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**Inside:**

**Worksafe explains HS Regulations**

**Minister comments on purpose for HS Regulations**

**NZIHSM reviews draft MHF Regulations**



# 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 specialising in improving safety, health and (site) environmental performance, particularly the safe management of hazardous substances in the community.

## **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 HSN0 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 HSN0 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

# A concise history of NZ chemicals

It is 165 years since early European settlers signed a treaty with tangata whenua at the grounds of Waitangi, although chemicals were not much observed. It is also 175 years for the Auckland settlement and 150 years since one of our earliest newspapers (The Dominion Post) started publishing, so we do indeed have history!

It has been 100 years since New Zealanders were confined on the coast of Gallipoli, and a few months later my grandfather was introduced to chlorine and mustard gas at the Somme – not exactly a pleasant introduction to chemicals for any of our troops.

Seventy years ago in 1945 and the western world was at war again, and my father was in the Treasury Islands, off the Solomons, with chemicals involved in rather nefarious incidents.

Come forward to 1975 and the Vietnam war, with the use of Agent Orange and the 'smell of napalm in the morning', chemicals used with devastating effect!

Mine is the first New Zealand generation in four that has not had to face war, or battleground chemicals, used in an aggressive manner by mankind against itself.

For this I am very happy, however I do agree that as accidental exposures can also cause chronic health effects, that "people, communities and the environment" should still be protected against the adverse effects of hazardous substances, while maintaining the benefits of these".

Perhaps though the last word can go to the Evening Post's predecessor who back in the 1860s noted that "The need for a decent sewerage system was long recognised. In the 1860s in warm summer weather the stench from backyard toilets was intolerable, the problems exacerbated by the lack of clean running water.

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**Cover photos:** Major fire at the Jeedimetla factory in India, and a toxic cloud hangs over Igalada in Spain after an explosion in a chemical factory.

**ISSN 2382-0411**

## Flashpoint

*Flashpoint* is the official journal of the NZ Institute of Hazardous Substances Management.

Editorial material does not necessarily reflect the views and opinions of the Institute.

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# 25% reduction sought in workplace deaths

At least a 25% reduction in deaths and serious injuries at work by 2020 and a 10% reduction by 2016 is the target for WorkSafe New Zealand, but there is little time and a significant amount of work to be done to meet this, according to WorkSafe NZ's Richard Steel.

He told NZIHSM's annual conference that:

- 75 people die on the job every year;
- 1 in 10 workers is harmed;
- 600-900 die from work-related diseases;
- there are 200,000 ACC claims for work-related harm;

- \$3.5 billion in costs (2-4% of GDP).

"And that's not counting the devastating emotional cost to the friends, family, loved ones and co-workers of those hurt on the job."

