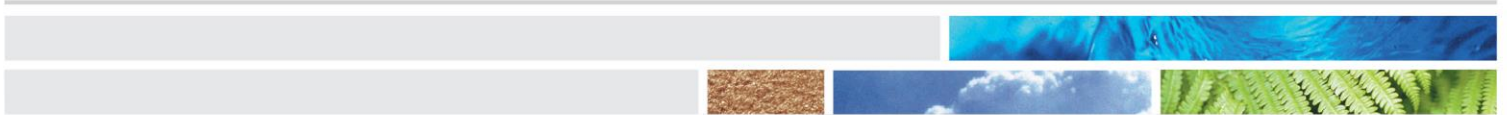




Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# Hazardous Substances (Hazardous Property Controls) Notice 2017

SEPTEMBER 2017



## EPA NOTICE

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996



## Hazardous Substances and New Organisms Act 1996

## Hazardous Substances (Hazardous Property Controls) Notice 2017

This notice is issued by the Environmental Protection Authority (the Authority) under sections 75 and 76 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 7<sup>th</sup> 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 style with some loops and flourishes.

**Chair**  
**Environmental Protection Authority**

## Hazardous Substances (Hazardous Property Controls) Notice 2017

This notice is issued by the Environmental Protection Authority (the Authority) under sections 75 and 76 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 ensure that hazardous substances are stored and used in a manner that protects the environment, and people in places other than workplaces to which the Health and Safety at Work Act 2015 applies.

## Extent of consultation

The Authority publicly notified its intention to issue this notice on 11 October 2016 by publishing a proposal document on its website. It invited comments by 21 November 2016.

A second proposal document was released for public consultation on 20 March 2017, and closing on 19 April 2017. This consultation document released a set of revised proposals, and also included an exposure draft of the notice.

A third proposal document was released for public consultation on 21 June 2017, and closing on 20 July 2017. This document focussed solely on the regulation of hazardous substances on foreign flagged vessels and aircraft not regulated by the Health and Safety at Work Act 2015.

All three consultation documents were sent to relevant persons in accordance with section 76C(1)(c) of the Act, and other interested parties. They were all also published on the EPA website. Comments received from all three consultations were 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 subject to the Legislation Act 2012 (the Legislation Act) and are classed as disallowable instruments. This means that the notice must be tabled in the House of Representatives, and the House of Representatives 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.

At the time of making this notice, the relevant empowering provision 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.

The controls in this notice will apply to all new Part 5 approvals that are approved under the Act on or after the date of commencement of this notice, unless the particular approval provides otherwise. The controls will also apply to all group standards issued or reissued on or after the commencement of the notice, unless the particular group standard provides otherwise.

The EPA anticipates the controls imposed by the following clauses will be brought into effect for existing Part 5 approvals and transfer notices immediately upon commencement of this notice:

- clause 13 (certain substances restricted to workplaces only):
- clauses 15 to 25 (hazardous substances in a place other than a workplace):
- clauses 26 to 32 (storage of LPG, stationary container systems for domestic oil burning installations and internal combustion engines, and SCUBA cylinders):
- clause 34 (substances on-board ships which are workplaces that are not subject to HSW Act):
- clauses 36 to 44 (site and storage controls for ecotoxic substances):
- clause 47 and 48 (equipment and records for ecotoxic substances):
- clauses 59 to 66 (qualifications for application of ecotoxic substances).

These controls will be brought into effect by transitional regulations. All other clauses will not apply to Part 5 approvals and transfer notices that are in place at the time this notice comes into force (until they are reissued). Information about approvals that have been reissued or revoked will be available on the EPA website.



## 1 Title

This is the Hazardous Substances (Hazardous Property Controls) Notice 2017.

## 2 Commencement

This notice comes into force on 1 December 2017.

## Part 1: Preliminary Provisions

## 3 Interpretation

In this notice, unless the context otherwise requires,—

**Act** means the Hazardous Substances and New Organisms Act 1996

**Amendment Act** means the Hazardous Substances and New Organisms Amendment Act 2015

**application area**, in relation to an area to which a hazardous substance is, or is intended, to be applied, means—

- (a) the land that the person applying the substance owns or occupies; or
- (b) the above-ground water within the boundaries of, or air above, the land owned or occupied by the person applying the substance for the period of time that the water or air remains within the boundaries of the land; or
- (c) any land, air, or water within an area that a person is authorised, under any enactment, to apply the substance to; or
- (d) an indoor area that the person applying the substance—
  - (i) owns or occupies; or
  - (ii) is authorised, under any enactment, to apply the substance to

**application plot** means the part of the application area where the substance is, or is intended to be, directly applied

