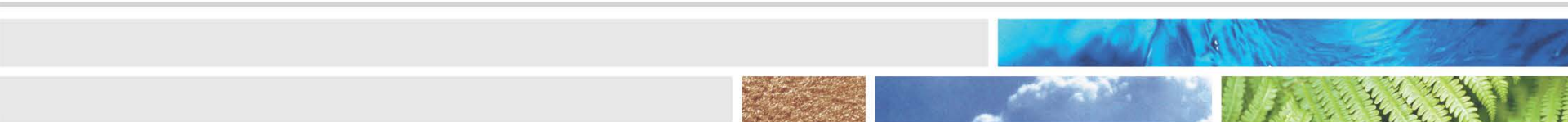




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Reform of Hazardous Substances Management under the HSNO Act

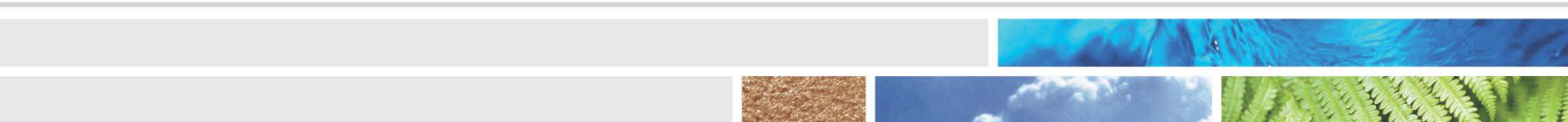
Test Certification Workshop 8 Sep 2015



Health and Safety Reform

➤ HSNO Act amended

- HSNO Amendment Act – Royal Assent 4 Sep 2015. A few provisions came into effect the following day, but most will come into effect later – aiming for mid-2016.
- controls to manage workplace use of hazardous substances moved to HSW regime (including test certification)
- most remaining HSNO controls will move from HSNO regulations into EPA notices
- new enforcement function for EPA
- new HSNO infringement regime



Future Agency Roles – Approvals

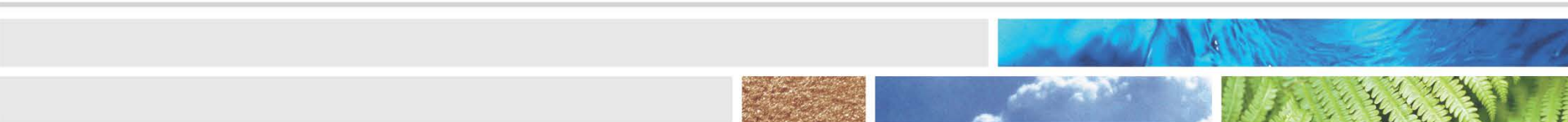
EPA

Approves hazardous substances for import into and manufacture in NZ under HSNO. Includes:

- assigning classification
- undertaking risk assessment

WorkSafe NZ

Input into the EPA approval – ensure workplace controls manage risks to workers



Control Setting – Focus

EPA

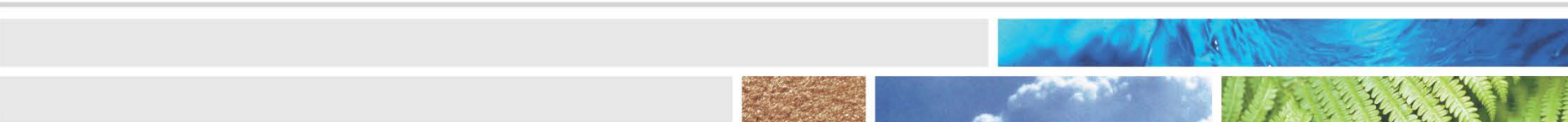
Protection of public health and the environment

Set controls on labelling, safety data sheets, packaging, disposal, product composition, non-workplace use and environmental protection

WorkSafe NZ

Protection of workers

Sets controls (under HSW) to manage workplace use of hazardous substances



Future Agency Roles – Enforcement

EPA

- Controls set in EPA Notices and substance approvals for: labelling, packaging, SDS, product content controls
- Ensure all substances have an approval
- Persistent organic pollutants (POPs)
- Also have a role in coordination of HSNO enforcement agencies outside the workplace