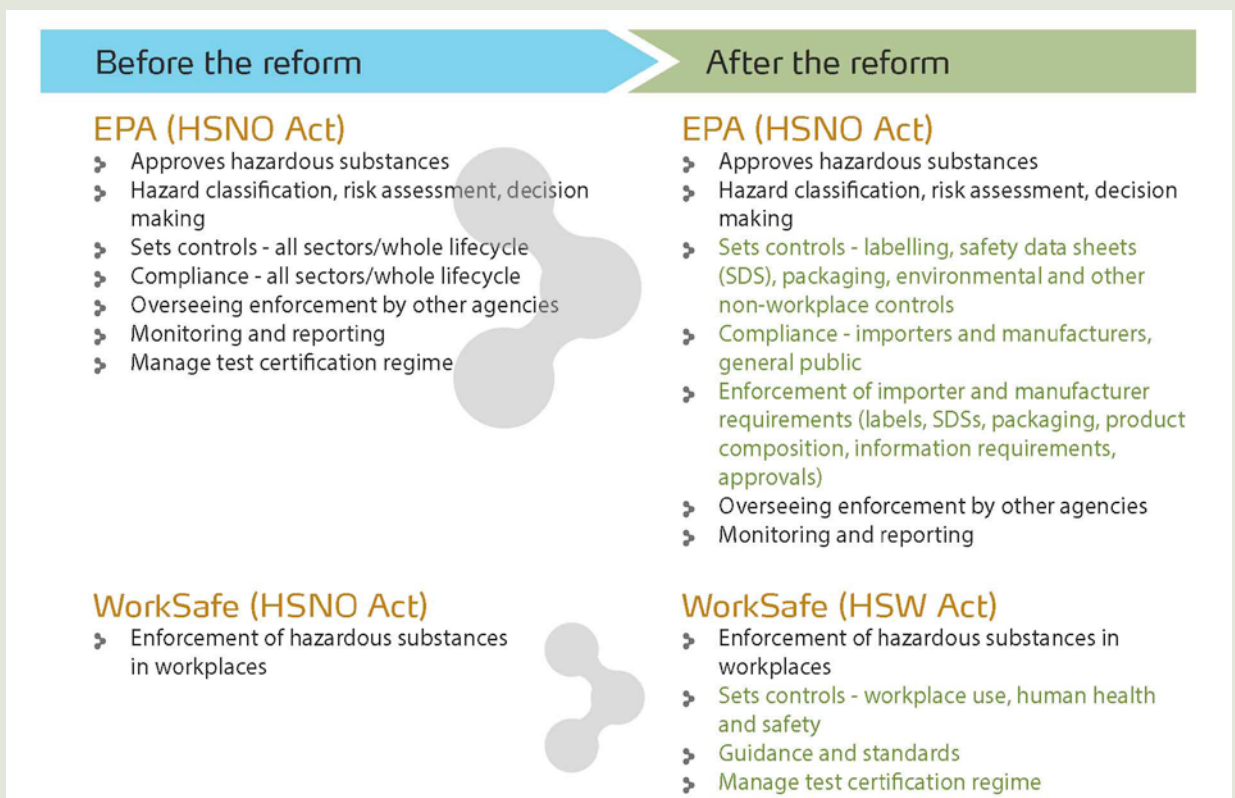
Each year health and safety inspectors carry out 12,500 workplace assessments. These are proactive, planned visits and are not usually triggered by a report of serious harm or a health and safety complaint. WorkSafe will also carry out 3500 HSNO workplace assessments each year, with a key focus being on the Canterbury rebuild.

It will deliver at least 60 high hazard assessments, inspections, audits and safety cases and complete regulatory visits to at least 150 electrical suppliers and audit at least 40 products.

"We have an Auckland-based 24/7 response team that deals with notifications, or reports of an actual harm/risk of harm matter in a workplace to WorkSafe. At least 1000 health and safety and HSNO on-site investigations are undertaken by WorkSafe each year. Investigations may be carried out to determine the causes of harm in the workplace, whether action has been taken or needs to be taken to prevent recurrence or where compliance or enforcement action (including prosecutions) may be required."

The focus areas are:  
**Agriculture** – 20 fatalities in

## HSNO CHANGES



2013, 13,436 severe injuries over five years and 18.7 severe injury claims per 1000 workers.

**Forestry** – 10 fatalities 2013, 1212 severe injury claims over five years and a severe injury rate of 243 per 100 workers.

**Construction** – six fatalities, 15,000 severe injury claims over five years and a severe injury rate of 16.8 per 100 workers.

**Manufacturing** only had one death in 2013, but clocked up 13,436 severe injury claims.

But the main killer is **occupational health**: 600 to 900 deaths a year from cancer or asthma and an estimated 17-20,000 new cases a year.

“For this audience, the major

hazards WorkSafe regulates are the mining, petroleum and geothermal sectors. These industries have inherent and significant hazards – even when managed by highly-motivated and safety conscious operators.

“Failure doesn’t happen often, but when it does its consequences can be catastrophic. We are currently mapping sites to determine the potential of failure, prioritising types of major hazard facilities and building capacity to provide regulatory oversight.”

The HSE Act puts the responsibility first and foremost on employers to take all practicable steps

to identify and manage workplace hazards, he said.

Under the HSE Act, an employer must take all practicable steps to:

- provide and maintain a safe working environment, including facilities for safety and health;

- ensure that any plant, equipment, appliances, fittings, furniture and tools are safe for use;

- ensure that while you are at work you are not exposed to any hazards in or near your place of work; and
- have procedures for dealing with emergencies that may arise at work.

