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NZ INSTITUTE OF  
HAZARDOUS  
SUBSTANCES  
MANAGEMENT

**Turbulent times  
Global warming  
EPA to WorkSafe  
Systems changing**

# USEFUL ORGANISATIONAL CONTACTS

## **NZ Institute of Hazardous Substances Management (formerly the Dangerous Goods Inspectors Institute)**

[www.nzihsm.org.nz](http://www.nzihsm.org.nz)

The official home of professionals committed to the safe management of hazardous substances and dangerous goods. The NZIHSM is a 'not for profit' industry association whose goal is to protect people, communities, and the environment against the adverse effect of hazardous substances, while maintaining the benefit of these.

## **Responsible Care NZ**

Box 5557 Wellington 6145

Responsible Care NZ works with industry partners to implement the Hazardous Substances legislation.

## **Worksafe** (MBIE)

[www.worksafe.govt.nz](http://www.worksafe.govt.nz)

Government agency formed to provide compliance advice and enforcement of hazardous substances. Responsible for hazardous substances certificates.

## **EPA**

[www.epa.govt.nz](http://www.epa.govt.nz)

The EPA administers the HSNO Act and supplies extensive information on working with hazardous substances.

## **Ministry for the Environment**

[www.mfe](http://www.mfe)

The Ministry provides policy, publications, technical reports and consultation documents on HSNO legislation.

## **Department of Building and Housing**

[www.dbh.govt.nz](http://www.dbh.govt.nz)

The Government agency that maintains the Building Act and the Building Code.

## **Local Government NZ**

[www.lgnz.co.nz/lg-sector/maps/](http://www.lgnz.co.nz/lg-sector/maps/)

Local Authorities have responsibility for policing building controls. Some local authorities are contracted to Department of Labour to provide enforcement of hazardous substances legislation.

## **Government legislation**

[www.legislation.govt.nz](http://www.legislation.govt.nz)

If you know of other agencies which could be useful to members, please let us know at [office@nzihsm.org.nz](mailto:office@nzihsm.org.nz).

## President's column

# Turbulent times!

We live in changing times and in many ways it would seem that times are changing at an even more rapid pace than usual.

- The health and safety legislation is changing.
- EPA is issuing its first notices.
- Department of Labour is now Worksafe.
- Compliance checking is shifting from EPA to Worksafe.
- Volatility is increasing in the Middle East.
- Syrians are migrating from fighting and famine into Europe.
- Big weather events are happening more and more.
- The humble bee is fighting for its survival.
- Catastrophes in China, Paris, Syria show us the dangers of Hazardous substances
- NZ catastrophes are settled in the courts.
- World leaders gather at a United Nations Global warming conference to limit changes to the human habitat as we know it.

All of the above are covered in this *Flashpoint* and we hope that by working together all our fellow earth-dwellers can succeed in making 'Our place' a place that we can all enjoy!

Enjoy the read and best regards:



John Hickey  
Institute president



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## Flashpoint

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# EPA issues first notice

The Environmental Protection Authority recently emailed stakeholders to let them know it had launched its first ever EPA notice. The authority was pointing out new obligations for importers and manufacturers of hazardous substances.

Under the notice new rules that came into effect on 19 November 2015, importers or manufacturers of hazardous substances must provide their contact information to the EPA. Details must be provided to EPA within 30 days of the first import or manufacture of a hazardous substance. If companies have been importing and manufacturing for some time, the EPA still needs company details.

The new rule was made through an EPA notice, a new legal tool which is like a regulation, for setting rules for hazardous substances. Notices are part of the reform of hazardous substances management brought in by legislation which was passed in September. The notice requiring contact details was gazetted on 22 October 2015.

An EPA notice consolidates and updates current HSNO regulations, group standards, Gazette notices and individual substance approvals. The notices will be approved by the EPA Board, said EPA's Sue Cotton. "That allows for more timely change when technical knowledge changes, but it still requires a rigorous process, including public consultation."

The reform of hazardous substances management is

expected to come into effect in July 2016 and the EPA is aiming to have new group standards ready by then. Sue Cotton said hazardous substance approvals would eventually need to be re-issued to reflect the updated GHS classifications, strip out workplace controls and refer to the new requirements in EPA notices.

