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Health and Safety at Work (Hazardous Substances—Certified Handler of Class 1 Substances Compliance Certification) Performance Standard 2021

This performance standard is issued under regulation 6.43 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 by Chief Executive WorkSafe New Zealand, after being satisfied that appropriate consultation has been carried out under regulation 6.44 of those Regulations.

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Additional provisions: verifying competency requirements for certified handler of explosives

Performance standard

1 Title

This is the Health and Safety at Work (Hazardous Substances—Certified Handler of Class 1 Substances Compliance Certification) Performance Standard 2021.

2 Commencement

This performance standard comes into force on 1 July 2021.

Part 1

Preliminary provisions

3 Purpose

The purpose of this performance standard is to set out the information and process requirements that a compliance certifier must comply with when issuing or renewing a certified handler compliance certificate for a class 1 substance.

4 Interpretation

(1) In this performance standard, unless the context otherwise requires,—

Act means the Health and Safety at Work Act 2015

applicant means a person applying for a certified handler compliance certificate for an explosive

article means a manufactured thing containing, incorporating, or including any hazardous substance with explosive properties

bulk means, in relation to the transportation of an explosive, a quantity of the explosive that—

- (a) is required by the Regulations to be under the personal control of a certified handler; and
- (b) exceeds—

- (i) 50 kg calculated in accordance with regulation 10(6) of the Regulations, if the explosive is in the form of a solid; or
- (ii) 50 L, if the explosive is in the form of a liquid

commercial transport means the carriage of explosives for hire or reward by a motor vehicle, a rail vehicle, a vessel or an aircraft

competency requirements means the competency requirements for certified handlers specified in regulation 4.3 of the Regulations

compliance certifier means a person who is authorised by WorkSafe under regulation 6.8 of the Regulations to issue compliance certificates

construction work—

- (a) means carrying out blasting in proximity to a building, structure, or infrastructure in an urban or industrial environment, including in connection with the alteration, construction, erection, installation, renewal or repair of the building, structure or infrastructure; and
- (b) includes—
 - (i) blasting carried out to remove loose rock from ground level, or to stabilise a rock face near a road; and
 - (ii) blasting carried out for road maintenance purposes; and
 - (iii) footing and trenching for the installation of power poles; but
- (c) does not include—
 - (i) demolition; or
 - (ii) underwater work; or
 - (iii) work in any mine, quarry or tunnel; or
 - (iv) electrical supply and transmission work

demolition—

- (a) means the partial or complete destruction of a building (including a multi-level building) or other structure; but
- (b) does not include underwater work

display experience in relation to an outdoor pyrotechnic display means,—

- (a) for a level 1 display or a level 2 display, experience of the following gained under the direct supervision of a certified handler who holds a certificate of competency to carry out a level 2 display or level 3 display:
 - (i) in the case of a level 1 display—
 - (A) participation in at least four level 1 displays; and
 - (B) the full planning, organisation, and supervision of at least one level 1 display;
 - (ii) in the case of a level 2 display—
 - (C) participation in at least four level 2 displays; and

(D) the full planning, organisation, and supervision of at least two level 2 displays:

- (b) for a level 3 display, participation in at least four outdoor pyrotechnic displays that are level 3 displays under the direct supervision of a certified handler who holds a certificate of competency to carry out a level 3 display

electrical supply and transmission work means electrical supply and transmission work, including, for example, work that involves welding, crimping or circuit breakers

EPA means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

explosive means a class 1 substance, including an article

explosives detection work means training animals or calibrate electronic and technical equipment for the detection of explosives

Globally Harmonised System of Classification and Labelling of Chemicals means the international standard for the classification, identification and labelling of chemicals, first adopted by the United Nations in December 2002

Hazardous Substances (Classification) Notice 2020 means the Hazardous Substances (Classification) Notice 2020 issued by the EPA under Part 6 of the HSNO Act

Hazardous Substances (Disposal) Notice 2017 means the Hazardous Substances (Disposal) Notice 2017 issued by the EPA under Part 6 of the HSNO Act

hazardous substance notice issued by the EPA means a notice issued in the *Gazette* by the EPA under Part 6 of the HSNO Act or under any other provision of the HSNO Act that applies section 76C of that Act

hierarchy of controls means the system used to determine how to manage work health and safety risk in which the following steps are ranked from most effective to least effective:

- (a) eliminating the risk:
(b) minimising the risk by (in order):
 (i) substituting the hazard:
 (ii) isolating the hazard:
 (iii) implementing engineering controls:
(c) implementing administrative controls:
(d) providing and using personal protective equipment

