

The Test Certifier Update, is a WorkSafe New Zealand newsletter to support test certifiers by providing information, guidance and updates on hazardous substances and test certification.

The Update is also available to other interested parties on the WorkSafe website at: www.worksafe.govt.nz

CONTENTS

[New Hazardous Substances Regulations](#)

[LPG tanks at service stations and related sites](#)

[Notifying emergency response plans to NZFS](#)

[Review of VTA and fumigant test certifier approvals](#)

[Major Hazard Facilities and Hazardous Substances](#)

[Major Hazard Facilities \(MHF\) Updates](#)

[Compliance plans with an expiry date](#)

[New Test Certifier Performance Standard](#)

[New requirements for importers and manufacturers](#)

[Update on EPA Notices](#)

[Workplace exposure at container terminals](#)

[Regulating Asbestos](#)

[API 653 Tank Inspection Course](#)

[Aged Standards Review - Manufacturing and Processing Sector Public Consultation](#)



WorkSafe Chief Executive, Gordon MacDonald, opening the September 2015 Test Certifier workshop

NEW HAZARDOUS SUBSTANCES REGULATIONS

The Ministry of Business, Innovation and Employment (MBIE) continue to progress the new Hazardous Substance regulations to be made under the *Health and Safety at Work Act 2015*. These regulations will consolidate into a single set of regulations the:

- > Current workplace use controls prescribed in HSNO regulations (including relevant parts of the Classes 1 to 5 Controls Regulations, the Classes 6, 8 and 9 Controls Regulations, Emergency Management, Tracking, Tank Wagon, and Compressed Gases Regulations).
- > Schedules 8, 9 and 10 of the Hazardous Substances and Dangerous Goods Transfer Notice.
- > Varied controls given in other Transfer Notices (such as the Chemicals Transfer Notice, Vertebrate Poisons Transfer Notice, Fumigants Transfer Notice etc) and Group Standard Approvals.

- > Varied controls set in individual approvals or reassessments undertaken by the Environmental Protection Authority (such as the varied controls from the methyl bromide reassessment and the reassessment of LPG).

The regulations will also include provisions currently set out in the HSNO Act (clauses 82 to 86) regarding the appointment of test certifiers and the issuing of test certificates.

The exposure draft of the regulations are expected to be released in late November/early December. The process for making comments on these draft regulations will be advised by MBIE at the time. It is important that test certifiers take the opportunity to look closely at these regulations.

[BACK TO CONTENTS PAGE](#)

LPG TANKS AT SERVICE STATIONS AND RELATED SITES

Test certifiers are reporting that changes to land use at service station site boundaries and the addition of facilities at service stations – such as car washes and ice making and storage equipment – are challenging the separation distances available to bulk LPG tanks and cylinder filling stations on the service station property.

Land use in proximity to the storage tank or cylinder filling station has changed from low intensity to high intensity. These changes will mean service station sites affected by such change will not be able to renew their Location Test Certificate unless the owners of the LPG installations take action to install suitable walls and seek approval from WorkSafe for a reduction in separation distance.

[BACK TO CONTENTS PAGE](#)

NOTIFYING EMERGENCY RESPONSE PLANS TO NZFS

Before issuing a test certificate, test certifiers must be satisfied on reasonable grounds that the prescribed requirements have been met. This includes the requirements of the Hazardous Substances (Emergency Management) Regulations 2001.

The New Zealand Fire Service (NZFS) should receive a copy of all Level 3 Emergency Response Plans (HSNO ERP) to confirm that their role in the plan is achievable, appropriate and in accordance with operational policies.



A HSNO ERP must be sent to the relevant Fire Area Commander. A list of Fire Area Offices is below:

