

Compliance certifier workshops June 2019



**EVERYONE WHO GOES TO WORK
COMES HOME HEALTHY AND SAFE**

Welcome

Welcome

Health and safety

Housekeeping

Introductions

Agenda

Today we'll be covering:

Performance Standard for Location Compliance Certification

Performance Standard for Information and Process

Requirements

Work related stress

HASANZ update

EPA update

Technical updates and discussions



Performance standard - context

- A legal document
- Not a guidance document
- Specifies minimum standards
- Provides assistance to certifiers
- Distil the requirements of compliance certification
- Form the basis for audits
- Specify the actions a compliance certifier must take
- Specify the records a compliance certifier must make

What is a performance standard under regulation 6.43?

- (1) WorkSafe may issue performance standards that set out the information and process requirements that a compliance certifier must comply with when performing the functions of a compliance certifier
- (2) Without limiting subclause (1), a performance standard may include
 - requirements for inquiring into, inspecting, assessing, examining, or otherwise considering any matter
 - practice guides
 - requirements relating to record keeping and documentation of processes
 - measures by which the performance of compliance certifiers may be assessed

Relevant performance standards

- Health and Safety at Work (Hazardous Substances—Information and Process Requirements for Compliance Certifiers) Performance Standard 2019
- Health and Safety at Work (Hazardous Substances—Certified Handler of Class 6 Substances Compliance Certification) Performance Standard 2019
- Health and Safety at Work (Hazardous Substances – Location Compliance Certification for classes 2 to 6, and 8) Performance Standard – Open for consultation
- Health and Safety at Work (Hazardous Substances—Stationary container compliance certification) Performance Standard – Being developed

Performance standards – WorkSafe

- Performance standards on WorkSafe website

<https://worksafe.govt.nz/topic-and-industry/hazardous-substances/certification-authorisation-approvals-and-licensing/certification-of-people/authorisation-as-a-compliance-certifier/performance-standards-for-compliance-certifiers/>

- Consultation on WorkSafe website

<https://worksafe.govt.nz/laws-and-regulations/consultations/draft-performance-standard-location-compliance-certification-for-class-2-to-6-and-8/>

Performance Standard – Location compliance certification for classes 2 to 6 and 8



Locations performance standard process

- Targeted group came for consultation in 2018
- Internal process to get it ready for consultation
- Public consultation
- Issued by WorkSafe this year



Terminology

- Workplace
 - The workplace of the PCBU
- Place
 - The place within the workplace
- Hazardous substance location
 - The area within the workplace where the hazardous substances are located



Scope

Regulations:

- 10.34 Classes 2.1.1, 2.1.2, 3.1
- 10.36 Classes 3.2, 4
- 12.17 Classes 5.1.1, 5.1.2
- 12.42 Classes 5.2
- 13.38 Classes 6, 8

Clause 5 - Competent person

A person employed or engaged by a compliance certifier. This person must:

- Be a compliance certifier, or have been under the supervision of the compliance certifier and be assessed as competent in accordance with this clause 5
- Be notified to WorkSafe
- Enquire into, inspect, assess, examine – certifier has to verify and determine
- Compliance certifier must also comply with Subpart 2 of the Information and Process Requirements Performance Standard.



Clause 7 – Verifying certification requirements are met

Compliance certifier must

- Ensure all relevant information is obtained
- Carry out the enquiries, inspections, assessments, examinations
- Verify all applicable requirements of the Regulations – regardless of whether a certificate has been previously issued
- Determine to issue a certificate or notify



Clauses 7(3) and 22(2) - Equivalent evidence

- Flexibility is provided in relation to the actions and records specified in the schedules.
- Alternative actions and records must be at least equivalent to those specified in the schedules.



Clause 7(4) - Checklists & computer-based assessments

- Must comply with the requirements of the Regulations and must address each action and record specified in the schedules
- The performance standard is not a checklist



Clause 8 - Location visits

Mandatory

A compliance certifier must either:

- personally visit the HS location
- obtain a report prepared by a competent person who has visited the HS location and which contains sufficient information for the compliance certifier to:
 - verify compliance of the HS location
 - Determine whether to issue a location compliance certificate



Clause 9 - Verification of distances

- Distances must be verified *unless it is not reasonably practical to do so* by
 - Accurate scale drawing or plan
 - Measuring the distance physically
- Estimating the distance if not reasonably practical e.g. distance to a protected place if the separation distance obviously exceeds the requirement and is outside the site boundary



Clause 10 - Separation distance across boundary

- The compliance certifier (you) must verify that there is an agreement in place with the neighbour (Regulation 9)
- There must be a record of the agreement



Clause 12 - More than one hazardous substances locations

If there is more than one HS location within a workplace, a compliance certifier may issue a separate location compliance certificate for each one, provided the locations are not likely to adversely affect each other in terms of the hazardous substances they hold



Clause 13 - Conditional compliance certificate

- Enables location compliance certificates to be issued despite minor failures
- Actions when the minor failures are rectified
- Actions when the minor failures are not rectified



Clause 14 - Scope of certification

Details must be recorded on the certificate.

