



DECISION

9 December 2014

1. Summary

Substance Name	Ambush
Application code	APP202313
Application type	A modified reassessment of a hazardous substance under Section 63 of the Hazardous Substances and New Organisms Act 1996 ("the Act")
Applicant	Orion Crop Protection Limited
Purpose of the application	To reassess the flammable liquid classification for Ambush
Date application received	31 October 2014
Considered by	A decision-making Committee of the Environmental Protection Authority ("the Committee") Kerry Laing (Chair) Deborah Read
Consideration date	9 December 2014
Decision	Approved with controls The flammable liquid classification is downgraded from 3.1C to 3.1D, and the controls are amended accordingly
HSNO Approval number	HSR100911

2. Background

- 2.1. AMBUSH is an organophosphate insecticide containing 475 g/L pirimiphos-methyl and 25 g/L permethrin as active ingredients. It is intended for use as an insecticide in a variety of horticultural crops, including (but not limited to) fodder crops, citrus and avocados.
- 2.2. Ambush was approved for release under s28A of the Act in February 2014 and assigned the approval number HSR100911. Ambush was assigned a number of hazard classifications, including a 3.1C flammable liquid (medium hazard) classification.

- 2.3. The applicant has subsequently generated new data for the Ambush formulation showing that the substance should have a lower flammability classification (3.1D versus 3.1C).

3. Process and consultation

- 3.1. Grounds to reassess Ambush were formally established in accordance with section 62 of the Act in October 2014.
- 3.2. The current application to modify the flammable liquid classification of Ambush was lodged pursuant to section 63A of the Act on 31 October 2014.
- 3.3. The application was not publicly notified in accordance with section 53 of the Act as the staff of the Environmental Protection Authority (“the staff”) considered there would not be significant public interest. This is because the application seeks to modify only one specific aspect of the approval (the flammable liquid classification), and the nature of the change will not significantly affect the level of risk to human health and/or the environment. The staff note that the original application that led to the approval of Ambush was also not considered to be of significant public interest. This was because there were other similar approved substances containing the same active ingredients, applied at the same rates, and intended for use as an insecticide. In addition, the EPA had recently concluded its reassessment of a number of organophosphate and carbamate (OPC) substances, including the two active ingredients contained in Ambush. During the approval of Ambush, the new additional controls arising from the OPC reassessment were applied to the Ambush approval.
- 3.4. Section 63A(5) of the Act notes that if the Authority does not publicly notify an application for a modified reassessment, then Authority must:
- *do everything reasonably practicable on its part to consult with all persons who, in its opinion, may be affected by the reassessment; and*
 - *give those persons a reasonable opportunity to make submissions and comments to the Authority on the reassessment; and*
 - *consider all submissions and comments received.*
- 3.5. The staff advised the Committee that no persons would be affected by this application. This conclusion was reached after considering the following points:
- The newly acquired product flashpoint data clearly demonstrates that a change in the flammable liquid classification is appropriate.
 - The proposed amendment to reduce the flammable liquid classification would result in a change to the controls on the approval. However, the changes would be to delete some of existing controls, and no new controls would be added. Therefore there are not expected to be any increased compliance costs on the basis of the proposal to change the approval. Compliance costs may instead decrease due to the relaxing of controls permitted by the downgraded classification.

- EPA staff considered whether distributors or stockists of Ambush may need to be notified of the proposed changes. However, the applicant advised EPA staff that the substance has not been sold or distributed since the approval in February 2014.
- The controls that already apply to the substance manage risks associated with a higher flammability hazard (i.e. the risks are 'over-managed', rather than being 'under-managed').

4. New information regarding flammability

- 4.1. The staff advised the Committee that the applicant had provided new flashpoint data for the formulated substance. This information was new data that had not been generated at the time Ambush was first approved.
- 4.2. The new information determined the flashpoint of Ambush to be 65 °C. In accordance with the Hazardous Substances (Classification) Regulations 2001, a flashpoint of 65 °C means that Ambush should be classified as a 3.1D flammable liquid (low hazard).
- 4.3. Table 1 below lists the hazard classifications of Ambush as originally assigned during the approval of EPA application APP201948, and the revised classification of the substance based on the new flashpoint information provided.
- 4.4. The flammable liquid classification is the only hazard classification to change as a result of this application.

