP, or making sure that the ERP clearly states how to access them.

Fire and Emergency New Zealand can now review your ERP to make sure any role you propose for them is achievable and reflects their operational policies. If they make a written recommendation about your ERP, you must amend your ERP to follow the recommendation so far as is reasonably practicable.

Engage your workers when preparing and testing your emergency plan. Their knowledge and experience will be useful for producing an effective plan.

Where can I find this in the regulations?

[Regulation 5.7](#), Duty to prepare emergency response plan

Further information

You can enter the substances in your workplace and their quantities into the Calculator to find out if you are required to have an ERP, but it is always good practice to have one. However, even if you are not required to have an ERP for your hazardous substances, you still have a duty to prepare an emergency plan under the GRWM Regulations.

For a template of an ERP (with the new items mentioned above), see the *Emergency Response Flipchart*, available from the Hazardous Substances Toolbox website at: www.hazardoussubstances.govt.nz

This basic template is most useful for businesses that have small amounts of hazardous substances. However, it also provides the information that every ERP requires so that you can adapt it to the needs of your business.

2.10 Fire extinguishers

What's new?

Fire extinguishers must be **clearly visible** and **readily accessible** (instead of no more than 30 m away from the substance). In simple terms, this means anyone who needs a fire extinguisher can reach (and see) it easily in an emergency.

An accessible place could be along normal thoroughfares and near exits, or, if extinguishers are for a specific hazard, near (but at a safe distance from) the hazard. Clearly visible could mean using an easy-to-see sign to show where the fire extinguisher is located.

Fire extinguishers must have a rating of at least 30B.

Where can I find this in the regulations?

[Regulation 5.4](#), Location of fire extinguishers

Further information

Depending on the type and quantity of substances that you have, you may need more than one fire extinguisher. You can enter your substances and their quantities into the Calculator to find out how many fire extinguishers you need to have.

Remember, even if you are not required to have fire extinguishers, it is always good practice to have them to respond to any emergency that could arise in your workplace.

For more information about fire extinguisher ratings, see AS/NZS 1850:2009 – Portable fire extinguishers – Classification, rating, and performance testing.

3.0

Handling hazardous substances

IN THIS SECTION:

- 3.1** Summary: handling hazardous substances
- 3.2** Information, training, instruction and supervision
- 3.3** Certified handlers
- 3.4** Tracking highly hazardous substances

This chapter summarises changes to the rules for training, certified handlers, securing substances and tracking substances.

3.1 Summary: Handling hazardous substances

| REQUIREMENT | KEY CHANGE |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Training and supervising workers | Workers must receive information, training and instruction, and you must keep a record of this training and instruction. |
| Certified handlers | The term approved handler is replaced by the term certified handler. Certified handlers are only required for the following substance types and classes: <ul style="list-style-type: none"> - substances that require a controlled substance licence (CSL), such as most explosives, fumigants and VTAs - class 6.1A and 6.1B toxic substances. |
| Securing substances | Substances that no longer have approved handler requirements and do not have certified handler requirements must be secured. |
| Tracking highly hazardous substances | The 'competent person' accepts responsibility for tracked substances when they are transferred between workplaces. The competent person is either: <ul style="list-style-type: none"> - a certified handler for substances that require a certified handler - a worker who has received the necessary information, training and instruction for other substances. |

TABLE 2:
Changes to requirements for handling hazardous substances

3.2 Information, training, instruction and supervision

Make sure **all** workers who handle hazardous substances receive information, training and instruction they need to work safely with the substances.

What's new?

Workers need information about:

- what work involving hazardous substances is happening within their work area
- the location and availability of information about the risks of the hazardous substances in their workplace and how to safely handle and store them.

This means telling workers where and how to find the SDS or a condensed version of the information on the SDS, and any other information they need to safely handle and store a hazardous substance.

Workers' training and instruction must cover:

- the physicochemical and health hazards of the substances they use
In other words, are the substances explosive, flammable, oxidising, corrosive or toxic? What precautions do your workers need to take around these hazards?
- procedures for safely using, handling, manufacturing, storing or disposing of these substances
In other words, what information do you need to provide your workers so they can do their work safely?
- safe use of the plant (ie equipment), including personal protective equipment (PPE) that they need to manage the substances
In other words, what do workers need to know about safely using the equipment that they use in their work?
- what to do in an emergency caused by, or affecting the hazardous substances they work with, or that are present in their work area
In other words, do workers know where to find spill kits and extinguishers and how to use them? Do they know if they have a role in the ERP and do they know what this involves?
- other duties or obligations the workers may have under the Regulations
In other words, do workers need to know about any particular duties that they have because of the substances they work with?

SUPERVISION

All workers need practical, supervised experience in your workplace in the areas listed above. The duration of this supervision will depend on the worker, their knowledge and their previous experience.

You do not have to provide the training and instruction listed above if you can show (with documentation or certification) that a worker has equivalent previous experience or training.

Even if a worker does have equivalent training or experience, you may consider that he or she needs a refresher for your workplace. All new workers also need a site-specific induction and a period of supervision at your workplace appropriate for their knowledge and experience.

Remember, training is an ongoing process, not a one-off event.

KEEP A RECORD

You need to document and keep a record of all instruction and training. Keep these records for as long as the worker works for you, as you need to ensure it is available to be checked by a compliance certifier or inspector. It is also a useful record of a worker's knowledge and development.