HSNO Act means the Hazardous Substances and New Organisms Act 1996

land operations—

- (a) means agricultural and conservation work; and
(b) includes activities such as fencing and track work; but
(c) does not include —
 (i) construction work; or
 (ii) underwater work; or

(iii) quarrying

level 1 display means an outdoor pyrotechnic display up to a maximum height of 60 m that—

- (a) involves firing any of the following articles containing a class 1.3G, 1.4G, or 1.4S substance (a **level 1 article**):
 - (i) a multi shot cake or mine (pre-loaded, chain-fused shells in non-reusable mortars) with a maximum internal diameter of 30 mm:
 - (ii) a fountain with a maximum internal diameter of 75 mm:
 - (iii) a mine with a maximum internal diameter of 75 mm:
 - (iv) a single shot comet with a maximum internal diameter of 50 mm:
 - (v) a roman candle with a maximum internal diameter of 30 mm:
 - (vi) any set piece made with lances or sparklers:
 - (vii) a cracker chain:
 - (viii) a catherine wheel:
 - (ix) a fall:
 - (x) a streamer or confetti mine:
 - (xi) a flare:
 - (xii) an electrical igniter; and
- (b) does not involve firing a level 2 article or a level 3 article

level 2 display means an outdoor pyrotechnic display that—

- (a) involves firing any of the following articles containing a class 1.3G, 1.4G, or 1.4S substance (a **level 2 article**):
 - (i) a multi shot cake or mine with a maximum internal diameter of more than 30 mm:
 - (ii) a fountain with a maximum internal diameter of more than 75 mm:
 - (iii) a mine with a maximum internal diameter of more than 75 mm:
 - (iv) a single shot comet with a maximum internal diameter of more than 50 mm:
 - (v) a roman candle with a maximum internal diameter of more than 30 mm:
 - (vi) other ground effect products:
 - (vii) a star or aerial shell with a maximum diameter of 100 mm; and
- (b) may involve firing a level 1 display article; and
- (c) does not involve firing a level 3 article

level 3 display means an outdoor pyrotechnic display of any height that—

- (a) involves firing any of the following articles containing a class 1.1G, 1.2G, 1.3G, 1.4G or 1.4S substance (a **level 3 article**):

- (i) an aerial shell with a maximum diameter of less than 300 mm;
 - (ii) an aerial shell with a maximum diameter of 300 mm or more, as specified by the compliance certifier;
 - (iii) a salute; and
- (b) may involve firing a level 1 article or a level 2 article or both

life cycle phase means, in relation to the particular phases of the life cycle of an explosive or combination of explosives, its manufacture, storage, transport, use or disposal

manufacture, in relation to an explosive, includes the following processes:

- (a) making an explosive;
- (b) adapting an explosive to make any other explosive;
- (c) dividing up an article into component parts;
- (d) breaking up or unmaking an article;
- (e) remaking or altering or repairing an article;
- (f) separating or picking out defective or damaged proportions of an article;
- (g) assembling, inspecting, or packaging an explosive

mechanical and engineering processes,—

- (a) means manufacturing, mechanical engineering and industrial processes; and
- (b) includes, for example, explosive forming, explosive cutting and explosive welding

national security activities and operations means activities and operations carried out for the purposes of New Zealand's national security

oil and gas industry work—

- (a) includes oil and gas industry work carried out underwater; but
- (b) does not include seismic surveys and exploration

pyrotechnical work—

- (a) means detonating or deflagrating explosives to produce some or all of the following effects:
 - (i) heat;
 - (ii) light;
 - (iii) colour;
 - (iv) smoke;
 - (v) sound;
 - (vi) throwing and breaking for entertainment under controlled circumstances (for example, throwing a car upside down, creating a rocket simulation or tearing a building to pieces); and
- (b) includes—
 - (i) an indoor pyrotechnic display;
 - (ii) an outdoor pyrotechnic display;

- (iii) special effects for film or television production:
- (iv) special effects for public events such as air shows and spectacular occasions

quarrying means a quarrying operation

Regulations means the Health and Safety at Work (Hazardous Substances) Regulations 2017

research means a systematic investigation and study of, or involving, explosive substances—

- (a) carried out in an education or research facility; and
- (b) in the course of which explosives are handled

sector or industry specific type of work means:

