

Winter 2009

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**NZ INSTITUTE OF
HAZARDOUS
SUBSTANCES
MANAGEMENT**



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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A year of growth and consolidation

2009 has been a year of growth for the NZIHSM, from a low capital base to obtaining some positive results through the efforts of our members, supporters and your committee.

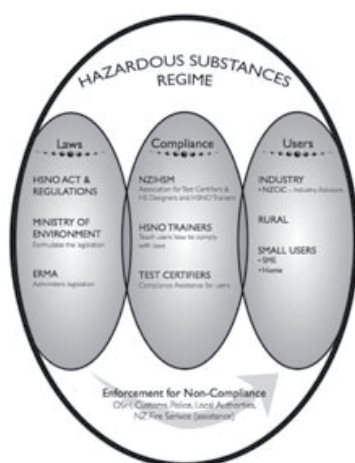
It has been an interesting year of achievement for the NZIHSM including:

- on-going operation of 'hazchat' our online chat-forum for members;
- advocacy of HS professionals' viewpoints to the new government and its agencies;
- liaison with industry groups and other related parties;
- publishing issues of Flashpoint for members and government agencies;
- development of website and online services;
- enhancing your institute as the mouthpiece for HS professionals;
- survey of members views and ensuring that the test certifier's viewpoint was made clear to the test certifier review process and government administrators;
- implementation of new postal, email and administration services;
- furthered our code of ethics and professional standards for members;
- contribution to forums for engineering and chemical professionals;

- an increase in membership and profitable operation of the institution.

Over the next year we would like to enhance the above results and also:

- redevelop the databases of HSNO professionals on the website;
 - recognise achievement through the category of 'fellows' of our institution;
 - encourage an increased level of enforcement from government agencies to capture sites that actually require certification but are slow to realise this – Government agency letters to suppliers and ex DG licence holders, like the previous ERMA letters are an effective memory jog and a cost-effective tool;
 - canvas support from suppliers and insurers to encourage implementation of HSNO processes and increase awareness of our member's services;
- Liaise with users, administrators and policy developers to further promote continuing professional development for community and our members.



We continue our aim to work alongside industry, government and users of the HSNO regime to meet our goals and assisting the ongoing development of a sustainable and stable HSNO system.

We can all thank Anthony Leyland and the Kotuku publishing team for their continued efforts with the magazine and our administrators Linda Amitrano and Joanne Dalglas and your committee for their continued efforts on behalf of us all.

John Hickey
Institute president



Online forum, not chatroom, needed

by Rex Alexander

An informal chatroom in which participants can exchange views, ask questions and post answers is all very well but it is just that, informal. There is no guarantee that the answers to the question you put are any more valid than your own best guess.

The test certifier review recently undertaken by the Ministry for the Environment has identified, along with other shortcomings in the regime, the problem of differing opinions among test certifiers. This is complex legislation.

Even a test certifier working in the role fulltime is often unsure of the correct interpretation to be placed on some arcane control, or the interrelationship of one control to another, or even if there is a conflict of interest.

User pays

As a professional organisation targeting test certifiers as members, the NZIHSM is in the position of being able to provide a solution to this issue. Yes, the solution comes at a cost, but the service I am suggesting the institute provide can be by paid

up subscription and costs related to the question posed, and is unrelated to membership fees. You use the service, you pay the institute and you claim the cost as a business expense and on-charge to the client.

The institute pays for the forum to be professionally moderated and as required pays the expenses of the lawyer/consultant/government decision-maker, etc, giving of their time to provide the technical or legal answer. The moderator could be an extension of the already excellent ERMA 0800 service managed by Scott Common. Ideally there will be a little bit of profit in this for the institute.

So rather than an informal chatroom, and I am sure there would still be the call for that to continue, I would like to propose a more formal and strictly moderated on-line forum.

As I envisage it a test certifier or industry compliance manager, fire officer, local authority planner or even ERMA, MfE, or DoL officials would pose a question or a situation, along with maybe their take on a suggested solution. It would be nice to have the bandwidth to

submit photographs.

A lot of the situations uncovered by this legislation do not have easily defined solutions and the answers often create unintended consequences. The answer may come from any one of a number of different fields not exclusively from the authorities. There may actually be no answer just a considered best practice solution.

What follows is little different to the way the current chatroom operates; solutions are suggested by subscribing members. Hopefully in more concise fashion than currently; that is the role of the moderator to add an element of discipline to the discussion.

A loose analogy would be the HAZOP process.

Different end result

It is the end result that is different from the current chatroom discussion. Having heard the arguments, an appropriate ERMA technical or legal staff member gives a ruling. The standing of that ruling has a weight equivalent to that of an ERMA approval on a compliance plan.

