



Environmental
Protection Authority
Te Mana Rauhi Taiao

Group standard advisory drafts

Group standards are getting a facelift

September 2017



How to provide us with feedback

Welcome to the advisory of the updated EPA group standards. We would like you to provide targeted feedback about the draft reissued group standards. Please provide your comments no later than 5.00 pm Friday 29 September 2017.

You can download a submission form from the EPA website – <http://www.epa.govt.nz/hazardous-substances/hsno-reform/Pages/Group-standards-advisory.aspx>

Please email your comments to hsreform@epa.govt.nz.

Prior to making feedback, please read the “What are we asking of you?” section on page 7.

The group standards are being updated

We are updating our group standards to reflect changes in the legislative framework for managing hazardous substances. With this document, we are releasing 29 sample group standards to give you an early look at the updated group standard format and changes.

With the implementation of the Health and Safety at Work Act (HSW Act), from 1 December 2017 the controls relating to hazardous substances in workplaces will no longer be managed by the Environmental Protection Authority (the EPA) under the Hazardous Substances and New Organisms Act (HSNO Act). These will be part of new Health and Safety at Work (Hazardous Substances) Regulations 2017 to support the HSW Act and will be managed by WorkSafe New Zealand. Also, other HSNO regulations, such as those relating to labelling, safety data sheets, packaging, and disposal, will be replaced by EPA Notices.

As a consequence, all 210 of our group standards need to be reissued to remove the conditions relating to hazardous substances in workplaces and to refer to our new EPA Notices. We will be reissuing all of the group standards on 1 December with minimal changes to the scope and conditions of each group standard. The two changes to note are that we are updating:

- the scope of the group standards to exclude substances already not allowed under the HSNO Act or other New Zealand legislation
- the conditions in the group standard to directly reference the EPA Notices.

Any change to the conditions in the group standards are due to changes to the rules set in the EPA Notices and have been consulted on during the development of those notices. Due to the minimal changes made to the group standards and the previous consultation of the EPA notices, we are not giving a formal consultation period for the changes made, but we are issuing these advisory drafts to give you an opportunity to see what the changes will look like and how the group standards will reference the notices.

Advisory drafts

There are 29 group standards that form the advisory draft. These were chosen to be representative of the 210 group standards. All group standards will be updated by 1 December 2017, not just those in the advisory draft. If the group standard you commonly use is not present in the advisory draft, you may wish to look at a similar group standard and the EPA Notices to get an idea of what changes will be made to it.

The following group standards will be part of the advisory draft:

- Additives, Process Chemicals and Raw Materials (Subsidiary Hazard) Group Standard
- Aerosols (Subsidiary Hazard) Group Standard
- Animal Nutritional and Animal Care Products Group Standard
- Cleaning Products (Subsidiary Hazard) Group Standard
- Construction Products (Toxic [6.7A]) Group Standard

- Corrosion Inhibitors (Subsidiary Hazard) Group Standard
- Cosmetic Products Group Standard
- Denatured Ethanol Group Standard
- Dental Products (Subsidiary Hazard) Group Standard
- Embalming Products (Subsidiary Hazard) Group Standard
- Fertilisers (Subsidiary Hazard) Group Standard
- Fire Fighting Chemicals Group Standard
- Food Additives & Fragrances (Subsidiary Hazard) Group Standard
- Fuel Additives (Subsidiary Hazard) Group Standard
- Gas Under Pressure Mixtures (Subsidiary Hazard) Group Standard (*Note this was previously called the Compressed Gas Mixture (Subsidiary Hazard) Group Standard*)
- Industrial and Institutional Cleaning Products (Corrosive, Toxic [6.7]) Group Standard
- Leather and Textiles (Subsidiary Hazard) Group Standard
- Lubricants (Low Hazard) Group Standard
- Metal Industry Products (Subsidiary Hazard) Group Standard
- N.O.S. (Subsidiary Hazard) Group Standard
- Photographic Chemicals (Subsidiary Hazard) Group Standard
- Polymers (Subsidiary Hazard) Group Standard
- Solvent (Subsidiary Hazard) Group Standard
- Surface Coatings and Colourants (Flammable) Group Standard
- Surface Coatings and Colourants (Subsidiary Hazard) Group Standard
- Vet Medicine (Limited Pack Size, Finished Dose) Group Standard
- Vet Medicines (Non-dispersive Closed System Application) Group Standard
- Vet Medicines (Non-dispersive Open System Application) Group Standard
- Water Treatment Chemicals (Subsidiary Hazard) Group Standard

What is staying the same?