- Regulations which apply
- Substances and classes
- Quantities

Scope cannot be changed on a certificate – this requires a new certificate



Clause 15 - Other matters to be recorded

The performance standard specifies the details to be recorded on the location compliance certificate, including:

- Street address
- PCBU details
- Dates - issue, coming into force and expiry
- The full name and authorisation number of the compliance certifier
- Signature



Clause 22 – Record keeping requirements

- The provisions of the Health and Safety at Work (Hazardous Substances—Information and Process Requirements for Compliance Certifiers) Performance Standard 2019 apply
- Details of competent person employed or engaged
- Details of conditional compliance certificate

Schedules of Location Performance Standard



Schedules

- Schedule 1 Applies generally
- Schedules 2 – 6 Requirements specific to each class

The following slides are some examples from Schedules 1 and 6

General – Notification Requirements

Table 1.2

Item	Regulation	Action	Records
1	10.26(2) 12.8(4) 12.34(4) 13.34(4)	<p>Verify:</p> <p>(a) either—</p> <p>(i) the notification that is dated prior to commissioning; or</p> <p>(ii) the most recent location compliance certificate;</p> <p>(b) the details of the notification or the most recent location compliance certificate including:</p> <p>(i) the name of the company, and the PCBU; and</p> <p>(ii) the street address of the workplace;</p> <p>(c) the maximum quantity and classification held are as notified; and</p> <p>(d) the nature of the storage, manufacture, and use (as applicable) involving the hazardous substances are as notified.</p>	<p>Make a record of:</p> <p>(a) either:</p> <p>(i) the notification; or</p> <p>(ii) the compliance certificate; or</p> <p>(iii) a unique reference to identify the notification or certificate;</p> <p>(b) the quantities notified for each relevant class of substance;</p> <p>(c) the quantities present.</p>

General - Information, instruction and training

Table 1.3

Item	Reg	Action	Records
1	4.5	Verify that there is a process for each worker to receive relevant information and training.	Make a record of the process.
2	4.5(2)	Verify the requirements for information provided to workers are met.	Make a record of— (a) the information provided which specifies if and where safety data sheets are available; and (b) list with examples of other relevant reference materials.
3	4.5(3)(a)	Verify the requirements for instruction and training provided to workers are met.	Make a record— (a) confirming the information is included in the instructions and training or retain an example or copy; and (b) of the type of instruction and training received (classroom, on the job) and the duration of the training; and (c) if a document of confirmation is issued to the worker, of the nature of the document.
4	4.5(3)(b)	Verify that there has been an appropriate period of practical experience under direct supervision.	Make a record of the type of task, duration and nature of supervision.
5	4.5(5)	Verify that there is a record of training and instruction for each worker and that this record is available for inspection.	A record of the worker's instruction and training or a reference to it.
6	4.5(6)	Verify that where information, instruction and training was not required for a worker, the PCBU can demonstrate that the worker's previous experience is equivalent.	A sample of one of the records or a reference to it.

General - Signage

Table 1.4

Item	Regulation	Action	Records
1	2.5(2)	Verify that the signs are compliant.	Photographs of the signs
2	2.6(1)	Verify that compliant signage is positioned at all required entrances to the building and land.	A record of required entrances to the building and land or marked up plan. Photographs of the signs where practical. The photographs must include sufficient landscape details to confirm the location. Where this is not practical, a note confirming compliance should be made.
3	2.6(3)	Verify that compliant signage is displayed at each required room or compartment entrance.	A list of all rooms or a marked-up plan. Photographs of the signs if practical. Where this is not practical, a note confirming compliance.
4	2.6(4)	Verify that compliant signage is displayed immediately next to each outdoor area.	A list of all outdoor areas or a marked-up plan. Photographs of the signs where practical. Where this is not practical, a note confirming compliance.