**approved filler** has the same meaning as in the HSW HS Regulations

**Authority** means the Environmental Protection Authority

**certified handler** has the same meaning as in the HSW HS Regulations

**compliance certificate** has the same meaning as in the HSW HS Regulations

**contractor**—

- (a) means a PCBU or worker applying the substance; but
- (b) does not include—
  - (i) a PCBU with management and control of the place to which the substance is being applied (PCBU 1); or
  - (ii) a worker who—
    - (A) carries out work for PCBU 1; and
    - (B) does not customarily apply the substance or a similar substance to any other place; or

- (iii) a PCBU with management and control of a place in the local vicinity of the place to which the substance is applied, applying the substance to assist PCBU 1 in the conduct of PCBU 1's business or undertaking

**controlled substance licence** has the same meaning as in the HSW HS Regulations, and includes a licence granted under s 95B of the HSNO Act that is required by clause 5 of Schedule 1 of the HSW HS Regulations to be treated as a controlled substance licence

**EPA** means the Environmental Protection Authority

**fuel gas** has the same meaning as in the HSW HS Regulations

**HSNO approval number** means the unique identifier number allocated by the Authority to an approval or Group Standard

**HSNO certificate** means a certificate obtained from a HSNO certifier in accordance with section 82(a) of the Act

**HSNO certifier** means a certifier authorised under section 211(1)(k) of the HSW Act in respect of equivalent requirements that apply in a workplace under HSW HS Regulations

**HSW Act** means the Health and Safety at Work Act 2015

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

**LPG** means liquefied petroleum gas

**New Zealand** has the same meaning as in s 16 of the HSW Act

**PCBU** has the same meaning as in section 17 of the HSW Act

**place** includes any vehicle, ship, aircraft, or other means of transport

**person in charge** means a person who is—

- (a) in relation to a place—
  - (i) the owner, lessee, sublessee, occupier, or person in possession of the place, or any part of it; or
  - (ii) any other person who, at the relevant time, is in effective control or possession of the relevant part of the place:
- (b) in relation to a substance or any other matter or thing, a person who, at the relevant time, is in effective control or possession of the substance, matter or thing

**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

**pooling substance** has the same meaning as in the HSW HS Regulations

**protected place** has the same meaning as in the HSW HS Regulations

**relevant strand**, in relation to a qualification, means a strand of the qualification that is relevant to the context in which the substance is being applied

**relevant test certificate** means a test certificate issued under section 82 of the Act (as it was before the commencement of section 29 of the Amendment Act) that—

- (a) certifies that the person, location, or stationary container system has, in relation to the same matter, met the equivalent requirements of the Act that were in force prior to the commencement of Schedule 1 of the Amendment Act; and
- (b) if it is required under Schedule 1 of the HSW HS Regulations to be treated as an equivalent compliance certificate, the certificate has not been suspended or cancelled by WorkSafe under those regulations.

**relevant unit standard** means a unit standard that is relevant to the type of equipment that is being used to apply the substance, or the purpose for which the substance is being applied

**sensitive habitat** means a habitat that may be adversely affected by the application of a substance, and includes wetlands, indigenous vegetation habitat areas, or reserves

**stationary container system** has the same meaning as in the HSW HS Regulations

**stationary tank** has the same meaning as in the HSW HS Regulations

**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

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

**water**—

- (a) means water in all its physical forms whether flowing or not and whether over or under the ground:
- (b) includes fresh water, coastal water, and geothermal water:
- (c) does not include water in any form while in any pipe, tank, or cistern

**worker** has the meaning given to it under section 19 of the HSW Act

**workplace** has the meaning given to it under section 20 of the HSW Act

**WorkSafe** means WorkSafe New Zealand established by section 5 of the WorkSafe New Zealand Act 2013.

- (2) 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.
- (3) Subject to clause 6, where this notice applies a provision of the HSW HS Regulations for the purposes of this notice, the meaning of any term or expression in those regulations has the same meaning as in those regulations.

#### 4 References to hazard classifications

- (1) 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).

#### 5 References to quantities

- (1) Unless otherwise specified, the quantity of an organic peroxide must be determined by mass.
- (2) Where a quantity of gas is specified as cubic metres (m<sup>3</sup>), this volume is determined by taking the contents and conditions of the gas held in a container and then calculating the volume that the gas would occupy at 15°C and 101.3 kPa absolute pressure.
- (3) Where the quantity of gas is specified in kilograms (kg), this refers to the net weight of the gas in liquefied form as held in its container.
- (4) Unless otherwise specified, where a quantity refers to a class 1 substance, that quantity must be a net explosive quantity (NEQ), where NEQ is the gross weight less the weight of any construction materials of the article in kilograms (kg).

