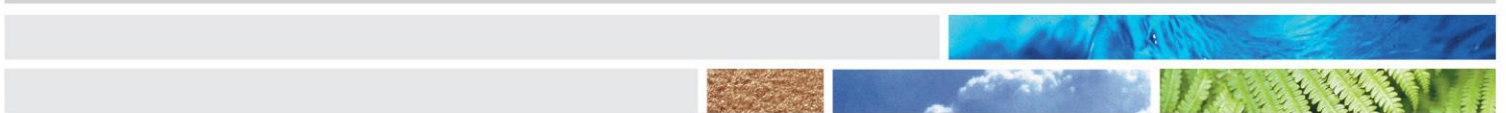




Environmental
Protection Authority
Te Mana Rauhi Taiao

Hazardous Substances (Labelling) Notice 2017

SEPTEMBER 2017



EPA NOTICE

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996



Hazardous Substances and New Organisms Act 1996

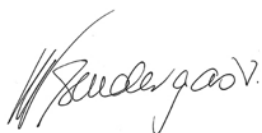
Hazardous Substances (Labelling) Notice 2017

This notice is issued by the Environmental Protection Authority (the **Authority**) under sections 75 and 76(1)(b), (f), (g), (h), and (j) of the Hazardous Substances and New Organisms Act 1996 (the **Act**). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2). The Authority now approves it for publication in the Gazette.

Signed at Wellington

This 7th day of September 2017

By Kerry Prendergast

A handwritten signature in black ink, appearing to read "Kerry Prendergast". The signature is written in a cursive, flowing style.

Chair
Environmental Protection Authority

Hazardous Substances (Labelling) Notice 2017

This notice is issued by the Environmental Protection Authority (the **Authority**) under sections 75 and 76(1)(b), (f), (g), (h), and (j) of the Hazardous Substances and New Organisms Act 1996 (the **Act**). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2).

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Administrative information: Date of notification in New Zealand Gazette: 3 November 2017.

Objective of notice

The objective of this notice is to consolidate and reform requirements relating to labelling of hazardous substances.

Extent of consultation

The Authority publicly notified its intention to issue this notice on 2 December 2014 by publishing a proposal document on its website. It invited comments by 20 February 2015.

A further consultation was undertaken on 19 September 2016 through the “Proposal for EPA Notices for Classification, Updates on the EPA Notices for Labelling, Safety Data Sheets, and Packaging”. The Authority invited comments by 14 October 2016.

Both proposal documents were also sent to relevant persons and other interested parties in accordance with section 76C(1)(c) of the Act. Comments were received and taken into account by the Authority during the drafting of this notice.

Documents incorporated by reference

Information on how to access material incorporated by reference in this notice is available on the EPA website.

Documents that are incorporated by reference in this notice are also available, on request, for inspection free of charge during normal business hours at the office of the Authority.

Further information about EPA notices

EPA notices are tertiary instruments that are administered by the Authority. They are classed as disallowable instruments under the Legislation Act 2012 (the **Legislation Act**). This means that the notice must be tabled in the House of Representatives who may, by resolution, disallow the notice. The Regulations Review Committee is the select committee responsible for considering instruments such as this notice under the Legislation Act.

The controls in this notice will apply to any Part 5 approval or group standard issued or reissued under the Act on or after the date of commencement of this notice, unless the particular approval or group standard provides otherwise. The controls will not apply to Part 5 approvals and transfer notices that are in place at the time this notice comes into force (i.e. existing approvals) unless they are reissued. Information about approvals that have been reissued or revoked will be available on the EPA website.

At the time of making this notice, the relevant empowering provisions in sections 75 and 76 of the Act have not come into force. However, pursuant to section 11 of the Interpretation Act 1999, the powers may be exercised before they come into force to make this notice. The exercise of these powers is necessary or desirable in order to bring the enactment into operation. The notice will not come into force before the powers to make the notice come into force.

Part A: General

1 Title

This is the Hazardous Substances (Labelling) Notice 2017.

2 Commencement

This notice comes into force on 1 December 2017.

3 Application

- (1) This notice applies to manufacturers, importers, and suppliers of hazardous substances.
- (2) This notice does not apply in relation to—
 - (a) substances required for the motive power or control of a vehicle, aircraft, or ship, that are contained in the fuel system, electrical system, or control system of the vehicle, aircraft, or ship; or
 - (b) any fuel gas supplied or used in a gas distribution system, gas appliance, or gas installation (as these terms are defined in the Gas Act 1992), when subject to the Gas Act 1992; or
 - (c) any fuel gas transported through transmission pipelines when subject to the Health and Safety in Employment (Pipelines) Regulations 1999; or
 - (d) hazardous substances to which clause 5 applies.
- (3) The provisions of this notice apply subject to—
 - (a) any variation of these requirements made in accordance with sections 77 or 77A of the Act; and
 - (b) the provisions of a relevant group standard as applied in accordance with section 96E of the Act.