“Employers must identify all hazards in the workplace and

## HSNO Act

Under the HSNO regime, businesses working with hazardous substances have the responsibility to adhere to controls set by EPA that include:

- ensuring labels on hazardous substance products continue to be legible and durable;

- the Person in Charge is responsible for making hazardous substances safety data sheets available

## Emergency management

The Person in Charge is responsible for having emergency management procedures established to prevent the occurrence of incidents. Emergency management requirements includes:

- having an emergency response plan in place and ensuring the plan is tested so all staff are familiar with

what they must do should an emergency occur;

- meeting the labelling obligations;

- having safety data sheets available;

- ensuring the appropriate number of fire extinguishers are available dependent on quantity and class of hazardous substances;

- appropriate secondary containment is available at the workplace.

## Tracking

A tracking record must be maintained by the Person in Charge of a site where the tracked substance is stored recording the name and quantity of the substance, the exact location of the substance, the name and contact details of the approved handler in control of the substance, details of any transfers of the substance to

another location, details of any disposal of substance.

The tracking record must be kept for three years, if the substance has been disposed of, or treated, so that it is no longer a tracked substance.

## Location test certificates

A hazardous substance location test certificate may be needed where explosive, flammable or oxidising substances are stored or used and the quantity exceeds the thresholds specified in the legislation. If your substances are only toxic, ecotoxic, or corrosive, you do not need a location test certificate.

## Approved handlers

Approved handler certification qualifies people to handle very hazardous substances safely and to provide guidance and assistance to other people handling the substances.

# legislation

then take steps to eliminate, isolate or minimise the hazard.”

The HSE Act also places a duty on an employer to provide training to ensure staff can do their job safely. This includes:

- telling and showing staff any hazards they will be exposed to in their job and how to avoid being injured by them;
- showing staff how to minimise their exposure to hazards;
- ensuring that staff has the skills and experience to do the job;
- showing staff what to do in an emergency;
- making sure staff are properly supervised when doing their job.

“The new Health and Safety Reform Bill, governing workplace health and safety, is currently going through the Parliamentary process. We expect the Bill to pass sometime mid-2015 and come into effect in the third quarter of the year. Once it passes, there will be time to allow for the supporting regulations to be made, for WorkSafe to finalise the supporting

guidance and approved codes of practice, and for people to get to grips with what they need to do to comply. “Now is the time to start preparing so you can best meet your duties under the new legislation.”

## PCBU key concept

The PCBU concept is the key element within the H&S Bill,” said Richard, “from which most duties and responsibilities flow. It covers every brand of workplace and is perhaps the biggest change in the new regime and the one people can struggle with the most.

An important point that catches many – despite its name, a PCBU doesn’t have to be an actual person. A PCBU will usually be a business entity such as a company rather than an individual person, unless they’re operating a business as a sole trader or self-employed person.

“So if you take the example of a building site, the construction firm is a PCBU, the principal contractor is a PCBU, right down through the layers until you might reach

a self-employed bricklayer working for a sub-contractor. These are all PCBUs but the only one who is actually a ‘person’ is the self-employed bricklayer.”

PCBU is a broad concept that reflects modern working arrangements, he said. It captures the current duty holders of employer, self-employed, principals to contracts, person controlling a place of work. “PCBUs are in the best position to control risk to work health and safety as they are the ones carrying out the business or undertaking. Widening the duty of care to PCBUs also creates overlaps of responsibilities whereby there can be multiple PCBUs with shared duties.”

## Directors’ duty

Directors have a due diligence duty and should keep up-to-date on health and safety, understand the PCBU’s operations, hazards and risks, and ensure and verify the PCBU can comply with duties.

Directors are officers under the Bill. In addition, a person is an officer if he or she makes decisions that affect



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the whole or substantial part of the business of the PCBU (for example a chief executive). "They can be held responsible for decisions they make that have negative health and safety outcomes."

The Bill defines due diligence as including taking reasonable steps to:

- acquire, and keep up-to-date, knowledge of work health and safety matters;
- gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations;
- ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking;
- ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information;
- ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
- verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

"In other words, officers must keep up-to-date with knowledge, must understand the PCBU's operations and the hazards and risks associated with those operations, and ensure and verify that the PCBU has appropriate

resources and processes to comply with its duties."

There are exemptions for certain types of officers from being able to be prosecuted if they fail in their duty: volunteer directors, community board members, members of school boards of trustees, members elected to local authority boards.