- (a) construction work:
- (b) demolition:
- (c) electrical supply and transmission work:
- (d) explosives detection work:
- (e) land operations:
- (f) mechanical and engineering processes:
- (g) national security activities and operations:
- (h) oil and gas industry work:
- (i) pyrotechnical work:
- (j) quarrying:
- (k) research:
- (l) seismic surveys and exploration:
- (m) snow avalanche control:
- (n) surface mining:
- (o) tunnelling:
- (p) underground mining—coal:
- (q) underground mining—metalliferous:
- (r) underwater work

seismic surveys and exploration—

- (a) means geophysical surveys, including exploration for voids, oil, natural gas, coal, minerals, and rock; and
- (b) includes underwater seismic activities

snow avalanche control means the control of snow avalanche risk involving methods such as hand charging, avalauncher and heli-bombing

storage—

- (a) means the safekeeping of an explosive in a depository; and
- (b) includes—
 - (i) the basic handling of the explosive in a closed container or packaging, for example, when doing a stocktake:
 - (ii) the breaking down of a package containing the explosive and repackaging the explosive into a different container:

- (iii) the storage of small quantities of explosives under lock and key in accordance with Table 7 in Schedule 8 of the Regulations:
- (iv) the storage of larger quantities of explosives in certified magazines and readily movable containers in accordance with Table 7 in Schedule 8 of the Regulations:
- (v) the storage of retail fireworks

storage for distribution means the storage of explosives for the primary purpose of—

- (a) holding the explosives on behalf of a third party for the third party's later use; or
- (b) making the explosives available for retail sale

surface mining means a mining operation carried out above ground

transport—

- (a) means the moving of explosives from one place to another by road, rail, water or air; and
- (b) includes transfer operations where explosives are transferred from one mode of transport to another (for example, at a port)

tunnelling means a tunnelling operation

underground mining—coal means a mining operation carried out underground for the extraction of coal

underground mining—metalliferous means a mining operation for the extraction of minerals

underwater work means the specialist use of explosives underwater and in waterways (for example, for the purposes of bridge demolition or channel opening), including on buoys, rafts, ships and wrecks, and in respect of obstructions to navigation

use—

- (a) means the act or practice of employing or handling explosives; and
- (b) includes—
 - (i) combining the elements necessary for an explosive charge (for example, the detonator, booster and explosive):
 - (ii) the destruction of packaging that previously contained an explosive:
 - (iii) setting up, firing, detonating, or deflagrating explosive charges:
 - (iv) rendering a misfired explosive safe:
 - (v) field repair or field modification (for example, garnishing) of pyrotechnics

work with propellants—

- (a) means the production of an explosive article or material that normally functions by deflagration and is used for propulsion purposes; and
- (b) includes—
 - (i) the use of propellants to propel a projectile or missile or to do other work through the rapid expansion of high pressure gas:

- (ii) the manufacture of ammunition, where an explosive (for example, black powder, smokeless powders or pyrodex) is used to propel a projectile; but
- (c) does not include pyrotechnical work
- (2) Any term or expression that is defined in the Act, the Regulations, or a relevant safe work instrument and used, but not defined, in this performance standard has the same meaning as in the Act, the Regulations or the relevant safe work instrument.
- (3) To avoid doubt, the terms **quarrying operation**, **mining operation**, and **tunnelling operation** have the same meaning as in Schedule 3 of the Act.

Part 2

Assessing applicant for certified handler compliance certificate

5 Evidence required to demonstrate competency

- (1) Before deciding whether an applicant meets the competency requirements specified in regulation 4.3 of the Regulations in relation to an explosive, a compliance certifier must—
 - (a) verify the full legal name of the applicant by sighting the applicant’s birth certificate, marriage certificate, name change certificate, passport or a certified copy of one of those documents; and
 - (b) verify that every document provided for the purpose of demonstrating compliance with the competency requirements relates to the applicant; and
 - (c) in accordance with this performance standard, carry out the inquiries, inspections, assessments, and examinations necessary to verify that the competency requirements have been met for the particular life cycle phase or phases of the explosive in respect of which the applicant is to be a certified handler at one or more workplaces.
- (2) If the qualifications and documents submitted by the applicant are not sufficient to enable the compliance certifier to assess the knowledge and practical skills of the applicant, the compliance certifier—
 - (a) may, to the extent the qualifications and documents are not sufficient, conduct a written or oral test of the knowledge and practical skills of the applicant; and
 - (b) if the compliance certifier does so, must ensure that the written or oral test—
 - (i) covers the full breadth of controls regarding the management of the explosive for which the applicant is to be a certified handler; and
 - (ii) tests the knowledge and as far as practicable the practical skills of the applicant; and
 - (iii) requires the applicant to independently demonstrate his or her knowledge; and
 - (iv) does not guide the applicant to the correct answer.