AREA	ADDRESS	PHONE
Muri Whenua	9 Homestead Road Kerikeri Northland	09 4076513
Whangarei/Kaipara	C/o 12 Mansfield Terrace Whangarei 0112	09 4389203
Waitemata	PO Box 300-412 Albany Auckland 0752	09 3545170
Auckland City	PO Box 68646, Auckland 1145	09 3025192
Counties Manukau	PO Box 97945 Manukau 2241	09 2620764
Waikato	PO Box 1343 Hamilton	07 8394996
Eastern Waikato	PO Box 159 Thames 3540	07 8679054
Bay of Plenty Coast	PO Box 341 Tauranga 3140	07 5787099
Central Lakes	PO Box 117 Rotorua	07 3483198
Tairāwhiti	PO Box 180 Gisborne	06 8679039
Hawkes Bay	PO Box 4122 Napier 4143	06 8436123
Taranaki	PO Box 747 New Plymouth	06 7573860
Whanganui	PO Box 334 Whanganui 4540	06 3480103
Manawatu	PO Box 688 Palmerston North	06 3578025
Hutt Wairapa	955-957 High Street Lower Hutt	04 5778380
Wellington	PO Box 19-161 Courtenay Pl Wellington 6021	04 8012140
Tasman Marlborough	PO Box 7003 Nelson 7024	03 5462100
West Coast	PO Box 222 Greymouth 7840	03 7680313

AREA	ADDRESS	PHONE
Nth/Mid Canterbury	PO Box 63 Rolleston	03 3478635
Christchurch	PO Box 13-747 Christchurch 8141	03 3728601
South Canterbury	PO Box 683 Timaru 7940	03 6841200
Central/North Otago	PO Box 2360 Wakitipu 9349 Queenstown	03 4414537
East Otago	PO Box 341 Dunedin	034677551
Southland	PO Box 192 Invercargill	03 2184114

The Fire Area Commander will be looking at:

- > whether the actions required of the NZFS:
 - are initiated by a 111 call, or activation of a fire alarm system monitored by the Fire Service
 - are achievable in terms of appliances, equipment, personnel knowledge and capability
 - are in line with NZFS Operational Instructions
 - will require a regionally or nationally sourced incident management team if the incident is large and/or complex
 - the presence of emergency teams or other specialist advisors on the site, their capability, and their roles
- > whether the HSNO ERP testing requirements are achievable.

ERPs need to be quite specific about what the Fire Services' role is. Simply stating 'to contain a spill' or 'to extinguish a fire' provides

insufficient detail. The Fire Service needs to know what their role is in the reasonably foreseeable incident. For example: 'to contain and neutralize a spill of 30,000 litres of 33% hydrochloric acid leaking from a bund into an open yard'.

The Fire Area Commander will respond in writing to the Person in Charge including advising if the plan is outside the role of the fire service or if it lacks key information upon which a decision can be reached. In either case the Person in Charge must address this matter.

A deficiency of this nature is not considered 'minor and technical' and therefore the test certifier must not issue a conditional location test certificate and **must** notify WorkSafe.

For further information, contact Dick Thornton Grimes, NZ Fire Service Hazardous Substance Advisor: Phone 09 302 354 5125 Email: Dick.Thornton-Grimes@fire.org.nz

[BACK TO CONTENTS PAGE](#)

REVIEW OF VTA AND FUMIGANT TEST CERTIFIER APPROVALS

We will shortly commence a review of the wording used in the approval given to test certifiers to issue approved handler test certificates for vertebrate toxic agents and fumigants. The aim of the review is to clarify

the precise substances a test certifier is approved for. For example, many approvals simply state 'Handlers in Control of Vertebrate Toxic Agents'.

We intend to amend this so that the approval will now state (for example) 'Handlers in Control of Potassium Cyanide, Sodium Cyanide, 1080'. To ensure we transpose approvals accurately, we will contact each test certifier to confirm which substance they have the required knowledge and experience to certify. You can expect a call or email in the next month.

Before any changes are made you will be consulted either by phone or email to confirm whether or not our proposed wording is accurate.

[BACK TO CONTENTS PAGE](#)

MAJOR HAZARD FACILITIES AND HAZARDOUS SUBSTANCES

Under the Health and Safety reform, WorkSafe's Major Hazard Facilities (MHF) team are conducting pre-MHF regulation engagement visits to facilities that are believed to have quantities of hazardous substances above the MHF thresholds. The primary purpose of these visits is to engage with and educate duty holders regarding the MHF Regulations.

The MHF inspectors are chemists and chemical engineers who are appointed as Health and Safety Inspectors. They are also appointed as HSNO inspectors, or are working towards this appointment, and will therefore recognise non-compliance with HSNO during visits to major hazard facilities.

