

## **SUBMISSION TO MBIE ON EXPOSURE DRAFT OF HEALTH AND SAFETY AT WORK (HAZARDOUS SUBSTANCES) REGULATIONS 2016**

26 February 2016

Thank you for the opportunity to comment on the exposure draft of the Health and Safety at Work (Hazardous Substances) Regulations 2016 (“the draft regulations”) intended to support the new Health and Safety at Work Act 2015. The Health and Safety Association of New Zealand (HASANZ) is pleased to present this submission on the draft regulations.

HASANZ is the umbrella organisation for workplace health and safety professions in New Zealand. It is an incorporated society that was launched on 10 September 2014. HASANZ represents ten diverse organisations with a shared purpose – to raise professional standards to provide healthier and safer workplaces for New Zealanders. We promote excellence in workplace health and safety practice.

Our founding member organisations include:

- Australian/New Zealand Society of Occupational Medicine (ANZSOM)
- Human Factors and Ergonomics Society of New Zealand (HFESNZ)
- Maintenance Engineers Society of New Zealand (MESNZ)
- NZ Institute of Hazardous Substances Management (NZIHSM)
- New Zealand Institute of Safety Management (NZISM)
- NZ Occupational Health Nurses Association (NZOHNA)
- NZ Occupational Hygiene Society (NZOHS)
- New Zealand Safety Council (NZSC)
- Physiotherapy New Zealand (Occupational Health Group) (NZSP)
- Occupational Therapy New Zealand (OTNZ).

This letter contains some high level comments on the exposure draft; some of our members have made their own, more detailed submissions on the draft regulations.

### **High quality guidance material is required, suitable for a variety of audiences**

Firstly, HASANZ applauds MBIE for its work to combine around 20 sets of regulations about hazardous substances into one set of regulations. This is a vast improvement on the current regime.

However, even though the regulations are now all in one place, the regime itself is still complex. It requires a significant effort to understand its many nuances and technical requirements (some of which entail references to other international standards and conventions) and the new regulations place heavy penalties on persons conducting a business or undertaking (PCBUs) for non-compliance.

Consequently, PCBUs need significant guidance on their responsibilities in relation to hazardous substances, which must be appropriate for the audience. Guidance needs to be available for both technical and non-technical audiences and in many forms, not just more large documents that are not easily absorbed by small businesses. The Environmental Protection Agency’s (EPA) recent toolbox initiative is an example of the kind of guidance that was very well received by industry.

### **Training requirements**

HASANZ considers that it is important that anyone working with a hazardous substance understands the risks and precautions to be employed in its safe use, transportation and storage. Under the current regime, where only approved handlers (or persons acting under the supervision of an approved handler) are authorised to handle hazardous substances, many people handle these substances without the appropriate supervision or checks in place and do not necessarily understand the risks, in particular, the longer-term health risks.

Therefore, HASANZ fully supports the training provided for at draft Regulation 4.3, especially the inclusion of training about the health hazards associated with the hazardous substances. By providing information, instruction and training, the regulation provides opportunity to raise the awareness of health and safety risk within the whole workplace and improve safe working practices.

#### *Cost increases for businesses*

However, HASANZ does have concerns about the likely cost increases for businesses associated with the more complex task for compliance certifiers when there are no standard frameworks in place for assessing PCBUs' training records. Under the current regime, a test certifier merely checks that a business' approved handler certifications are up to date in order to assess compliance. Under the new regime, a compliance certifier will need to check a PCBU's detailed training records to verify that those in the PCBU working with hazardous substances have been trained to do so. This will be a more thorough method of checking that the PCBU has provided training to those that need it, but it is likely to take significantly longer and therefore increase the cost of compliance for the PCBU.

#### *Record keeping*

With regard to draft Regulation 4.3(6) on record keeping, it is important that examples of good practice are given in any guidance provided and that PCBUs understand that record keeping does not need to be complicated. We suggest that when guidance material is developed, records industry and workplace health and safety professional organisations are involved.

#### *Aligning training with standards referred to in Safe Work Instruments*

With regard to draft Regulation 4.3(5) on aligning training with standards referred to in Safe Work Instruments (SWI), HASANZ believes that training of workers by PCBUs should not just rely on generic standards referred to in a SWI but also be tailored to the situation, job, task or process as necessary (and in cognisance of the capabilities of the person carrying it out) because in each case the risks around using the same substances can vary. For example, Class 2.1.1A covers both LPG and Acetylene, yet both gases have very different characteristics.

There should also be an alignment between the requirements of any standards referred to in a SWI (or good practice guide) with the relevant requirements about training in the proposed new Health and Safety Qualifications at NZQA Levels 3 and 4<sup>1</sup>. These cover requirements for appropriate training for people entering a trade/profession, including the health effects faced by that industry.

#### **Concluding remarks**

Thank you for providing the opportunity to comment on the draft regulations. HASANZ applauds the work undertaken to bring together the regulations for hazardous substances into one user-friendly document – this is truly a momentous task!

We support the proposed changes that require training for everyone in the workplace that comes into contact with hazardous substances as part of their daily work activities. It is hoped with the associated increase in knowledge will come a wider understanding of the effects of hazardous substances and, consequently, a higher chance of reducing the risk of long-term health effects and the burden of occupation illness on the country.

---

<sup>1</sup> See The Skills Organisation's Targeted Review of Qualifications (TRoQ) in the health and safety sector, currently underway.

For any questions in relation to this submission, please contact [info@hasanz.org.nz](mailto:info@hasanz.org.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Judy Currie', with a long horizontal flourish extending to the right.

Judy Currie  
**HASANZ Secretary**