- (3) In addition to carrying out a test under subclause (2), a compliance certifier may conduct a site visit or view videographic evidence to satisfy themselves that the applicant has sufficient practical skills.
- (4) If the compliance certifier wishes to take into account an assessment by another person of the applicant's knowledge and practical skills, the compliance certifier must—
 - (a) be satisfied that the person is sufficiently knowledgeable to make such an assessment; and
 - (b) be satisfied with the method used for the assessment by that other person; and
 - (c) review and be satisfied with the results of the assessment.
- (5) For the purposes of subclause (1)(c), a compliance certifier may accept an overseas record as evidence of the applicant's competency, if the compliance certifier is satisfied the overseas record demonstrates that the applicant's knowledge and practical skills are of the standard required by the Regulations.
- (6) For the purposes of subclause (5), **overseas record** means a written record obtained in a country other than New Zealand, including an authorisation issued by an authority in that other country.
- (7) If a compliance certifier has any reasonable doubt about the knowledge and practical skills of an applicant then the compliance certifier must refuse to issue the applicant a certified handler compliance certificate.
- (8) A compliance certifier may give an applicant the opportunity to submit further information demonstrating that the applicant meets the relevant competency requirements before making a decision to refuse to issue a certified handler compliance certificate.

Subpart 1—Verify competency requirements are met

6 Classifications, properties, and adverse effects

- (1) For the purposes of regulation 4.3(1)(a) of the Regulations, a compliance certifier must verify that the applicant knows and is able to describe the hazard classifications, properties, and adverse effects of every explosive for which the applicant is to be a certified handler.
- (2) The verification required under subclause (1) includes, in particular, verifying that the applicant knows and is able to describe—
 - (a) the hazard classification numbering system set out in the Hazardous Substances (Classification) Notice 2020, including class, sub-class and categories; and
 - (b) adverse effects such as projectiles and blast effects, including vibration, air-blast, and temperature effects.

7 Legislative requirements

For the purposes of regulation 4.3(1)(b), (c), and (g) of the Regulations, a compliance certifier must, in relation to every explosive for which the applicant is to be a certified handler, verify that the applicant knows and is able to describe—

- (a) the requirements imposed by the Regulations; and

- (b) the requirements imposed by the HSNO Act; and
- (c) any variations of requirements, alternative means of compliance with requirements, or additional requirements specified in a relevant safe work instrument; and
- (d) in particular, the matters set out in clause 1 of the Schedule.

8 Safe handling

For the purposes of regulation 4.3(1)(e), (f), and (2)(a) of the Regulations, a compliance certifier must, in relation to every explosive for which the applicant is to be a certified handler, verify that the applicant—

- (a) knows and is able to describe—
 - (i) the precautions required to prevent injury or illness to any person at the workplace caused by the explosive; and
 - (ii) the procedures to adopt in an emergency involving the explosive; and
- (b) knows and demonstrates a working knowledge of, the procedures and plant (including personal protective equipment) necessary to manage the explosive at the workplace for which the applicant is to be a certified handler; and
- (c) in particular, knows and is able to describe the matters set out in clause 2 of the Schedule.

9 Information, training, and instruction

- (1) For the purposes of regulation 4.3(2)(b) of the Regulations, a compliance certifier must verify that the applicant has received information, training, and instruction in accordance with regulation 4.5 of the Regulations.
- (2) The verification required under subclause (1) includes, in particular—
 - (a) inspecting the record of training and instruction provided under regulation 4.5(5)(a) of the Regulations; and
 - (b) verifying the matters set out in clause 3 of the Schedule.

Subpart 2—Renewing and changing scope of certified handler compliance certificate

10 Applications to renew

- (1) Before renewing a certified handler compliance certificate, a compliance certifier must verify—
 - (a) the matters referred to in clause 5(1)(a) and (b); and
 - (b) the matters referred to in clauses 6 to 9, as applicable; and
 - (c) that the applicant continues to meet all of the competency requirements in regulation 4.3 of the Regulations.
- (2) For the purposes of subclause (1)(b), the compliance certifier may do one or more of the following:

- (a) administer an oral test:
 - (b) administer a written test:
 - (c) sight relevant evidence.
- (3) For the purposes of subclause (1)(c), the compliance certifier may not rely solely on the fact that an applicant has previously held a certified handler compliance certificate.