Table 1. Hazard classifications for Ambush

Hazardous property	Original classification	Revised classification
Flammable liquid	3.1C	3.1D
Acute toxicity (oral, dermal)	6.1E	6.1E
Acute toxicity (aspiration hazard)	6.1E	6.1E
Skin irritancy	6.3B	6.3B
Eye irritancy	6.4A	6.4A
Respiratory sensitisation	6.5A	6.5A
Contact sensitisation	6.5B	6.5B
Reproductive/developmental toxicity	6.8B	6.8B
Target organ/systemic toxicity (oral)	6.9A	6.9A
Target organ/systemic toxicity (inhalation)	6.9B	6.9B
Ecotoxic to aquatic environments	9.1A	9.1A
Ecotoxic to soil environments	9.2D	9.2D
Ecotoxic to terrestrial vertebrates	9.3A	9.3A

Ecotoxic to terrestrial invertebrates

9.4A

9.4A

5. Changes to the controls

- 5.1. When Ambush was approved in February 2014 a suite of controls were applied to the approval to manage risks associated with the hazardous properties throughout the entire lifecycle of the substance. Included within the control suite were a number of “default controls”¹ specifically applied in order to mitigate risks associated with the flammable properties. The controls applied at that time reflected the requirements under the Hazardous Substances Regulations² for safe management of a 3.1C flammable liquid (medium hazard).
- 5.2. The new information demonstrating Ambush should in fact be classified as a 3.1D flammable liquid (low hazard) means that the controls currently applied to Ambush are overly conservative because they are intended to manage a higher degree of hazard. Accordingly, the staff advised the Committee that the controls intended to manage risks associated with the flammable properties of Ambush should be amended to reflect the lower 3.1D flammable liquid (low hazard) classification.
- 5.3. Table 2 below lists the default controls which were originally applied to the Ambush approval specifically to manage the 3.1C flammable liquid hazard. Also noted within Table 2 is the staff advice as to whether these controls should be deleted or retained in light of the revised flammable liquid classification (3.1D).

Table 2. Default controls for managing risks associated with the flammable liquid hazard currently applied to the Ambush approval, and the proposal to retain or delete the controls on the basis of the downgraded 3.1D classification

Control code	Regulation	Description	Retain or delete the control?
<i>Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001</i>			
F1	Reg 7	General test certification requirements for hazardous substance locations	Delete
F2	Reg 8	Restrictions on the carriage of flammable substances on passenger service vehicles	Retain
F3	Reg 55	General limits on flammable substances	Delete
F5	Regs 58, 59	Requirements regarding hazardous atmosphere zones for class 2.1.1, 2.1.2 and 3.1 substances	Delete
F6	Regs 60 – 70	Requirements to prevent unintended ignition of	Retain

¹ The term “default controls” refers to controls that are triggered by virtue of the hazard classification of a substance. The default controls are prescribed by regulations under the Act.

² The various HSNO regulations can be found online at <http://www.legislation.co.nz>

Control code	Regulation	Description	Retain or delete the control?
		class 2.1.1, 2.1.2 and 3.1 substances	
F11	Reg 76	Segregation of incompatible substances	Retain
F12	Reg 77	Requirement to establish a hazardous substance locations if flammable substances are present	Delete
F14	Reg 81	Test certification requirements for facilities where class 2.1.1, 2.1.2 or 3.1 substances are present	Delete
F16	Reg 83	Controls on transit depots where flammable substances are present	Delete
<i>Hazardous Substances (Packaging) Regulations 2001</i>			
P5	Reg 11	Packaging requirements for flammable liquids	Delete
<i>Hazardous Substances (Identification) Regulations 2001</i>			
I5	Reg 11	Priority identifiers for flammable substances	Retain
I13	Reg 22	Secondary identifiers for flammable substances	Retain
I25	Reg 43	Specific documentation requirements for flammable substances	Retain
<i>Hazardous Substances (Disposal) Regulations 2001</i>			
D2	Reg 6	Disposal requirements for flammable substances	Retain
<i>Hazardous Substances (Emergency Management) Regulations 2001</i>			
EM9	Reg 17	Additional information requirements for flammable and oxidising substances and organic peroxides	Retain
EM10	Regs 21 – 24	Fire extinguisher requirements	Retain