Where can I find this in the regulations?

[Regulations 4.5 and 4.6](#), Supervision and training of workers

Further information

For more information on the information, training and instruction requirements see our *Guide to Information, Training and Instruction for Workers Handling Hazardous Substances*.

3.3 Certified handlers

What's new?

Approved handlers are now known as certified handlers and are required for fewer substances.

What's changed?

Certified handlers are no longer required for class 2, 3, 4 and 5, or class 6.1C and 6.7A substances.

People using class 9 ecotoxic substances are also not required to be certified handlers under the Regulations. However, the EPA HPC Notice requires people applying certain highly hazardous pesticides to be appropriately qualified to ensure the environment is protected. For more information about these qualifications, refer to the HPC Notice on the EPA website: www.epa.govt.nz

Certified handlers are only required for the following substances:

- substances requiring a CSL, such as most class 1 explosives, fumigants and VTAs
- highly acutely toxic (class 6.1A and 6.1B) substances.

For some substances, securing the substances (ie making sure they are stored in a way that prevents unauthorised people from accessing them) replaces approved handler requirements. The way you have to secure your substances will depend on the classification of the substance and its quantities.

The new information, training and instruction requirements for all hazardous substances also make sure that only people with the right knowledge and practical competence handle substances, including substances without certified handler requirements.

Certified handlers need to meet competency requirements to make sure they have the in-depth knowledge they need to handle highly hazardous substances.

For more information about competency requirements, see our *Guide to Certified Handler Requirements*.

Where can I find this in the regulations?

[Regulations 4.1 to 4.4, Certified handlers](#)

Further information

For more information on the certified handler requirements see our *Guide to Certified Handler Requirements*.

You can enter your substances into the Calculator to find out if they have certified handler requirements.

3.4 Tracking highly hazardous substances

Some highly hazardous substances are tracked so that a record is kept of where they are at all times. See *Your Practical Guide to working safely with hazardous substances* for more about tracking.

Most tracking requirements remain the same. There is a change in the name for the person who takes responsibility for tracked substances when they are transferred (competent person) and a new requirement to make tracking records available to workers.

What's new?

There are a few new requirements for recording the location and movement of tracked substances throughout each phase of their life cycles. Make sure that any worker who needs to handle a tracked substance knows where to find this record and can access it when they need it.

The information on the record also needs to be presented so that any competent person who is required to have access to the substance can readily understand it. This means that it should use commonly understood language and terminology, or otherwise, provide additional clarification if needed.

What's changed?

Class 6.1C substances are no longer tracked under HSWA. However, under the HPC Notice suppliers must not sell certain highly hazardous substances (including 6.1C substances) to the general public, and must keep records of who they sell such substances to. For more information about these requirements, see the HPC Notice on the EPA website: www.epa.govt.nz

The person who takes responsibility for a tracked substance after it is transferred must be a 'competent person'.

For substances with certified handler requirements, the competent person is a certified handler, and for other substances, it is a worker who has received information, instruction and training about that substance.

Before you transfer a tracked substance, you must receive written notification that a competent person at the destination workplace will accept responsibility for the substance.

Where can I find this in the regulations?

[Part 19, Tracking Hazardous Substances](#)

Further information

You can enter your hazardous substances into the Calculator to find out if they need to be tracked.

4.0

Storage requirements

IN THIS SECTION:

- 4.1 Summary: storage
- 4.2 Securing your substances
- 4.3 Hazardous substance locations
- 4.4 Gases under pressure
- 4.5 Stationary container systems

This chapter deals with changes to the requirements for storing hazardous substances.

4.1 Summary: Storage

| CONTAINMENT TYPE | KEY CHANGE |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Securing your substances | For some substances, the approved handler requirement is replaced by a requirement to secure the substance. The way you need to secure your substance will depend on its classification and quantity. |
| Hazardous substance locations | If they have HSL requirements, you must hold non-tracked substances over certain quantities in an HSL (or transit depot) if you are going to hold them for longer than 24 (previously 18) hours. For tracked substances, this time stays at two hours. |
| Gases under pressure | Test stations (not periodic testers) test cylinders. |
| Stationary container systems | There are new separation, secondary containment and design requirements. You must not stack tanks containing flammable gases (class 2.1.1 substances). |

TABLE 3:
Changes to storage requirements

4.2 Securing your substances

There are changes to the way you need to secure hazardous substances.

Substances that previously required an approved handler must now be secured.

What's new?

Most substances that no longer have approved handler requirements (eg class 3 substances) must now be appropriately secured from persons other than those that you, the PCBU, allow to access them.

How you secure the substance will depend on its classification and the quantity involved.

For example, if you have to secure class 4.1.2A, 4.1.2B, 4.1.2C or 4.1.2D substances, you must secure them in storage areas that meet specific construction requirements.

Similarly, if you are required to secure a class 5.2A, 5.2B, 5.2C or 5.2D substance, you must do so in a container (not packaging) that meets specific construction requirements.

However, if the way you need to secure a substance is not specified, you may use other methods or systems that effectively keep unauthorised people away from the substance.

Where can I find this in the regulations?

You can find some examples of this requirement in regulations [10.4](#), [10.24](#), [12.3](#), [12.24](#) and [12.45](#).