*Compare: SR 2001/116 r 6; SR 2017/131 r 10*

#### 6 References to hazardous substances

Where this notice imposes obligations by reference to the HSW HS Regulations, any reference to a hazardous substance in those regulations must be read for the purposes of this notice as having the meaning of hazardous substance under the Act.

#### 7 Application

- (1) This notice does not apply 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) a substance that is an ethanol-water dilution intended for drinking—
    - (i) when the substance is stored in containers of not more than 5 L capacity; or
    - (ii) when the ethanol content of the substance is not more than 15% by volume.
- (2) The provisions of this notice that apply to gas under pressure apply whether or not the gas is a hazardous substance.

- (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.

## **8 Ecotoxic controls**

Any provision of this notice which applies to a class 9 substance is an ecotoxic control for the purposes of the Act.

## **9 Additional controls**

Any reference in this notice to the Authority setting an additional control for a substance is a reference to the use of the Authority's powers under the Act (including a control on an approval under s 77A or by imposing a condition on a group standard) to set a control on a substance, and is without limitation to those powers.

## **10 Compliance certificate deemed a HSNO certificate**

Where this notice requires a HSNO certificate to be obtained, a current compliance certificate which certifies compliance with the equivalent requirements that apply in a workplace under the HSW HS Regulations must be treated as a HSNO certificate for the purposes of this notice.

## **11 Offences under HSW HS Regulations not to apply**

- (1) Where this notice applies a provision of the HSW HS Regulations for the purposes of this notice, it applies as if the offence provisions of the relevant HSW HS Regulations have been omitted.
- (2) This clause overrides any other provision of this notice.

## **12 Outline of notice**

- (1) This clause is a guide to the notice, but does not affect the interpretation or application of the notice.
- (2) Part 2 restricts—
  - (a) the supply of certain hazardous substances to a place other than a workplace; and
  - (b) the use of certain hazardous substances in a place other than a workplace.
- (3) Part 3 imposes requirements on the management of hazardous substances in—
  - (a) a place other than a workplace; and
  - (b) a ship that is a workplace to which the HSW Act does not apply.
- (4) Part 4 imposes requirements on—
  - (a) the management and use of class 9 substances (including qualification requirements); and
  - (b) the import or manufacture of certain class 9.3 substances.

## Part 2: Substances restricted to workplaces

### 13 Certain substances restricted to workplaces only

- (1) This clause applies to a hazardous substance that is of a hazard classification or description listed in Table 1 in Schedule 1, but not listed in Table 2 in Schedule 1.
- (2) A person may supply the substance only to—
  - (a) a workplace under the management and control of a PCBU, and only if the person has received written notification that a **competent person** at the workplace will accept responsibility for the substance; or
  - (b) an **authorised person**, if the person has received written notification that the authorised person will accept responsibility for the substance.
- (3) A person who supplies the substance must retain the following written records for 12 months from the date of transfer of the substance:
  - (a) the product name or chemical name of the substance transferred; and
  - (b) the identity and address of the competent person or authorised person that received the transferred substance; and
  - (c) the date on which the transfer occurred; and
  - (d) a copy of the notification required by subclause (2).
- (4) A person may use the substance only in a workplace.
- (5) Subclause (4) does not apply to an authorised person if the use of the substance is in accordance with a permission granted by the Authority under section 95A of the Act, which authorises use of the substance in a place that is not a workplace.
- (6) A person may store the substance only in a workplace.
- (7) Subclause (6) does not apply to an authorised person if the substance is managed in accordance with clause 17.
- (8) In this clause—

**authorised person** means a person who holds a permission granted by the Authority under section 95A of the Act to use the substance in a place that is not a workplace

**competent person** has the same meaning as in Part 19 of the HSW HS Regulations.

*Compare: SR 2001/120 r 6; SR 2017/131 r 19.7*

## Part 3: Requirements for hazardous substances in a place other than a workplace to which the HSW Act applies

### Subpart A: Requirements in a place other than a workplace

#### 14 Outline of subpart

- (1) This clause is a guide to the subpart, but does not affect the interpretation or application of the subpart.
- (2) This subpart imposes requirements on hazardous substances in a place other than a workplace.
- (3) The requirements of this subpart are in addition to those in Part 4, which specifically addresses ecotoxic hazards.
- (4) Many of the provisions refer to certain provisions of the HSW HS Regulations, and apply them for the purposes of this notice as if they applied to a place other than a workplace.
- (5) However—
  - (a) modifications to the application of the relevant HSW HS Regulations are made, as these are necessary to ensure the requirements are relevant to the context in which they apply; and
  - (b) the provisions of the relevant HSW HS Regulations which relate to the exercise of WorkSafe's discretionary powers under the HSW Act are not applied, as those powers are not able to be used for the purposes of this notice; and
  - (c) many of the requirements under the HSW HS Regulations to obtain a compliance certificate are not applied, as those certificates are not able to be issued for the purposes of this notice; requirements to obtain HSNO certificates from HSNO certifiers are imposed instead in accordance with s 82(a) of the Act.