- 5.4. The full revised control suite for Ambush is presented in Appendix A, and reflects the recommended changes to the default controls outlined in Table 2.

6. Consideration and Decision

- 6.1. Pursuant to section 63A of the Act, the Committee considered this application to modify or amend the approval of a hazardous substance.
- 6.2. The Committee was satisfied that there was sufficient information to allow a decision to be made on this application.
- 6.3. Having considered the staff advice and the new flashpoint information provided by the applicant, the Committee was satisfied that the flammable liquid classification for Ambush can be downgraded from 3.1C to 3.1D. Accordingly the Committee was satisfied with the revised hazard classifications identified by the staff in Table 1 and confer them accordingly on Ambush.
- 6.4. The Committee noted the staff's recommendation that certain default controls originally applied to the Ambush approval could now be deleted as being unnecessary to manage risks associated with the lower flammable liquid classification. The Committee was satisfied that the revised suite of controls presented in Appendix A of this document take into account and manage all the effects associated with this reassessment application.
- 6.5. Accordingly, the application to modify the flammable liquid classification of Ambush was approved with controls as detailed in full in Appendix A.



Kerry Laing

Date: 9 December 2014

Chair, Decision-making Committee

Appendix A: Controls applying to AMBUSH

The controls listed in this Appendix supersede the controls originally applied to the substance at the conclusion of EPA application APP201948. The controls for this substance apply for the indefinite duration of the approval of this substance.

Please refer to the Hazardous Substances Regulations³ for the requirements prescribed for each control.

Table 1: Controls for AMBUSH – codes, regulations and variations

Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

Code	Regulation	Description	Variation
F2	Reg 8	Restrictions on the carriage of flammable substances on passenger service vehicles	
F6	Regs 60 – 70	Requirements to prevent unintended ignition of class 2.1.1, 2.1.2 and 3.1 substances	
F11	Reg 76	Segregation of incompatible substances	

Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001

Code	Regulation	Description	Variation
T1	Regs 11 – 27	Limiting exposure to toxic substances through the setting of TELs	No ADE, PDE, or TEL values are set for any component of AMBUSH at this time
T2	Regs 29, 30	Controlling exposure in places of work through the setting of WESs	No WES values are set for any component of AMBUSH at this time
T3	Reg 5(1), 6	Requirements for keeping records of use	The following subclause is added to regulation 6(1) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, after subclause (g): (h) details of measures taken to ensure that there are no adverse effects beyond the boundary of the subject property into an adjoining property or sensitive area.
T4	Reg 7	Requirements for equipment used to handle substances	

³ The regulations can be found on the New Zealand Legislation website; <http://www.legislation.co.nz>