General - Fire Extinguishers

Table 1.5

Item	Regulation	Action	Records
1	5.3(1)	Verify the correct numbers of fire extinguishers are present.	A record of— (a) the required extinguishers or a marked-up plan; and (b) confirmation the extinguishers are in place by marking up the plan, making a note, or similar; and (c) the test dates of samples of the extinguishers
2	5.4(1)	Verify the fire extinguishers are clearly visible and readily accessible in an emergency.	A record of proximity, visibility and accessibility of fire extinguishers to the hazardous substance location.
3	5.5	Verify that the capability of the fire extinguishers.	A record of the ratings of sample extinguishers or hose diameter of a hydrant system.

General - Emergency Response Plan

Table 1.6

Item	Reg	Action	Records
1	5.7(2)	Verify the ERP describes all reasonably foreseeable emergencies.	A copy of the ERP or sections of it.
2	5.7(3)(a)	Verify the ERP describes the actions to be taken.	A copy of the ERP, sections of it or a reference to it
3	5.7(3)(b)	Verify the ERP identifies each person with responsibility and gives the required information.	A copy of the ERP, sections of it or a reference to
4	5.7(3)(c)	Verify that the ERP specifies the prescribed actions.	A copy of the ERP, sections of it or a reference to it.
5	5.7(3)(d)	Verify the ERP provides an inventory and compliant site plan.	A copy of the ERP, sections of it or a reference to it.
6	5.7(4)	Verify the ERP— (a) specifies the required extra information for emergencies involving a fire; and (b) provides for retention of liquid or liquid oxidising substance or organic peroxide present.	A copy of the ERP, sections of it or a reference to it.
7	5.8	The ERP is implemented in the event of an emergency.	A record of the implementation of it for events during the previous 12 months
8	5.9	Verify that all equipment, materials and responsible people are available within the times specified in the ERP.	Notes of the sampling or a record of the tests.
9	5.10	Verify the PCBU is able to confirm the plan is available to every person responsible for executing any part of the plan and emergency service providers identified in the plan.	A note recording how the plan has been made available. A reference to its location.
10	5.11	Verify that if the FENZ has been given the opportunity to review the ERP, any recommendations have been given effect to in the ERP by the PCBU.	A record of advice to FENZ and a note of any recommendations from FENZ.
11	5.12	Verify the ERP has been tested, that new persons are competent and new procedures are workable, and that records of the tests are held.	(a) A reference to the tests and actions taken. (b) A record of the PCBU records.

General - Secondary Containment

Table 1.7

Item	Regulation	Action	Records
1	10.31 10.32 10.33 12.14 12.15 12.16 12.39 12.40 12.41 13.31 13.32 13.33 17.100 17.101	<p>Verify that—</p> <p>(a) the capacity of the secondary containment system is at least as great as the prescribed minimum; and</p> <p>(b) the capacity of the secondary containment system for stationary tanks and process containers is based on the water capacity of the tank or process container; and</p> <p>(c) the secondary containment will contain the substance without leakage and will enable recovery of the substance; and</p> <p>(d) there are controls to prevent contamination by incompatible substances or material.</p> <p>For class 3, 4, 5 substances, verify that there are controls which exclude any ignition source capable of igniting the substance or decomposing the substance thermally.</p> <p>For class 6 and 8 substances, verify that there are controls to prevent people from being directly exposed to any toxic or biological corrosive substances contained in the secondary containment system.</p>	<p>Make a record of—</p> <p>(a) the maximum pooling capacity; and</p> <p>(b) the prescribed capacity of the secondary containment; and</p> <p>(c) the actual capacity of the secondary containment; and</p> <p>(d) the nature of fire resistant construction; and</p> <p>(e) the impervious nature of the secondary containment system, including tests and inspections undertaken on it; and</p> <p>(f) the process to recover the substances; and</p> <p>(g) for class 3, 4, 5 substances, controls that prevent ignition; and</p> <p>(h) for toxic or biological corrosive substances, controls that prevent people from being directly exposed e.g. signage, site induction instructions; and</p> <p>(i) controls that prevent the substance from being contaminated with incompatible substances.</p>
2	10.30 12.13 12.38 13.30	<p>If containers of different capacities are held at the place, verify the secondary containment system has a capacity of at least the sum of each individual container category.</p>	<p>A record to confirm either—</p> <p>(a) containers of different sizes are not held at one place; or</p> <p>(b) if they are held that the secondary containment capacity is at least the sum of each individual container capacity.</p>