11 Requests to change scope

- (1) A compliance certifier who receives a requested change of scope—
- (a) is not permitted by the Regulations to vary the certified handler compliance certificate that has been issued to incorporate the requested change; but
 - (b) may, if the compliance certifier is satisfied that the holder meets the relevant competency requirements, either—
 - (i) issue a certified handler compliance certificate that applies only in respect of the requested change of scope; or
 - (ii) renew the current certified handler compliance certificate in accordance with clause 10 and incorporate the requested change of scope.
- (2) In this clause, a **requested change of scope** means a request from the holder of a current certified handler compliance certificate for one or more of the following changes to be made to the certificate:
- (a) the addition of an explosive:
 - (b) the addition of a life cycle phase of an explosive:
 - (c) a change to the scope of the assessment recorded in the certificate under clause 13:
 - (d) a change to the type and level of a pyrotechnic display specified in the certificate.

Part 3 Certification and record-keeping requirements

Subpart 1—Information to be recorded in certified handler compliance certificate

12 Scope of certification

- (1) A compliance certifier must ensure that a certified handler compliance certificate specifies the scope of the certification in accordance with this clause and the applicant's knowledge and practical skills.
- (2) A compliance certifier—
- (a) must record in a certified handler compliance certificate—
 - (i) the word 'Explosives'; and
 - (ii) the classification or classifications of each explosive or combination of explosives in respect of which the compliance certifier is satisfied the applicant meets the relevant competency requirements; and

- (b) must not record a commercial product or trade name as the name of a class 1 substance in a certified handler compliance certificate.
-

Example

Hazardous substance and class

Explosives – Class 1.1G, 1.3G, 1.4G, 1.4S

- (3) A compliance certifier must record in a certified handler compliance certificate the particular life cycle phase or phases of each explosive or combination of explosives—
- (a) to which the certificate applies; and
 - (b) in respect of which the compliance certifier is satisfied the applicant meets the relevant competency requirements.
-

Example

Hazardous substance and class

Life cycle phases

Explosives – Class 1

Transport

- (4) A compliance certifier must record in a certified handler compliance certificate the workplace or workplaces at which the applicant is to be a certified handler, if applicable.
-

Example

This certificate applies only to a workplace that is under the management or control of the Department of Conservation.

Example

This certificate applies only to a workplace at which a mining operation is carried out.

Example

This certificate only applies to the workplace at 123 Smith Street, Anytown

- (5) In the case of an applicant who wishes to carry out pyrotechnic displays, the compliance certifier must record in the certified handler compliance certificate the type of display that reflects the knowledge and practical experience of the applicant with pyrotechnics.
-

Example

For Use: Indoor display pyrotechnics only

- (6) A compliance certifier may, for the purposes of demonstrating that a certified handler has the appropriate certificate of competency required by regulations 9.31(1) and 9.36(1)(a) of the Regulations for conducting an outdoor pyrotechnic display, include in a certified handler compliance certificate information that reflects the applicant's display experience.

13 Scope of assessment

- (1) A compliance certifier must record on a certified handler compliance certificate the scope of the certifier's assessment, if the applicant was assessed in relation to one or more of the following types of work:

- (a) a sector or industry specific type of work involving the use or handling of an explosive:
 - (b) a particular type of manufacture:
 - (c) the storage for distribution:
 - (d) commercial transport:
 - (e) the transportation of an explosive in bulk quantities:
 - (f) the transfer of an explosive between different modes of transport:
 - (g) the use of particular operating equipment:
 - (h) work with propellants:
 - (i) an outdoor pyrotechnic display.
-

Examples

Details of certification

For use of class 1.1B, 1.1D and 1.4S substances

Scope of assessment

Snow avalanche control

Details of certification

For manufacture of class 1.3G and 1.4G explosives

Scope of assessment

Repair and replacement of lift charges on aerial shells

Details of certification

For use of explosives

Scope of assessment

Detonation or deflagration in the hours of darkness

- (2) When recording the scope of assessment for an outdoor pyrotechnic display in a certified handler compliance certificate or a certificate of competency, a compliance certifier—
 - (a) must specify that the assessment was for a level 1 display, level 2 display, or level 3 display, depending on the applicant's display experience; and
 - (b) in case of a level 2 or level 3 display, may endorse the certified handler compliance certificate or certificate of competency as applying to a display at a specialist workplace (for example, a rooftop, a barge, a bridge, a moving vessel, a moving vehicle, or an aircraft).
-

Examples

Details of certification

For Use: Outdoor display pyrotechnics only.

Scope of assessment

Level 1 display

Details of certification

For Use: Outdoor display pyrotechnics only.