Code	Regulation	Description	Variation
T5	Reg 8	Requirements for protective clothing and equipment	
		<p>Subclause (1) of regulation 8 of Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 is replaced by:</p> <p>(1A) Any person who is mixing, loading or applying the substance, or entering an application area within the Restricted Entry Interval (REI), must meet the following minimum standards for personal protective equipment by wearing the following:</p> <p>Full Personal Protective Equipment (PPE)</p> <ul style="list-style-type: none"> • Chemical resistant coveralls. • Chemical resistant gloves. • Chemical resistant footwear plus socks. • Protective eyewear. • Chemical resistant headgear for overhead exposures. <p>Respiratory Protective Equipment (RPE):</p> <ul style="list-style-type: none"> • Respiratory protection equipment appropriate to protect against respiratory exposure to the substance in dust, mist, gas or vapour forms of the substance. <p>(1B) The requirements of (1A) do not apply to a person who is applying the substance using a vehicle, and where that person is operating the vehicle from within a fully-enclosed cab equipped with protective equipment to prevent contact with, and inhalation of, the substance.</p> <p>The following subclauses are added after subclause (5) of regulation 8 of Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001:</p> <p>LABEL STATEMENT</p> <p>(6) Where PPE is prescribed under (1A), a person must not supply a hazardous substance to any other person unless the substance label specifies the PPE and RPE required to be worn during the following lifecycle stages, in accordance with (1A): mixing, loading, application, re-entry into treated areas.</p> <p>(7) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (6).</p>	
T7	Reg 10	Restrictions on the carriage of toxic or corrosive substances on passenger service vehicles	The maximum quantity of this substance that can be carried on a passenger service vehicle is 1.0 L per package
E1	Regs 32 – 45	Limiting exposure to ecotoxic substances through the setting of EELs	No EEL values are set at this time and the default EELs are deleted
E2	Regs 46 – 48	Restrictions on use of substances in application areas	
E3	Reg 49	Controls relating to protection of terrestrial invertebrates e.g. beneficial insects	

Code	Regulation	Description	Variation
E5	Regs 5(2), 6	Requirements for keeping records of use	The following subclause is added to regulation 6(1) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, after subclause (g): (h) details of measures taken to ensure that there are no adverse effects beyond the boundary of the subject property into an adjoining property or sensitive area.
E6	Reg 7	Requirements for equipment used to handle substances	

Hazardous Substances (Identification) Regulations 2001

Code	Regulation	Description	Variation								
I1	Regs 6, 7, 32 – 35, 36(1) – (7)	Identification requirements, duties of persons in charge, accessibility, comprehensibility, clarity and durability									
I3	Reg 9	Priority identifiers for ecotoxic substances									
I5	Reg 11	Priority identifiers for flammable substances									
I8	Reg 14	Priority identifiers for toxic substances									
I9	Reg 18	Secondary identifiers for all hazardous substances									
I11	Reg 20	Secondary identifiers for ecotoxic substances									
I13	Reg 22	Secondary identifiers for flammable substances									
I16	Reg 25	Secondary identifiers for toxic substances	Revised cut-offs for component labelling as required by Regulation 25e <table border="1"> <thead> <tr> <th>HSNO Classification</th> <th>Cut-off for label % (I16)</th> </tr> </thead> <tbody> <tr> <td>6.5A, 6.5B, 6.6A, 6.7A</td> <td>0.1</td> </tr> <tr> <td>6.6B</td> <td>1</td> </tr> <tr> <td>6.7B</td> <td>1</td> </tr> </tbody> </table>	HSNO Classification	Cut-off for label % (I16)	6.5A, 6.5B, 6.6A, 6.7A	0.1	6.6B	1	6.7B	1
HSNO Classification	Cut-off for label % (I16)										
6.5A, 6.5B, 6.6A, 6.7A	0.1										
6.6B	1										
6.7B	1										

Code	Regulation	Description	Variation	
			6.8A, 6.8C	0.3
			6.8B	3
			6.9A, 6.9B	10
I17	Reg 26	Use of generic names		
I18	Reg 27	Requirements for using concentration ranges		
I19	Regs 29 – 31	Additional information requirements, including situations where substances are in multiple packaging		
I21	Regs 37 – 39, 47 – 50	General documentation requirements		
I23	Reg 41	Specific documentation requirements for ecotoxic substances		
I25	Reg 43	Specific documentation requirements for flammable substances		
I28	Reg 46	Specific documentation requirements for toxic substances		
I29	Regs 51, 52	Signage requirements		
I30	Reg 53	Advertising corrosive and toxic substances		

Hazardous Substances (Packaging) Regulations 2001

Code	Regulation	Description	Variation	
P1	Regs 5, 6, 7(1), 8	General packaging requirements		
P3	Reg 9	Criteria that allow substances to be packaged to a standard not meeting Packing Group I, II or III criteria		
P13	Reg 19	Packaging requirements for toxic substances		
P15	Reg 21	Packaging requirements for ecotoxic substances		
PG3	Schedule 3	Packaging requirements equivalent to UN Packing Group III		
PS4	Schedule 4	Packaging requirements as specified in Schedule 4		