This applies to both group standard approvals (210) and individual approvals (about 1500 Part 5 approvals and 7500 transferred approvals). She said the EPA would re-issue group standards first as they cover the majority of substances.

## Consolidation

A big result from this work will be consolidation by removing duplicate approvals and outdated controls.

Most certificates transferred Almost all the old HSNO test certificates will be transferred to the new Health and Safety at Work regime. Certificates not

- being transferred are:
- 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.

The EPA is currently working out if these types of certification will be needed in future.

## Other notices

There is a series of other notices underway. A proposed Classification Notice replaces the HSNO Classification Regulations and Minimum Degrees of Hazard Regulations. A key change is that the EPA is proposing to discontinue the existing uniquely New Zealand HSNO numbering system and adopt a more recent version of the GHS.

Sue said not all GHS categories would be adopted. "For example, we are proposing not to include low hazard human health classifications 6.1E and 6.3B. We are also proposing to combine all non-GHS HSNO categories for terrestrial ecotoxicity into a single category. These terrestrial

## 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





## Future Agency Roles – Enforcement

EPA	WorkSafe NZ
<ul style="list-style-type: none"> <li>• Controls set in EPA Notices and substance approvals for: labelling, packaging, SDS, product content controls</li> <li>• Ensure all substances have an approval</li> <li>• Persistent organic pollutants (POPs)</li> <li>• Also have a role in coordination of HSNO enforcement agencies outside the workplace</li> </ul>	<ul style="list-style-type: none"> <li>• Controls set under HSW regulations and safe work instruments, including test certification</li> <li>• Environmental and disposal controls in workplaces set under HSNO</li> </ul>

ecotoxicity classifications will only apply to agrichemicals”

A consultation document on a proposed Hazardous Property Controls Notices (for environmental controls such as spray drift management etc) is now expected in early 2016, and that notice will come into force by 1 July 2016, along with most of the changes.

There is also a Disposal Notice under preparation which, Sue says, is essentially a ‘lift and shift’ of standing HSNO Disposal Regulations with a few tweaks. The consultation document is expected soon, with a 1 July 2016 start. A new Packaging Notice replaces the current HSNO Packaging Regulations and

packaging conditions in group standards. This is mainly a consolidation, she said, removing inconsistencies and aligning more with UN model regulations. Some changes have been made to the child-resistant packaging requirements for consumer products and a new requirement on ‘misleading’ packaging of consumer products is being introduced.

There will also be a change to certification requirements for New Zealand manufactured UN packaging.

There is to be a Safety Data Sheet Notice which replaces SDS provisions in HSNO identification, emergency management and disposal regulations, and group

standards. A SDS will need to be provided with ANY quantity of hazardous substance supplied to a work place and must be amended when new information is available, but at least every five years.

A new Labelling Notice will replace current requirements in HSNO identification, emergency management and disposal regulations, group standards and some substance approvals. The new requirements are based on EU and Australian adoption of GHS.

A notice for Hazardous Substance Enforcement Officer Qualifications will replace regulation 7 of the HSNO (Personnel Qualifications) Regulations. It will fix a long-standing problem by discontinuing the six-month work experience requirement under the guidance of a HSNO-warranted officer. The notice will continue to focus on competency and experience, but will remove the time-bound period of guidance. This notice is expected to be in force early in 2016.

When the changes come into effect in mid-2016, EPA will be the enforcement agency for labelling, packaging and SDS. It will also ensure importers and manufacturers have the right approvals.

## 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

Detail on the changes can be found on <http://www.epa.govt.nz/hazardous-substances/hsno-reform/Pages/default.aspx>



# Je suis Paris !

by John Hickey

Paris, a city of beauty, romantics and mankind!!!

Art abounds. We have flair and passion, but the Seine runs brown!

We have tragedy here, but the United Nations global warming conference in Paris is also the latest attempt to limit human's potential environmental tragedy!

Recent reports are saying that our Blue Planet is warming up and at the same time we have learnt that our neighbour Mars may have at one time run blue like ourselves!

We are also learning that nature is rebelling, temperatures are rising, storms and tornados have more passion with the annual tornado carnage through the USA's mid-west, Beijing is being smogged out, Australia is on fire, New Zealand

floods are more intense. But perhaps more worrying is that some of our Pacific neighbours are rapidly becoming NO MORE! Islands of Papua, Tuvalu, Kiribati, are becoming swamped by the salt of high tides and trees are falling in or growing no more. Even Island Bay, Tamaki Drive, south Dunedin and Wanganui have been effected by high tide damage and flooding.