Scope of assessment

Level 2 display

Details of certification

For Use: Outdoor display pyrotechnics only.

Scope of assessment

Level 3 display

14 Other information to be recorded

- (1) A compliance certifier must ensure that the following information is recorded in a compliance certificate:
- (a) that the compliance certificate is issued under regulations 4.1 and 6.23 of the Regulations:

Example

Compliance Certificate as a Certified Handler

This certificate is issued in accordance with regulations 4.1 and 6.23 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

This compliance certificate certifies that the handler has met the relevant requirements for the substances and life cycle phases specified below.

- (b) the provisions of the Regulations for the purposes of which the certificate is issued:

Example

This certificate is issued for the purposes of regulation 9.3 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

- (c) either—
 - (i) the unique register number; or
 - (ii) a compliance certificate number that is assigned by the compliance certifier and includes as a prefix the compliance certifier's authorisation number; or
 - (iii) both:
- (d) the certified handler's full legal name:

Example

Josephine Harriet Alana Bloggs

- (e) the full residential address of the certified handler as at the date of issue, provided that—

- (i) if the certified handler has a street address, the street number, street name, suburb, town or city, and country must be included; and
 - (ii) if the certified handler does not have a street address, for example, the certified handler is living in a rural location, the compliance certifier may record a PO Box or Private Bag number, town or city, and country:
 - (f) the certified handler's work telephone number or work email address or both, if available:
 - (g) the date of issue of the compliance certificate:
 - (h) the date the compliance certificate comes into force:
 - (i) the date of expiry of the compliance certificate:
 - (j) the compliance certifier's full name as specified on the certifier's document of authorisation issued by WorkSafe:
 - (k) the compliance certifier's authorisation number as issued by WorkSafe:
 - (l) the handwritten signature or electronic signature of the compliance certifier.
- (2) For the purposes of subclause (1)(g), the compliance certificate must be issued on the date the compliance certifier is satisfied the applicant meets the relevant competency requirements specified in regulation 4.3 of the Regulations.
- (3) A compliance certifier must not vary a certified handler compliance certificate that has been issued, except to correct a minor error (for example, where the compliance certifier has decided the applicant meets the competency requirements for a particular explosive or life cycle phase but accidentally records a different explosive or life cycle phase on the certificate).

Subpart 2—Records

15 Records management

- (1) A compliance certifier must make a record of all information viewed as part of the verification and assessment process and retain copies of all relevant documents, including documents identifying the full legal name of the applicant.
- (2) The records must provide sufficient rationale to justify the decision to issue or not to issue a compliance certificate.
- (3) If a compliance certifier conducts a written or oral test, the following information must be recorded:
- (a) the date and time of the test:
 - (b) the name of the applicant:
 - (c) the subject areas covered:
 - (d) the assessment of the answers.

Schedule

Additional provisions: verifying competency requirements for certified handler of explosives

1 Legislative controls

- (1) The specific matters in respect of which a compliance certifier must verify competency in relation to legislative controls for explosives are—
 - (a) general requirements applying to the location of explosives, including requirements related to hazardous substance locations, designated use zones, designated transfer zones and transport requirements, where applicable; and
 - (b) the prohibitions on—
 - (i) possessing certain explosives without holding a controlled substance licence; and
 - (ii) supplying certain explosives to a person other than the holder of a controlled substance licence; and
 - (c) the circumstances in which exceptions to those prohibitions apply, including in relation to the transportation of certain substances; and
 - (d) tracking requirements for explosives (through all relevant life cycle phases), including the requirement to retain records; and
 - (e) requirements relating to—
 - (i) documentation and information (for example, requirements related to labelling and safety data sheets); and
 - (ii) personal protective equipment; and
 - (iii) securing explosives; and
 - (iv) the segregation of incompatible substances and materials; and
 - (v) signage; and
 - (f) controls relating to—
 - (i) locations, and equipment used at locations, at which explosives under the personal control of a certified handler are present, if applicable; and
 - (ii) impact or pressure shock; and
 - (iii) spark energy; and
 - (iv) heat and fire; and
 - (v) static electricity in relation to equipment; and
 - (vi) stray electrical currents; and
 - (vii) electromagnetic radiation; and
 - (g) requirements to—

- (i) reduce the likelihood of unintended initiation; and
 - (ii) control the adverse effects of unintended initiation; and
- (h) controls imposed under the HSNO Act on the relevant class or classes of hazardous substance, including requirements relating to the management of the class or classes of hazardous substance imposed by any hazardous substances notice issued by the EPA; and
- (i) requirements applying to explosives under relevant safe work instruments, if any; and
- (j) the matters relevant to the different life cycle phases of an explosive specified in subclauses (2) to (6), to the extent they apply.