WorkSafe NZ

- Controls set under HSW regulations and safe work instruments, including test certification
- Environmental and disposal controls in workplaces set under HSNO

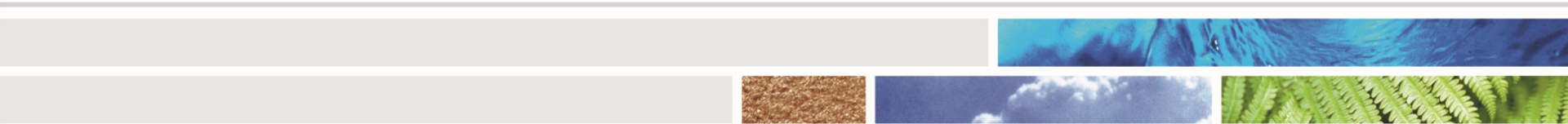




HSNO functions transferred to HSW

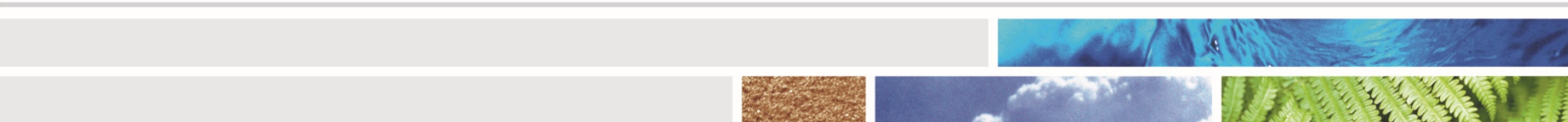
Hazardous substance regulatory functions in the workplace

- Test certification
- Controlled substances licensing
- Part 6 applications for equipment
- Industry liaison on workplace controls
- Codes of Practice for workplace activities
- Compliance information for workplace activities
- Workplace hazardous substance enquiries



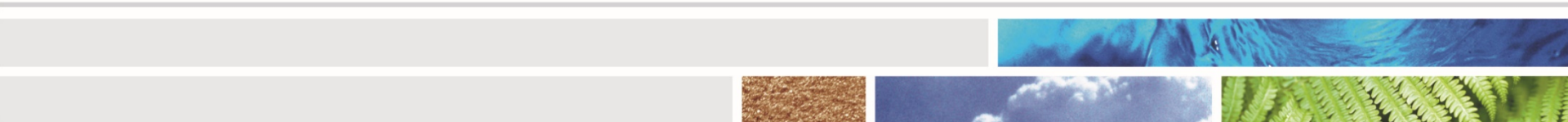
HSNO certification requirements

- Almost all the old HSNO test certificates will be transferred to HSW regime
- Certificates NOT being transferred:
 - Testing of retail fireworks
 - Packaging manufactured in New Zealand
 - Certification of sites/equipment in non-workplaces e.g. LPG in domestic residences
 - Certification of people handling ecotoxic (class 9) substances



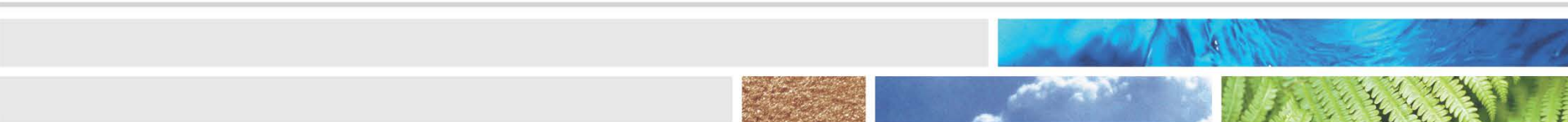
Other key changes relevant to test certifiers

- HSNO numbering system discontinued – EPA Classification Notice requires GHS classification (transitional period will be provided for both new and existing substances)
- EPA will be the enforcement agency for labelling, packaging and SDS