"The primary duty of a PCBU is to the workers it engages and employs – and influences or directs – in any capacity."

A worker is anyone who carries out work for a PCBU, such as: an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, a person gaining work experience, an outworker, a volunteer, an apprentice or trainee.

## Duty of care

Workers and other persons at a workplace have a duty to take reasonable care to ensure their own and others' health and safety. PCBU are required to engage with its workers on matters of health and safety affecting them; and have practices that provide reasonable opportunities for workers to participate in improving health and safety in the business.

"PCBUs may develop their own agreed practices that are appropriate to their workplace. The PCBU and/or workers can choose to have health and safety representatives and/or a health and safety committee (a minimum of five workers

must agree to this) or choose to have neither."

If the PCBU or workers request a health and safety representative or a H&S committee, the Bill and Regulations specify some requirements relating to how it needs to happen.

"MBIE is leading the work on the Bill and regulations. WorkSafe is leading the work on the accompanying guidance. However, it's important to remember that until the Bill passes through Parliament, none of this work can be finalised (the Bill's not final until it passes).

"We will be developing the regulations in two phases. The first will be focused on:

- general risk and workplace management;
- worker participation and representation;
- work involving hazardous substances;
- major hazard facilities;
- work involving asbestos.

"The first phase of guidance to be ready on day one of the new Act includes covers over 30 pieces of guidance (Codes of practice, best practice guidance, fact sheets). Much of this will be based on existing guidance from Australia, but needs to be adapted for New Zealand circumstances.

"We will be carrying over the recently made or amended regulations with minor amendments to fit the new act – e.g. mining, adventure tourism, petroleum extraction and exploration, levy funding regs," he concluded.

## Major Hazard Facilities Regulations:

# What happened to the planet ?

NZIHSM agrees with much of the proposed reforms to workplace dangers, especially those caused by chemicals or hazardous substances. As stated in the recent Worksafe presentation to the NZIHSM: the main killer is occupational health with 600 to 900 deaths a year from cancer or asthma and an estimated 17-20,000 new cases a year.

The cause of some of these is through the unconscious exposure to hazardous substances through air, earth and water, some chemical and some biological in nature and others that even our current knowledge cannot explain. However, the human species in the 'game of life' is finding new answers by the day.

As our Minister commented at our recent NZIHSM forum:

"If New Zealand is to improve these outcomes, we believe that it is necessary to reduce the complexity of the current hazardous substances regime by ensuring that businesses using hazardous substances will only be required to deal with

- one regulator;
- one set of simplified and fit-for-purpose requirements prescribed under the new Health & Safety at Work Act;
- one suite of guidance and codes."

It is with these main items in mind that the NZIHSM considered the proposed major high hazard facility regulations and changes to the hazardous substance regulations and believe that these should be enhanced as follows:

### Purpose:

If the main killer is occupational health with an estimated 20,000 new cases from cancer or asthma a year, then many of these are caused by allergic reactions to substances and, in particular, hazardous substances.

Because of this we believe that:

The 'Purpose' of the Regulations should include 'Hazardous Substances' if it is to manage these.

### Scope:

The existing hazardous substance regulations (HSNO) have been an industry requirement since 1996 and include nine categories of hazardous substance as follows:

#### The Flammables

- Class 1 Explosives
- Class 2 Flammable Gases
- Class 3 Flammable Liquids
- Class 4 Flammable Solids
- Class 5 Oxidisers

#### The Toxics (or Poisons)

- Class 6 Toxics
- Class 8 Corrosives (Acid/Bases)
- Class 9 Ecotoxics





## Classes in the Major Hazard Facilities:

However the 'specified hazardous substances' in the high-hazard draft regulations refer to a subset of the above hazardous substances namely:

### The Flammables

Class 1 Explosives

Class 2 Flammable Gases

Class 3 Flammable Liquids

Class 4 Flammable Solids

Class 5 Oxidisers

& some 6 (acute toxics).

The above inclusions are good in that the people and communities should still be protected from explosions and chronic poisoning – in this way catastrophes such as Pike River, Bhopal, and Tamahere should be covered.