The test certifier can certify against that decision with confidence and with no risk to their professional indemnity insurance cover, provided the question/situation was adequately explained at the beginning.

The body of knowledge that evolves over time would be published as usual in *Test Certifier Updates* providing well canvassed and legally binding

precedents against which the HSNO legislation can be safely administered and continue to grow.

Industry gets the consistency in decision-making that the current regime allegedly lacks. ERMA gets the advantage of continuous pragmatic consultation from the huge body of experience and knowledge that is out there in this field, but which is at the moment unco-ordinated and largely untapped.

Rex Alexander (M.I. Fire E) is Technical Director of Envirocom (NZ) Ltd – part of the HSNO Trainers and Test certifiers (NZ) Limited group of companies.
HSNO Test Certifier 000009

Numbering changes

ERMA has changed the way it manages its records of applications, including reassessments and amendments. This means the numbering system for any applications initiated after 1 June, 2009, have changed.

Application numbers no longer include letters such as NO and HS, to indicate the group or application type they relate to. Instead, all applications will be sequentially numbered ERMA0000001, ERMA0000002, etc.

All existing applications and documents associated to an application will be searchable on the ERMA NZ website under their previously assigned number.

Writing for Flashpoint

We welcome articles for *Flashpoint*.

Here are guidelines so you can make your article interesting and readable, inviting people to remember your work, and your article. Many of you reading this are in business and may be tempted to bash on about the things your company can do. This becomes advertorial, and is singularly boring for readers.

However, there are several ways to approach writing an article, which are interesting, and will leave the reader with a pleasant memory of you. Who knows, you might come across as such an interesting and experienced person they want to contact you!

- Write anecdotes about experiences on the job, very unusual situations you have been in or very challenging jobs. These have a ‘training’ function and sometimes a ‘safety’ function.
- Discuss a particular job, not to give away all the secrets, but to look at how it you analysed the situation and solutions that you came up with. These solutions do not to be in vast detail – interested people will get in touch with you if they need to.
- Look at a particular problem or solution in your field, such as specialised products, regulations that cause issues, potential issues which are not covered by the regulations and interpretations of regulations.

Photographs and diagrams are very helpful, not marketing ones but those showing the problem, the challenge, the solution, the technique or illustrations of the anecdote.

Feel free to contact the editor Anthony@firework.co.nz with a topic and suggested material. We can certainly assist you with helpful comments and ensure that what you mean is what gets printed.

Lastly, a simple check on what you are writing is that if you mention the name of your business or particular trade names more than once you have overdone it. We do not publish advertorial, but we can send you a rate card if you want to advertise. The best way to detail yourself and your company is a short paragraph declaring your interests which are relevant to the article. For instance my paragraph would go:

Anthony Lealand is the CEO of Firework Professionals Ltd and is a Test Certifier for Class 1 as well as editor of Flashpoint.



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Early action saves big clean-up

Early prevention work by the New Zealand Fire Service and good co-operation with the Auckland Regional Council pollution response team contained a potentially bad situation when a Henderson boat yard was razed recently.

The fire caused more than \$1 million of damage. More than 70 firefighters and 20 appliances spent 12 hours battling the blaze. The ARC's Nigel Clarke said firefighters had taken early protection measures by covering stormwater outlets to restrict fuel and chemical-laden water and foam getting into the system.

The pollution response team was called early on but even so, the amount of liquid and spilled fuel was over-loading the basic initial precautions. The team traced the outflows to natural water and installed outfall containment. The following day they cleaned up "quite a lot" of diesel and other fuels.

"The boatyard owner was required to hire sucker trucks to extract fuel from the neighbourhood stream and to clean up the stormwater system. Also, due to the intensity of the fire, a lot of asphalt melted so on-site pools had to be cleaned up."



Sponges soak up fuel that escaped into the stormwater system, and then a stream one km away – ARC photo.

About 200 people attending nearby church services were evacuated as the fire raged. "Someone said there was about 1000 litres of diesel ready to go up, so we evacuated quickly," one churchgoer said. "We heard continuous explosions and the smoke was so intense it was blocking out the sun."

Owner Grant Pethybridge said four boats were destroyed, including an old passenger ferry he was restoring, and his neighbouring house was also damaged.

A firefighter received minor back injuries after three of them narrowly missed being trapped under a large burning boat that rolled from its perch. Colleagues helped retrieve the trio and the man was sent to hospital where he was examined and released later in the day.

Henderson senior station officer Jim Maclean said the situation had the potential to be quite disastrous. Because of the nature of the business, the site had sizeable quantities of fuel, chemicals, wood and other combustibles.