4 Definitions

In this notice, unless the context otherwise requires—

Act means the Hazardous Substances and New Organisms Act 1996

aerosol has the same meaning as in Schedule 2 of the Hazardous Substances (Classification) Notice 2017

Australian Code for the Transport of Explosives by Road and Rail means the publication of that name published by the Australian Workplace Relations Ministers' Council 2009, 3rd Edition

container, in relation to hazardous substance, means anything in or by which a hazardous substance is wholly or partly encased, covered, enclosed, contained, or packed

combination packaging means a combination of packaging for transport purposes consisting of inner packaging secured in outer packaging

correctly labelled means correctly labelled in accordance with clause 6

dangerous good means a substance that is listed by name as a dangerous good or is able to be assigned to a dangerous goods class in conformity with a relevant international instrument

dangerous goods class means groupings, numbered from 1 to 9, into which dangerous goods are assigned on the basis of a common single or most significant hazard, as specified in a relevant international instrument, and a reference to a dangerous goods class includes all divisions of that class

expert has the same meaning as in the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017

firework has the same meaning as in the Hazardous Substances (Fireworks) Regulations 2001

fuel gas has the same meaning as in the Health and Safety at Work (Hazardous Substances) Regulations 2017

GHS means the Globally Harmonized System of Classification and Labelling of Chemicals, 5th revised edition, 2013, published by the United Nations

hazard statement means a statement assigned to a hazard class and category describing the nature of the hazards of a hazardous substance including, if appropriate, the degree of hazard

HSNO classification, in relation to a hazardous substance, means the classification that the substance has or is given in accordance with the relevant criteria in the Hazardous Substances (Classification) Notice 2017 and the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017

importer has the same meaning as in the Customs and Excise Act 1996

label means a group of written, printed, pictorial, or graphic information elements (including label elements) concerning a hazardous substance, that is affixed to, printed on, or attached to the primary container of a hazardous substance, or to the outside of the packaging of a hazardous substance

label elements has the same meaning as in clause 13(2)

list of dangerous goods means the list of dangerous goods in Chapter 3.2 of the UN Model Regulations or the corresponding provisions of another relevant international instrument

manufacture, in relation to a hazardous substance—

- (a) means make, prepare, produce, label, or pack (including packing into a container) the hazardous substance; and
- (b) includes repacking or relabelling the hazardous substance

packaging means one or more containers in which a substance may be encased, covered, enclosed, contained or packed, and any other components or materials necessary for the containers to perform their containment and other safety functions

PCBU has the same meaning as in the Health and Safety at Work Act 2015

pesticide—

- (a) means a class 9 substance used for pest management to eradicate, modify, or control organisms—
 - (i) in agricultural, horticultural, or forestry activities (including in a domestic context); or
 - (ii) in any place that may be lawfully accessed by the public (with or without payment of a charge); but

- (b) does not include—
- (i) veterinary medicines, fertilisers, anti-fouling paints, timber treatment chemicals, and antisapstain chemicals; or
 - (ii) disinfectants or cleaning products other than when used for the treatment of micro-organisms on horticultural crops.

pictogram means a graphical composition that includes a symbol plus other graphical elements, and is assigned in the GHS or the UN Model Regulations to a hazard class, division, or category

precautionary statement means a statement relating to a hazardous substance of a particular classification that describes measures that should be taken to prevent or minimise adverse effects that may result from exposure to, or improper storage or handling of, the hazardous substance

primary container means a container that is in direct contact with the hazardous substance that it contains

primary pack means a container in which a hazardous substance and its primary container is or is intended to be presented for supply, but does not include outer packaging in which the substance is packed for the purpose of transport

product identifier means the name or number used to identify a product on a label or in a safety data sheet

proper shipping name, in relation to a hazardous substance that is a dangerous good means the name given as the proper shipping name for a substance in a relevant international instrument; and if that name includes the words “Not Otherwise Specified” or the letters N.O.S, or if required under special provisions, that name as supplemented with the technical name of the goods:

relevant international instrument means—

- (a) the UN Model Regulations; or
- (b) the International Maritime Dangerous Goods Code 2014; or
- (c) the Technical Instructions for Safe Transport of Dangerous Goods by Air of the International Civil Aviation Organisation 2015-16; or
- (d) the Dangerous Goods Regulations of the International Air Transport Association 57th Edition, 2016

relevant transport rule means—

- (a) in relation to transport by land, the Land Transport Rule 45001: Dangerous Goods 2005 (made under the Land Transport Act 1998); or
- (b) in relation to transport by sea, the Maritime Rule Part 24A: Carriage of Cargoes — Dangerous Goods (made under Part 4 of the Maritime Transport Act 1994); or
- (c) in relation to transport by air, the Civil Aviation Rule Part 92: Carriage of Dangerous Goods (made under Part 3 of the Civil Aviation Act 1990)

signal word means the word “danger” or “warning”, as prescribed by the GHS or this notice, used on a label or in a safety data sheet to indicate the relative severity level of a hazard, and to alert a reader to a potential hazard

single packaging means a primary container that is used to transport a hazardous substance without additional packaging around it

supply, in relation to a hazardous substance, includes supply (or resupply) by way of gift, sale or exchange; and occurs on the passing of possession

unique identifier means an identifier that uniquely identifies each package of a hazardous substance that has been manufactured, imported, or supplied