#### 15 Subpart applies only to a place other than a workplace

This subpart applies to any place, other than a workplace.

#### 16 Requirements for HSNO certificates issued under this part

A HSNO certifier who issues a HSNO certificate under this part of the notice must—

- (a) include an expiry date on the certificate, being—
  - (i) five years after the date of issue, in the case of a certificate issued in respect of a person or a stationary container system; or
  - (ii) three years after the date of issue, in the case of a certificate issued in respect of a hazardous substance location; and
- (b) as soon as practicable after the issue of the certificate, provide to the EPA any information regarding the certificate which the EPA may request, in a manner or form approved by the EPA; and
- (c) issue the certificate only if the certifier is on the basis of any inquiry, inspection, assessment, examination, or other consideration, satisfied that the relevant requirement has been met; and

- (d) not issue a certificate in relation to a hazardous substance or other matter if the certifier is or has been responsible for, or has a financial interest in, the design, planning, or construction of anything relating to the matter.

## **17 Management of substances subject to a permission must be in accordance with the HSW HS Regulations**

- (1) This clause applies to a hazardous substance of a hazard classification or description specified in Table 1 in Schedule 1, but not in Table 2 in Schedule 1, if the person in charge of the substance is authorised by a permission granted by the Authority under section 95A of the Act to use the substance in a place that is not a workplace.
- (2) The provisions of the HSW HS Regulations listed against the classification of the substance in Schedule 2 apply to the substance, the place in which the substance is present, and the person in charge of the substance or place, for the purposes of this notice with all necessary modifications, as if—
  - (a) any reference in those regulations to “place within a workplace” is replaced with “location within a place”:
  - (b) any other reference to “workplace” in those regulations is replaced with “place”, except where the word “workplace” appears in the title of regulations made under the HSW Act:
  - (c) any reference in those regulations to “relevant PCBU” or “PCBU with management or control” is replaced with “person in charge”:
  - (d) any other reference in those regulations to “PCBU” is replaced with “person”:
  - (e) any reference in those regulations to “work” is replaced with “activities”, except where the word “work” appears in the phrases “safe work instrument” or “work supervisor”, or in the title of regulations made under the HSW Act:
  - (f) any reference in those regulations to “worker” is replaced with “person in the place”, except where the word “worker” appears in the phrase “emergency service worker”:
  - (g) the following are omitted:
    - (i) any reference in those regulations to WorkSafe’s ability to—
      - (A) approve a matter:
      - (B) grant an exemption from a requirement:
      - (C) waive or vary a requirement:
      - (D) determine a validity period:
      - (E) reduce the required capacity of a secondary containment system:
      - (F) increase the capacity of a stationary tank, or the aggregate capacity of a group of tanks within a secondary containment system:
  - (h) any reference to a compliance certificate as a certified handler, or for a hazardous substance location or a stationary container system is replaced with a reference to a HSNO certificate or a relevant test certificate.
- (3) Any HSNO certificate issued under this clause must certify that the relevant matter would (if it were in a workplace) meet the requirements for a compliance certificate to be issued under



the HSW HS Regulations, subject to the modifications to those regulations described in subclause (2).

### **18 Firearms licence required for possession of gunpowder or propellant**

A person must not possess class 1.1D gunpowder or class 1.3C propellant unless the person—

- (a) holds a firearms licence issued under section 24 of the Arms Act 1983; or
- (b) holds a firearms dealer's licence issued under section 5 of the Arms Act 1983; or
- (c) holds a controlled substance licence authorising possession of the substance.

### **19 Management of large quantities of certain substances to be in accordance with HSW HS Regulations**

- (1) This clause applies to a hazardous substance if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3; and
  - (b) at a place in a quantity exceeding the relevant quantity specified in Schedule 3.
- (2) However, this clause does not apply to a class 1 substance.
- (3) The provisions of the HSW HS Regulations listed against the classification of the substance in Schedule 2 apply to the substance, the place in which the substance is present, and the person in charge of the substance or place, for the purposes of this notice with all necessary modifications, as if—
  - (a) any reference in those regulations to “place within a workplace” is replaced with “location within a place”;
  - (b) any other reference to “workplace” in those regulations is replaced with “place”, except where the word “workplace” appears in the title of regulations made under the HSW Act;
  - (c) any reference in those regulations to “relevant PCBU” or “PCBU with management or control” is replaced with “person in charge”;
  - (d) any other reference in those regulations to “PCBU” is replaced with “person”;
  - (e) any reference in those regulations to “work” is replaced with “activities”, except where the word “work” appears in the phrases “safe work instrument” or “work supervisor”, or in the title of regulations made under the HSW Act;
  - (f) any reference in those regulations to “worker” is replaced with “person in the place”, except where the word “worker” appears in the phrase “emergency service worker”;
  - (g) the following are omitted:
    - (i) any reference in those regulations to WorkSafe's ability to—
      - (A) approve a matter:
      - (B) grant an exemption from a requirement:
      - (C) waive or vary a requirement:
      - (D) determine a validity period:
      - (E) reduce the required capacity of a secondary containment system:



- (F) increase the capacity of a stationary tank, or the aggregate capacity of a group of tanks within a secondary containment system:
  - (ii) any requirement in those regulations to hold a controlled substance licence:
  - (h) any requirement to notify or provide information to WorkSafe is replaced by a requirement to notify or provide the information to the EPA:
  - (i) any reference to a compliance certificate as a certified handler, or for a hazardous substance location or a stationary container system is replaced with a reference to a HSNO certificate or a relevant test certificate:
- (4) Any HSNO certificate issued under this clause must certify that the relevant matter would (if it were in a workplace) meet the requirements for a compliance certificate to be issued under the HSW HS Regulations, subject to the modifications to those regulations described in subclause (2).

## 20 Requirements if hazardous substance transferred to another container

- (1) This clause applies to a hazardous substance, if the substance is:
  - (a) of a hazard classification or description not specified in Schedule 3:
  - (b) of a hazard classification or description specified in Schedule 3, and at a place in a quantity not exceeding the relevant quantity specified in Schedule 3.
- (2) The person in charge of the substance must ensure that if the substance is transferred or decanted from its original container to another container (**container 2**), container 2 must:
  - (a) be in sound condition; and
  - (b) safely contain the hazardous substance while the substance is likely to be packaged; and
  - (c) be made of material that is compatible with, and will not be adversely affected by, the hazardous substance; and
  - (d) not usually contain food or beverages and cannot be mistakenly identified as containing food or beverages; and
  - (e) be labelled with:
    - (i) the product name or chemical name; and
    - (ii) the signal word and hazard statement consistent with the correct classification of the substance.
- (3) However, subclause (2)(e) does not apply if—
  - (a) the substance is used so soon after being put in container 2 that it is impracticable to label the container in accordance with this provision; and
  - (b) container 2 is thoroughly cleaned immediately after the substance is used so that no residue remains that may present a hazard.

## 21 Substances to be kept away from incompatible substances

- (1) This clause applies to a hazardous substance, if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3, and at a place in a quantity not exceeding the relevant quantity specified in Schedule 3:

- (b) class 9.1.
- (2) The person in charge of the substance must ensure—
  - (a) the substance does not come into contact with any substance or material with which it is incompatible; and
  - (b) any container of an incompatible substance or material is stored separately.
- (3) For the purposes of this clause—
  - (a) a substance of a hazard classification or description specified in column 1 of Schedule 4 is incompatible with any substance or material listed alongside the substance in column 2; and
  - (b) a class 5 substance is also incompatible with any other substance or material that will combust with air, or will combust with or catalyse the decomposition of an oxidising substance.

## 22 Management of small quantities of explosives

- (1) This clause applies to a class 1 substance if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3; and
  - (b) at a place in a quantity not exceeding the relevant quantity specified in Schedule 3.
- (2) The person in charge of the substance must ensure that the substance is—
  - (a) if left unattended, secured in a way that ensures an unauthorised person cannot gain access to it;
  - (b) if stored, kept—
    - (i) away from any ignition sources (including heat, hot surfaces, open flames, and sparks); and
    - (ii) only in its original packaging.

*Compare SR 2017/131 r 9.18(3), 9.23*

## 23 Management of small quantities of flammable substances

- (1) This clause applies to a class 2, 3, or 4 substance if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3; and
  - (b) at a place in a quantity not exceeding the relevant quantity specified in Schedule 3.
- (2) Except where the ignition of the substance is intended, the person in charge of the substance must ensure it is not exposed to any ignition source (including heat, hot surfaces, open flames, or sparks) that may result in an explosion or a fire.
- (3) If the substance is not being used, the person in charge of the substance must ensure that the substance is kept in—
  - (a) a container that is tightly closed; and
  - (b) a well-ventilated and cool place only.