General - Secondary containment continued

Item	Regulation	Action	Records
3	10.30 12.13 12.38 13.30	Verify that the secondary containment is able to contain the leaked hazardous substance.	A record of one of the results of the verification. This can include: (a) for an above ground tank with integral secondary containment, no evidence of leakage into or from the interstitial space: (b) for a below ground tank with secondary containment, no evidence of leakage into or from the interstitial space: (c) for a below ground tank, no evidence of losses from the stock reconciliation records: (d) for single skin above ground tanks 250,000 L and greater capacity, evidence of a 10 yearly flood test: (e) for single skin above ground tanks up to 250,000 L, either the results of a technical inspection or a 10 yearly flood test: (f) for above ground tanks, the distance between the tank and the inside of the bund wall, including compliance with the crest locus.
4	17.102(3)	Verify the total quantity of class 3.1 substances in the stationary tank(s) in the secondary containment system does not exceed 75,000,000 L, unless a greater amount is approved by WorkSafe.	A record of the quantity within the secondary containment system and a reference to any approval.
5	17.102(4) 17.102(5)	Verify that the aggregate capacity of any group of stationary tanks does not exceed 25,000,000 L unless a greater amount is approved by WorkSafe.	A record of the quantity in each group of tanks and a reference to any approval by Worksafe.
6	17.102(6) 17.102(7)	Verify that any intermediate secondary containment system is compliant	A record of the details of the secondary containment system.

General - Site Plan

Table 1.8

Item	Regulation	Action	Records
1	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan is of the relevant place and is uniquely identifiable.	
2	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan is accurate and includes all prescribed information.	A copy of the site plan. Including: (a) the dimensions in relation to the site boundary: (b) a north point accurately orientated: (c) hazardous substance locations: (d) hazardous areas: (e) separation distances from protected places and public places: (f) all controlled zone distances.
3	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan has sufficient detail to determine its purpose.	A copy of the site plan, including: (a) the scale that enables the plan to meet its purpose: (b) elevation drawings: (c) where relevant a legend or key that defines colours, shaded areas, symbols, abbreviations, etc (d) where relevant where the scale and complexity of the workplace demand, separate drawings provided to meet the purpose.

Classes 6 and 8 - Separation distances

Table 6.2

Item	Regulation	Action	Records
1	13.41	Verify for 6.1A, 6.1B, or 6.1C substances the substances and stores meet the prescribed separation distances from protected places	Record: (a) the actual and prescribed separation distances; (b) in a retail store, that the containers are closed and do not include class 6.1A.
2	13.42	Verify for 6.1A, 6.1B, or 6.1C substances: (a) the substances and stores meet the prescribed separation distances from protected places; (b) in a retail store that holds 6.1B or 6.1C substances for retail sale and the packages remain closed, the minimum separation distance from and within the building is zero.	Record: (a) the actual and prescribed separation distances; (b) in a retail store, that the containers are closed and do not include class 6.1A.
3	13.43	Verify for 8.2A or 8.2B substances: (a) the substances and stores meet the minimum prescribed separation distances for— (i) stores where containers are opened; and (ii) stores where the containers remain closed; (b) in any retail store to which the public has access to class 8.2A or 8.2B substances for retail sale, the packages remain closed.	Record: (a) the actual and prescribed separation distances; (b) in a retail store, that the containers are closed.
4	17.28	Verify that a tank containing a class 6.1A, 6.2B or 6.1C substance (not 6.1D for the purposes of this performance standard) that does not have a 2.1.1, 2.1.2 or 3.1 classification meets the minimum prescribed separation distances from a protected place and a public place.	Records of— (a) capacity of the tank; and (b) actual and prescribed separation distances.
5	17.29	Verify that a tank containing a class 8.2A or 8.2B substance (that does not have a 2.1.1, 2.1.2, 3.1, 6.1A, 6.2B or 6.1C classification) meets the prescribed separation distances from a protected place or public place.	Records of— (a) capacity of the tank; and (b) actual and prescribed separation distances.

Classes 6 and 8 - Stores

Table 6.4

Item	Regulation	Action	Records
1	13.35(1)	Verify that a store containing a class 6 or class 8 substance or both is compliant with the prescribed requirements.	A record of— (a) the floor area of the store; and (b) the access for emergency services; and (c) the details of the store; and (d) the number of exits; and (e) any authorisation from WorkSafe; and (f) secondary containment details; and (g) ventilation details; and (h) procedures to minimise stack collapse or damage; and (i) the security; and (j) segregation details; and (k) any sources of heat.
2	13.35(1)	Verify that a store containing class 6 or class 8 substance or both and which is opened is also compliant with the additional prescribed requirements.	A record of— (a) shower and eyewash facilities, including the name plate; and (b) shower and eyewash facilities have been tested; and (c) hand-washing facilities.