## Not covered

However, other potential major incidents from corrosives (Class 8 acid/bases) (caustic in Kiwi Dairy Milk, etc) and environmental (eg: Raetihi Oil, Mobil's Tauranga spill, Rena ship spill Class 9s) and dust explosions are NOT covered.

This may be OK for just a workplace, but if these regulations ARE to be consistent with a goal of 'one set of regulations', we believe that either 'OUR FULL ENVIRONMENT IS INCLUDED' or suitable alternate legislation (eg: HSNO regs) referenced within the MHF regulations to provide a full solution.

## Other issues:

On consideration of other proposed Major Hazard Facilities Regulations we also believe that:

(i) As most substances used in industry are a blend or mixture of hazardous substances, rather than 'pure' chemicals, then classes should be determined for these.

(ii) In many cases the HSNO Act Class 1-9 categories have now been adopted by industry so care must be taken in changing to a differing GHS system if adopted.

(iii) The MHF regulations should be aligned and consistent with similar legislation such as HSNO Act, Resource Management Act and Building Act.

(iv) Pre-incident Compliance checking is critical for success. By this we mean that the independent compliance certification visits through the experienced test certifier regime, to assist industry with methods of compliance in the first instance, rather than direct enforcement, has been very successful for many industrial facilities and workers, and should be considered as an

option for all facilities.

(v) As detailed in Reg 15-16 of the proposed MHF regulations while exemptions can at times be sensible, care should be taken to ensure that any exemptions are consistent with science (ie: flammable substances must always be protected from ignition sources and/or lower explosive limits (%LEL) (eg: Pike River).

(vi) The regulations should still remain performance-based legislation with sufficient flexibility for good engineering solutions through a clause such as:

Solutions provided shall be consistent with good engineering practice and be practicable against minimum risk criteria.

(vii) Minimal risk criteria should be agreed and published (eg: work exposure standards (WES), acceptable incidents per 1000 workhours, etc).

The point or purpose of these regulations should still be to "protect people, (communities and the environment) against the adverse effects of hazardous substances while maintaining the benefits of these."



# Reform is to strengthen test certification

The decision to transfer the regulation of hazardous substances in workplaces from the Hazardous Substances and New Organisms Act (HSNO) to the new Health and Safety at Work Act recognises that the current regime for managing hazardous substances in workplaces is complex and performing poorly, according to the Minister of Workplace Relations and Safety, Michael Woodhouse.

He told NZIHSM's annual conference that an Environmental Protection Authority survey of 400 businesses in 2012 found that 75% of them were not complying with eight key HSNO risk management controls.

"It has been estimated that acute exposures to hazardous substances result in over 15 unintentional deaths and over 1200 unintentional hospitalisations every year. In addition, it has been estimated that chronic occupational exposures to hazardous substances result in over 400 deaths every year.

If New Zealand is to improve on these outcomes, we believe it is necessary to reduce the complexity of the current hazardous substances regime by ensuring that businesses using hazardous

substances will only be required to deal with:

- one regulator (WorkSafe NZ);
- one set of simplified and fit-for-purpose requirements prescribed under the new Health and Safety at Work Act;
- one suite of guidance and codes.

"Of course, the smaller number of businesses that manufacture or import substances will also be expected to deal with the EPA and relevant requirements prescribed under the HSNO Act.

"My officials at the Ministry of Business, Innovation and Employment are currently developing a new set of regulations for the management of hazardous substances and gases under pressure in the workplace that will support the new regime. Right now there are 15 sets of regulations and approximately 9000 substance approvals under the HSNO Act. We are consolidating these HSNO requirements into a single set of regulations.

"Further work will be undertaken, within two years of the new regulations coming into force, to review the transferred requirements to ensure they are fit-for-purpose and to simplify them

for users to the fullest extent possible."

## Key changes

There are two key changes in the proposed new regulations that you will be interested in: changes to the test certification regime; and changes to training, including approved handler certification.

"With respect to the test certification regime, I want to reassure you that the changes are intended to improve this regime and to ensure that businesses have access to sound technical advice and compliance assurance," said the Minister.

WorkSafe will be granted new functions and powers that will enable greater oversight and monitoring of the performance of test certifiers and the regime as a whole.

"This includes mandatory performance-targeted auditing on a cost-recovery basis. WorkSafe will also be able to appoint its own test certifiers, to cover gaps in certain markets.