UN Model Regulations means the 18th revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, 2013, published by the United Nations

UN number means the identification number assigned to dangerous goods by the United Nations Sub-committee of Experts on the Transport of Dangerous Goods as published in a relevant international instrument

veterinary medicine has the same meaning as in the Agricultural Compounds and Veterinary Medicines Act 1997

worker has the same meaning as in the Health and Safety at Work Act 2015

workplace has the same meaning as in the Health and Safety at Work Act 2015

- (2) A reference to a hazardous substance having a particular class or classification means—
- (a) in relation to a substance that does not have an approval under Part 5 of the Act, that it meets the criteria for that class or classification under the Hazardous Substances (Classification) Notice 2017 and the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017; or
 - (b) in relation to a substance that has an approval under Part 5 of the Act, that the Authority has given it a corresponding classification in accordance with the criteria set out in paragraph (a).
- (3) The terms class 6.1E (aspiration hazard), class 6.1E (respiratory tract irritant) and class 6.9B (narcotic effects) have the same meaning as in Schedule 4 of the Hazardous Substances (Classification) Notice 2017.
- (4) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

5 When notice does not apply to hazardous substances

- (1) This notice does not apply to a hazardous substance while it is being transported in accordance with any applicable requirements of a relevant transport rule.
- (2) This notice does not apply to a hazardous substance that has been packaged for the purpose of export if it complies with any labelling or marking requirements—
 - (a) that would apply under a relevant transport rule if the substance were being transported; and
 - (b) is required by the law of the country of destination.
- (3) This notice does not apply to an imported hazardous substance for a reasonable time after its arrival in New Zealand to the extent required to complete any necessary and reasonable steps to comply with this notice if—
 - (a) it complies with any labelling and marking requirements that would apply under a relevant transport rule if the substance were being transported; and

- (b) it has been imported into New Zealand and remains contained within the packaging in which it is imported and has reached the import destination stated in its import documentation and remains at that destination.
- (4) This notice does not apply while the hazardous substance is in a workplace if regulation 2.1, 2.3, or 2.4 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 applies.

Part B: Labelling requirements

6 Correct labelling

A hazardous substance is **correctly labelled** if it is packed in a container that is labelled in accordance with this Part.

7 Manufacturers and importers to ensure hazardous substance correctly labelled

The importer or manufacturer of a hazardous substance must ensure that the substance is correctly labelled as soon as practicable after importing or manufacturing the substance.

8 Suppliers to ensure hazardous substance correctly labelled

- (1) A person must not supply a hazardous substance to another person if the substance is not correctly labelled.
- (2) Subclause (1) does not apply if a person, other than a PCBU or worker, lawfully supplies a waste hazardous substance for collection to a public or commercial waste collection service.
- (3) For the avoidance of doubt, nothing in this clause limits any requirement for a PCBU to label waste in accordance with the Health and Safety at Work (Hazardous Substances) Regulations 2017.

9 Attributes of label

- (1) The label required by this notice must be durable.
- (2) All information required by this notice to be provided on the label must be—
 - (a) in English; and
 - (b) easily read by a person with normal eyesight; and
 - (c) able to be readily comprehended.
- (3) Where reasonably practicable, the label must be affixed to or printed on the primary container and, if there is one, the primary pack.
- (4) Where it is not possible to fit all the information onto a label that is affixed to or printed on the primary container or, if applicable, the primary pack, the label must be securely attached to the primary container or primary pack (for example, by way of fold-out labels, multilayer booklets, or tie-on tags) in a manner that withstands the normal stresses and strains of handling.

10 Representations on label

Information provided on the label must not include any statement, expression, trade name, or description that—

- (a) is false or misleading in relation to the safety of the substance or any of its ingredients; or
- (b) misrepresents the composition of the substance; or
- (c) misrepresents any property of the substance, such as information that suggests it has a classification that it does not have.

11 Requirement for product identifier

The label of a hazardous substance must include a product identifier that—

- (a) clearly identifies the hazardous substance (which may include its common name, chemical name, or registered trade name); and
- (b) in a case in which a safety data sheet is required to be obtained or provided by an importer or manufacturer under the Hazardous Substances (Safety Data Sheet) Notice 2017, is the same as the product identifier in the safety data sheet.