Further information

Use the Calculator to find out if this control applies to your substances.

4.3 Hazardous substance locations

Most HSL requirements transfer directly from the HSNO regulations. The key change is in how long you can hold substances before you need to hold them in an HSL or a transit depot.

However, many requirements for HSLs remain the same, such as:

- notifying WorkSafe of the establishment of an HSL
- location compliance certification requirements
- many of the controls that apply to substances inside an HSL (eg hazardous areas and controlled zones if required, segregation, electrical equipment design and construction specifications)
- the requirement to hold tracked substances in an HSL (or transit depot) after two hours.

What's new?

You need to hold certain tracked class 6 & 8 substances (classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B) in an HSL if you are going to hold them for longer than two hours. Untracked substances need to be held in an HSL after 24 hours.

For more on this, and on what you need to do when storing class 6 & 8 substances, see Section 6.5 of these guidelines.

What's changed?

If they have HSL requirements, you must hold non-tracked substances over certain quantities in an HSL (or transit depot) if you are going to hold them for longer than 24 hours (previously 18 hours). For tracked substances, this time stays at two hours.

In HSLs for substances that no longer have approved handler requirements (depending on the substance and its quantity), the compliance certifier will check workers have received the necessary information, training and instruction, and that class 2, 3, 4 and 5 substances are appropriately secured.

See Chapter 6 for other changes to requirements for different types of substances that may also apply inside HSLs.

Where can I find this in the regulations?

[Part 9, subpart 2; Regulations 10.26 to 10.29; Part 11, subpart 2; Part 12, subpart 2; Regulations 13.34 to 13.45](#)

Further information

Use the Calculator to find out whether your HSLs will require compliance certification.

4.4 Gases under pressure

Test stations are responsible for testing cylinders. The role and responsibilities of the approved filler and most design and repair specifications for cylinders remain the same.

What's changed?

The key change is that test stations, not individual periodic testers, have cylinder testing duties and are authorised to carry out periodic tests of gas cylinders.

PCBUs who were periodic testers or who employed periodic testers under the previous system will need to apply to WorkSafe for authorisation to become test stations. If they meet the requirements, they will become test stations under the new regulations.

PCBUs are responsible for making sure no person charges a cylinder at a workplace unless the valve and pressure relief devices have passed the applicable periodic tests.

Another change is that person who is not an approved filler can fill an LPG cylinder with a capacity of less than 110 kg if he, or she, meets the requirements in a relevant SWI.

Where can I find this in the regulations?

[Part 15, Gases under pressure](#)

4.5 Stationary container systems

What's new?

There are new separation, secondary containment and design requirements for stationary container systems. The following are some key examples:

- You must not stack tanks of permanent and liquefied class 2.1.1 gases.
- There are new specifications for rooms holding stationary container systems.
- Above ground stationary containers with a capacity of at least 250 L containing pooling substances require secondary containment able to contain at least 110% of the volume of the largest container.
- Below ground stationary containers require secondary containment able to contain at least the total volume of the pooling substances in the containers.
- Secondary containment systems for above ground stationary containers for class 3.1 substances built or significantly altered after the new regulations begin must be fire resistant and impervious to the substances.

What's changed?

The terminology changes described in Section 6.2 apply to stationary container systems.

Low flashpoint diesel is classified as 3.1D for stationary container system requirements.

The HPC Notice contains requirements for class 9 substances stored in stationary tanks. For more information about these requirements, see the HPC Notice at: www.epa.govt.nz

Where can I find this in the regulations?

[Part 17, Hazardous Substances Regulations](#)

5.0

Transit depots and tank wagons

IN THIS SECTION:

- 5.1 Transit depots
- 5.2 Tank wagons and transportable containers

| | CHANGES |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Transit depots | There are new signage requirements for transit depots. |
| Tank wagons/ transportable containers | Tanks must allow no visible leakage per day. The worker and PCBU now have some duties previously held by the person in charge. |

TABLE 4:
Changes to requirements for transit depots and tank wagons

5.1 Transit depots

Transit depots hold hazardous substances in transit and awaiting delivery to their final destination.

If your substances have HSL or transit depot requirements, and you hold them for longer than two hours (tracked substances) or 24 hours (untracked substances) you **must** hold them either in an HSL or a transit depot. You must not hold hazardous substances in a transit depot for longer than three days.

Most requirements for transit depots transfer to the new regulations from the HSNO regulations unchanged, such as:

- notifying WorkSafe before you commission a transit depot
- the separation and segregation requirements inside transit depots
- ensuring containers inside a transit depot remain closed
- design specifications (eg for electrical wiring or equipment in depots for class 5.1.1 or 5.1.2 substances).

What's new

Because the substances held in transit depots frequently change, there is a new signage requirement for transit depots. If you are the PCBU of a transit depot you must place a sign at the main points of entry to it that:

- indicates that hazardous substances may be present
- contains the word HAZCHEM
- identifies the site as a transit depot.

Where can I find this in the regulations

[Regulation 2.7](#), Signage requirements for transit depots

Regulations [10.37](#), [12.20](#), [12.46](#), [13.28](#) (Requirements for transit depots)

Further information

For more information about transit depots, see our website.