Syria is not only at war, but a drought over the last five years has caused people to starve and migrate towards Europe in the most rapid migration of humanity in our species brief history.

But we humans are the thinking race! We are trained in the scientific method! Observe the Problem, suggest Solutions, Test our assumptions, and SOLVE the problem!

Much of the above natural phenomena is being blamed on

global warming accentuated by carbon dioxide from fossil fuels. This has happened before, of course, when volcanoes erupted and Holland only froze for 1000 years, or when meteors hit the Earth wiping out planet's previous dominant species of dinosaur. But this time it is human's fault and not just bad luck!!

Can we solve it, Yes we hope! And Paris is mankind's latest attempt to work together, protect the environment, develop world trade action and technologies so that we can halt or absorb the carbon and life will go on as usual!!

If only life was that simple! We hope we are successful and that Paris really can show humankind can benefit from our use of chemicals and carbon and still clean up our own messes.

Send our love to the grandkids!!

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***Some of the smaller atolls in the Pacific are now less than a metre above high tide make them vulnerable to even a moderate storm.***



# If the bees go, we go!

Bees are wonderful things, and if the bees go, we go too!

Have you ever taken the time to observe one of the strangest residents on this third rock from our sun? It is a funny looking thing, small in stature, with big eyes and mouth at the front, a mid-section with a couple of legs and wings and a rear end with four other legs, and unfortunately a sting. It is this latter 'sting' that most of us are genetically programmed to notice and the 'buzzing' sound generated by its wings can inspire fear in all but the most hardy.

There are a variety of specimens from the aeronautically challenged bumble bee through to the honey bee along to the rather aggressive wasp.

Most of us hardly notice these busy little creatures, but it is this busy-ness that is of huge benefit to much of our plant life and through this, ourselves. Like most of Earth's creatures,

bees are interested in feeding themselves and replicating, and it is while feeding themselves on plant nectar that many plants allow their genetic diversities, or pollen, to latch onto the bees and be spread from plant to plant allowing these plants or flowers to fertilise each other and in turn propagate their species.

Yes, bees are the legs of trees, and allow the pollen from plants to travel in a more focussed manner than just relying on a passing breeze. Using bees, new plants can grow and sustain themselves while creating food sources for animals and humans higher up the food chain. Bees are an important part of the global food chain sustaining life on our planet.

This is why it is of concern that these important part of our global balance are under threat and partly due to mankind's fault. Bee numbers have been dropping to an almost worrying level due to a double

whammy. Firstly a parasitic mite has infected hives worldwide, feeding on bee larvae and reducing bee numbers. This is a worry but is part of the standard symbiotic relationship of most of Earth's life-forms have with each other and which hopefully will also achieve a suitable balance.

But perhaps a possibly more dangerous proposition is our use of some of the chemicals that we use to control non-desirable weed growth, which is also having a negative effect on bees. Recent studies at Harvard University, published in the *Bulletin of Insectology*, on the effect of 'neonicotinoids', have found the very small quantities in the food chains are killing off the bees.

A Radio NZ interview on October 15 looked at this subject and interviewed a Harvard scientist who had carried out a study on a neonicotinoid in a typical New Zealand kiwifruit orchard and found that the concentration of the chemicals was actually higher than for similar US sites.

And while the EPA has a policy that these chemicals should not be sprayed while there are hives present in an orchard, which is a good thing, the Harvard study also found that 15 out of 16 hives completely died out in the New Zealand study through just environmental exposure to these chemicals, rather than direct spraying.

Conversely, anyone who has tried to get rid of nuisances such as Blackberry that has taken over a field, can attest to the benefits of agricultural chemicals. Obviously the above findings should be a major cause of concern for our agricultural survival and we watch developments in this area with interest.





Tianjin –

# Lifelong accountability in new regulations

by Ross Miller

It will probably be some considerable time before the truth about the massive Tianjin port explosions is known, but one thing is sure; heads will roll.

It is Tamahere and other incidents writ large.

A fire broke out in a port warehouse. Fire crews responded. It seems the first responders got to work with water rather than foam. As a senior officer pointed out, they would hardly have used water on the blaze if they had known there was 700 tonnes of sodium cyanide, plus calcium carbide, inside. The eager young firefighters simply set up a huge bomb and died when it exploded.