12 Requirement for contact and emergency contact details

- (1) The label for a hazardous substance must include enough information to enable the New Zealand importer or manufacturer to be contacted in person or by telephone, however, the name and details of the overseas supplier can be provided in place of the New Zealand importer if—
 - (a) the substance is imported from overseas directly into a workplace for use rather than supply; or
 - (b) the substance is imported by an individual exclusively for that individual's personal use.
- (2) The label of a class 1, class 5, class 6.1, 6.3, 6.4, 6.5, class 8.2, or class 8.3 hazardous substance must have a 24 hour freephone emergency contact phone number from which information about the substance can be obtained in an emergency.

13 Label elements for substances that have equivalent GHS classifications

- (1) For the purpose of following the prescribed measures in the GHS referred to in this clause, the equivalent GHS classification for each HSNO classification of a hazardous substance set out in the Schedule applies.
- (2) A label for a hazardous substance that has a HSNO classification that has an equivalent GHS classification must—
 - (a) include the pictograms, signal word, hazard statements, and precautionary statements (**label elements**) prescribed in the GHS for each GHS classification of the hazardous substance; and
 - (b) comply with the prescribed measures in the GHS, in relation to—
 - (i) precedence of hazard information (in cases where a substance has more than one hazard classification); and
 - (ii) arrangements for presenting the label elements.
- (3) A precautionary statement that has minor differences in the way it is expressed must be treated as complying with subclause (2)(a) if the minor differences do not affect its obvious meaning.

14 Label elements for desensitised explosives

- (1) Despite there being no equivalent GHS classification set out in the Schedule, clause 13 applies to class 3.2 and 4.1.3 hazardous substances in accordance with this clause.
- (2) For the purpose of subclause (1)—
 - (a) the relevant pictogram is—
 - (i) for a class 3.2 substance, the pictogram for class 3 flammable liquids prescribed in the UN Model Regulations; and
 - (ii) for a class 4.1.3 substance, the pictogram for class 4, division 4.1 flammable solids prescribed in the UN Model Regulations; and
 - (b) the relevant signal word is—
 - (i) in respect of class 3.2A, 3.2B, 4.1.3A, and 4.1.3B substances, “Danger”; and
 - (ii) in respect of class 3.2C and 4.1.3C substances, “Warning”; and
 - (c) the relevant hazard statement is—
 - (i) in respect of class 3.2A or 4.1.3A substances, “Fire, blast, or projection hazard; increased risk of explosion if desensitising agent is reduced”; and
 - (ii) in respect of class 3.2B, 3.2C, 4.1.3B, and 4.1.3C substances, “Fire or projection hazard; increased risk of explosion if desensitised agent is reduced”; and
 - (d) the relevant precautionary statements are the statements prescribed in relation to the class desensitised explosives in the GHS, 6th revised edition, 2015.

15 Other information

- (1) Where not otherwise included in hazard statements or precautionary statements required by clauses 13 or 14, the label must also include—
 - (a) any information about other hazards relevant to the hazardous substance; and
 - (b) first aid and emergency procedures related to those other hazards.
- (2) In the case of a substance that is likely over time to become more hazardous, or develop additional hazard properties, or become a hazardous substance of a different class or subclass, the label must include—
 - (a) a description of each likely change; and
 - (b) the date by which it is likely to occur.

16 Disposal method information

- (1) The label of a hazardous substance must identify one or more appropriate and achievable disposal methods for the hazardous substance.
- (2) The disposal method must be consistent with the Hazardous Substances (Disposal) Notice 2017 and the Act.
- (3) The label may also specify disposal methods that must be avoided.

17 Labels for mixtures containing toxic or corrosive ingredients

- (1) This clause applies to hazardous substances that are mixtures and that include an ingredient substance that has a classification set out in Table 1.
- (2) Where an ingredient is present at or above the concentration cut-off level shown in column 2 of Table 1, the information on the label must include the common or chemical name of the ingredient and its concentration in the mixture.
- (3) Where subclause (2) requires the common or chemical name of an ingredient to be identified on the label, a generic name may be used to identify—
 - (a) a group of ingredients if—
 - (i) the ingredients are part of a complex mixture; and
 - (ii) the ingredients have not been individually identified; and
 - (iii) the name applies to the group; or
 - (b) any ingredient that may be classified as class 6.1D, class 6.1E (aspiration hazard), class 6.1E (respiratory tract irritant), or class 6.9B (narcotic effects), if disclosure of the ingredient would amount to disclosure of confidential information.
- (4) For the purpose of subclause (3), any generic name must identify the key chemical entities and functional groups in the ingredients that contribute to their hazardous properties.
- (5) Where the concentration of an ingredient is required to be included on the label, the concentration may be stated as a range only if—
 - (a) disclosure of the concentration would amount to disclosure of confidential information; and
 - (b) the range does not cause the substance to be classified differently.
- (6) In this clause, **confidential information** means information that includes any of the following:
 - (a) trade secrets:
 - (b) information with a commercial value that would, or would be likely to, be diminished by disclosure.