5.2 Tank wagons and transportable containers

Most requirements for tank wagons and transportable containers do not change, for example:

- tank wagon certification
- design specifications
- manoeuvrability, collision protection, repair and servicing requirements.

What's new?

There are a few new requirements for tank wagons.

You must make sure that fire-fighting facilities are available for tank wagons containing LPG, propane, butane, or isobutane with a capacity of 12,000 L or larger parked for longer than one hour.

If you use a tank wagon to refuel aircraft applying a substance aerially, you do not need to establish an HSL, as long as it is:

- at least 20 m from any protected place, 6 m from any combustible material, and
- in a compound or place (other than a heliport or aerodrome) preventing spillage of aviation gasoline or Jet-A1 turbine fuel from endangering a building or flowing into a stream, lake or any other body of natural water.

What's changed?

There are a few changes in the requirements for tank wagons.

The worker holds some duties previously held by the person in charge, for example:

- when filling tank wagons
- regarding unattended tank wagons
- when transferring liquid or gaseous substances.

The worker's duty (previously held by the person in charge) not to fill tank wagons beyond the maximum filling level now applies to any tank wagon carrying liquid, not only tank wagons larger than 2,000 L.

Tanks must be resistant to fatigue, corrosion and impact and allow **no visible leakage** of gas or liquid. Previously this requirement was no more than 0.1 L of leakage per day.

A worker can leave a tank wagon unattended for no more than **15 minutes** (previously five minutes), as long as all of its valves are closed and it is at least 30 m from any protected place.

Where can I find this in the regulations?

Part 16, Tank wagons and transportable containers

6.0

Requirements for substance classes

IN THIS SECTION:

- 6.1 Summary: requirements for substance classes
- 6.2 Changes across all substance classes
- 6.3 Explosives (class 1 substances)
- 6.4 Flammables and oxidisers (class 2, 3, 4 and 5 substances)
- 6.5 Toxics, corrosives and fumigants (class 6 and 8 substances)
- 6.6 Ecotoxic (class 9) substances

This chapter deals with changes to requirements for different classes of hazardous substances.

Most requirements for specific substance classes transfer unchanged from the HSNO regime to the new regulations. Changes in terminology and to key concepts that apply across the different substance classes are discussed in Section 6.2.

6.1 Summary: requirements for substance classes

| SUBSTANCE CLASS | KEY CHANGE |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Explosives (class 1 substances) | <p>Approved handlers become certified handlers. Certified handlers have additional information, training and instruction requirements.</p> <p>If you supply a substance with CSL requirements to anyone, you must make sure they have a CSL authorising them to possess it.</p> <p>Some approved handler duties transfer to the PCBU.</p> |
| Flammables (class 2, 3, 4 and 5 substances) | <p>Approved handlers are no longer required for these substance classes.</p> <p>There are new requirements for these substances to be secured and new information, instruction and training requirements.</p> <p>WorkSafe manages applications for exemptions to separation requirements.</p> |
| Toxics and corrosives (class 6 and 8 substances) | <p>Approved handlers become certified handlers. Certified handlers have additional information, instruction and training requirements.</p> <p>There are new storage, HSL and location compliance requirements for certain class 6 and 8 substances.</p> |
| Ecotoxic (class 9 substances) | <p>The rules for managing class 9 ecotoxic substances are set in the HPC notice. See the EPA website for more information.</p> |

TABLE 5:
Changes to requirements for types of substance

6.2 Changes across all substance classes

Some changes apply across all substance classes. Sometimes only the terminology changes, but in other cases the changes affect how you meet different requirements.

What's changed?

The following changes apply across different substance classes.

Approved handlers become certified handlers and are required for fewer substance classes. Certified handlers have additional information, training and instruction requirements.

Substances that had approved handler requirements and do not have certified handler requirements must be secured. How you do this depends on the substance and the quantity involved.

New information, training and instruction requirements apply to all substance classes.

For more on these requirements, see Section 3.2, *Information, training and instruction*, Section 3.3, *Certified handlers*, and Section 4.2, *Securing your substances*.

The following terms change:

- 'Test' certification becomes 'compliance' certification and test certifiers become compliance certifiers. Compliance certifiers must follow performance standards issued by WorkSafe and undergo regular audits.
- Hazardous atmosphere zones (an area around a substance where you must control ignition risks and other risks) become hazardous areas.
- Areas of high intensity land use and low intensity land use generally become protected places and public places, respectively.
- The term 'areas of high intensity land use' remains in duties around controlling the adverse effects of unintended initiation and intended detonation or deflagration of explosives.

Controlled zones (an area adjoining a HSL managed to prevent or reduce the adverse effects of certain substances) no longer apply for class 2 and 3.1 substances, but remain for certain class 1, class 3.2, class 4, class 5.1.1, class 5.1.2, and class 5.2 substances.

Where controlled zones no longer apply, separation distances are measured directly from the substances, rather than the edge of a controlled zone.

The secondary containment requirements for surface containers holding pooling substances from 60 L to 450 L now also apply for surface containers of more than 450 L not contained in tank wagons or stationary tanks.

This change is to make sure that there is appropriate secondary containment for containers larger than 450 L other than tank wagons or stationary container tanks.