Classes 6 and 8 - Equipment and PPE

Table 6.8

Item	Regulation	Action	Records
1	13.7	<p>Verify when a class 6 or 8 substance is being used at a hazardous substance location—</p> <ul style="list-style-type: none"> (a) the equipment used to handle the substance is compliant; and (b) the equipment is accompanied by documentation covering the use and maintenance of the equipment; and (c) the documentation is readily available and understandable; and (d) the workplace has the facilities that are specified. 	<p>A record of—</p> <ul style="list-style-type: none"> (a) the equipment and the state of it; and (b) either the documentation or a note referencing the documentation; and (c) the use and maintenance of the equipment; and (d) the facilities.
2	13.8	Verify that PPE is used.	A record of the PPE and procedures.

Hazardous Performance standard – information and process requirements



Performance standard discussion

- Issued by WorkSafe this year
- Came into effect 1 May 2019



Performance standard discussion

Part 1 – Preliminary provisions

3 Purpose

4 Scope

5 interpretation



Performance standard discussion

Part 2 – General requirements

6 General requirements for compliance certifiers



Performance standard discussion

Part 3 – Specific requirements

Subpart 1 – Compliance certification processes

- 7 Inquiries, inspections, assessments and examinations
- 8 Issuing compliance certificates
- 9 Exemptions
- 10 Variation of compliance certificates
- 11 Refusal to issue compliance certificates

Performance standard discussion

Part 3 – Specific requirements

Subpart 1 – Compliance certification processes

12 Renewal of compliance certificates

13 Related compliance certificates for hazardous substances and locations

14 Related compliance certificates for hazardous substances and locations

15 Site visits

Performance standard discussion

Part 3 – Specific requirements

Subpart 2 – Persons employed or engaged...

16 Application of this subpart

17 Compliance certifier may employ or engage a person to assist

18 Compliance certifier to notify WorkSafe and be satisfied of competence

19 Demonstrating compliance with clause 18



Performance standard discussion

Part 3 – Specific requirements

Subpart 3 – Complaints

20 Complaints



Performance standard discussion

Part 3 – Specific requirements

Subpart 4 – Records management

21 Records management

22 Storage and security of records



Performance standard discussion

Part 3 – Specific requirements

Subpart 5 – Conflicts of interest

23 Impartiality and conflict of interest



Performance standard discussion

Part 3 – Specific requirements

Subpart 6 – Review

24 Review



Performance standard discussion

Part 3 – Specific requirements

Subpart 7 – Equipment

25 Equipment



Performance standard discussion

Schedule

Renewal of existing compliance certificate: maximum number of working days between date of issue and in force date

Update on the HS Regulations:

Hazardous waste

Class 6 and 8 substances

Hazardous Waste



Hazardous Waste

Key points

- Regulations for hazardous waste commenced 1 June 2019
- Hazardous waste treated as a sub-set of hazardous substances
- As far as possible, hazardous waste should be identified according to its component parts



Hazardous Waste

Key points

- Risk management for hazardous waste should be no different for other hazardous substances – section 3(2) of HSWA states that: *“workers and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work or from specified types of plant as is reasonably practicable”*



Hazardous Waste

Key points

- Waste is just another hazard – to be managed with the same level of care as with comparable hazards
- Securing compliance – engagement, education and enforcement tools



What is hazardous waste?

Regulation 3 – Interpretation

hazardous waste means waste that is—

- (a) generated by a manufacturing or other industrial process AND*
- (b) reasonably likely to be or contain a substance that meets 1 or more of the classification criteria for substances with explosive, flammable, oxidising, toxic, or corrosive properties under the Hazardous Substances (Classification) Notice 2017*



What does this look like?

- Be produced by current or ongoing work activities
(e.g. not contaminated soil from earlier work – RMA framework exists)
- Be a manufactured substance (process created; not naturally occurring at the site)
- Result from defined process activities and waste streams
- Able to be identified according to its component parts and labelled (effectively solid and liquid that can be contained; not gases and vapours)
- Unwanted manufactured articles with hazardous substance components NOT treated as hazardous waste – not generated by a manufacturing or industrial process



Examples

Hazardous waste

- Acid residues from electroplating
- Sludge from pressure vessel from CCA treatment of timber
- Waste from hide and skin tanning using chromium salts
- Waste from manufacturing and processing of surface coatings, adhesives and sealants
- Waste from pulp, paper/cardboard production and processing



Examples

Material that is NOT a hazardous waste as defined by HSWA

- Used vehicle oil [hazardous substance]
- Used batteries or tyres [used manufactured articles]
- Residues of an agrichemical in its container [hazardous substance]
- Explosives or pyrotechnics being dismantled [hazardous substance]
- Off-cuts of treated timber at a construction site [waste of a manufactured article]

Application of the HS Regulations to Hazardous Waste

1.4 Hazardous Waste

These regulations apply to the use, handling, and storage of hazardous waste.