The immediate lack seems to be information. Although the first responders were young men on two-year contracts and not members of the regular city

fire brigades, it is inconceivable they would use the means of their own destruction if advised otherwise. Naturally, all our readers will know that sodium cyanide and calcium carbide go bang in a chain reaction when exposed to both fire and water.

Also, the reported 700 tonnes of sodium cyanide stored is 70 times the limit allowed and the warehouse it was stored in was not the prescribed distance from habitation.

The warehouse complex has ceased to exist – a huge blast crater marks the location of the vapourised building complex. It seems probable that the many missing firefighters suffered the same fate and will never be found. Only the fact that it occurred at night with minimal staff working, saved the incident from becoming a massacre.

Later investigation revealed at least 40 different dangerous



chemicals had been stored in the blast zone, including 800 tonnes of ammonium nitrate and 500 tonnes of potassium nitrate. (AMN has roughly half the blast potential of TNT).

The devastation may prove to be the simplest part of the incident to correct. The fallout of a complex mixture of chemicals will have industrial







chemists and environmental officials busy calculating and monitoring the effects of an incalculable range of chemical mixture possibilities. The first of these came a week later when thunderstorms and rain left a white foam covering much of the area. Residents reported burning sensations on exposed skin.

So you really wonder what it takes to make people stop cutting corners (no doubt for profit), and what can be done about it, outside of turning everything into a complete 'police state' of uniformed and cunctipotent inspectors?

You can be sure government officials will stomp all over this with rather large boots demanding to know about signage and data available to firefighters, who authorised the storage of such a massive amount of the product close to habitation. An equal certainty will be the large number of arrests and significant penalties.

### Big fail

Authorities naturally launched a nationwide overhaul of the sector's safety and emergency practices. State media reported that nearly 70% of chemical firms in Beijing

which handle hazardous chemicals have failed on-site inspections.

Hazards were found at 85 firms, including a branch of Sinopec Corp, the largest in Asia, following raids on 124 storage sites for dangerous chemicals in Beijing.

Two of those firms were shut down. Excluded was the oil refiner's Beijing branch, despite inspectors finding its security personnel ill-equipped to put out an oil tank fire. Companies failing inspections were ordered to suspend operations, and their warehouses put under 24-hour surveillance.

An industry insider said he expected many more small chemical businesses to be suspended. "It's a matter of cost. Some of them just couldn't afford to enhance safety-

related equipment or offer staff trainings to tighten up their safety practice," adding that "neither were owners fully aware of the severity of the hazards."

Under the new measures, officials at any level will be held responsible in their lifetime for policies they create which then lead to environmental calamities. Supporters say that should create better environmental regulations.

"After the enactment of political accountability measures, a fundamental change will be made in the pursuit of politicians' responsibilities. From now on, policymakers are expected to transcend party line," said Ma Qingyu, a professor at the Chinese Academy of Governance.

**Photos:** Getty and others.



# Ruapehu spill culpability settled

A dispute that arose over the level of acceptable culpability for the Tongariro National Park spill has been settled with the Environment Court handing down a \$34,500 fine to Petroleum Services (2001) Limited, plus \$20,000 costs, for its part in the 2013 incident that contaminated the Mākōtuku Stream and the Raetihi water supply.

Counsel for the defence, David Neutze, said the harm suffered by the people of Raetihi and the environment was not a direct result of his client's work during the 2006 installation of the gravity-feed storage tank system and its later upgrade to a pressure system. He went on to suggest the poor level of maintenance undertaken by Ruapehu Alpine Lifts had been a major factor that contributed to the extraordinary event.

WorkSafe prosecutor Ian Brookie disputed this, suggesting had a pressure release valve been originally installed between the pump

and the solenoid valves, this would have mitigated any heat and fuel build up that subsequently led to a blown fuel line.

Judge Dwyer said was unable to resolve the valve issue, but he ruled that beyond reasonable doubt that the system was not safe when operated for its intended purpose. "I accept neither the hoses or the clamps were acceptable for use in this situation, it is apparent that the hoses are vulnerable to deterioration ... and did not meet the requirements of the standards.