Fire safety investigator Ray Coleman said the blaze may have been caused by an electrical fault but could also be linked to the use of an incinerator earlier in the day. "We may never be able to pinpoint the exact cause because of the widespread destruction." Because of the nature of the business at the boatyard, the site had sizeable quantities of fuel, chemicals, wood and other combustibles.

Firefighters had just finished with the boatyard blaze when the neighbouring building caught fire, unrelated to the first blaze.

Certificates without visits?

The Institute has received allegations that some test certifiers (not necessarily members) may be issuing certificates without a site visit by themselves or members of their independent team.

The Institute **STRONGLY ADVISES AGAINST** this course of action for the **SAFETY** of us **ALL** and will be keeping a watching brief on this issue.

Methyl bromide reassessment

A reassessment of the fumigant methyl bromide is underway, with the first stage expected to take about six months and include consultation with iwi, input from industry and government departments as well as scientific and expert findings from other relevant organisations here and overseas.

ERMA says one of the main concerns associated with methyl bromide is its ozone depleting qualities. Accordingly, its use in soil by strawberry growers is being phased-out under the Montreal Protocol. When current stocks are used up, methyl bromide's sole use in New Zealand will be for quarantine and pre-shipment purposes, in the fumigation of logs and other risk goods.

Once preliminary information is gathered, ERMA will publicly notify the reassessment and call for public submissions. This is expected to be later this year. ERMA will provide regular updates on the progress of the reassessment, including writing to interested parties and establishing a dedicated area on its website.

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Fireworks at Albany.

Risk analysis conference

The Ministry of Agriculture and Forestry and ERMA will host this years annual conference of the Society for Risk Analysis - Australia New Zealand in September. The conference is the fourth for the Australasian regional organisation, which exists primarily to promote best practice risk analysis and provide networks in the region.

It will be preceded by two workshops which will be open to all conference participants: Dr Keith Hayes from Australia's CSIRO on uncertainty, and Dr Karen Cronin from Environmental Science and Research, on risk communication.

<http://www.acera.unimelb.edu.au/sra/>

Engineers revamp coldstore design

Improvements to coldstore design, in light of the 2008 Tamahere explosion that killed one firefighter and injured several others, have been launched by the Institution of Professional Engineers New Zealand.

While there are no new actual HSNO clauses in the design guidelines, IPENZ chairman Gerry Coates says particular attention is given to care needed in building design around electric motors and switchgear operating in areas made hazardous by the possible presence of flammable gases.

“We advise these areas should be designed in collaboration with electrical, refrigeration and fire engineers. This becomes particularly important if an existing coldstore is to be altered in a way not anticipated in the original design.”

Aware of several serious fires in coldstores in the last 30 years that have caused deaths among workers and

firefighters, IPENZ convened a working party of experts to study many aspects of cold store engineering to provide guidelines on good practice design.

“Although our guidelines are directed towards engineers engaged in the design of coldstores, owners and operators, workers, emergency personnel and members of the public will benefit from increased safety.”

IPENZ lead the development of



this practice note and drawing on advice from ‘frontline’ experts including the Society of Fire Protection Engineers, the International Institute of Refrigeration, the Institute of Refrigeration, Heating, and Air Conditioning Engineers; engineering companies engaged in coldstore design; insurance companies, representatives of the Cold Storage Association along with government agencies.

“The regulatory environment in coldstore design is multi-faceted, in that the Building Act, the Electricity Act, the Hazardous Substances and New Organisms Act, the Health and Safety in Employment Act and various food acts must all be complied with.

Few people are sufficiently familiar with all of these to be able to design alone, so our design guidelines Coldstore Engineering draws attention to these Acts and the Regulations, Codes, and Standards which provide means of compliance,” said Mr Coates.

At around 60 pages, it is by far the longest practice note IPENZ has produced. <http://www.ipenz.org.nz/ipenz/forms/pdfs/PN15%20Coldstore%20Engineering%20in%20NZ.pdf>

CPD an ongoing priority

In line with NZIHSM policy of working together with all of the players in the HSNO regime our members, HSNO certifiers and enforcement were again pleased join with industry and the NZCIC at the recent conference at the Waipuna in Auckland.

This was an enjoyable and informative day where our members were treated to interesting seminars including:

- the Minister of Labour (Kate Wilkinson) who provided the keynote address;
- economic commentator Bernard Hickey who provided an interesting insight, aligned with a touch of humour, into how some of the members of the financial community learnt of the “sub-prime” troubles. He also provided some interesting viewpoints of what we need to do to cope and correct these issues;
- the Operations Manager from the Department of Labour provided a useful update of enforcement and plans to increase efforts in this area for the future;
- panel discussions lead by Barry Dyer and Bill Birch of NZCIC covering issues of HSNO relevance to Industry and our members with regards to compliance and enforcement activities.