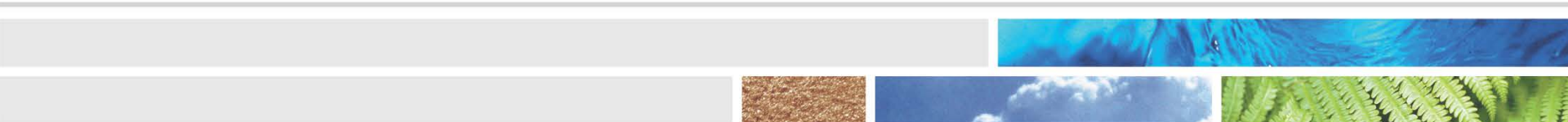
EPA transition work programme

- Issue EPA Notices
- Reissue all HSNO approvals, including group standards
- Set up new enforcement function targeting importers and manufacturers
- Revise guidance and codes of practice for functions not transferred to HSW
- Set up new HSNO certification process (e.g. for retail fireworks)
- Stakeholder communications



EPA Notices

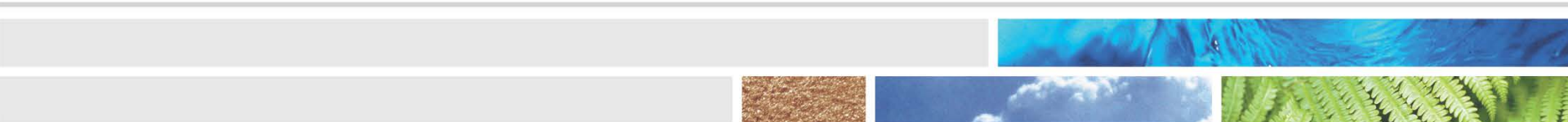
- Tertiary-level legal instrument
- Consolidates and updates controls currently in regulations, group standards, Gazette notices and individual substance approvals
- Aligns with international best practice (adoption of GHS)
- Approved by the EPA Board rather than by Cabinet - allows more timely change when technical knowledge changes
- Requires a rigorous process including public consultation
- Gazetted and publicly notified (on EPA website)



Proposed EPA Notices

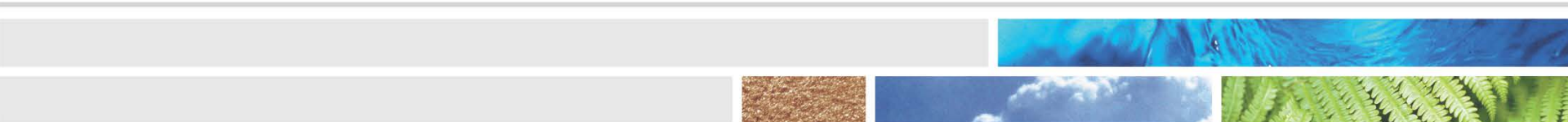
- Hazard classification system (GHS)
- Labelling
- Safety data sheets (SDS)
- Packaging
- HS enforcement officer qualifications
- Information from HS importers & manufacturers
- Disposal *
- Hazardous property controls *
 - Ecotoxic
 - Non-workplaces

* Not yet consulted on



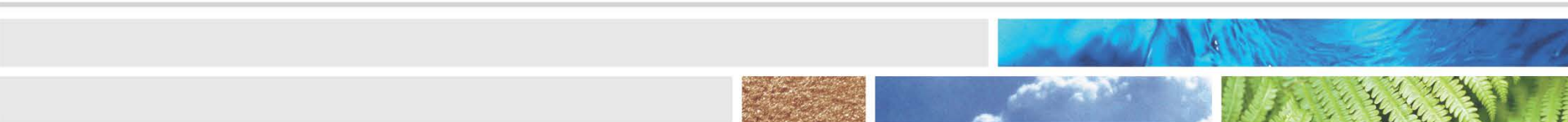
Hazard Classification Notice

- Replaces HSNO Classification Regulations and Minimum Degrees of Hazard Regulations
- Discards current HSNO numbering system; incorporates GHS directly
- Some GHS categories not adopted e.g. low hazard human health categories 6.1E and 6.3B
- Non-GHS HSNO categories for terrestrial ecotoxicity for agrichemicals combined into a single category
- Expected to come into force 1 July 2016 - transitional period will be provided for