Manufacturing phase

- (2) In relation to the manufacturing phase, the compliance certifier must verify competency in relation to the procedures applying when a thunderstorm approaches the hazardous substance location.

Storage phase

- (3) In relation to the storage phase, the compliance certifier must verify competency in relation to each of the following matters:
- (a) the requirement to keep an accurate inventory;
 - (b) requirements regarding the compliance certification of magazines and readily movable containers;
 - (c) requirements to establish a hazardous substance location and obtain compliance certification for it, if the explosives exceed the prescribed thresholds;
 - (d) the requirement for lightning protection and (if applicable) lightning interceptors;
 - (e) in the case of storage for distribution,—
 - (i) requirements regarding distribution of explosives or articles; and
 - (ii) safe isolation distances; and
 - (iii) construction and maintenance requirements of magazines or readily movable containers.

Transport phase

- (4) In relation to the transport phase, the compliance certifier must verify competency in relation to each of the following matters:
- (a) compatibility groups;
 - (b) requirements to be met during an interruption to transportation;
 - (c) restrictions on activities that may be carried out while transporting explosives;
 - (d) requirements related to safe load limits;
 - (e) requirements related to securing explosives in containers;
 - (f) requirements applying to the personnel involved in transportation, including where prescribed threshold quantities are exceeded, as applicable;
 - (g) controls regarding fire extinguishers;

- (h) requirements regarding designated transfer zones:
- (i) obligations related to multi-modal transportation of explosives:
- (j) exceptions to requirements applying to the transportation of explosives by sea, air, rail and land:
- (k) the time limitations applying when certain explosives are kept in a designated transfer zone.

Use phase

- (5) In relation to the use phase, the compliance certifier must verify competency in relation to each of the following matters:
 - (a) packaging requirements for explosives:
 - (b) compliance certification requirements relating to:
 - (i) the detonation or deflagration of explosives in the hours of darkness, if applicable:
 - (ii) blast overpressure, if applicable:
 - (c) the duty to control adverse effects:
 - (d) notification requirements relating to the detonation or deflagration of explosives:
 - (e) designated use zone requirements:
 - (f) requirements for signage and warnings in relation to designated use zones:
 - (g) in the case of pyrotechnical work,—
 - (i) signage requirements for fireworks; and
 - (ii) discharge and exclusion zone requirements.

Disposal phase

- (6) In relation to the disposal phase, the compliance certifier must verify competency in relation to the requirements applying under the Hazardous Substances (Disposal) Notice 2017.

2 Safe handling

- (1) The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling of explosives are—
 - (a) the correct use of explosives in respect of each workplace for which the applicant is to be a certified handler; and
 - (b) the appropriate risk management process to be followed, including the hierarchy of controls; and
 - (c) the correct use of personal protective equipment; and
 - (d) the requirement to control adverse effects; and
 - (e) the precautions and safety considerations for minimizing the risk from adverse effects; and

- (f) record keeping requirements relating to the use of the explosive (for example, explosives log books), if applicable; and
- (g) if the Regulations require an emergency response plan at the workplace for which the applicant is to be a certified handler, the provisions of that plan including any emergency procedures and response measures; and
- (h) if the Regulations do not require an emergency response plan at the workplace for which the applicant is to be a certified handler, the layout of the workplace including assembly points, the list of actions to be carried out and the key personnel to contact in case of an emergency; and
- (i) first aid measures; and
- (j) the matters relevant to the different life cycle phases of an explosive specified in subclauses (2) to (7), to the extent they apply.

Manufacturing phase

- (2) In relation to the manufacturing phase, the compliance certifier must verify competency in relation to each of the following matters:
 - (a) how to safely manufacture the explosive, including the selection of components and knowledge of safe operating procedures:
 - (b) requirements relating to the equipment used in the manufacture of explosives or articles.

Storage phase

- (3) In relation to storage for distribution, the compliance certifier must verify competency in relation to each of the following matters:
 - (a) the process of loading and unloading a magazine:
 - (b) requirements regarding the maintenance and housekeeping of magazines and readily movable containers.

Transport phase

- (4) In relation to the transport phase, the compliance certifier must verify competency in relation to the procedures and plant necessary to manage explosives at a workplace that is a vehicle, vessel, aircraft, or ship (as applicable).

