Proposal for EPA Notices for Classification

Please submit your comments to hsnotices@epa.govt.nz on this form in Word document format or mail to Private Bag 63002, Wellington 6140.

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<th>Submission on</th>
<th>Proposal for EPA Notices for Classification</th>
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☒ I would like my submission reported anonymously (i.e. without my name attached) by the EPA.
Proposals and submission form

The EPA is seeking your views as interested parties on the proposals presented in the consultation document *Proposal for EPA Notices for Classification*.

The consultation document presents a number of proposals and poses a series of questions to help you frame your comments. Your feedback is important as it will enable the EPA to make more informed decisions on the content of the proposed notices. Please take this opportunity to have your say.

Please use this form to submit your written comments and send it to hsnotices@epa.govt.nz (in Word document format) no later than 5.00 p.m. 14 October 2016.

The submission form brings together all of the proposals and questions asked throughout the consultation document in table format. Page references are provided to help you locate the relevant discussion as necessary.

When providing your comments, please provide your rationale and any information about the relative costs and benefits (financial or otherwise), and any other impacts of these proposals on businesses, workers or other stakeholders. This information will help us more fully understand the effects the notices would have if introduced as proposed.
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<td>Question 1</td>
<td>What impacts do you see arising from the proposal to maintain the current HSNO classification system?</td>
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Industry welcomes the opportunity to be involved in shaping the future of chemical management in New Zealand (NZ). Clear communication of chemical hazard characteristics and safe-handling instructions for substances should be at the forefront of the chemical classification system. Chemical classification under the current HSNO classification system does meet this need, however the inconsistencies with The United Nations Globally Harmonised System for the Classification and Labelling of Chemicals (UN GHS) imparts significant additional cost to industry in relation to classification, labelling and safety data sheets (SDS). Below are a number of comments and recommendations regarding the chemical classification system, in response to the Proposal for EPA Notices for Classification 2016:

1. **Long term cost benefit to implement transition from HSNO classification to GHS.**

   The NZ EPA highlights the cost encountered by industry by maintaining the current classification system, requiring businesses to undertake correlations from GHS to determining the HSNO classification (Proposal for EPA Notices for Classification, p. 7). Due to the unique classification requirements in NZ, significant manual work is required to meet compliance requirements. While there would be an increased initial cost to industry to replace HSNO classifications with GHS classifications, the long-term cost saving would outweigh any short-term transition costs. Additionally, with a substantial transition period, this cost would be minimised. Please see Question 1, Point 2 regarding suitable transition period length.

2. **Suitable transition period required.**

   The proposal acknowledges the effort required to transition for new labelling, packaging and SDS requirements for existing substances as a result of change to the chemical classification system (Proposal for EPA Notices for Classification, p. 12). Many businesses use developed pre-printed labels and regenerating SDS templates and subsequently SDS documents is a resource intensive process. Australia is currently approaching the end of the transition period from NOSHC model regulations to GHS under a five-year transitional period. This period coincided with the requirement to review SDS every five years, which minimised the costs with the compliance effort. Based on the efforts required for this similar effort in Australia, industry would support a similar length transition period, with the option to adhere to either requirements (HSNO or GHS classifications) during this time.

3. **Variance in concentration cut-offs from HSNO impacts industry.**

   Industry welcomes globally consistent concentration cut-offs, to ensure consistent hazard classification and confidential business information disclosure across global markets. By keeping the HSNO classification system, there will be a greater level of disclosure in NZ, for example the concentration cut-offs of skin sensitisation of 0.1% compared to 1% in many other countries. As a result, retaining the current HSNO status and postponing a transition to GHS will hinder global trade and potentially lead to confusing hazard communication.
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| 4.                  | **Edition of GHS referenced in classification documents.**
Currently the NZ HSNO reference the 2nd Edition of the GHS (2007). Industry supports the NZ EPA adopting the most current edition of the UN GHS when replacing HSNO classifications with GHS in the future, to assist in greater global alignment.

Overall, while the current HSNO system works to some extend to facilitate effective hazard communication, DuPont would support early adoption of GHS to allow increased global trade. By transitioning to GHS and aligning concentration cut-offs, there will be greater consistency in hazard communication and allowing industry to more effectively meet their requirements regarding chemical hazard classification. By providing a suitable transition time, the long-term compliance cost savings will greatly outweigh the short-term transition cost. We look forward to closely working with the NZ EPA and being involved in future consultation opportunities regarding chemical classification or related areas. |     |
| Question 2          | **What costs and benefits do you see arising from this new proposal for classification notices? Can you quantify what these costs or benefits are?**
Both continuing with the current HSNO classification system and a transition to GHS will involve substantial compliance cost for industry to operate in NZ. As outlined in Question 1, Point 1, while there would be an increased initial cost to industry to shift to replace HSNO classifications with GHS classifications, the long-term cost saving would outweigh any short-term transition costs. Additionally, with a substantial transition period (sufficient time to allow for changes to IT systems, SDS templates, regeneration of existing SDS etc.), this cost would be minimised. | 8   |
| Question 3          | **Are there any impacts from retaining the current classification system on the proposals for EPA Notices for Labelling, SDS and Packaging that we have not identified? If so, can you please describe them.**
In addition to the comments on chemical hazard classification above, please see the below comments regarding the SDS and labelling proposals:

1. Industry supports the provision that will consider substances labelled in accordance with the GHS requirements of Australia, EU, USA or Canada as being compliant in NZ *(Proposal for EPA Notices for Classification, p. 13).*

2. The current proposal indicates that where it is not possible to fit all of the information onto a label affixed or printed on the primary container, the label may be attached, e.g. fold-out labels, multilayer booklets etc. *(Hazardous Substances (Labelling) Notice, Draft for Consultation, p. 7).* To avoid industry additionally labelling burden, this labelling component could be greater aligned with many other countries in the Asia-Pacific region to allow omission of precautionary statements on labels for small containers (e.g. approach used in Korea and Singapore).

3. The current proposal to require Particle Characteristics in Section 9 of NZ SDS *(Hazardous Substances (Safety Data Sheets) Notice 2017, Draft for Consultation, p. 11)* is not in alignment with international GHS SDS practice. Therefore, this element should not be mandatory in the EPA notice when GHS SDS is adopted. | 13  |