"I accept PSL did not set out to breach these requirements deliberately, however that is no defence." But a company like PSL that is in the business of building fuel tank storage systems is obliged to be aware of, and to comply with, statutory obligations.

In sentencing, Judge Dwyer outlined how the fuel line burst. In late 2006 the tank

was modified with a booster pump to push fuel through the lines, when delivery stopped the solenoid valves closed blocking the flow of fuel to the dispensers. In 2013 the pump continued to work due to a faulty relay signal in the electrical installation box.

## Clamp failed

Pressure and heat built up in the flexible line between pump and valves and the weakest link in the system; a pipe clamp failed resulting in one of the flexible pipes breaking away from its connection. Fuel continued to be pumped until the fuel tank was empty.

The judge also said it seemed highly likely the clamp that failed giving rise to the diesel spill, was put onto the system by someone other than PSL after Ruapehu Alpine Lifts terminated PSL's contract. "I record that this finding does not fully exculpate PSL's failure to use the correct clamps in the first place."

While recognising no action was taken by Ruapehu Alpine Lifts to remedy the problem for five days, PSL's design failure created the situation where it was possible for a discharge from the container system to occur. "In short, it delivered a system vulnerable to failure, but the effects of PSL's failure were made considerably worse by RAL's subsequent failures.

Keith Stewart, WorkSafe's chief inspector, said the standards for installing this type of aboveground container system are very clear. "Petroleum Services (2001) Limited failed to meet the standards or regulations for an above ground stationary container system

**Local residents got their fresh water via tanker while the clean-up ground on.**

Photo: Stuff.





with pressurised pipe work.

"It also failed to test the system, which is an essential requirement, following its modification ... the harm caused was recognised by the Court as an aggravating feature."

On discussions with WorkSafe, it was agreed, and taken into account by Judge Dwyer, that PSL would pay the agency \$20,000 costs.

## Bledisloe explosion fine

Van Tiel Pyrotechnics has been fined more than \$80,000 and ordered to pay reparations to two victims, after an incident that injured three spectators at the 2014 Bledisloe Cup match at Eden Park.

Fireball devices malfunctioned, shattering the mortars and throwing fragments into the crowd. WorkSafe's investigation revealed systematic failings in the company's standard operating and quality control procedures and its management of explosive substances.

The devices had been manufactured by Van Tiel using the incorrect mix. It had failed to properly label substances and had inadequate tracking systems for its hazardous substances and pyrotechnic components.

***Pictured are the fireworks that night.***



# What's happening with Class 6 and 9?

*by Paul Pritchard*

At the risk of sounding a simpleton before my peers, I am bit confused about how removing the approved handler regime is going to provide better control of Class 6 and 9 substances.

To me, no longer requiring handlers to be certified is somehow going to reduce workplace deaths, is like saying we should remove driver licenses to reduce the road toll.

Ah! We will achieve this through more effective, industry specific, training and information, I hear WorkSafe say!

But this is where my confusion deepens. How does a hardworking WorkSafe inspector determine if the learner actually understands and actually has the skills needed to be the safe user of a particular substance (apart from his or her boss telling them... because, of course, there's no conflict of interest there)?

How do they know that the individual or trainer of this learner actually understands and has imparted the skills for this substance to be used safely?

Simply put – how does a Worksafe Inspector know the worker has the right qualifications for this job of using hazardous product X?

Might the answer be some kind of third party verification they can rely on?

If only we had expert, industry specific, independent verifiers of some sort! Oh, wait a minute! Isn't that what a compliance certifier does? Now I know I am sounding very cynical and sarcastic and believe me, my wife is making sure I work on it.

The industry I work with is small (in comparison to agrichemicals), but important. WorkSafe has the mission to bring every worker in New Zealand home safe, and that's wonderful. But workers I'm certifying are in the nation's homes, supermarkets, schools, hospitals, food processing plants, ports of entry, everyday, applying Class 6 and 9 substances.

Almost every product used in urban pest management is a 9.1A pesticide. Does the Minister understand the environmental impact if just a litre of a 9.1A enters the Waikato or Avon river? Is Worksafe confident that a pest manager is not spraying a 6.8 around a maternity home or a 6.5 around an asthmatic child?

I (and my fellow UPM Compliance Certifiers) don't just want every worker to come home safe; we are making sure their home, their children, their food, their pets are safe when they get there.

