

# Public consultation

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*HAZARDOUS SUBSTANCES  
SAFE WORK INSTRUMENT*

July 2018



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## Purpose

This document seeks public comment on a proposed safe work instrument (SWI).

**The deadline for receipt of all submissions is 5.00 pm on 24 August 2018.**

## How to have your say

Have your say by reviewing the proposed SWI and completing the submission form.

If you have any questions during public consultation please contact WorkSafe:

[regulatory.frameworks@worksafe.govt.nz](mailto:regulatory.frameworks@worksafe.govt.nz)

## Your submission may be made public

Once you make your submission, anyone can ask for it under the Official Information Act 1982. If you have any queries about how the information in your submission is dealt with, please contact WorkSafe: [regulatory.frameworks@worksafe.govt.nz](mailto:regulatory.frameworks@worksafe.govt.nz)

Further information is available at: [www.legislation.govt.nz](http://www.legislation.govt.nz)

## What happens next

Once the consultation period has ended, we will analyse submissions and finalise the proposed SWI in light of the feedback received. WorkSafe will provide a summary of submissions received and any changes to the draft SWI. The SWI will then be presented to the Minister for approval.

## What is a safe work instrument?

SWIs are a tool provided for in section 227 of the Health and Safety at Work Act 2017 (HSWA). They are a type of subordinate instrument (sometimes called tertiary legislation) used to support or complement regulations.

A SWI has legal effect only to the extent it is referred to in regulations made under relevant health and safety legislation, such as HSWA. A SWI can be made for the purposes of defining terms, prescribing matters, or making other provision in relation to any activity or thing, including (without limitation) listing standards, control of substances, and competency requirements.

In the context of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations), they can also set additional or modified requirements for the work-related use of hazardous substances approved or reassessed by the Environmental Protection Authority (EPA).

Further information about safe work instruments can be found on WorkSafe's website: [worksafe.govt.nz](http://worksafe.govt.nz)

## Consultation for safe work instruments

SWIs are developed by WorkSafe and approved by the Minister for Workplace Relations and Safety. The Minister must not approve a SWI unless satisfied that appropriate persons and organisations have been consulted on it, having regard to its subject matter.

We are seeking your views on the draft Health and Safety at Work (Hazardous Substances – Additional Substances that Do Not Require Tracking) Safe Work Instrument 2018.

## **Health and Safety at Work (Hazardous Substances – Additional Substances that Do Not Require Tracking) Safe Work Instrument 2018**

### What is FuelMix – Premixed 2-stroke fuel?

FuelMix Premixed 2-stroke fuel (FuelMix) is a commercially produced mixture of unleaded petrol and two stroke oil. It is a class 3.1A hazardous substance (flammable liquid). FuelMix is intended to be imported and manufactured for commercial and domestic use.

### FuelMix Premixed 2-stroke fuel and hazardous substances tracking requirements

As FuelMix is a class 3.1A hazardous substance, it is subject to the tacking requirements in Part 19 of the Regulations. This proposed SWI will add FuelMix to table 3 of schedule 26 of the Regulations; the hazardous substances listed in table 3 do not require tracking. The referring provision in the Regulations that provides for this SWI is 19.3.

### Costs and benefits of the proposed safe work instrument

A mixture of petrol and two-stroke oil is commonly used in domestic tools such as lawn mowers, weed trimmers and leaf blowers, as well as commercial tools such as concrete saws, water pumps and generators. Members of the public often prepare the fuel mixture themselves.

A premixed two-stroke fuel product will provide a safer alternative for consumers who currently prepare the mixture themselves.

The product will be sold in 1 litre containers in places such as garden centres and service stations where similar products are already sold, these businesses are already familiar with the workplace risk management requirements for these types of products.

If FuelMix is subject to the tracking provisions in the Regulations it would be subject to a disproportionately more restrictive regulatory regime than other similar fuel products that do not require tracking. These requirements would prevent the product being sold to the public as intended.

### **Implementation**

Following consultation, the proposed SWI will be finalised and then submitted to the Minister for Workplace Relations and Safety for the Minister's consideration.

This SWI will take effect once approved. This is planned for November 2018.

As required under section 227 of HSWA, the SWIs will be available free of charge on WorkSafe's website once approved. WorkSafe will inform you when it is published.

The SWI may also be purchased in hard copy at a reasonable charge (if any).

## **Disclaimer**

WorkSafe New Zealand has made every effort to ensure the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe may change the contents of this guide at any time without notice.

This document is a guideline only. It should not be used as a substitute for legislation or legal advice. WorkSafe is not responsible for the results of any action taken on the basis of information in this document, or for any errors or omissions.

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[worksafe.govt.nz](http://worksafe.govt.nz)



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