6.3 Explosives (class 1 substances)

Most requirements for class 1 substances (including fireworks and safety ammunition) transfer unchanged from the HSNO regulations to the new regulations. These include:

- certified (previously approved) handler and/or CSL requirements

- requirements inside HSLs, for example to prevent unintended initiation
- location compliance certification requirements, for example segregating incompatible substances and securing substances according to the requirements
- limits on the exposure of these substances to pressure shock, spark energy, heat, fire, and static electricity
- notifying WorkSafe if you plan to hold an outdoor pyrotechnic display and of incidents involving pyrotechnics during outdoor displays.

While the requirements for securing class 1 substances depend on the specific substance, most (with some exceptions) need to be secured so a person cannot access the substances without tools, keys or any other device for operating locks.

What's new?

If you supply a substance with CSL requirements to anyone, you need to make sure that the person has a CSL that authorises them to possess the substance.

Black powder (UN0027), smokeless powder (UN0160 or UN0161) and propellants (UN0499) can also be supplied in quantities of less 15 kg to a person who holds a firearms or firearms dealer's licence.

A person can also acquire a substance with CSL requirements for transportation purposes if they have a current dangerous goods endorsement on their driver licence.

What's changed?

The PCBU has some duties previously held by the approved handler, including:

- during the detonation or deflagration of class 1 substances
- inside discharge areas
- when directing pyrotechnic displays
- managing substances in designated transfer zones.

You need to keep records of any incidents during outdoor pyrotechnic displays for five years, and of any incidents during indoor displays for one year.

Depending on the substance and its location, class 1 substances can be secured by:

- keeping them appropriately secured so that no one can gain access to them unless you allow them to (eg cartridges and primers of class 1.4S safety ammunition)
- securing them so that no one can access them without tools, keys, or devices for operating locks (eg containers or buildings containing retail fireworks in an HSL)
- ensuring the container meets certain specifications.

Check the requirements for your specific substance. See regulations [9.19 to 9.21](#) for more detailed information.

Where can I find this in the regulations?

[Part 9](#), Class 1 substances

6.4 Flammables and oxidisers (class 2, 3, 4 and 5 substances)

Most HSNO requirements for flammables and oxidisers transfer directly to the new regulations. Other than the general changes in Chapter 2 that affect all workplaces, there are a few other changes, such as:

- the changes in Section 6.2, including the requirements that replace approved handlers for these substance classes, such as securing the substances, and information, training and instruction requirements.
- if they have HSL requirements, you must hold non-tracked substances over certain quantities in an HSL (or transit depot) if you are going to hold them for longer than 24 hours (previously 18 hours).

Any changes to thresholds, secondary containment and storage requirements will be incorporated into the Calculator.

What's new?

You can apply to WorkSafe for an exemption from separation requirements. These requirements can also be modified in an SWI.

If you have reduced separation distances in force immediately before the new regulations come into effect, they will continue until the period approved for this reduction (if any) expires.

After the new regulations come into effect, you must apply to WorkSafe for an exemption from separation distances. WorkSafe will consider the quantity and location of the substances, your fire-fighting facilities, the fire resistance ratings of the structures containing the substances, and the design and construction of tanks, if applicable.

If an exemption is granted, it will last for five years.

Where can I find this in the regulations?

Parts [10](#), [11](#) and [12](#), Hazardous Substances Regulations

6.5 Toxics, corrosives and fumigants (class 6 and 8 substances)

There are new requirements for storing certain class 6 & 8 substances (classes 6.1A, 6.1B, 6.1C, 8.2A, 8.2B).

Certified (previously approved) handlers requirements continue for class 6.1A and 6.1B substances, and for substances requiring a CSL, such as certain VTAs and fumigants.

Many requirements for class 6 substances from the HSNO regulations continue, such as:

- recording and notifying applications of VTAs (including 1080) and fumigations (including methyl bromide)
- construction and ventilation specifications for fumigation cells, shipping containers and other fumigation areas
- secondary containment for surface containers of class 6 & 8 substances.

What's new?

There are new storage requirements for some class 6 & 8 substances (classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B).

WorkSafe has a guide on these storage requirements, *Guide to Storing Class 6 & 8 Substances*, but some key requirements are listed below:

- If they have HSL requirements, you need to hold tracked class 6 & 8 substances in an HSL (or a transit depot) after 2 hours, and untracked class 6 & 8 substances in an HSL (or a transit depot) after 24 hours.
- All HSLs for solid or liquid class 6 & 8 substances require a location compliance certificate.

- HSLs containing packaged class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substances must be separated from public and protected places by the distance required for their classification and quantity.
- Different types of HSLs (eg indoor storage cabinets, stores other than indoor storage cabinets) must meet specified construction and capacity requirements.
- You do not need an HSL or transit depot if you are temporarily storing a class 6.1A, 6.1B or 6.1C substance for an imminent pest control operation or pesticide application task as long as you meet the basic storage requirements and notify WorkSafe 24 hours beforehand.

There are new requirements for storing class 6 & 8 substances in:

- places other than HSLs, such as:
 - securing the place from persons other than those that you (as the PCBU) allow to access the place
 - providing ventilation and water for personal hygiene
 - keeping substances away from incompatible substances and heat sources
 - ensuring any possible spillage when you open containers or transfer their contents can be retained.
- farms (if an HSL is not required), for example:
 - separating the storage area from protected places, combustible vegetation or refuse, and the boundary of your property
 - providing secondary containment or locating storage places so spills will not reach protected places, watercourses or the boundaries of your property.
- transit depots, such as:
 - notifying WorkSafe before you commission the transit depot
 - keeping substances inside their closed containers
 - making sure workers receive information, instruction and training
 - separating vehicles from other vehicles and containers of both compatible and incompatible substances
 - separating containers of class 6 and 8 substances from containers of incompatible substances.