Hazardous Substances (Disposal) Regulations 2001

Code	Regulation	Description	Variation
D2	Reg 6	Disposal requirements for flammable substances	
D4	Reg 8	Disposal requirements for toxic and corrosive substances	
D5	Reg 9	Disposal requirements for ecotoxic substances	
D6	Reg 10	Disposal requirements for packages	
D7	Regs 11, 12	Information requirements for manufacturers, importers and suppliers, and persons in charge	
D8	Regs 13, 14	Documentation requirements for manufacturers, importers and suppliers, and persons in charge	

Hazardous Substances (Emergency Management) Regulations 2001

Code	Regulation	Description	Variation
EM1	Regs 6, 7, 9 – 11	Level 1 information requirements for suppliers and persons in charge	
EM6	Reg 8(e)	Information requirements for toxic substances	
EM7	Reg 8(f)	Information requirements for ecotoxic substances	
EM8	Regs 12 – 16, 18 – 20	Level 2 information requirements for suppliers and persons in charge	
EM9	Reg 17	Additional information requirements for flammable and oxidising substances and organic peroxides	
EM10	Regs 21 – 24	Fire extinguisher requirements	
EM11	Regs 25 – 34	Level 3 emergency management requirements: duties of person in charge, emergency response plans	
EM12	Regs 35 – 41	Level 3 emergency management requirements: secondary containment	The following subclauses are added after subclause (3) of regulation 36: <i>(4) For the purposes of this regulation, and regulations 37 to 40, where this substance is contained in pipework that is installed and operated so as to manage any loss</i>

Code	Regulation	Description	Variation
			<p><i>of containment in the pipework it—</i></p> <p><i>(a) is not to be taken into account in determining whether a place is required to have a secondary containment system; and</i></p> <p><i>(b) is not required to be located in a secondary containment system.</i></p> <p><i>(5) In this clause, pipework—</i></p> <p><i>(a) means piping that—</i></p> <p><i>(i) is connected to a stationary container; and</i></p> <p><i>(ii) is used to transfer a hazardous substance into or out of the stationary container; an</i></p> <p><i>(b) includes a process pipeline or a transfer line.</i></p>
EM13	Reg 42	Level 3 emergency management requirements: signage	

Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001

Code	Regulation	Description	Variation
AH 1	Regs 4 – 6	Approved Handler requirements (including test certificate and qualification requirements)	

Hazardous Substances (Tank Wagon and Transportable Containers) Regulations 2004

Code	Regulation	Description	Variation
Tank Wagon	Regs 4 to 43 as applicable	Controls relating to tank wagons and transportable containers.	

Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

Code	Regulation	Description	Variation
Sch 8	Schedule 8	This schedule prescribes the controls for stationary container systems. The requirements of this schedule are detailed in the consolidated version of the Hazardous Substances (Dangerous Goods and Schedule Toxic Substances) Transfer Notice 2004, available from http://www.epa.govt.nz/Publications/Transfer-Notice-35-2004.pdf	The controls relating to stationary container systems, secondary containment and unintended ignition of flammable substances, as set out in Schedule 8, of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (Supplement to the New Zealand Gazette, 26 March 2004, No. 35, page 767), as amended, shall apply to this substance, notwithstanding clause 1(1) of Schedule 8.

Schedule 9 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

Code	Regulation	Description	Variation
Sch 9	Schedule 9	This schedule prescribes the controls relating to secondary containment. The requirements of this schedule are detailed in the consolidated version of the Hazardous Substances (Dangerous Goods and Schedule Toxic Substances) Transfer Notice 2004, available from http://www.epa.govt.nz/Publications/Transfer-Notice-35-2004.pdf	The controls relating to stationary container systems, secondary containment and unintended ignition of flammable substances, as set out in Schedule 9 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (Supplement to the New Zealand Gazette, 26 March 2004, No. 35, page 767), as amended, shall apply to this substance, notwithstanding clause 1(1) of Schedule 9.