Table 1. Concentration cut-offs for identification of ingredients on a label

Column 1 Classification of component	Column 2 Concentration cut-off level \geq %
6.1A, 6.1B, 6.1C, or 6.1D	The value is the concentration that triggers classification independently of any other ingredient.
6.1E (aspiration hazard)	10 The mixture must meet the viscosity criteria for a GHS category 1 aspiration hazard substance. The identification requirement also applies if the mixture separates into two or more layers, one of which contains > 10% of a GHS category 1 aspiration hazard substance and meets the viscosity criteria for GHS category 1.

6.1E (respiratory tract irritant)	The value is the concentration of the ingredient at or above which, in the opinion of an expert, there is data indicating evidence that the mixture is a respiratory tract irritant in humans.
6.5A	1.0 (or for gas 0.2) Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
6.5B	1.0 Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
6.6A	0.1
6.6B	1.0
6.7A	0.1
6.7B	1.0
6.8A	0.3
6.8B	3.0
6.8C	0.3
6.9A	1.0
6.9B (if specific organ toxicity)	10
6.9B (narcotic effects)	The value is the concentration of the ingredient at or above which, in the opinion of an expert, there is data indicating evidence that the mixture causes narcotic effects in humans.
8.2A, 8.2B, or 8.2C	5 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.
8.3A	3 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.

18 Additional label statements required on label of consumer products

- (1) This clause applies to a hazardous substance that is a consumer product, other than a firework.
- (2) The label must include the following statement—
“Read label before use”

- (3) If a hazardous substance has a classification listed in subclause (4), the label must include the following statements—
- (a) “Keep out of reach of children”:
 - (b) “If medical advice is needed, have the product container or label at hand”.
- (4) For the purpose of subclause (3), the classifications are:
- (a) 6.1A, 6.1B, 6.1C, 6.1D, 6.1E, 6.1E (aspiration hazard):
 - (b) 6.5A, 6.5B:
 - (c) 6.6A, 6.6B:
 - (d) 6.7A, 6.7B:
 - (e) 6.8A, 6.8B, 6.8C:
 - (f) 6.9A, 6.9B:
 - (g) 8.2A, 8.2B, 8.2C:
 - (h) 8.3A.
- (5) The label for a hazardous substance that is an aerosol must include the following statements, or equivalent statements with only minor differences that do not affect their obvious meaning:
- “Keep out of reach of children”:
- “Beware: Deliberately sniffing or inhaling concentrated contents can be harmful or fatal”.
- (6) In this clause, **consumer product** means a hazardous substance that is packed or repacked primarily for use by a household consumer or for use in an office and—
- (a) if packed or repacked primarily for use by a household consumer, is packed in a way and in a quantity in which it is intended to be used by the household consumer; and
 - (b) if packed or repacked primarily for use in an office, is packed in a way and in a quantity in which it is intended to be used for office use.

19 Generic label statement required for class 9 pesticides

- (1) The label for a class 9 pesticide must include the following statement (or words to this effect)—
- “Take all reasonable steps to ensure that the substance does not cause any significant adverse effects to the environment beyond the application area.”
- (2) In the case of a class 9.1 pesticide, the information required by this clause is in addition to any GHS hazard information.

20 Label statement required for class 9.1 pesticides and plant growth regulators

- (1) This clause applies to a class 9.1 pesticide, unless it is a vertebrate toxic agent or fumigant, and class 9.1 plant growth regulators.
- (2) The label must include the following statement (or words to this effect)—
- “Do not apply directly into or onto water”.

21 Label statement required for class 9.3 pesticides coated on a seed

- (1) This clause applies to a class 9.3 pesticide, if it has been coated on a seed.
- (2) The label for the seeds must include the following statements (or words to this effect)—
 - (a) “Ensure any seeds are not accessible to birds”
 - (b) “Not to be used for human or animal consumption”

22 Label statement required for class 9.3 pesticide in granular form

- (1) This clause applies to a class 9.3 pesticide, if it is in granular form.
- (2) The label for the granules must include the following statement (or words to this effect)—
“Ensure any granules are not accessible to birds”.

23 Label statement required for class 9.3 pesticides used as vertebrate bait

- (1) This clause applies to a class 9.3 pesticide to be used as bait, or as part of bait, for vertebrate species.
- (2) The label must include any **use restrictions**, with a statement to the effect that use must be in accordance with the restrictions.
- (3) In this clause **use restrictions** means methods of release, and repellents or attractants to be used with the substance, specified by the Authority in accordance with clause 56(1) of the Hazardous Substances (Hazardous Property Controls) Notice 2017.

24 Label statement required for class 9.4 pesticides and plant growth regulators

- (1) This clause applies to a class 9.4 pesticide or plant growth regulator, if it is in a form that non-target invertebrate pollinators are likely to be exposed to either during, or after, it is applied to a plant.
- (2) The label must include the following statement (or words to this effect)—
“Do not apply substance to plants if—
 - (i) Bees are foraging; or
 - (ii) The plants are in flower or part flower, and are likely to be visited by non-target invertebrate pollinators (including bees)”
- (3) If the Authority has specified a period for the purposes of clause 58(2)(b)(ii)(B) of the Hazardous Substances (Hazard Property Controls) Notice, the label must include the following additional label statement (or words to this effect)—
“Do not apply the substance to a plant if the plant is likely to flower within x days”
- (4) For the purposes of subclause (3), x must be replaced by the number of days specified by the Authority.