- Use – not defined
- Storage – not defined
- Handling – defined

handle, *in relation to a hazardous substance, does not include—*

- *transport of the substance*
- *loading the substance into or onto, or unloading it from, a vehicle or other mode of transport*

Disposal – not covered (e.g. liquid discharges under; covered by trade waste bylaw)



Managing Hazardous Waste

- Treat hazardous waste as one would treat the hazardous substances of which it's composed
- Manage the process inputs and outputs with the same level of care
- If waste substances react together to create a more hazardous substance, waste to be managed to the highest risk that applies

Managing Hazardous Waste

- Regulation 1.4 applies the hazardous substance controls to hazardous waste in their entirety
- Regulations specifically mention
 - 2.3 – labelling of containers in a workplace
 - 3.1(2) and 3.1(3) – inventory
 - 4.5 – provide information, training and instruction
- All other controls apply depending on the particular hazardous properties of the waste, including:
 - Emergency management planning
 - Tracking
 - Compliance certification (quantity ratio sum)
 - Segregation and separation distance requirements

Managing Hazardous Waste

- There is no threshold for coverage of the regulations, but some controls will have threshold quantities, depending on:
 - The particular control
 - The hazard classification of the waste
- Composition of waste may be unclear – the PCBU should apply whichever mitigation they would use for the most hazardous substance(s) in the mix
 - Waste may be tested for its most hazardous components and properties (flammability testing most relevant)
 - Apply qualitative assessment e.g. mixture rules
- A PCBU that makes every effort (quantitative or qualitative) to understand the hazards of their waste and apply the mitigations for the 'worst' of the substances in the waste will be taking all reasonably practicable steps

Hazardous Waste - Inventory

R 3.1 - Duty of PCBU to keep hazardous substances inventory

3.1(2)(f) *The inventory must include any hazardous waste*

3.1(3) *The inventory must include, in relation to hazardous waste,*

- (a) an identifier that describes the nature of the waste as closely as possible*
- (b) the maximum quantity of the waste likely to be at the workplace*
- (c) the location of the waste at the workplace*
- (d) any specific storage or segregation requirements for the waste*



Securing compliance

- Engagement and education, supported where appropriate by enforcement tools aimed at the management and control of risk
- Punitive enforcement action where the circumstance warrant (e.g. gross activities occurring; wilful non-compliance, especially if disregard for the engagement and education provided)
- Enforcement action guided by WorkSafe's Enforcement Decision-Making Model
- Refer: Enforcement – Regulatory Function Policy, August 2017

Class 6 and 8 substances locations

Class 6 and 8 locations

- Requirement to establish HSLs for class 6 & 8 substances (over the thresholds in 13.34) came into effect on 1 June
- Existing hazardous substance locations for class 6 & 8 substances should have been notified 30 working days prior to 1 June 2019
- Certification can be completed now, however all HSLs must hold a compliance certificate by 1 December when 13.38 comes into effect



Compliance certification - numbers

- 19 certifiers authorised for class 6 and 8 locations
- 3 applications on hand
- New training underway

Part 13 challenges

- Separation distances
- Regulation 13.40 – no exemption application required
- Regulation 17.28 – inclusion of class 6.1D
- Regulation 17.29 – use of 120 FRR wall for class 8 tanks
- Schedule 17

- Renewed at intervals not exceeding 36 months
- Alignment of dates if other certifiable substances present



Class 6 and 8 locations workshop

- Planning for 13 August in Wellington
- Will be one workshop for certifiers holding (or planning to hold) the authorisation for class 6 & 8 locations
- Email sent 1 April, with requests for concerns and queries to be emailed
- Any further queries or concerns, please email

Technical updates and discussions

LPG workshop

Protected places

Training

Exemption forms

LPG Workshop



LPG certifier workshop

- LPG workshop held 20 March, Wellington
- Technical issues were discussed and positions agreed upon (generally)
- Attended by
 - Compliance certifiers
 - Industry
 - WorkSafe HS inspectors
 - HS team with Kim Comben presented