The AGM was well attended with positive operational,

financial and member results. Recognition was also paid to the large amount of effort still required against a limited resource base to provide full professional association services to our HS professional members.

While recognition that positive progress has already been achieved there is still much work to be done specifically with regards to Continuing Professional Development of members and there is some discussion of NZIHSM linking in with ERMA to conduct a test certifier workshop within the next year.

All of the last year’s committee and secretary agreed to stand for re-election in addition to a new member, Kareema Yousef from Wellington, and were re-elected unaniously.

A number of general items including secretaries and

presidents reports, financial statements, the success of the Hazchat line, treatment of Classes 6-9 under the HSNO Act were also discussed with actions determined for the new year.

Some administrative items regarding the quorum requirements and the establishment of Fellows and Associate membership categories were passed. On a positive note, two of our members Jack Travis and Anthony Lealand were awarded Fellowships of the Institute in recognition of their continuing contributions to our Institute.

The executive expressed thanks to everyone who has been involved in fact or in spirit for the ongoing efforts of the professional institute as it continues to represent the interests of people, the environment and hazardous substance practitioners.



The NZIHSM committee and advisors are from left: Bill Birch (NZCIC), Phillip Tse, John Hickey, Linda Amitrano, Geoff Mayes, Jack Travis, Joanne Daglas (NZCIC), Anthony Leyland, Colin Pullan, Peter Roche Absent: Dave Lascelles, Peter Keller, Kareema Yousef.

Poisons remain an anomaly

The exclusions of classes 6-9 from certification and consequent inspection remains one of the great anomalies in the HSNO business.

The question was raised again at the AGM.

Institute president John Hickey says that in line with the institute's objective – to protect people and the environment against the adverse effects from the use of hazardous substances – and its code of ethics where certifiers are duty-bound to inform sites of any non-compliances or unacceptable risks for ALL hazardous substances, it does seem strange that the present HS Location Certification Regime asks us to only Certify Class 1-5 (or flammable) Hazardous substances.

This is likely to be a hang-over from the situation prior to the HSNO Act combining all relevant, but discrete legislation, together where the flammable dangerous goods were monitored by one government body and poisons et al, by a separate authority.

While it was certainly a positive move forward to recognise ALL of the hazardous properties of a substance under the single legislation, it does seem strange that certifiers can possibly ignore poisons, corrosives and eco-toxins and 'non-compliances'

thereof when they are issuing Hazardous Substance Location Certificates'.

Does this 'oversight' really "protect people and the environment"?

John says some of institute members strongly believe that Class 6, 7, 8 and 9 hazardous substances should also be included as part of the HSLC Regime, and the NZIHSM welcomes feedback based on practical experience so that we can pass this onto those who possibly should be concerned.



Jolly good Fellows

Anthony Lealand and Jack Travis are presented with their Fellowship certificates by president John Hickey.



Thoughts sought on dust

The institute welcomes members' input on the question of whether dust dangers should be raised under the general requirements of the HSNO regime.

There was an interesting discussion on dust explosions in the dairy and powder processing industries at a recent SCENZ/ IChemE seminar where NZISM was presenting. Those in the flour, sugar, dairy and chemical industries should know of the

dangers of a dust deflagration or explosion which can often be just as devastating as a gas explosion or bleve.

This is considered a big issue overseas and while there has been anecdotal reports of some potentially catastrophic incidents in New Zealand to

date, the personnel catastrophe has only been avoided by an incident occurring outside normal working hours.

The existing HSNO Act 1996 does not seem to adequately address the issues regarding potential risks from dust explosions and this does not seem to form any part of the test certification regime.

USEFUL ORGANISATIONAL CONTACTS

NZ Institute of Hazardous Substances Management

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.

NZ Chemical Industry Council

www.nzcic.org.nz

The NZCIC works closely with Government and industry partners to successfully implement the Hazardous Substances legislation. This is achieved by implementing and promoting Responsible Care™, the international SH&E protection initiative practised by the chemical industry in more than 53 countries worldwide.

ERMANZ

www.ermanz.govt.nz

Extensive information on working with hazardous substances.

Ministry for the Environment

www.mfe.govt.nz

The Ministry administer the HSNO Act, and provides policy, publications, technical reports and consultation documents

Department of Building and Housing

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/

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

If you know of other agencies which could be useful to members, please let us know at office@nzihsm.org.nz.