The reissued group standards will be very similar in coverage and purpose to the current group standards, and have the same:

- name (with an updated year – the name may be changed but this will be noted)
- approval number
- classifications currently covered by the scope
- existing scope restrictions.

No substance currently in New Zealand will need to be reassigned to a different group standard or no longer be allowed under a group standard as a result of these changes.

The group standards still have conditions in them, but these will mostly directly reference the EPA Notices.

What is changing?

The most significant changes are a scope restriction and a change in how the conditions of the group standard are shown.

A restriction on the scope will be placed in all group standards that the substance cannot contain:

- asbestos; or
- a component that
 - is listed as a persistent organic pollutant within the definition in Section 2 of the Act; or
 - exhibits the characteristics of a persistent organic pollutant as set out in paragraph 1 of Annex D to Schedule 1AA of the Act.

These scope restrictions will not adversely affect any product currently legally allowed in New Zealand. The scope restrictions are to ensure that our group standards align with the Imports and Exports (Restrictions) Act 1998 and the Stockholm Convention, already in force in New Zealand (in HSNO Act, Schedule 1AA).

An individual group standard will not explicitly list the conditions that must be adhered to in the group standard. Instead they will reference the EPA Notices. This change was performed to ensure that if the EPA changes the notices in the future then any changes will automatically apply to the group standards without having to go through the process of changing every group standard.

Due to the conditions now directly referencing the EPA Notices, some of the conditions will be different from those currently required in the group standards. The EPA Notices went through a consultation period when they were drafted and therefore any changes to the controls have already been consulted on. Our website provides information about our EPA Notices and what changes these notices will make to the rules. Links to summaries of the changes for many of the new notices can be found under the heading *New Notices* on the HSNO reform part of the [EPA website](#).

When conditions set in a group standard are different from the notices, these are clearly specified in Schedule 1 of the group standard. As an example, the draft Veterinary Medicines (Limited Pack Size, Finished Dose) Group Standard 2017 has the following wording in Part 1.1(4) of Schedule 1 to vary the Hazardous Substances (Labelling) Notice 2017:

*In addition, where the substance is available to the general public, the following precautionary statements must appear on the label in the case of a substance which carries a HSNO 6.1B - 6.1E, or 8.2B, 8.2C or 8.3A classification that is applied or administered directly to an animal: **"For animal treatment only"***

A small number of group standards, such as the Cosmetic Products Group Standard and the Veterinary Medicine Group Standards, vary a large number of the rules set in the notices. Please review the advisory drafts for these group standards for more information.

Additionally, the reissued group standards no longer contain:

- the transitional conditions that were in place for the period of time when the group standards were first issued. These transition conditions are no longer in force and are not needed.
- the guidance material previously listed in the Explanatory Note has been deleted as much of it is out of date.

Transition timelines

The new group standards are planned to come into force on 1 December 2017. As the group standards directly reference the notices, any transition periods that apply to the notices will directly apply to the group standards.

Hazardous substances allowed under group standards have four years to comply with the new requirements in the Labelling, Safety Data Sheet and Packaging Notices. It is likely that these changes will affect you. More information about what the changes are and when you need to comply can be found under the HSNO reform part of the [EPA website](#).

What will we change?

At this time, we will not be further changing the scope of the group standards or the controls.

If you believe that you have a substance previously covered by a group standard that will no longer be covered by a group standard due to the provision to exclude asbestos and a persistent organic pollutant as defined above, we recommend you contact us at hsreform@epa.govt.nz.

We will also make changes to resolve any typographical errors, errors of fact or unintended changes if you identify them.

If you find any errors, omissions in the draft example group standards please contact us at hsreform@epa.govt.nz by Friday 29 September 2017.

What do you need to do before 1 December 2017?

As long as your substances are correctly assigned to an appropriate group standard, you don't need to do anything as your substance will remain assigned to the correct group standard. However, you need to look at the changes to the hazardous substances regime, from both the EPA Notices and Health and Safety at Work (Hazardous Substances) Regulations 2017 to make sure you can comply with other changes. You will also need to ensure that you comply with changes within the timeframes that apply to the other parts of the regime.