*Compare SR 2017/131, rr 10.5, 10.8, 10.21.*

## **24 Management of small quantities of oxidising substances**

- (1) This clause applies to a class 5 substance if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3; and
  - (b) at a place in a quantity not exceeding the relevant quantity specified in Schedule 3.
- (2) The person in charge of the substance must ensure that the substance—
  - (a) does not come into contact with any ignition source (including heat, hot surfaces, open flames, or sparks), that may result in an explosion or a fire; and
  - (b) if left unattended, is secured in a way that ensures an unauthorised person cannot gain access to it.
- (3) If the substance is not being used, the person in charge of the substance must ensure that the substance is kept in a sealed package or container.

*Compare SR 2017/131 rr 12.1, 12.2(2), 12.3, 12.5*

## **25 Management of small quantities of corrosive substances**

- (1) This clause applies to a class 8.2 substance if the substance is—
  - (a) of a hazard classification or description specified in Schedule 3; and
  - (b) at a place in a quantity not exceeding the relevant quantity specified in Schedule 3.
- (2) The person in charge of the substance must ensure the substance—
  - (a) if left unattended, is secured in a way that ensures an unauthorised person cannot gain access to it;
  - (b) is stored or handled in a well-ventilated place only.
- (3) If the substance is not being used, the person in charge of the substance must ensure that it is kept in a sealed package or container.

*Compare SR 2017/131 rr 13.10 13.29, 13.26(2)*

## **26 Storage or use of LPG indoors**

A person in charge of a place where LPG is located, must ensure that the amount stored or used indoors does not exceed the maximum quantity or maximum cylinder size specified alongside the description of the place in Schedule 5.

*Compare SR 2017/131 r 11.42*

## **27 Outdoor storage of LPG in quantities more than 100 kg but less than 300 kg**

- (1) A PCBU delivering LPG to a place where, after the delivery, the total quantity of LPG at the place is more than 100 kg but less than 300 kg must—
  - (a) ensure the LPG is stored in cylinders and the cylinders are located outside; and
  - (b) ensure the place meets the minimum standards described in regulation 11.43(4) of the HSW HS Regulations; and
  - (c) fix in a permanent and prominent location a unique numbered compliance plaque confirming that the place is compliant with the minimum standards described in regulation 11.43(4) of the HSW HS Regulations.

- (2) The PCBU must ensure the compliance plaque—
  - (a) is fixed within 60 days of the PCBU's initial delivery of LPG to the place; and
  - (b) has an expiry date no longer than 3 years from the date of issue.
- (3) However, a PCBU may deliver LPG without ensuring compliance with subclause (1)(c) and (2), if the place has a valid compliance plaque or a relevant test certificate at the time of delivery.
- (4) The PCBU must notify the EPA as soon as practicable (and no more than 20 working days) after fixing a compliance plaque in accordance with subclause (1)(c) and provide to the EPA any information regarding the plaque or the place which the EPA may request, in a manner or form approved by the EPA.

*Compare: SR 2017/131 rr 10.35, 11.43*

## **28 Outdoor storage of LPG in quantities of 300 kg or more**

- (1) The person in charge of a place where the total quantity of LPG is 300 kg or more must ensure that the place has a current HSNO certificate or a relevant test certificate.
- (2) The HSNO certificate must certify that the place would (if it were in a workplace) meet the requirements for a compliance certificate under regulation 10.34(1) of the HSW HS Regulations (including all relevant requirements referred to within that regulation), with all necessary modifications, as if—
  - (a) any reference in those regulations to “place within a workplace” is replaced with “location within a place”:
  - (b) any other reference to “workplace” in those regulations is replaced with “place”, except where the word “workplace” appears in the title of regulations made under the HSW Act:
  - (c) any reference in those regulations to “relevant PCBU” or “PCBU with management or control” is replaced with “person in charge”:
  - (d) any other reference in those regulations to “PCBU” is replaced with “person”:
  - (e) any reference in those regulations to “work” is replaced with “activities”, except where the word “work” appears in the phrases “safe work instrument”, “work supervisor”, or in the title of regulations made under the HSW Act:
  - (f) any reference in those regulations to “worker” is replaced with “person in the place”, except where the word “worker” appears in the phrase “emergency service worker”:
  - (g) the following are omitted:
    - (i) any reference in those regulations to WorkSafe's ability to—
      - (A) approve a matter:
      - (B) grant an exemption from a requirement:
      - (C) waive or vary a requirement:
      - (D) determine a validity period:
      - (E) reduce the required capacity of secondary containment system:
    - (ii) the requirements for fire extinguishers under Subpart 1 of Part 5 of those regulations:

- (h) any requirement to notify or provide information to WorkSafe is replaced by a requirement to notify or provide the information to the EPA;
  - (i) any references in those regulations to a compliance certificate or compliance certifier are omitted.
- (3) A PCBU must not deliver LPG to a location if, after the delivery, the total quantity of LPG at the location is 300 kg or more, unless the location has a HSNO certificate issued in accordance with subclause (2), or a relevant test certificate.