Any HSNO non-compliance observed by the MHF team during their MHF visits will be responded to using the following process:

1. If a non-compliance requires immediate action the MHF Inspector will take compliance action in accordance with WorkSafe Policy. This may require the issue of a compliance order under the HSNO Act. The MHF Inspector will follow-up directly with the local WorkSafe office, test certifier and CAR team as appropriate.



2. If an MHF Inspector needs clarity on apparent anomalies with a current test certificate, they will contact the test certifier directly for clarification, eg to query whether a test certificate is issued on the basis of an approved variation or waiver for not meeting a prescribed requirement.
3. After clarification with the test certifier, the MHF Inspector may take no further action, take enforcement action, or refer any anomalies to the CAR team if technical clarification is required.

[BACK TO CONTENTS PAGE](#)

MAJOR HAZARD FACILITIES (MHF) UPDATES

WorkSafe is producing a new quarterly update for the Major Hazard Facilities (MHF), petroleum and geothermal industry sectors. These quarterly updates will bring together

information and guidance around health and safety matters. MHF updates are available to be viewed [here](#).

[BACK TO CONTENTS PAGE](#)

COMPLIANCE PLANS WITH AN EXPIRY DATE

Test certifiers are requested to carefully consider compliance plans for stationary container systems they are certifying. This is because expiry dates have been set for different reasons.

The expiry date may be set to ensure that all conditions are met by that date. If the stationary container system has met all its conditions, the system can operate into the future according to the standard provisions for renewal of stationary container test certificates.

Alternatively, an expiry date may be set to the expected lifetime of the stationary container

system. Beyond that date, the tank(s) should be replaced. If the tank is considered to still have useful service life, the test certifier should advise the person in charge to apply for a variation to the compliance plan.

In some cases, an expiry date has been set due to the uncertainty or limitations of information provided for the stationary container system (eg lack of design specifications). If an extension beyond the expiry date is to be considered, better information needs to be assembled to demonstrate the risks are managed.

[BACK TO CONTENTS PAGE](#)

NEW TEST CERTIFIER PERFORMANCE STANDARD

A new performance standard for test certifiers has been produced for Stationary Container Systems. This is available on WorkSafe's website [here](#).

All test certifier performance standards are available [here](#).

[BACK TO CONTENTS PAGE](#)

NEW REQUIREMENTS FOR IMPORTERS AND MANUFACTURERS

The Environmental Protection Authority (EPA) is introducing new rules for importers and manufacturers of hazardous substances which come into effect on 19 November 2015. This will require importers or manufacturers of hazardous substances to provide their contact information to the EPA.

Contact details must be provided to the EPA within 30 days of the first time a hazardous substance is imported or manufactured. Where a company has been importing or manufacturing hazardous substances for

a long time, they must still provide their contact details to the EPA.

This information only needs to be provided to the EPA once. However, if the importer's or manufacturer's contact details change they must inform the EPA.

Contact information is **not** required where hazardous substances are imported **only for personal use**.

For further information visit the [EPA](#) website.

[BACK TO CONTENTS PAGE](#)

UPDATE ON EPA NOTICES

The Environmental Protection Authority (EPA) is developing new legal tools called EPA notices, which have been introduced as part of the hazardous substances reform. These notices allow more timely change when technical knowledge progresses, but still follow a rigorous process including public consultation.

The EPA is working on several EPA Notices covering the classification of hazardous substances, labelling, packaging, safety data sheets, disposal, hazardous property controls to manage environmental effects, and hazardous substance enforcement officer qualifications.

Consultation on five of these other notices (classification, labelling, safety data sheets, packaging, and enforcement officer qualifications) was run earlier this year. You can see the proposals that were consulted on and the submissions received on the [EPA](#) website.

The EPA is in currently preparing consultation documents for the disposal notice and the hazardous property controls notice.

Detail on the changes can be found on the [EPA](#) website.

[BACK TO CONTENTS PAGE](#)

WORKPLACE EXPOSURE AT CONTAINER TERMINALS

WorkSafe has developed a new fact sheet to help protect workers who are inspecting and unloading shipping containers. Shipping containers may contain high levels of fumigants, or other harmful substances from the off-gassing of products or product packaging being transported inside shipping containers.