The Regulations specify the clean-up equipment and chemicals for neutralising or decontaminating spills required in workplaces holding class 6 and 8 substances.

What's changed?

Some requirements for class 6 & 8 substances have changed. WorkSafe has guidance on the requirements for specific substances, but some of the key changes are listed below:

- VTAs or fumigants that can release a toxic gas in contact with water or water vapour must be transported in an external compartment or internal compartment that does not share an internal air supply with parts of the vehicle where there are passengers.

You can also transport these substances in the luggage compartment of a vehicle if the substances and any packaging, contaminated clothing or equipment is sealed in an airtight, secondary container beforehand, with a label indicating the need to restrict access to the substance by children or companion animals.

- The PCBU or worker may have some duties previously held by the 'person in charge', such as duties related to applying fumigants.

Where can I find this in the regulations?

[Part 13](#) and [Part 14](#), Hazardous Substances Regulations.

Further information

WorkSafe has published a guide on the new storage requirements for class 6 & 8 substances, *Guide to Storing Class 6 & 8 Substances*.

6.6 Ecotoxic (class 9) substances

The EPA continues to set controls to manage risks to the environment from hazardous substances.

The class 9 controls can be found in the HPC Notice.

The HPC Notice consolidates, updates and replaces regulations and controls that were in HSNO regulations, group standards, transfer notices and individual substance approvals. The notice also introduces a number of new controls.

Where can I find the HPC notice?

You can find the HPC Notice on the EPA website.

Further information

You can find information and guidance on ecotoxic substances on the EPA website: www.epa.govt.nz

7.0

The transition

IN THIS SECTION:

- 7.1 Transitional arrangements
- 7.2 When do the requirements come into force?

This chapter explains how the transition to the new Hazardous Substances Regulations will work.

7.1 Transitional arrangements

This Section describes how the transition will work for some selected key requirements. For more information and any certificate, licence, approval or person not listed below see Schedule 1 of the Regulations.

| DOCUMENT, CERTIFICATE OR APPROVAL | TRANSITIONAL ARRANGEMENT |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Periodic testers | PCBUs may apply to be authorised as test stations from September 1, 2017, so they are authorised to carry out their functions when the new regulations come into effect on December 1, 2017. |
| Emergency response plan | An ERP prepared under the Hazardous Substances (Emergency Management) Regulations 2001 current when the new regulations begin will be treated as an ERP prepared under the new regulations. |
| Test certificates | <p>A test certificate issued by a test certifier under section 82 of the HSNO Act in force when the new regulations begin continues as a compliance certificate under the new Regulations for the balance of its valid period.</p> <p>If certificates are affected by changes to requirements (eg approved handler test certificates for substances that will not have certified handler requirements, such as class 2, 3, 4 and 5 substances), they will no longer be needed when the new regulations come into force.</p> |
| Conditional test certificate for an HSL | These certificates remain in force. However, if the conditions are not met by the specified date, the certificate will expire. |
| Test certifiers | Approved test certifiers automatically become compliance certifiers when the Regulations come into force, as long as their approval is current, and only until it expires. The approval will continue to be subject to any limitations imposed on it. |
| Cylinders and related equipment under the Compressed Gas Regulations | <p>Cylinders and other equipment (eg fire extinguishers, cylinder valve outlet connections, regulators) that complied with the HSNO Compressed Gas Regulations will be treated as complying with the new Hazardous Substances Regulations.</p> <p>Waivers of requirements (for example, to obtain a certificate for LPG fittings) in force when the new regulations begin will be treated as exemptions under the new regulations until they expire or are revoked or replaced.</p> <p>Recalls and withdrawals in force when the new regulations begin continue in force.</p> |

| DOCUMENT, CERTIFICATE OR APPROVAL | TRANSITIONAL ARRANGEMENT |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approvals (to increase capacity of groups of containers of class 3.1 substances) | Approvals to increase the aggregate capacity of stationary containers in effect when the new regulations begin will continue in force until the expiry (if any exists) of that approval. |
| Previously approved installations of class 2.1.1 liquefiable gas cylinders and above ground tanks | The approvals for these cylinders and tanks will continue as long as they meet certain conditions on their separation from protected and public places. For more detail on these conditions, see clause 11 of Schedule 1 of the Regulations. |
| Stationary container system | Stationary container systems that were being constructed or were being used immediately before 1 July 2006 may need a compliance plan to meet the new regulations. Speak to a compliance certifier to assess whether the system meets Part 17 of the new regulations. |

TABLE 6:
Transition for certificates and approvals

7.2 When do the requirements come into force?

You will have time to adjust to some of the new regulations for hazardous substances.