Enabling WorkSafe to appoint its own test certifiers will provide cover in areas where only a few test certifiers are active. The test certification regime is particularly vulnerable in these areas if



The Hon. Michael Woodhouse

those test certifiers stop practising, for example, through retirement.

“There are generally few new entrants in these markets.”

For those areas of test certification where there are an adequate number of test certifiers, there should not be a need for WorkSafe to build an in-house capability, he said.

The Government decided to introduce performance-targeted auditing on a cost-recovery basis. “Test certification is a business activity and audits are a standard operating cost for this type of business. As with any business that provides an independent third party verification service, auditing is an important part of the operation, both to demonstrate quality to customers and to provide assurance to the regulator. If the regulator was to fund the cost of auditing, it would effectively be providing a subsidy to that business.

### Risk-based auditing

A risk-based auditing programme, where certifiers that perform well are audited less frequently than those who are not, introduces a financial incentive. “Those who are performing well will benefit from comparatively lower auditing costs. Those who are not performing will be encouraged to reduce costs through performance improvement.

“In terms of the proposals for training - the discussion document we put out on the regulations made

proposals around the minimum prescription in any information, supervision, instruction, and training provided to workers handling hazardous substances. It also proposed that the current requirement to ensure that one or more workers are trained and certified as an approved handler should be revoked.”

The Minister thanked those of who provided feedback on the proposals. He said there was clear support for the introduction of the proposed requirements for information, supervision, instruction, and training. And there were mixed views on the proposal to revoke approved handler certification.

“This is something we will continue to work through before making any final decisions.

“Other issues around the training requirements were also raised – such as tying any training to the nature of risks and relevant industry standards. My officials are continuing to work through these issues, and the proposal to revoke approved handler certification, before we make any final decisions.”

The Minister stressed that the reform is about strengthening the test certification regime to ensure that business has access to sound technical advice and compliance assurance. “Developing the new hazardous substances regulations is a complex undertaking. This is why I expect this set of regulations to come into force later than the other proposed new regulations, which will support the new Health and Safety at Work Act.”

## IPENZ reviewing ethics

IPENZ is currently reviewing its ethics as the result of the Royal Commission into the Christchurch earthquakes, and two substantive changes are proposed.

The addition of a ‘whistle blower’ obligation under which reporting of adverse consequences is made mandatory is designed to back-up staff and inspectors to report less than desirable practise or circumstances (adverse consequences meaning significant harm or an unacceptable risk of significant harm to the health or safety of people; extensive damage or an unacceptable risk of extensive damage to property, the natural or built environment).

The change from a prescriptive to an aspirational presentation. Society wants the profession not just to meet the standard, but to strive to exceed it, says Kiran Devine, chair of the Centre for Advanced Engineering. Talking to NZIHSM’s annual conference, he said the Government’s expectations of the profession are: licencing of safety critical engineering activities, with those that offend being forbidden to practice in these safety critical areas; determination of safety critical engineering activities through rigorous risk assessment; strengthening complaint and discipline processes; statutory backing for rules.



# HASANZ sets out basic tools

NZIHSM is fortunate to have been involved in the new HASANZ initiative from the outset in September 2014. It has been fashioned to a degree, on the previous OHSIG that unfortunately didn't manage to gain the required buy-in from other allied bodies, industry or government. HASANZ is an association of associations.

This time, however, says NZIHSM's Jack Travis, HASANZ has addressed the previous problems and come up with a very successful organisation, which will have every association and institute presently involved in any kind of health and safety issues in New Zealand that have health and safety as their core business.

"While initially we had just 10 of the major players, there are as many again knocking on the door to join. The only restriction is that the organisation has a professional set-up, with such things as a code of ethics, monitoring of its own membership, and a continuing development programme to ensure professionalism is always at the cutting edge."

MBIE and Worksafe NZ have been exceptionally supportive of the organisation and they are hoping that such an all encompassing association will be able to assist Industry with advice and assistance,

as well as being a touch stone for central Government, with regard to such similar advice on legislation and policy.

"HASANZ has already taken an active part in this with a major submission on the changes to the Health and Safety at Work, major hazards, asbestos and general risks sections of the new legislation."