Use phase

- (5) In relation to the use phase, the compliance certifier must verify competency in relation to each of the following matters:
 - (a) managing the risk to health and safety of an explosive charge misfiring, including the actions to be taken to ensure that both the site and the misfired explosive are made safe:
 - (b) the appropriate procedures related to the detonation or deflagration of explosives in the hours of darkness, if applicable:
 - (c) to the extent applicable at a workplace for which the applicant is to be a certified handler,—
 - (i) the precautions and procedures involved in safely carrying out a detonation, deflagration or firing operation, including—

- (A) understanding and determining factors influencing a detonation or deflagration or the layout of a detonation or deflagration; and
- (B) determining the design of a detonation, deflagration or other use of an explosive; and
- (C) designing shot loading and firing or the application and firing plan; and
- (D) containing the site prior to a detonation, deflagration or other use of an explosive; and
- (ii) the maintenance and housekeeping of magazines and readily movable containers; and
- (iii) documentation of processes and procedures relating to the traceability of explosives, including keeping a record of used explosives and of detonations or deflagrations; and
- (iv) knowledge relevant to safe handling of explosives in particularly hazardous workplaces (if applicable), for example—
 - (A) in a mining operation:
 - (B) around a high voltage site in a workplace:
 - (C) a workplace in which mechanical and engineering processes are carried out:
 - (D) a workplace in a maritime environment:
 - (E) a workplace in a research environment:
 - (F) a workplace in snow avalanche terrain; and
- (v) if the applicant is to be a certified handler of an explosive used in a pyrotechnic display, the precautions and procedures involved in safely carrying out the display, including—
 - (A) the fusing, rigging and safety preparations, firing process and clean-up required for the display; and
 - (B) systems for safe firing of a pyrotechnic display; and
 - (C) dismantling fireworks; and
 - (D) the security measures required at a site before and after a pyrotechnic display; and
 - (E) the factors that may influence the safety of a pyrotechnic display; and
 - (F) handling the products and articles for the relevant level of display; and
 - (G) firefighting systems and procedures; and
 - (H) exclusion distances; and
 - (I) the specific precautions appropriate to the location of the workplace at which a pyrotechnic display is to be carried out (for example, outdoors, on a pier, on a barge or other floating vessel or platform, on a moving vehicle, at a stadium, on a rooftop or other elevated position, or on an aircraft); and

- (d) if the explosive is to be used at a workplace in which a seismic survey or oil and gas industry work is being carried out,—
 - (i) using specialised loading techniques including use of specialised tools, if applicable; and
 - (ii) understanding of detonation unique to a maritime environment; and
- (e) if the explosive is to be used at a workplace in snow avalanche terrain,—
 - (i) making fuses and priming; and
 - (ii) initiation and placement of charges; and
 - (iii) knowledge of industry and site procedures and equipment relating to snow blasting operations, for example, hand or case charging, avalauncher, or helibombing, as appropriate; and
 - (iv) knowledge of the requirements for an avalanche control plan; and
- (f) if the workplace is in an underground extraction site,—
 - (i) testing for gas; and
 - (ii) evaluating and describing methods of dispersing gas.
- (6) In the case of the use phase of an explosive that is a propellant, the compliance certifier must, in addition to verifying the applicable competency requirements in subclause (5), verify competency in relation to material handling techniques.

Disposal phase

- (7) In the case of the disposal phase, the compliance certifier must verify competency in relation to material handling techniques used in ~~regards to~~ recovery and disposal.

3 Information, training, and instruction

- (1) The specific matters the compliance certifier must verify are—
 - (a) that the applicant's record of training and instruction demonstrates—
 - (i) sufficient compliance with regulation 4.5 of the Regulations and regulation 9 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016; and
 - (ii) that the applicant has received training and instruction in the relevant emergency procedures and response measures that are specific to every explosive at the workplace for which the applicant is to be a certified handler; and
 - (b) the matters relevant to the life cycle phase of an explosive specified in subclause (2), to the extent it applies.

Use phase

- (2) In the case of the use phase, the compliance certifier must verify that—
 - (a) if the explosive is to be used at a workplace in snow avalanche terrain, the applicant has been trained to operate in snow avalanche terrain; and
 - (b) if the use phase involves a pyrotechnical display, the applicant has had—

- (i) practical experience in fusing, rigging and safety preparations, firing process and clean-up that has been gained in a relevant type of display; and
- (ii) training in handling the products and articles for the relevant level of display.

Made at Wellington on 3 June 2021.

Phil Parkes
Chief Executive WorkSafe New Zealand

This performance standard is administered by WorkSafe New Zealand.