| REQUIREMENT | NEW REQUIREMENTS COMMENCE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| WorkSafe will begin authorising test stations (for periodic testing of cylinders) | 1 September 2017 |
| Most requirements in the new Health and Safety at Work (Hazardous Substances) Regulations Inventory and labelling for hazardous waste Test stations begin periodic testing of cylinders | 1 December 2017 |
| The additional training requirements for hazardous substances Requirements for storing class 6.1 A, 6.1 B, 6.1C, 8.2A or 8.2B substances outside an HSL (ie below the threshold for establishing an HSL) Requirements for storing class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substances outside an HSL on farms | 1 June 2018 |
| Requirements for storing class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substances at a transit depot | 1 December 2018 |
| Storage and handling requirements for hazardous waste HSL requirements for class 6.1A, 6.1B, 6.1C, 8.2A, and 8.2B substances | 1 June 2019 |
| Compliance certificate requirements for HSLs holding class 6.1A, 6.1B, 6.1C, 8.2A and 8.2B substances | 1 December 2019 |

TABLE 7:
Date requirements come into force

Appendices

IN THIS SECTION:









Appendix A: Legislation

Appendix B: Changes in agency roles

Appendix C: Abbreviations

Appendix A: Legislation

How do the agencies work together?

| | | | | |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| |  Hazardous substance rules to PROTECT PEOPLE from WORKPLACE activities SET UNDER HSW ACT |  Hazardous substance DISPOSAL rules and rules to protect the ENVIRONMENT in WORKPLACES* SET UNDER HSNO ACT* |  Hazardous substance rules for IMPORTERS, MANUFACTURERS and SUPPLIERS** SET UNDER HSNO ACT* |  Hazardous substance rules to PROTECT PEOPLE and the ENVIRONMENT in NON-WORKPLACES SET UNDER HSNO ACT* |
| Regulator | WORKSAFE |  Environmental Protection Authority Te Mana Rauhi Taiao |  Environmental Protection Authority Te Mana Rauhi Taiao |  Environmental Protection Authority Te Mana Rauhi Taiao |
| Enforced by | WORKSAFE | WORKSAFE |  Environmental Protection Authority Te Mana Rauhi Taiao | COUNCILS*** |

See also Appendix B for more detailed information on the roles of WorkSafe and the EPA.

* There are other hazardous substance environmental and disposal rules set under the Resource Management Act and local council bylaws. These rules are enforced by local, district and regional councils.
 ** Such as labelling, packaging, safety data sheets and restrictions on ingredients in certain hazardous substances products.
 *** City and district councils.

Hazardous Substances and New Organisms Act 1996 (HSNO)

Before, the rules for using hazardous substances in the workplace were set out in regulations, group standards, transfer notices and individual substance approvals under the HSNO Act. Now the workplace rules for hazardous substances (other than for ecotoxic substances and for disposal) are set out in a single place under HSWA, in the Health and Safety at Work (Hazardous Substances) Regulations 2017.

However, HSNO still has an essential role. Hazardous substances are still approved and classified under HSNO. The rules for the content and format of hazardous substance labels and safety data sheets and for packaging are still set under HSNO, as are rules to protect people outside of the workplace, and ecotoxic and disposal rules. Most will now be set in EPA Notices, and in some cases, variations will still be set in group standards.

EPA notices

EPA Notices are a new way for the EPA to set rules under HSNO. The EPA has now issued 10 EPA Notices setting the requirements for:

- determining the minimum degrees of hazard
- classifying hazardous substances
- forms and information when applying for approval of a hazardous substance
- labelling hazardous substances
- preparing and supplying safety data sheets
- packaging hazardous substances
- disposing of hazardous substances
- hazardous property controls
- information about importers and manufacturers
- enforcement officer qualifications.

Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (HSWA) came into effect on 4 April 2016 and replaced the Health and Safety in Employment (HSE) Act 1992. HSWA is New Zealand's primary workplace health and safety law.

Under HSWA everyone in the workplace has a role to play. As a PCBU you have a duty of care to your workers, to other workers that you influence or direct and other people affected by your work. Your duty of care includes:

- ensuring the health and safety of workers
- ensuring other people are not put at risk by your work
- managing specific risks in the workplace
- providing workers with information, training, instruction and supervision or making sure they are provided
- providing for worker engagement, participation and representation
- planning for emergencies.

For information about the PCBU and other HSWA duty holders and their duties, see WorkSafe's guide *Introduction to the Health and Safety at Work Act 2015*.

Specific requirements are set out for activities or workplaces in regulations under HSWA, such as the Health and Safety at Work (Hazardous Substances) Regulations 2017 for work with hazardous substances.

Other regulations, such as the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, set out requirements for managing risk and other duties for all workplaces.

The Health and Safety at Work (Hazardous Substances) Regulations 2017

The Health and Safety at Work (Hazardous Substances) Regulations 2017 set out requirements and controls for using, handling, manufacturing and storing hazardous substances in the workplace.

They replace the controls applying to hazardous substances in the workplace set in regulations, group standards, transfer notices and individual substance approvals under HSNO and bring them into one place under the Health and Safety at Work Act.

Most requirements and controls carry over from the previous regime, but some change and some are new. The key changes and new requirements are described in this document.

The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (the GRWM Regulations) set out duties to manage risk in the workplace and a process (the hierarchy of control measures) for PCBUs to eliminate hazards or, if this is not possible, to minimise the risk that these hazards cause.