*Compare: SR 2017/131 rr 10.34*

## **29 Stationary container systems for domestic oil burning installations that do not exceed 2 500 L in capacity**

- (1) This clause applies to a stationary container system if—
- (a) it is in a building; and
  - (b) it is used to contain a hazardous substance; and
  - (c) it is used to supply a fuel to a burner; and
  - (d) the stationary container system has a capacity of 60 L or more; and
  - (e) the stationary tank used to store the substance has a capacity of 2 500 L or less.
- (2) A person must not fill or partially fill the tank within the stationary container system with a hazardous substance that has a flashpoint less than 50 °C.
- (3) A person who installs the stationary container system must ensure that:
- (a) the stationary tank that is used to store the substance—
    - (i) is located outdoors; and
    - (ii) has a secondary containment system, if the capacity of the stationary tank is greater than 1 200 L; and
    - (iii) is of a design that is certified under regulation 17.93(1)(a) of the HSW HS Regulations; and
    - (iv) is constructed by a fabricator that is certified under regulation 17.93(1)(b) of the HSW HS Regulations, in respect of that design; and
    - (v) is marked in accordance with regulation 17.76(1) of the HSW HS Regulations; and
  - (b) the burner is—
    - (i) of a type approved in accordance with Subpart 12 (Burners) of Part 17 of the HSW HS Regulations; and
    - (ii) fed by gravity; and
  - (c) any pipework that forms part of the stationary container system complies with regulation 17.59 of the HSW HS Regulations; and
  - (d) the installation is equipped with an emergency shutdown valve that:
    - (i) stops the supply of fuel from the stationary tank to the burner; and
    - (ii) is located outside the building and as close as practicable to the stationary tank.

*Compare: Gazette 2006, p 872 r 64*

### **30 Stationary container systems for domestic oil burning installations greater than 2 500 L in capacity**

- (1) This clause applies to a stationary container system if—
  - (a) it is used to contain a hazardous substance; and
  - (b) it is used to provide fuel to a burner; and
  - (c) the stationary tank used to store the substance that is part of the stationary container system has a capacity greater than 2 500 L.
- (2) A person must not fill or partially fill the stationary tank within the stationary container system with a hazardous substance that has a flashpoint less than 50 °C.
- (3) A person who installs the stationary containment system, and any person who fills or partially fills the stationary tank within the stationary container system with a hazardous substance, must ensure the stationary container system has a HSNO certificate issued in accordance with subclause (4), or a relevant test certificate.
- (4) The HSNO certificate must certify that the stationary container system would (if it was in a workplace) meet the requirements for a compliance certificate to be issued under regulation 17.91 of the HSW HS Regulations, with all necessary modifications.

*Compare SR 2017/131 rr 17.91*

### **31 Stationary container systems for an internal combustion engine**

- (1) This clause applies to a stationary container system if—
  - (a) it is used to contain a hazardous substance; and
  - (b) it is used to provide fuel to an internal combustion engine; and
  - (c) in the case of a system used to contain a class 3.1A, 3.1B or 3.1C substance, it has a capacity of 50 L or more; and
  - (d) in the case of a system used to contain any other hazardous substance, it has a capacity of 500 L or more.
- (2) A person who installs the stationary container system, and any person who fills or partially fills the stationary tank within the stationary container system with a hazardous substance, must ensure the stationary container system has a HSNO certificate issued in accordance with subclause (3), or a relevant test certificate.
- (3) The HSNO certificate must certify that the stationary container system would, if it were situated in a workplace, meet the requirements for a compliance certificate to be issued under regulation 17.91 of the HSW HS Regulations, with all necessary modifications.

### **32 Filling of SCUBA cylinders**

- (1) A person must not charge a self-contained underwater breathing apparatus unless—
  - (a) the cylinder—
    - (i) has passed the tests referred to in regulation 15.56(2) of the HSW HS Regulations, or the inspections and tests referred to in regulation 15.3(1)(b) of the HSW HS Regulations, at the intervals following manufacture specified in Schedule 22 of the HSW HS Regulations for the type of cylinder; and

- (ii) meets the requirements of 15.61(1)(b) and (d) of the HSW HS Regulations (including all requirements that are referred to within that regulation); and
  - (iii) is filled only with air that meets the requirements of regulation 15.68(1) of the HSW HS Regulations; and
- (b) the person—
- (i) is an approved filler; or
  - (ii) is supervised at all times by an approved filler while charging the cylinder; or
  - (iii) has evidence of previously having demonstrated to the satisfaction of an approved filler, that the person is conversant in the safe:
    - (A) procedures and practice for the filling of a cylinder; and
    - (B) use of the relevant equipment.