Schedule 10 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

Code	Regulation	Description	Variation
Sch10	Schedule 10	This schedule prescribes the controls for the adverse effects of unintended ignition of class 2 and 3.1 flammable substances. The requirements of this schedule are detailed in the consolidated version of the Hazardous Substances (Dangerous Goods and Schedule Toxic Substances) Transfer Notice 2004, available from http://www.epa.govt.nz/Publications/Transfer-Notice-35-2004.pdf	The controls relating to stationary container systems, secondary containment and unintended ignition of flammable substances, as set out in Schedule 10 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (Supplement to the New Zealand Gazette, 26 March 2004, No. 35, page 767), as amended, shall apply to this substance, notwithstanding clause 1 of Schedule 10.

Additional controls

Code	Regulation	Description
Water	77A	The substance must not be applied onto, over or into water. ⁴

CONTROL R-3: Application parameters

- (1) The person in charge of the application of a substance and any person applying the substance must ensure that application of the substance is carried out in accordance with the following application restrictions:
- The substance may be applied at a maximum rate of 1425 g pirimiphos-methyl / ha, with a maximum application frequency of 4 times per crop cycle.

LABEL STATEMENT

- (2) A person must not supply a hazardous substance to any other person unless the substance label shows the following information:
- (a) the maximum application rate;
 - (b) the maximum application frequency.
- (3) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (2).

CONTROL R-4: Spray drift mitigation

- (1) No person may apply the substance in a manner that results in adverse effects beyond the boundary of the subject property.

⁴ where 'water' means water in all its physical forms, whether flowing or not, and whether over or under ground, but does not include water in any form while in a pipe, tank or cistern or water used in the dilution of the substance prior to application.

- (2) Any person applying the substance must take all reasonable care to avoid off-target movement of the substance.

LABEL STATEMENT

- (3) The following statement must appear on the substance label:

The person applying this substance must not cause adverse effects beyond the boundary of the treated property, and must also avoid adverse effects from spray drift occurring. Mitigation measures employed must be recorded as part of the application records.

- (4) A person must not supply a hazardous substance to any other person unless the substance label includes the statement specified in (3).
- (5) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (3).

CONTROL R-7: Restriction on method of application

- (1) A person must not apply the substance, unless applied in accordance with the following:
When the substance is applied indoors, application using hand-gun spray equipment is not permitted.

LABEL STATEMENT

- (2) A person must not supply a hazardous substance to any other person unless the substance label specifies the application equipment or techniques that may be used to apply the substance, in accordance with (1).
- (3) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (2).

CONTROL/LABEL STATEMENT R-8: Identification as an organophosphate substance

- (1) A person must not supply a hazardous substance to any other person unless the substance label clearly states that the substance is an organophosphate -containing substance.
- (2) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (1).

CONTROL/LABEL STATEMENT R-9: Label warning of effects on bees

- (1) A person must not supply a hazardous substance to any other person unless the substance label shows the following statement (or equivalent):

This product is very toxic to bees. Do not apply this product to any plant or tree likely to be visited by bees—

- (a) *at the time of application; or*
- (b) *immediately after application until spray has dried; or*
- (c) *in areas where bees are foraging.*

- (2) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (1).
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This control applies only to outdoor applications:

CONTROL R-11: Notification

- (1) For wide-dispersive applications, no person may apply, or engage another person to apply, the substance unless that person has given written notice of the proposed application to any person likely to be directly affected by the application, including occupiers and owners of land, dwellings or buildings or property that is immediately abutting the application area.
- (2) The notice referred to in subclause (1) must—
 - (a) be given at least 2 working days but no more than 4 weeks in advance of each application; and
 - (b) specify the following:
 - (i) the location of application area that the substance will be applied to;
 - (ii) the date and approximate duration of each application;
 - (iii) the steps to be taken by the notified parties to avoid exposure;
 - (iv) the name of the organisation/s undertaking the application;
 - (v) contact details for the person in charge of the application (phone, email or postal address, including a contact number for immediate contact during application).