25 Application restrictions and buffer zone label statements required for class 9 pesticides and plant growth regulators

- (1) The label for a class 9 pesticide or plant growth regulator must include the following information:
 - (a) any application restrictions, with a statement to the effect that the restrictions must be complied with; and

- (b) any buffer zone distances set by the Authority in accordance with clause 51 of the Hazardous Substances (Hazardous Property Controls) Notice 2017, with a statement to the effect that the substance must not be applied using the relevant application method within the buffer zone distance.
- (2) In this clause—
- application restriction** means any of the following matters, set by the Authority in accordance with clause 50(1) of the Hazardous Substances (Hazardous Property Controls) Notice 2017:
- (a) application rate;
 - (b) application interval;
 - (c) application frequency; and
- relevant application method** means the application method for which the buffer zone has been set.

26 Label on substances used as vertebrate toxic agent

- (1) The labels on each package for the following substances must be labelled with a unique identifier, where those substances are intended to be used as vertebrate toxic agents:
- (a) sodium fluoroacetate (1080):
 - (b) sodium cyanide:
 - (c) potassium cyanide:
 - (d) yellow phosphorus:
 - (e) microencapsulated zinc phosphide (MZP):
 - (f) para-aminopropiophenone (PAPP):
 - (g) sodium nitrite.

27 Class 1 substances

- (1) The label for a class 1 substance must—
- (a) include a 24 hour emergency contact number in accordance with clause 12; and
 - (b) for fireworks, include a description of the principal effects of the firework and a warning related to use; and
 - (c) if it has been approved for use in underground mining operations where flammable atmospheres are present, include an identifier that the Authority has approved for that purpose.
- (2) Subject to subclause (1), this notice does not apply to class 1 substances if the label for the substance—
- (a) is in English; and
 - (b) complies with the Australian Code for the Transport of Explosives by Road and Rail; and
 - (c) includes the proper shipping name and UN number; and

- (d) for substances other than articles, includes, if applicable, the GHS hazard pictograms, hazard statement and precautionary statements that are consistent with the correct classification of the substance in relation to health hazards.

28 Application of notice to Class 6.1E (aspiration hazard) substances

- (1) This notice does not apply to a class 6.1E (aspiration hazard) substance contained in an aerosol or container fitted with a sealed spray attachment.
- (2) Nothing in this clause limits the application of this notice to a class 6.1E (aspiration hazard) substance if it has a different classification.

29 Combination packaging

If a hazardous substance is packaged in combination packaging and some or all of the information on the label is obscured by outer packaging, the outer packaging must—

- (a) have a label that has the pictograms, signal word, and hazard statements required by clause 13 or 14; or
- (b) bear the labelling or marking that would be required by a relevant transport rule if the goods were transported by land, sea, or air.

30 Alternative UN pictogram for dangerous goods in single packaging

- (1) This clause applies for the purposes of clauses 13 and 14 if—
 - (a) a hazardous substance that is a dangerous good is packaged in single packaging for the purpose of transport; and
 - (b) the hazard pictograms required by this notice relate to a hazard for which a relevant transport rule also requires hazard information.
- (2) A hazard pictogram prescribed by the UN Model Regulations may be used in place of a pictogram prescribed by the GHS or this notice.

31 Alternative compliance for importers and manufacturers

- (1) An importer or manufacturer must be treated as complying with clause 7, as it relates to clauses 9(3) and (4), 13 to 18, and 29 if, at the time the relevant requirement applies, the importer or manufacturer meets any labelling requirements under the law that would have applied if the substance were for supply in a specified jurisdiction that is nominated by the importer or manufacturer in accordance with this clause.
- (2) An importer or manufacturer who seeks to rely on this clause must—
 - (a) apply the law of the specified jurisdiction according to the reasonably expected circumstances of supply in New Zealand (for example, supply to consumers or to workplaces); and
 - (b) before importing or manufacturing the substance, establish a record that states the importer or manufacturer's intention to rely on this clause in relation to a particular substance and a relevant jurisdiction that is nominated in the record.
- (3) The importer or manufacturer may nominate a specified jurisdiction by referring directly to the jurisdiction, or by referring to a particular legal instrument in the relevant jurisdiction that has legal force at the relevant time.

- (4) The record must show the dates of each entry and be kept for at least 2 years after the end of the period during which the importer or manufacturer makes the hazardous substance available for supply.
- (5) In this clause **specified jurisdiction** means:
 - (a) the European Union; or
 - (b) the Commonwealth of Australia, including any state or territory of Australia; or
 - (c) Canada, including any province or territory of Canada; or
 - (d) the United States, including any state.
- (6) Nothing in this clause applies to a pesticide in relation to any label requirement that arises because it is a class 9.1 substance.