*Paul Pritchard is a compliance certifier for approved handlers in urban pest management and industrial/institutional cleaning products.*



# Some bathwater kept

Not all the bathwater has been thrown out with the baby in bringing regulation for the workplace use, handling, and storage of hazardous substances and gases under pressure under the new Health and Safety at Work Act 2015 from the Hazardous Substances and New Organisms Act 1996.

In a recent presentation to NZIHSM members, the audience was informed that regulations being made under the new Health and Safety at Work Act 2015 will be made in two phases.

Phase 1 involves the development of regulations for: general risk and workplace management; worker engagement, participation, and representation; work involving asbestos; work involving hazardous substances; and major hazard facilities.

In addition, recently made regulations for mining, petroleum exploration and extraction, adventure activities, and levy funding are being transferred over to the new regime and the remaining regulations under the old Health and Safety in Employment Act (HSE) will remain in force until Phase 2. Phase 2 involves replacing the remaining HSE regulations with regulations covering: hazardous work; plant and structures; quarries; and geothermal operations.

In relation to the hazardous substances regulations, the Ministry of Business, Innovation, and Employment will review some of the provisions

transferred from HSNO to ensure they are fit-for-purpose and to simplify them to the full extent possible.

Development of the hazardous substances regulations (in phase 1) will proceed on a longer timeframe than other phase 1 regulations. This is because of the complexity of drafting task and the highly technical nature of requirements.

MBIE officials expect it will take 6 – 9 months longer than other phase 1 regulations to develop an exposure draft and are aiming to release exposure draft regulations for consultation in December 2015. Additional time will be built into the consultation period to take account of the Christmas/New Year holidays.

After final decisions following that consultation, MBIE aims to complete drafting early next year. This will mean that the hazardous substances regulations can be made and come into effect by July 2016. The other phase 1 regulations will commence on 4 April in line with the new Health and Safety at Work Act 2015. EPA Notices are being developed in parallel.

MBIE officials have advised that the hazardous substances regulations will continue current workplace use requirements (and variations) prescribed in HSNO regulations, transfer notices, group standards, reassessments, and individual approvals. MBIE will consolidate and simplify these requirements to the extent possible during the drafting

process. The regulations will also incorporate a small number of changes to codify existing good practice.

## Continuing ...

What requirements continue in the proposed Health and Safety at Work (Hazardous Substances) Regulations?

The proposed regulations will continue current HSNO requirements for:

- the workplace use, storage, and handling of hazardous substances;
- the design, manufacture, verification, and testing of compressed gas containers;
- the design and operation of tank wagons and transportable containers;
- the provision and positioning of signage at workplaces;
- the provision and capability of fire extinguishers;
- the preparation, review, and testing of emergency plans;
- the design, fabrication, and certification of stationary container systems;
- secondary containment systems;
- laboratories where small quantities of hazardous substances are used on a 'non-production' basis;
- the tracking of highly hazardous substances.

## Changes...

What are the changes in the proposed Health and Safety at Work (Hazardous Substances) Regulations?

Changes are being made in the management and oversight of the test certification regime. Also, there will be change in the information, instruction and training areas, inventory, risk assessment, emergency management, labelling, and safety data sheet provisions.

Details on the changes can be found in pages 20 to 26 of Cabinet Paper B on the MBIE

website. Go to <http://www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/development-of-regulations-to-support-the-new-health-and-safety-at-work-act/>

## Approved Handlers redundant?

MBIE officials consider the approved handler certification to be largely redundant, in light of the proposed requirements for information, instruction and training.

A discussion document that proposed approved handler certification be revoked (except for substances that require a controlled substance licence) received mixed support. This proposal is to be further tested during consultation on the exposure draft regulations before final decisions by the Government.



## Further testing required

Further testing of some proposals under HSW is still required.

These include:

- separation of buildings holding acutely toxic or corrosive substances above specified quantities from protected and public places;
- safe storage of toxic or corrosive substances at transit depots;
- establish hazardous substance location for any location within a workplace where Class 6.1A–6.1C or 8.2A substances are present above specified quantities;
- compliance certificate for the hazardous substance location;
- revocation of approved handler certification (except for substances requiring a CSL).

# WorkSafe holds the certifier reins

WorkSafe New Zealand will be responsible for the administration and enforcement of the Health and Safety at Work (Hazardous Substances) Regulations and for oversight of the compliance certification regime.