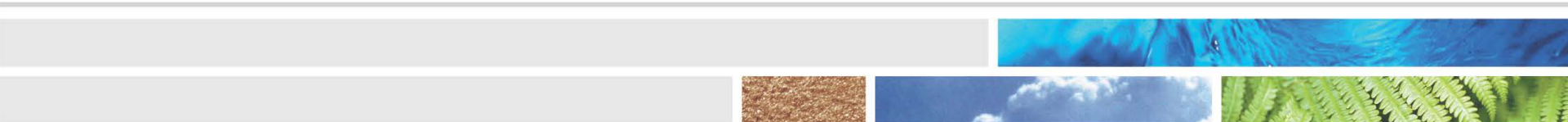
Labelling Notice

- Replaces labelling requirements in:
 - HSNO Identification, Emergency Management and Disposal Regulations
 - Group standards
 - Some substance approvals
- Based on EU and Australian adoption of GHS
- Expected to come into force 1 July 2016 - transitional period will be provided for



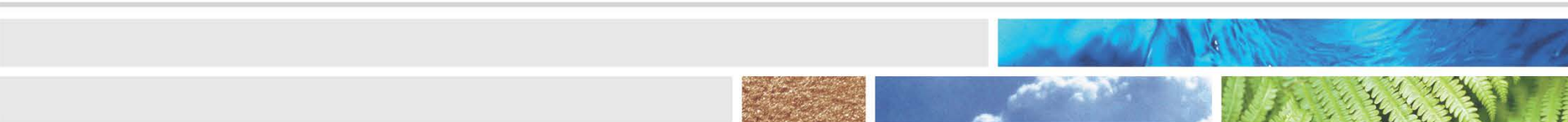
Safety Data Sheet Notice

- Replaces SDS provisions in:
 - HSNO Identification, Emergency Management and Disposal Regulations
 - Group standards
- Based on 16-header GHS format
- SDS needs to be provided with **any quantity** to a workplace, the first time supplied to a workplace
- SDS must be amended when new information available but at least every 5 years
- Expected to come into force 1 July 2016 - transitional period will be provided for



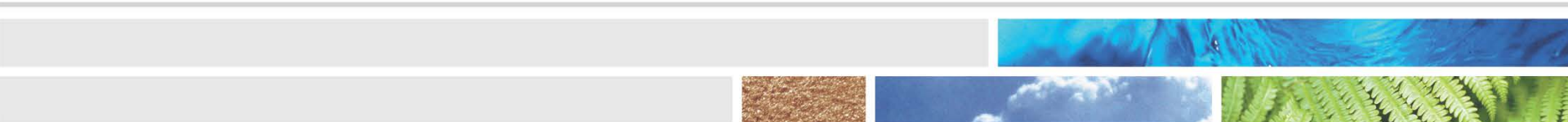
Packaging Notice

- Replaces HSNO Packaging Regulations and packaging conditions in group standards
- Mainly consolidation, remove inconsistencies, align more closely with UN Model Regulations
- For consumer products, extend classifications requiring child resistant packaging, and introduce new requirement for 'misleading' packaging
- Change to certification requirements for New Zealand manufactured UN packaging
- Expected to come into force 1 July 2016 - transitional period will be provided for



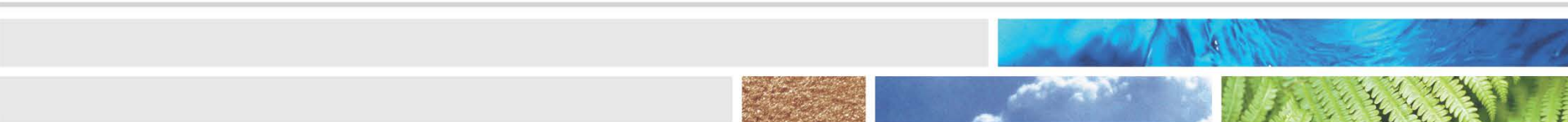
HS Enforcement Officer Qualifications

- Replaces regulation 7 of HSNO (Personnel Qualifications) Regulations
- Will fix a long-standing problem – discontinue the 6 month work experience requirement under the guidance of a HSNO-warranted officer
- Simplifies the current qualification requirements and is based on competency and experience rather than a time-bound period of guidance
- Likely to come into force in November 2015