It's mission statement is 'Setting the standard for health and safety advice and services in the workplace'. "The founding members have already set a few basic tools in place like our flyer explaining who we are and our five points query card for industry to use."

Coming up is the national register that will hold every association/institute members' name who can help in all fields of health and safety. Major restrictions for those those wanting to be on the register, will be to prove their professionalism and be a member of one of those associations or institutes that are current members of HASANZ. "In the interim, the word is getting spread far and wide with HASANZ presenting at a number of conferences, as well as planning to organise its own late next year."

HASANZ held its first AGM in May and has established a full management committee with secretary and treasurer," said Jack.

Founding members are: Australian/New Zealand Society of Occupational Medicine. Human Factors and Ergonomics society of NZ. Maintenance Engineers society of NZ. NZ Occupational Health Nurses Assn. NZ Occupational Health Assn. NZ Safety Council. Physiotherapy NZ – Occupational Health Group. Occupational Therapy NZ. NZ Institute of Hazardous Substances Management.

## from page one ...

The town board appointed an Inspector of Nuisances with the Evening Post wryly commenting that the person would need to have the knowledge of "the science of stinks" and that the job would be to "hunt smells for 50 pounds per year".

Now chlorine did clean the water, and that is good, but perhaps we still need to battle for people, communities and the environment as, are not some changes slow indeed?

**John Hickey**  
Institute President



# Uncle Archie

## Tauranga's second oil spill

In April 2015, Tauranga harbour suffered an oil spill when a Mobil wharfline burst and approx 1500 litres of heavy oil were lost into the Tauranga harbour. It was mainly cleaned up within days using available oil booms. Fortunately this was not as major as when the MV Rena grounded on the Astolabe Reef off the Tauranga coast in October 2011.

While not wanting to encourage superstitions Archie hopes that this is not a case of 'Two down, One to go!' But then again, neither of these would be, considered major hazards under the new regulations, anyway!!

## Gallipoli

Much of the country has been in remembrance of 100 years passing since World War One, and in particular Gallipoli, which in many ways was the advent of our close ties as Anzacs with our Australian cousins. This war may also be considered the 'advent of chemical warfare'. We hope that we have learnt over time.

## Health & Safety Reform Bill progress

The new Health & Safety reform bill is still progressing apace. However, it is noticeable that even the National Party caucus was urging caution and suitable reflection on some proposed changes. Archie agrees that condensing the original 12 years for the HSNO Act into 12 months for this one,

should make due allowances for improvements in implementation over the next few years.

It is noted that the enactment timetable has now been shifted out from April to November 2015.

## What Auckland waste!

An estimated 40% of landfill waste is food scraps. Noting this, Auckland Council has conducted a recycling trial on the North Shore to turn food waste into renewable compost and recycle this back into the Food chain, minimising waste and enhancing the growing resources!

What a good effort: a practical method of caring for the environment!!

## Hazardous substance training ?

Knowledge is usually passed on through training! The best training is by experts in the field who can provide real-life examples and answer questions from practical experience.

Professional associations offer CPD training with The Law Society for Law CPD, Plumbers for Plumbing, Electricians for Electrical CPD, Institute of Engineers for Engineering CPD, etc, etc! Why then is hazardous substance handler training being dispensed with, and

why is the Institute of Hazardous Substance Management not being consulted for requirements on on-going HS training?

## Safe work inspections?

It is understood that the 100 new Worksafe inspectors are now out in the marketplace practicing their trade. This has been quite a surprise to compliant industries who have been used to only one test certifier a year and not two Worksafe officials following shortly after the HS test certifier.

It would be nice if Worksafe officials could provide some guidance to test certifiers and local authorities of their intentions, as we are all supposed to be playing for the same team!



It would also be great if these visits could also focus on those sites and industries that should probably have hazardous substances, but DO NOT have certificates rather than just those

that have. But overall a greater enforcement presence amongst HS users is GOOD and should help promote safe practice!

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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!

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# Freemans Bay now a people place



Freemans Bay was for many years the oil terminal for our largest city, Auckland, and we do not wish to ask how much 'old oil' still lurks beneath the ancient wharves.