It will be granted new powers and functions enabling greater oversight and monitoring of the performance of compliance certifiers and the compliance certification regime as a whole.

The key changes relate to: the authorisation of compliance certifiers; the issue of compliance certificates; and the audit of compliance certifiers.

'Compliance' has replaced 'test' in terminology as it is felt that it better represents the primary function in assessing whether locations, equipment, or people comply with prescribed requirements.

### Authorisation of compliance certifiers

Any application for authorisation as a compliance certifier will require WorkSafe to assess whether the applicant is a fit and proper person, under criteria similar to that used for

controlled substance licence applicants. Any decision to decline an application may be appealed in the District Court.

WorkSafe will have the ability to engage or appoint its own compliance certifiers in order to provide cover in areas where only a few compliance certifiers are active, or if the regime is particularly vulnerable in a certain area if current certifiers stop practising.

MBIE officials have advised that for those areas of compliance certification where there are an adequate number of certifiers, there should not be a need for WorkSafe to maintain an in-house capability.

### Issue of compliance certificates

A compliance certifier will not be able to issue a compliance certificate in relation to any matter in an industry in which the certifier is also a PCBU or worker (otherwise than as a compliance certifier). A compliance certifier must, within 15 working days of issuing a compliance certificate or conditional compliance certificate, enter the certificate in the compliance certificate register.

### Audit of compliance certifiers

All compliance certifiers will be required to undergo an audit every three years to test compliance with the new hazardous substances regulations, any applicable safe work instruments, and any applicable performance standards issued by WorkSafe. WorkSafe will have the ability to recover the costs of an audit from the compliance certifier.

# Higher sea levels no longer in the future

Do you think that the weather has become worse since you were a youngster? It is possible this is not just youthful imagination as recent experiences are suggesting this may be reality.

Average sea levels around the world have risen 20 cm since 1900 according to the United Nations' Intergovernmental Panel on Climate Change. Extra energy from global warming is entering the sea and expanding its volume, while meltwater from land-based glaciers and ice sheets is contributing at an increasing rate. Current sea level rise is about 3mm a year.

A rising sea level does not just mean a higher 'mean high water mark'. It also means extreme events such as storm surges and spring tides will be worse and happen more often. Such

events, on top of an overall higher sea level, are the main threats to the habitability of low-lying islands as sea levels continue to rise.

Kiribati and Tuvalu are among the Pacific island nations affected by this and some of the lower islands, such as the Carteret Islands off the coast of Papua New Guinea, are actually needing to be evacuated as their homeland disappears.

A recently published report by an Aid agency Caritas has found that unusual sea rise is no longer sometime in the future, but is actually happening now. The Kiribati Government website is reporting that storm surges occur far more often than in the past.

Not only did Cyclone Pam cause significant damage in March 2015, but more king tides are

occurring – in February patients were forced from the main hospital as water lapped the doors.

Even in New Zealand some coastal towns are experiencing extreme rainfall events and rising sea levels. Whanganui had dramatic flooding with much land damage in June 15 and in mid-June, southern Wellington experienced dramatic sea swells which came across the coastal roads and a 100-year-old sea wall collapsed in Island Bay on the southern coast.

Simple science suggests that greater carbon dioxide traps heat on the earth, which provides more energy to the atmosphere and more extreme events.

What is becoming remarkable is how quickly future projections are actually becoming reality and storm conditions and in particular loss of coastal property is becoming the norm.

We have created this problem and it is up to mankind to use our knowledge and technology to solve it if our current lifestyle is to be maintained.