The GRWM Regulations also set out duties to train and supervise workers, manage emergencies and provide equipment and facilities, and describe when and how you need to carry out health and exposure monitoring.

The GRWM Regulations apply to all workplaces, including workplaces that use, handle, manufacture and store hazardous substances.

For information about managing risks, see our *Interpretive Guidelines on General Risk and Workplace Management*.

Safe Work Instruments

Some requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017 refer to safe work instruments (SWIs).

SWIs are a legal tool that may, in accordance with the Regulations:

- vary, replace or delete requirements under the Regulations
- provide an alternative way to comply with requirements
- establish an alternative standard to a standard mentioned in the Regulations
- set additional requirements and state which PCBUs have to comply with additional requirements.

Even if a provision in the regulations refers to an SWI, this does not necessarily mean that an SWI has currently been approved for that requirement.

HSNO Codes of Practice

HSNO codes of practice (HSNOCOPs) set out approved methods of achieving compliance with requirements set out in controls or regulations under HSNO.

Because the new Health and Safety at Work (Hazardous Substances) Regulations 2017 replaces the HSNO regulations for the workplace, some HSNOCOPs will no longer be valid. Some HSNOCOPs will be replaced by SWIs, some will be replaced with Approved Codes of Practice and others will be replaced by guidance from WorkSafe.

HSNOCOPs for matters that remain under HSNO, such as the rules for importers and manufacturers about content of labels or safety data sheets, will remain in effect.

Appendix B: Changes in agency roles

| | BEFORE | | NOW | |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Control | EPA | WorkSafe | EPA | WorkSafe |
| Applications to import or manufacture hazardous substances | <p>Approves applications to import and manufacture hazardous substances.</p> <p>Assigns hazard classifications and undertakes risk assessments.</p> | | <p>Approves applications to import and manufacture hazardous substances.</p> <p>Assigns hazard classifications and undertakes risk assessments.</p> | <p>Reviews hazardous substance applications.</p> <p>Advises EPA on workplace controls to mitigate risk of hazardous substances in applications.</p> <p>Receives notifications about the importation of 1080.</p> |
| Rules and controls for hazardous substances | <p>Sets controls for hazardous substances all sectors/whole lifecycle).</p> | | <p>Sets rules for:</p> <ul style="list-style-type: none"> - labelling - SDS - packaging - disposal - protecting the environment - protecting people in places other than workplaces. | <p>Advises the EPA on workplace controls for new approvals/ reassessments of existing approvals.</p> |
| Transshipment* | <p>Approves transshipments</p> | | <p>Approves transshipment of approved explosives on foreign ships and of unapproved explosives and other unapproved hazardous substances on foreign and NZ ships.</p> | <p>Issues permits for NZ ships and aircraft transshipping class 1 explosives, and other PCBUs involved in transshipping those substances.</p> <p>Issues permits to foreign ships transshipping explosives if the explosives are required to be taken off the ship onto NZ land.</p> |
| Compliance and enforcement | <p>Oversees enforcement by other agencies.</p> | <p>Enforces controls for hazardous substances in the workplace.</p> | <p>Ensures manufacturers and importers have an approval for their substances.</p> <p>Enforces HSNO rules on:</p> <ul style="list-style-type: none"> - labelling - SDS - packaging - product content controls. <p>Oversees enforcement of HSNO by non-workplace agencies.</p> | <p>Enforces HSWA hazardous substances regulations & HSNO environmental and disposal controls in the workplace.</p> <p>Manages CSLs and equipment approvals.</p> |
| Test certification | <p>Manages test certifiers.</p> | | | <p>Manages compliance certifiers.</p> |
| Retail fireworks | <p>Manages test certifiers.</p> | <p>Enforces non-compliance with rules for retail fireworks.</p> | <p>Manages certification.</p> | <p>**</p> |

* All substances transferred to land need to comply with the Health and Safety at Work (Hazardous Substances) Regulations or conditions set in a permit issued by WorkSafe.

** The NZ Police enforces non-compliance with the rules around selling and buying retail fireworks.

Appendix C: Abbreviations

| TERM | DEFINITION |
|------------------|------------------------------------------------------------------------------------|
| ACOP | Approved code of practice |
| ACVM | Agricultural Compounds and Veterinary Medicines |
| CSL | Controlled substance licence |
| EPA | Environmental Protection Authority |
| ERP | Emergency response plan |
| GRWM Regulations | Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 |
| HILU | High intensity land use |
| HPC Notice | Hazardous Substances (Hazardous Property Controls) Notice |
| HSE Act | Health and Safety in Employment Act 1992 |
| HSL | Hazardous substance location |
| HSNO Act | Hazardous Substances and New Organisms Act 1996 |
| HSWA | Health and Safety at Work Act 2015 |
| LILU | Low intensity land use |
| PCBU | Person conducting a business or undertaking |
| PES | Prescribed exposure standard |
| PPE | Personal protective equipment |
| REI | Restricted entry interval |
| SDS | Safety data sheet |
| SWI | Safe work instrument |
| VTA | Vertebrate toxic agent |

Disclaimer

WorkSafe New Zealand has made every effort to ensure the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe may change the contents of this guide at any time without notice.

This document is a guideline only. It should not be used as a substitute for legislation or legal advice. WorkSafe is not responsible for the results of any action taken on the basis of information in this document, or for any errors or omissions.

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