However, in the 1990s, around the time of the 'Auckland Americas Cup' defences, the authorities decided that this useful, but not always 'visual', part of town needed to uplift its act, so we could all see the wonderful harbour beyond.

In the 15 years since, the Industrial heart has been going a transformation into the Westhaven precinct with gardens, shops, flags, cobblestones, and harbour views from the shoreline up to the hills and Skytower above (pictured top right).

As often happens in western societies, the Industrial and energy centre is often located close to the edge of towns, then people wish to live near their place of work, followed a few

years later by protests that their residences are surrounded by Industry. How did this happen??

Such is life in the big city, but it is indeed wonderful to see the blend of industry and living development progressing together, and snails and green plants now re-entering the areas which only a few years ago just a big tank farm, with no views of the sails beyond!





# Don't throw out baby with bathwater

by Philip Tse

The argument to align HSNO with international best practice does not mean we have to abandon the current HSNO classification scheme.

What is needed is to adopt the new hazard categories and align existing hazard categories and definition with the 5th revised edition of the Globally Harmonised System of Classification and Labelling of Chemicals (GHS). Class 6.3 & 6.4 should be deleted and become a lower category in in Class 8 (perhaps category D or E). Aerosols should be placed into Class 2.

GHS H Codes should be mandatory on SDS. HSNO classification may be shown (in addition to the H Codes) on SDS where all of the hazards are identified by the GHS H Codes.

How do we deal with hazards that the H Codes do not identify?

Should the HSNO Classifications be mandatory were the H Codes do not identify all of the hazards?

Even if we adopt all of the H codes specified in the GHS, HSNO will still not fully or closely align with any other country's classification and regulatory system.

HSNO has the following hazards which are not part of the GHS:

Desensitised Liquid Explosives,  
Desensitised Solid Explosives,  
Vertebrate Ecotoxicity,  
Invertebrate Ecotoxicity,  
Soil Ecotoxicity.

There are no H codes in the GHS that identify these hazards.

The Document Labelling of Hazardous Substances: Hazard and Precautionary Information does provide H codes for the ecotoxic hazards starting at H421, however these are not part of the GHS. No country has adopted the GHS in total – ie, adopted all hazard types and hazard categories. Despite the intention that the GHS would create international harmonisation, there has not been uniform adoption internationally. New Zealand has probably come the closest with our current version of HSNO.

One of the guiding principles for adopting the GHS is that safety should not be compromised. It is this principle that justifies the EU adopting additional hazards in the REACH legislation that are not part of the GHS, as they were included in their previous legislation.

It is this principle that allows us to retain the additional hazards in HSNO. It also justifies the retention of our current classification system which uniquely identifies both the hazard and the degree of hazard. The H codes do not achieve this. For example H314 does not distinguish between 8.2A, 8.2B or 8.2C.

Therefore, I can see no compelling reason to abandon the current HSNO classification system, which aligns well with the hazard classes used in UN Recommendations on the Transport of Dangerous Goods and is now well understood by New Zealand industry. The committee responsible for the development of the GHS stated that the new system should be based on the UN Recommendations on the Transport of Dangerous Goods.

It could be argued that retaining the current HSNO classification system would impose an unreasonable additional cost on Industry, however, the requirement to have the name and address of the New Zealand importer, as well as the HSNO approval number and any special requirements, effectively makes the SDS unique to New Zealand. That is to say that a SDS written to comply with EU, USA or Australian requirements, will need to be modified to meet HSNO requirements.

The first change creates the cost to industry. Additional changes in the same document are essentially cost free!



# NZ Institute of Hazardous Substances Management (Inc)

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## MEMBERSHIP APPLICATION FORM

1. Name: .....  
*First Name* *Surname*

2. **Employment**

Business/Employer's Name: .....

***Position and Contact Details:***

Position Held: .....

Qualifications: .....

Experience in HS:

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.....  
.....  
.....

3. Preferred mailing address:

.....  
.....

Telephone Contacts (Bus.) (0 ) .....  
(Res.) (0 ) .....  
(Mob.) (02 ) .....  
(Facsimile) (0 ) .....

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Website: .....

4. I have previously been a member of the Institute Yes No

If **NO**: I am applying to be a Member Associate member

5. **Return to:** P O Box 10-385, The Terrace, Wellington  
Email: office@nzihsm.org.nz

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