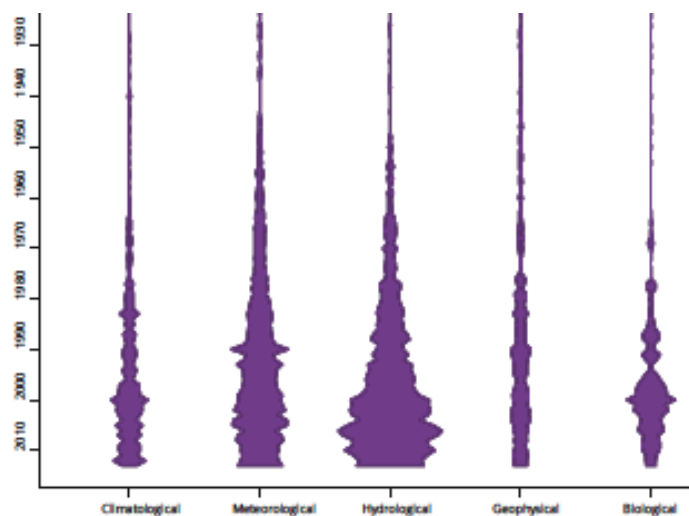


Figure 1: Number of natural disasters reported worldwide, 1900–2013. The three columns on the left represent events classed as: climatological = droughts, rising sea water, bushfires; meteorological = cyclones, storms, wave surges; hydrological = water-on-land events, such as floods and avalanches. (Source: EM-DAT<sup>3</sup>.)



# Uncle Archie

Kia ora HS PRACTITIONERS!

## Health & Safety Reform Bill progress

The new Health & Safety Reform Bill was passed in August. This bill has been much vaunted as a cure for Pike River where the HS controls were not all in place and no-one checked these.

It is interesting to note that the traditional checkers of hazardous substances receive only a two-word mention in the new legislation. The legislation also removes the two pages of the HSNO Act that refer to requirements for compliance certification. Archie hopes that this reduction from two pages to two words is a sign of efficiency and not something else!

## Christmas consulting

Following a useful method of limiting difficult consultation replies to proposals, this Christmas's reading will be the proposed Health and Safety regulations. Similar to last year's Christmas readings, this release seizes on New Zealanders proclivity to holiday over this period and may even promote deep relaxation!

## Environmental protection?

It is intriguing to see that our Environmental Protection Agency is proposing a new GHS chemical classification system for compliance checking which includes for many things EXCEPT Class 9s for the environment! It will be interesting to see how a PLANET

is protected when it is not included?

## Health & safety reform regulation detail

As stated last year, and reiterating a number of experienced enforcers and certifiers concerns, Archie also believes that all toxic properties including eco-toxics should be considered in the new H&S Act and regulations. While there has been some movement proposed on this in acute toxics, ecotoxics are still roaring in their absence.



## Australian regulations

Australia is now deporting all those of foreign origin who disobey their laws! We are now importing the Australian DG regulations as part of our H&S regulations. You have been warned!

## Australian deportations

Australia is now deporting all those of foreign origin who have a criminal history! An indigenous spokesperson said this might indeed be a good idea!

## European troubles

Volkswagon is involved in a potential \$91 million case in Australia and >\$1b in USA over the company's cars' failure to accurately control CO<sub>2</sub> and NO<sub>x</sub> emissions, which as pollutants, are fined in many offshore markets. New Zealand doesn't fine car pollutants as our major emissions are expected from

cows, as they gasify the grass. How do you stop that?

## Local body inspectors

Many local authorities have lost their WorkSafe mandate to check for health and safety at local workplaces. Why is this?

## Training

For expert H&S training, why not refer to HS experts?

*If you want to send your comment, you can send it to [archie@NZIHSM.org.nz](mailto:archie@NZIHSM.org.nz). The ideas expressed in this column are not necessarily the views of the NZIHSM or Flashpoint and in some cases the NZIHSM frankly does not approve!*

# Mobil to be prosecuted

Mobil will be prosecuted over an oil spill in Tauranga harbour – about 1500 litres of heavy fuel oil leaked into the harbour in April resulting in oiled debris and wildlife washing up on beaches days after the event.

Mobil's Andrew McNaught apologised for the incident which cost \$800,000 to clean-up. He said Mobil had worked hard to rectify and minimise the impact of the leak. It has committed \$1.79 million, including reimbursing the regional council.



# NZ Institute of Hazardous Substances Management Inc.

## MEMBERSHIP APPLICATION FORM

**Name:** .....

(First name)

(Surname)

### Employment

Business/Employer's name .....

### Position details

Position last held .....

Experience is HS .....

.....

### Preferred mailing address

.....

.....

### Telephone contacts

(bus) ..... (home) .....

(mobile) ..... (fax) .....

**E-mail** ..... **Website** .....

**I have previously been a member of the Institute:** Yes No

**I am applying to be** Member Associate Member

**How did you find out about the Institute?** .....

**Return to:** P O Box 10-385, The Terrace, Wellington.  
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