



Environmental
Protection Authority
Te Mana Rauhi Taiao

Working Safer Reforms: Hazardous Substances

HASANZ Conference, September 2016

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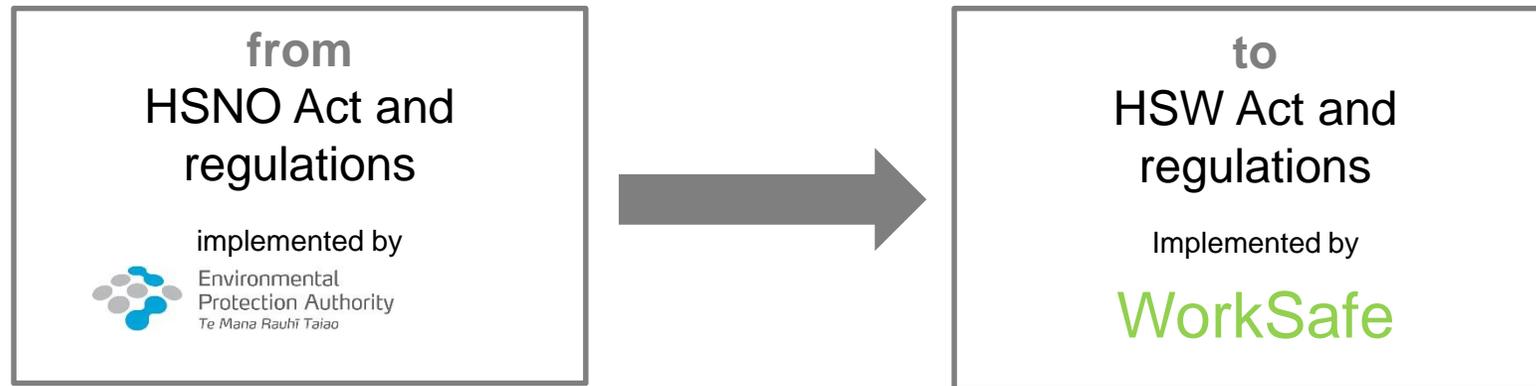
Outline

- Background
- Legislative changes: HSW and HSNO
- EPA responsibilities after reform
- EPA Notices
 - Notices in force
 - Notice proposals we've consulted on
 - Notice proposals still to consult on
- Reissue of approvals (group standards and individual approvals)



Background

- Rules that govern workplace use of hazardous substances moving:



- Changes to workplace health and safety legislation and the Hazardous Substances and New Organisms Act

New HSW legislation

- Health and Safety at Work (HSW) Act 2015 came into force 4 April 2016
- Some regulations already in force but not Hazardous Substance Regulations – due mid-2017
- MBIE working through submissions
- Largely ‘lift and shift’ of workplace provisions in many HSNO regulations and gazette notices (not ecotoxic)
- Some changes to current HSNO requirements, e.g:
 - Approved handler removed from some classifications, replaced by supervision, training duties of PCBU
 - New location test certification requirement for highly toxic and corrosive substances.



HSNO after the reform

- All substances need a HSNO approval
- Sets hazardous substance rules:
 - outside of the workplace to protect the general public
 - to protect the environment
 - Ecotoxic substances
 - Disposal of all substances
 - at the top of the supply chain
 - Labelling
 - Safety Data Sheets
 - Packaging



EPA responsibilities after the reform

- Approving new hazardous substances
- HSNO Amendment Act - passed Sep 2015
 - new enforcement role for EPA
 - approvals
 - labels, SDS, packaging
 - product content controls
 - allows EPA to develop EPA Notices – a new tool for developing rules under HSNO



Other changes to HSNO enforcement

- WorkSafe to enforce environmental and disposal controls (in workplaces)
- Police to enforce sales of retail fireworks (restrictions on age and period of sale)
- No change to other enforcement agencies areas of responsibilities BUT scope reduced for transport agencies due to split of controls
 - vehicles (inc tank wagons), ships etc – now in HSW
- Ministry of Health – no significant change
- Territorial Local Authorities – no significant change