32 Alternative compliance for suppliers

- (1) A supplier who is subject to a duty to ensure that a hazardous substance is correctly labelled must be treated as complying with clause 8, as it relates to clauses 9(3) and (4), 13 to 18, and 29, if, at the time of supply, the hazardous substance is labelled by an importer or manufacturer in accordance with clause 31.

33 Advertising acutely toxic or corrosive substances

- (1) This clause applies to a hazardous substance that is a class 6.1, 8.2, or 8.3A substance if—
 - (a) the substance is advertised to members of the public through any medium; and
 - (b) the likely audience is not provided with a reasonable opportunity to read and consider the information required to be on the product label before purchase of the substance.
- (2) The advertising must convey, in a readily understandable form that is appropriate for the advertising medium used,—
 - (a) an indication that it is toxic or corrosive (as applicable); and
 - (b) a statement to the effect that children's access to the substance should be restricted.

Part C: Transitional provisions and consequential amendments

34 Definitions for the purpose of this Part

In this Part—

approval includes—

- (a) an approval for a hazardous substance issued under Part 5 of the Act; and
- (b) an approval for a hazardous substance or group of hazardous substances deemed to have been given under section 29 by—
 - (i) clause 4 of the Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003; or
 - (ii) a notice issued under section 160A of the Act that is in force immediately before the commencement of this notice

reissued approval means an approval that was in force immediately before the commencement of this notice that is reissued in accordance with Schedule 7 of the Act

reissued group standard means a group standard that is in force immediately before the commencement of this notice that is reissued in accordance with Schedule 7 of the Act

35 Transitional period relating to reissued approvals

- (1) A person relying on a reissued approval may, during the transitional period, comply with the controls in the approval related to labelling—
 - (a) according to the terms of the approval as in force immediately before reissue; and
 - (b) as if any relevant regulations that were in force under the Act immediately before the commencement of Schedule 7 of the Act remained in force (whether or not they have been revoked).
- (2) For the purposes of this clause, the transitional period is a period starting on the reissue of the approval and ending on a date prescribed by the Authority in the reissued approval, which must be between 2 and 4 years after the date of reissue.

36 Transitional period relating to reissued group standards

- (1) A person relying on a reissued group standard may, during the transitional period, comply with the controls in the group standard related to labelling according to the terms of the group standard as in force immediately before reissue.
- (2) For the purposes of this clause, the transitional period is a period starting on the reissue of the group standard and ending 4 years after the date of reissue.

37 Transitional period relating to revoked approvals

- (1) A person relying on a group standard in relation to a hazardous substance formerly covered by an approval that has been revoked under Schedule 7 of the Act may comply with the controls in the revoked approval related to labelling—
 - (a) according to the terms of the approval as in force immediately before it was revoked; and
 - (b) as if any relevant regulations that were in force under the Act immediately before the commencement of Schedule 7 of the Act remained in force (whether or not they have been revoked).
- (2) For the purposes of this clause, the transitional period is a period starting on the revocation of the approval and ending on a date prescribed by the Authority in the instrument of revocation, which must be between 2 and 4 years after the date of reissue.

Schedule: Equivalent classifications in GHS

- (1) The equivalent GHS classification for a HSNO classification is the GHS class together with the GHS category shown in the corresponding row of the following table.
- (2) Where a HSNO classification appears in a row but there are no items in columns 2 and 3, then there is no equivalent GHS classification for the HSNO classification.
- (3) Where a GHS class and category appear in a row but there is no item in column 1, then there is no equivalent HSNO classification for the GHS class and category.

Table: Equivalent classifications in GHS

Physical hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS category
	Explosives	Unstable explosives
1.1 (A, B, C, D, E, F, G, J, L)	Explosives	Division 1.1
1.2 (B, C, D, E, F, G, H, J, K, L)	Explosives	Division 1.2
1.3 (C, F, G, H, J, K, L)	Explosives	Division 1.3
1.4 (B, C, D, E, F, G, S)	Explosives	Division 1.4
1.5 (D)	Explosives	Division 1.5
1.6 (N)	Explosives	Division 1.6
2.1.1A	Flammable gases (including chemically unstable gases)	Flammable gas category 1
2.1.1B	Flammable gases (including chemically unstable gases)	Flammable gas category 2
	Flammable gases (including chemically unstable gases)	Chemically unstable gas category A
	Flammable gases (including chemically unstable gases)	Chemically unstable gas category B
2.1.2A (flammable aerosols)	Aerosols (flammable)	Category 1
	Aerosols (flammable)	Category 2
	Aerosols (non-flammable)	Category 3
Compressed gases	Gases under pressure	Compressed gas
		Liquefied gas
		Refrigerated liquefied gas
		Dissolved gas