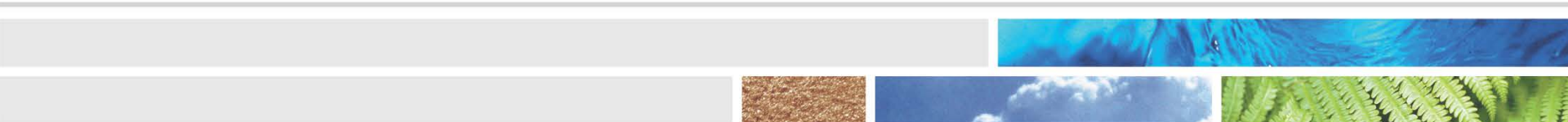
Importers and Manufacturers Information

- Requires HS importers and manufacturers to provide certain information to the EPA
- Phase 1:
 - name and contact details
 - likely to come into force November 2015
- Phase 2:
 - intend to require additional information
 - yet to consult on those requirements



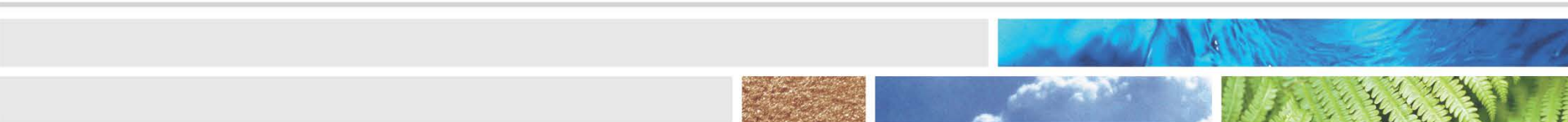
Disposal Notice

- Essentially a “lift and shift” of Disposal Regulations with a few tweaks
- Consultation document yet to come – expected late 2015
- Expected to come into force 1 July 2016 - transitional period will be provided for



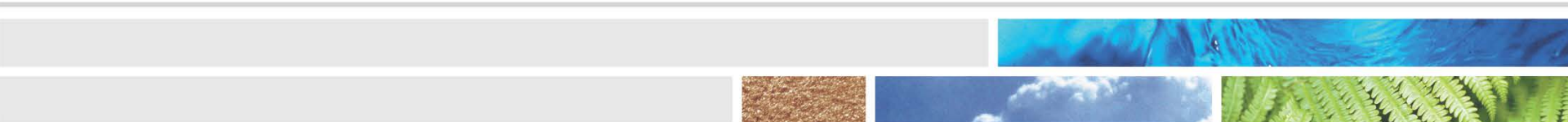
Hazardous Property Controls Notice

- Environmental controls e.g.
 - Spray drift management
 - Protection of “birds and bees”
 - Certification for class 9 handlers??
- Non-workplace controls for consumer products
- Consultation document yet to come – expected late 2015
- Expected to come into force 1 July 2016 - transitional period will be provided for



Reissue current HSNO approvals

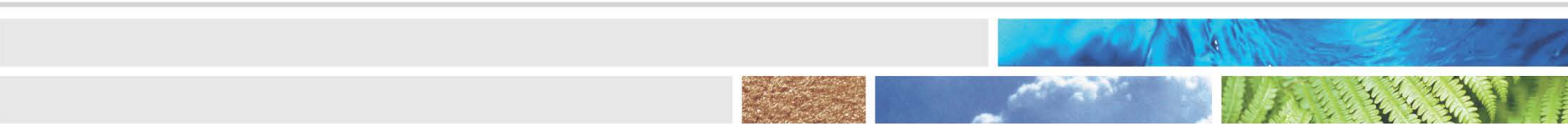
- All HSNO approvals need to be re-issued to:
 - reflect GHS classifications
 - strip out workplace controls
 - refer to EPA Notices for HSNO controls
- Applies to:
 - Group standards approvals (210)
 - Individual approvals: ca 1,500 Part 5 approvals and 7,500 transferred approvals
- Estimate 3-4 years to complete, but aim to have new group standards ready by “Day 1” (currently July 2016)
- Consolidation – remove duplicate approvals
- Transitional period will be provided for





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Thank You





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