EPA Notices

- Most HSNO rules will be set in EPA Notices rather than regulation
 - EPA Notices are approved by EPA Board
 - don't need to go through Cabinet
 - can be updated quickly – help us to keep up to date with international developments
 - robust process
 - Allows consolidation of rules currently spread across many different regulations
 - Most EPA Notices will come into force mid-July 2017 (some already in force)
 - Most hazardous substance regulations will be revoked
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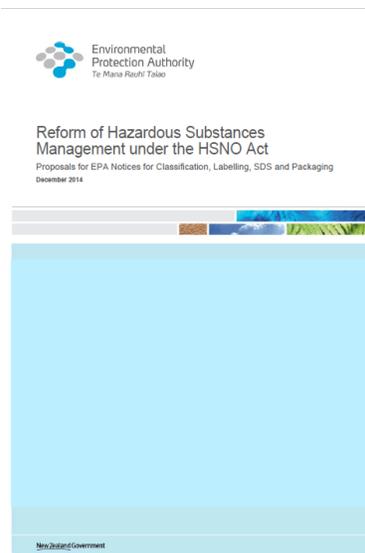
EPA Notices in force

- *Hazardous Substances (Importer and Manufacturer Information) Notice 2015*
 - New requirement for businesses that make or import hazardous substances to provide basic contact information to the EPA.
- *Hazardous Substances (Enforcement Officer Qualifications) Notice 2015*
 - Replaces parts of the Personnel Qualification Regulations
 - Sets competency requirements for warranted HS enforcement officers (knowledge and experience)
 - No longer a set time period to work under guidance of a HSNO-warranted officer.



Notice proposals already consulted on

- Classification, Labelling, Safety Data Sheets and Packaging Notices consulted on Dec 2014
- Received 80 submissions, mostly in support



- Focus is on delivering the split in functions with WorkSafe and preparing our EPA Notices, for commencement mid-2017
- Seeking feedback on our decision to ***defer updating the current classification system***

Notice proposals already consulted on

- Propose going ahead with Labelling, SDS and Packaging Notices based on consulted proposals but with changes following submissions
- *Classification Notice* will retain existing system
- *Labelling Notice*
 - Based on EU and Australian adoption of GHS
- *Safety Data Sheets Notice*
 - GHS 16 header format
- *Packaging Notice*
 - Align more closely to UN transport model regulations
- Second discussion document on these proposals released later this month



Notice proposals already consulted on

- Disposal Notice - consultation closed last month
- Replaces the Hazardous Substances (Disposal) Regulations and disposal rules in group standards:
 - delete rules that are no longer needed
 - update out of date rules
 - include new rules
 - transfer remaining rules unchanged



Notice proposals to come

- Hazardous Property Controls Notice
 - Non-workplace controls, e.g.
 - Prohibition of sale of certain highly hazardous substances to non-workplaces (replaces approved handler control)
 - Environmental controls (mainly on pesticides), e.g.
 - certification of pesticide applicators (to replace approved handler control for ecotoxic substances)
 - spray drift management controls
- Public consultation expected later this month



Notice proposals to come

- Forms and Information Notice
- Replaces requirements currently in Regulations and will include:
 - information requirements for applications made under sections 28, 31 and 47 of the HSNO Act
 - forms for compliances orders
- Public consultation expected later this month



Status of Existing Approvals

- Substances that are currently approved will still be approved post commencement
- BUT current HSNO workplace controls will no longer apply – need to comply with HSW Regulations immediately
- EPA website controls database will display relevant HSNO controls and the HSW controls
- Committed to providing comparable level of information on controls as presently



Re-issue of Existing Approvals

- New set of group standards re-issued for “Day 1”
- New group standards will reflect:
 - movement of workplace controls to HSW Hazardous Substance Regulations
 - movement of other controls to EPA Notices
- Circulate exposure drafts early 2017
- Still working on finalising timing and process for formally reissuing individual approvals to remove superseded workplace controls and to refer to EPA Notices



Thank you

Questions?

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