This fact sheet – [Keeping safe from harmful substances while inspecting or unpacking containers](#) – provides guidance for employers to help keep workers safe.



[BACK TO CONTENTS PAGE](#)

REGULATING ASBESTOS

With the ongoing HSE and HSNO Act reforms bringing hazardous substances and workplace health and safety regulation closer together, WorkSafe will provide more information to test certifiers relating to health and safety matters.

Exposure to asbestos is the biggest cause of work-related disease mortality in New Zealand. Estimates of fatalities vary from 170 people per year to an upper limit of 300. The data shows a rise in the number of fatalities from asbestos-related cancers.

The increase in the number of asbestos-related deaths was caused by past exposure to asbestos that could have occurred as far back as the 1950s or 1960s. While preventative measures are too late for this wave of asbestos-related deaths, this data is a timely reminder of the toll of exposure to asbestos.

It also reinforces the need to ensure present-day exposure to asbestos is prevented.

The planned Health and Safety at Work (Asbestos) Regulations will replace the current asbestos regulations.

The regulations are designed to ensure persons conducting a business or undertaking (PCBUs) manage the risks of respirable asbestos exposure, and that the Government is adequately monitoring and regulating them.

WorkSafe's approach is to have prescribed mandatory processes and standards that deal with the volume and types of asbestos in workplaces and the built environment appropriately.

Once the new asbestos regulations come into force on the 4 April 2016, asbestos removal

work will require an asbestos removal license which will be issued by WorkSafe:

- > Class A license for the removal of friable asbestos
- > Class B license for the removal of non-friable asbestos

There will also be another category of license required whilst removing friable asbestos.

- > Asbestos assessor license - Licensed assessors will be required to independently undertake air monitoring of removal areas, carry out clearance inspections and issue clearance certificates.

People who currently have an asbestos Certificate of Competence (CoC) will be allowed to continue the work they are currently permitted to do until the CoC expires.

Certificates of Competence for asbestos will continue to be issued by WorkSafe until the new regime is in place.

Information on the new asbestos regulations can be found on WorkSafe's website [here](#).

[BACK TO CONTENTS PAGE](#)

API 653 TANK INSPECTION COURSE

Worldwide Tank Services will be running an API 653 Tank Inspection, Repair, Alteration and Reconstruction course in Auckland from 15-19 February 2016.

A course overview is available [here](#).

Any test certifiers interested in participating in the course can go to the WTS website for further course information and registration: www.worldwidetank.com.au/api-courses-and-examinations

[BACK TO CONTENTS PAGE](#)

AGED STANDARDS REVIEW – MANUFACTURING AND PROCESSING SECTOR PUBLIC CONSULTATION

Standards Australia are seeking input from stakeholders about all aged standards that do not fall within the area of oversight of any active technical committee.

Australian Standards which have not been revised for more than 10 years, are not referenced in regulation and do not fall within

the area of oversight of any active committee are being proposed to be withdrawn after a period of public consultation.

The consultation period for the Manufacturing and Processing sector started on Monday 2 November 2015 and ends on Friday 15 January 2016.

To see a list of Australian Standards proposed for withdrawal, visit Standards Australia's [Aged Standards](#) page and click on the relevant sector.

Where there are no objections to proposed withdrawals, the list of Aged Standards will be submitted to the Production Management Group (PMG) for their approval to withdraw these standards. Joint Australian/New Zealand Standards will also be submitted to Standards New Zealand (SNZ) for approval to be withdrawn.

Where objections to withdraw Aged Standards are raised, Standards Australia will assess the objections and where necessary undertake further consultation with relevant stakeholders before reaching a final determination on the most appropriate action to be taken for each standard.

The consultation period for the proposed withdrawal of Aged Standards in the following sectors has already been completed:

- > Mining
- > Agriculture, Forestry, Fishing and Food
- > Water and Waste Services
- > Public Safety, Public Administration, Business and Management
- > Transport and Logistics
- > Consumer Products, Services and Safety
- > Health and Community Services
- > Electrotechnology and Energy
- > Building and Construction
- > Communications

For further information, please visit Standards Australia's [Aged Standards](#) page, contact Standards Australia on 1800 035 822 or email the [Aged Standards Team](#).

[BACK TO CONTENTS PAGE](#)