LABEL STATEMENT

- (3) A person must not supply a hazardous substance to any other person unless the substance label shows that notification of affected parties and neighbours, in accordance with the requirements of (1) and (2), must be carried out in advance of the application.
- (4) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (3).

CONTROL R-12: Restricted Entry Interval (REI)

- (1) The REI for this substance is 12 hours.
- (2) The person in charge of the application area shall ensure that no person who is authorised to be there enters the application area until the end of the REI.
- (3) Despite (2), a person may enter the application area before the end of the REI—
 - (a) if PPE and RPE is worn as if that person is applying the substance; and
 - (b) if entering an indoor treated area, for the purpose of carrying out tasks associated with ventilation of the building or structure.

LABEL STATEMENT

- (4) A person must not supply a hazardous substance to any other person unless the substance label shall show the requirements for the REIs and corresponding PPE, in accordance with (1) to (3).
- (5) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (4).

CONTROL R-13: Approved handler requirements

- (1) The requirements of regulation 9 of Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, and regulations 4 to 6 of Hazardous Substances (Personnel Qualifications) Regulations 2001 apply to this substance.

LABEL STATEMENT

- (2) A person must not supply a hazardous substance to any other person unless the substance label specifies that the substance must only be applied by an approved handler, or under the direct supervision of an approved handler.
- (3) A person who is in charge of a hazardous substance must ensure that the substance label shows the information required by (2).

This regulation is inserted immediately after regulation 9:

9A Exception to approved handler requirement for transportation of packaged substances

- (1) Regulation 9 is deemed to be complied with if—
 - (a) in the case of a hazardous substance being transported on land,—
 - (i) in the case of a substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with the approved safety system for the time being approved under section 6D of the Transport Services Licensing Act 1989; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance has a current dangerous goods endorsement on his or her driver licence; and
 - (iii) in all cases, Land Transport Rule: Dangerous Goods 1999 (Rule 45001) is complied with; or
 - (b) in the case of a hazardous substance being transported by sea, one of the following is complied with:
 - (i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A):
 - (ii) International Maritime Dangerous Goods Code; or
 - (c) in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.
- (2) Subclause (1)(a)—
 - (a) does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
 - (b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.
- (3) Subclause (1)(c)—
 - (a) applies to pilots, aircrew, and airline ground personnel loading and managing hazardous substances within an aerodrome; but
 - (b) does not apply to the handling of a hazardous substance in any place that is not within an aerodrome.
- (4) In this regulation, **UN Model Regulations** means the 17th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2011 by the United Nations.

The regulations apply to this substance as if the following regulation was inserted immediately after regulation 9A:

9B Exception to approved handler requirement for aerial application of certain substances

Regulation 9 is deemed to be complied with if, in the case of the aerial application of a hazardous substance, the person who carries out the application has a current pilot chemical rating in accordance

with Part 61 of the Civil Aviation Rules.

CONTROL R-14: Signage

- (1) When the substance is applied in an indoor environment, the person in charge of the application area and the person in charge of the application of the substance must ensure that signs are erected outside of the application area, at every routine point of entry into the application area. Signs must be posted from the start of commencement of application, until the end of the application or Restricted Entry Interval (REI), whichever is the later.
 - (2) Signs erected in accordance with subclause (1) must –
 - (a) state that application is being carried out using a substance that is toxic to humans; and
 - (b) state that entry into the application area is not permitted unless PPE and RPE are worn.
 - (3) Signs erected in accordance with subclauses (1) and (2) must –
 - (a) comply with regulation 34(1), (2), and (4) and regulation 35(1), (3), and (5) of the Hazardous Substances (Identification) Regulations 2001, but as if the distances referred to in regulation 35(3) were a distance of not less than 10 metres; and
 - (b) identify the person in charge of the application; and
 - (c) state the day on which the application commenced; and
 - (d) state the time and date of the end of the REI.
 - (4) Signs must be removed within 3 days (72 hours) of the end of the application or REI, whichever is the later.
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