Physical hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS category
3.1A	Flammable liquids	Category 1
3.1B	Flammable liquids	Category 2
3.1C	Flammable liquids	Category 3
3.1D	Flammable liquids	Category 4
3.2A ¹		
3.2B ¹		
3.2C ¹		
4.1.1A	Flammable solids	Category 1
4.1.1B	Flammable solids	Category 2
4.1.2A	Self-reactive substances and mixtures	Type A
4.1.2B	Self-reactive substances and mixtures	Type B
4.1.2C	Self-reactive substances and mixtures	Type C
4.1.2D	Self-reactive substances and mixtures	Type D
4.1.2E	Self-reactive substances and mixtures	Type E
4.1.2F	Self-reactive substances and mixtures	Type F
4.1.2G	Self-reactive substances and mixtures	Type G
4.1.3A ²		
4.1.3B ²		
4.1.3C ²		

¹ Liquid desensitised explosives

² Solid desensitised explosives

Physical hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS category
4.2A	Pyrophoric liquids	Category 1
4.2A	Pyrophoric solids	Category 1
4.2B	Self-heating substances and mixtures	Category 1
4.2C	Self-heating substances and mixtures	Category 2
4.3A	Substances and mixtures which, in contact with water, emit flammable gases	Category 1
4.3B	Substances and mixtures which, in contact with water, emit flammable gases	Category 2
4.3C	Substances and mixtures which, in contact with water, emit flammable gases	Category 3
5.1.1A	Oxidizing liquids	Category 1
	Oxidizing solids	Category 1
5.1.1B	Oxidizing liquids	Category 2
	Oxidizing solids	Category 2
5.1.1C	Oxidizing liquids	Category 3
	Oxidizing solids	Category 3
5.1.2A	Oxidizing gases	Category 1
5.2A	Organic peroxides	Type A
5.2B	Organic peroxides	Type B
5.2C	Organic peroxides	Type C
5.2D	Organic peroxides	Type D
5.2E	Organic peroxides	Type E
5.2F	Organic peroxides	Type F
5.2G	Organic peroxides	Type G
8.1A	Corrosive to metals	Category 1

Health hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS Category
6.1A	Acute toxicity: oral	Category 1
	Acute toxicity: skin	Category 1
	Acute toxicity: inhalation	Category 1
6.1B	Acute toxicity: oral	Category 2
	Acute toxicity: skin	Category 2
	Acute toxicity: inhalation	Category 2
6.1C	Acute toxicity: oral	Category 3
	Acute toxicity: skin	Category 3
	Acute toxicity: inhalation	Category 3
6.1D	Acute toxicity: oral	Category 4
	Acute toxicity: skin	Category 4
	Acute toxicity: inhalation	Category 4
6.1E	Acute toxicity: oral	Category 5
	Acute toxicity: skin	Category 5
	Acute toxicity: inhalation	Category 5
6.1E (aspiration hazard)	Aspiration hazard	Category 1
6.1E (respiratory tract irritant)	Specific target organ toxicity (single exposure)	Category 3
8.2A	Skin corrosion/irritation	Category 1A
8.2B	Skin corrosion/irritation	Category 1B
8.2C	Skin corrosion/irritation	Category 1C
6.3A	Skin corrosion/irritation	Category 2
6.3B	Skin corrosion/irritation	Category 3
8.3A	Serious eye damage/eye irritation	Category 1
6.4A	Serious eye damage/eye irritation	Category 2
6.5A	Respiratory sensitization	Category 1
6.5B	Skin sensitization	Category 1
6.6A	Germ cell mutagenicity	Category 1
6.6B	Germ cell mutagenicity	Category 2

Health hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS Category
6.7A	Carcinogenicity	Category 1
6.7B	Carcinogenicity	Category 2
6.8A	Reproductive toxicity	Category 1
6.8B	Reproductive toxicity	Category 2
6.8C	Reproductive toxicity	Effects on or via lactation
6.9A	Specific target organ toxicity (single exposure)	Category 1
	Specific target organ toxicity (repeated exposure)	Category 1
6.9B	Specific target organ toxicity (single exposure)	Category 2
	Specific target organ toxicity (repeated exposure)	Category 2
6.9B (narcotic effects)	Specific target organ toxicity (single exposure)	Category 3

Environmental hazards		
Column 1	Column 2	Column 3
HSNO classification	Equivalent GHS Class	Equivalent GHS Category
9.1A	Aquatic toxicity (acute)	Category 1
9.1A	Aquatic toxicity (chronic)	Category 1
9.1B	Aquatic toxicity (chronic)	Category 2
9.1C	Aquatic toxicity (chronic)	Category 3
9.1D	Aquatic toxicity (acute)	Category 2
	Aquatic toxicity (acute)	Category 3
	Aquatic toxicity (chronic)	Category 4
9.2A – 9.2D		
9.3A – 9.3C		
9.4A – 9.4C		



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