Topics under consideration

- Storage and security, including fencing, under 10.4 and 10.34(1)(b)
- Separation distances for groups of LPG cylinders
- Regulation 11.20(4) and (5) walls/buildings on the boundary
- Conditional certificates, exemption applications
- Signage (font size)
- AS/NZS 1596:2014 only specific clauses are referenced
- Regulation 5.3(3)(b) – 20 mm diameter hose



Further topics

- Regulation 11.41 – the delivery question
- Filling stations
- Separation distances between groups of cylinders <100 kg
- Earthing and bonding for 222kg cylinders (in situ filled)
- Training – regulation 4.5
- Site plans

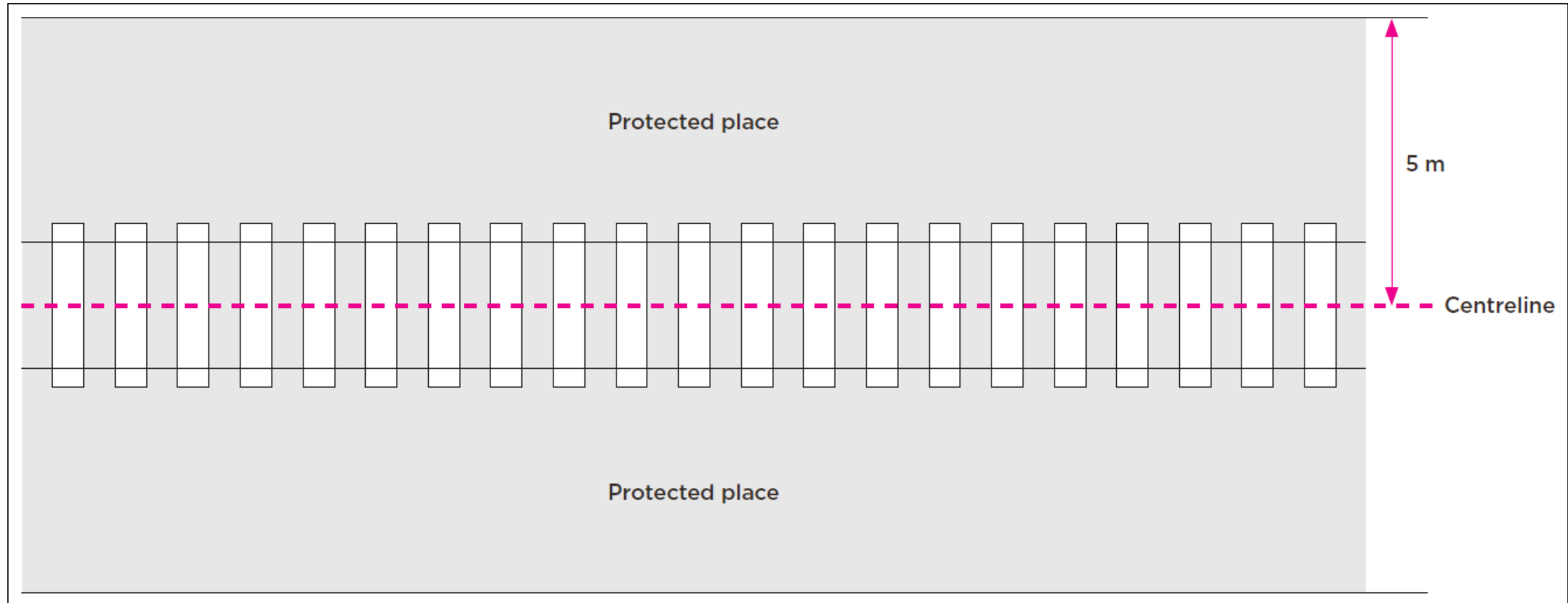
Protected places



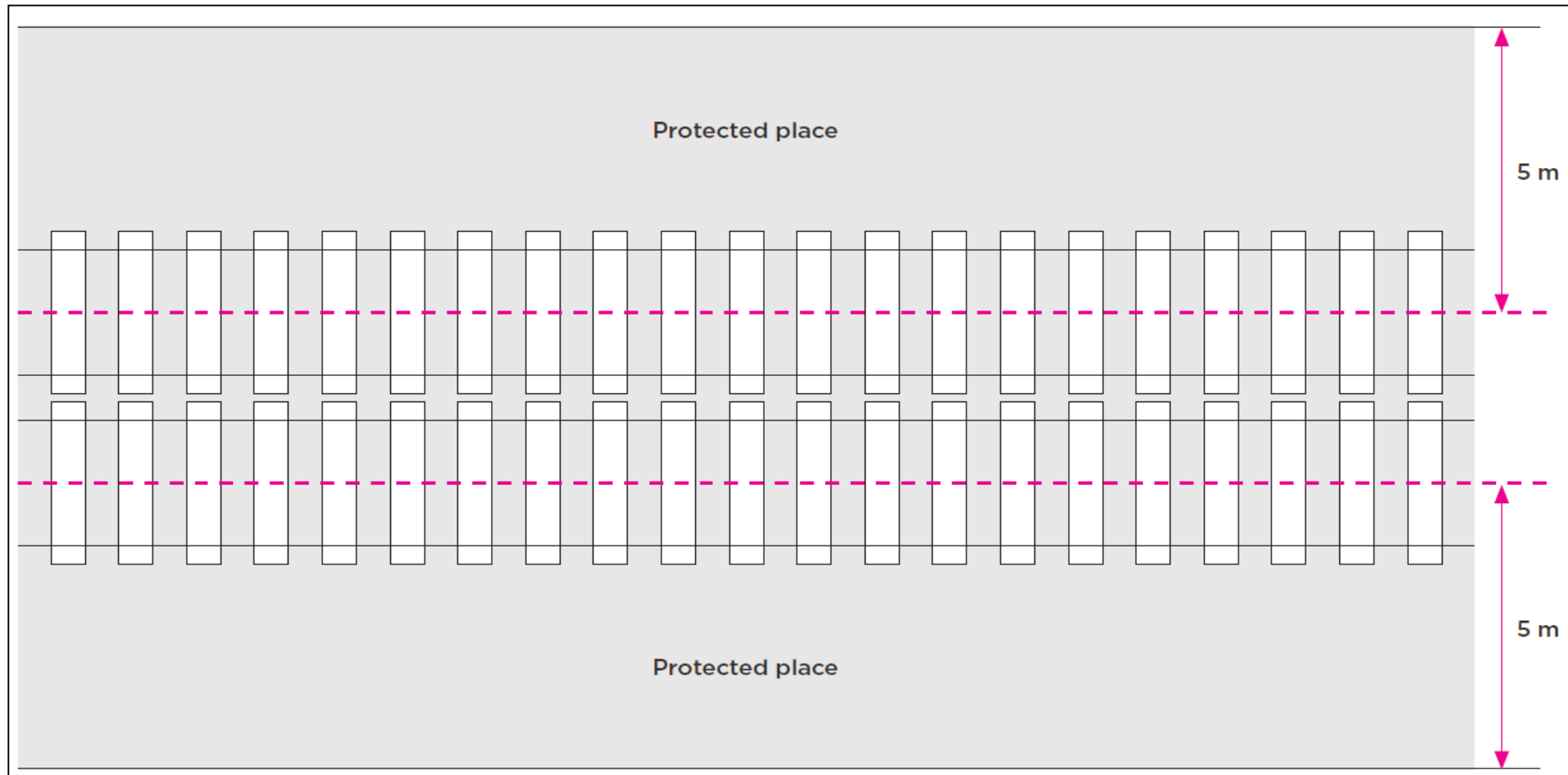
Protected places

- No 'one size fits all' answer
- Key issues arising
 - regularly employed
 - hazardous substance location a protected place?
 - the 'neither' problem

Railway lines - protected place



Railway lines - protected place



Training (regulation 4.5)



Training issues

- Regulation 4.5
- Who doesn't need training?
- Who needs training?
- What training, instruction and supervision do they need?
- Does the PCBU understand the intention behind regulation 4.5 – are they meeting their responsibilities? Do they know their duties?



Good training

What have certifiers seen that shows the PCBU has a good handle on the training of their staff in relation to hazardous substances?

- Log of training
- Examples of training
- Site specific training
- Substance specific training

This needs to be better for workers than approved handlers

Miscellaneous

New notification process

- On line notification process **with no automatic reply**
- One notification for each hazardous substances location
- Any issues with the new process, email Hazsub.Notifications@worksafe.govt.nz

New and updated exemption forms - coming

- New specific one for HS Regulations
- Updated regulation 11.40 (separation distances and other matters)
- Updated regulation 15.18 (cylinder certificates)
- New specific one for regulation 13.44 (class 6 & 8)
- Webpage <https://worksafe.govt.nz/topic-and-industry/hazardous-substances/certification-authorisation-approvals-and-licensing/application-forms/>



Flammable refrigerants

- Amendments needed to include flammable refrigerants in the HS Regulations

**Getting you home healthy and safe.
That's what we're working for.**

WORKSAFE
Mahi Haumarū Aotearoa