*Compare SR 2004/43 r 56; SR 2017/131 r 15.61*

## Subpart B: Requirements in a workplace to which the HSW Act does not apply

### 33 Outline of subpart

- (1) This clause is a guide to the subpart, but does not affect the interpretation or application of the subpart.
- (2) This subpart contains one provision, which imposes requirements for hazardous substances on-board ships that are workplaces to which the HSW Act does not apply.
- (3) This subpart refers to the HSW HS Regulations, and applies them for the purposes of this notice as if the HSW Act applied to the ship.
- (4) However—
  - (a) requirements are not imposed on hazardous substances while they are being transported by sea, as the transport of hazardous substances is regulated under the Maritime Transport Act 1994; and
  - (b) the requirement to obtain a transhipment permit from WorkSafe is not applied, as a transhipment permit cannot be issued with respect to a ship to which the HSW Act does not apply; approval for transhipment may instead be sought from the Authority under section 51 of the Act.

### 34 Requirements for substances on-board ships not subject to HSW Act

- (1) This clause applies to a hazardous substance in a workplace that is a ship in New Zealand to which the HSW Act does not apply.
- (2) The requirements of the HSW HS Regulations apply for the purposes of this notice as if the HSW Act applied to the ship.
- (3) However—
  - (a) this clause does not apply to a hazardous substance while it is being transported by sea; and



- (b) regulation 1.10 of the HSW HS Regulations does not apply for the purposes of this notice.

## Part 4: Class 9 substances

### Subpart A: Site and storage controls

#### 35 Outline of subpart

- (1) This clause is a guide to the subpart, but does not affect the interpretation or application of the subpart.
- (2) This subpart imposes requirements for class 9 substances—
  - (a) in a workplace, relating to labelling, safety data sheets, stationary container systems, separation distances, secondary containment, emergency response plans, and signage; and
  - (b) in a place other than a workplace, relating to stationary container systems, separation distances, emergency response plans, secondary containment, and signage.
- (3) Many of the provisions of this subpart refer to certain provisions of the HSW HS Regulations, and apply them for the purposes of this notice as if they applied to certain class 9 substances.
- (4) However—
  - (a) the provisions of the relevant HSW HS Regulations which relate to the exercise of WorkSafe's discretionary powers under the HSW Act are not applied, as those powers are not able to be used for the purposes of this notice; and
  - (b) in the case of class 9 substances in a place other than a workplace, additional modifications to the application of the relevant HSW HS Regulations are made, as these are necessary to ensure the requirements are relevant to the context in which they apply.

#### *Workplace requirements*

#### 36 Application of clauses 37 to 43

Clauses 37 to 43 apply in a workplace.

#### 37 Substances must be correctly labelled

Regulation 2.1 of the HSW HS Regulations applies for the purposes of this notice, as if any reference to a "hazardous substance" in that regulation is replaced with "class 9 substance".

*Compare: SR 2017/131 r 2.1*

#### 38 Safety data sheets must be obtained and accessible

Regulation 2.11 of the HSW HS Regulations applies for the purposes of this notice, as if any reference to a "hazardous substance" in that regulation is replaced with "class 9 substance".

*Compare: SR 2017/131 r 2.11*

### 39 Stationary container systems

- (1) Part 17 of the HSW HS Regulations apply to a class 9.1 substance for the purposes of this notice, with all necessary modifications, as if—
  - (a) the references in that Part to a hazardous substance where the class of the hazardous substance is not specified, are references to a class 9.1 substance:
  - (b) the following are omitted:
    - (i) regulation 17.99; and
    - (ii) any reference in those regulations to WorkSafe's ability to—
      - (A) approve a matter:
      - (B) grant an exemption from a requirement:
      - (C) waive or vary a requirement:
      - (D) determine a validity period:
      - (E) reduce the required capacity of a secondary containment system:
      - (F) increase the capacity of a stationary tank, or the aggregate capacity of a group of tanks within a secondary containment system:
    - (iii) any references in those regulations to a compliance certificate; and
  - (c) any reference in those regulations to a "relevant safe work instrument" is replaced with a reference to any safe work instrument that would be relevant to a class 6 or 8 substance.

### 40 Separation of above ground stationary tanks containing class 9 hazardous substances

- (1) An above ground stationary tank that contains a hazardous substance of class 9.1 that does not also have a flammable classification must be separated from another above ground stationary tank that contains a class 9.1 substance by not less than 1 metre.
- (2) An above ground stationary tank that contains a class 9.1 hazardous substance that does not also have a flammable classification, or a class 5, 6.1A, 6.1B, 6.1C, 6.1D, or 8 classification, must be separated from a protected place by a distance not less than the distance specified in Schedule 6 in relation to the size of the tank.

*Compare: (Gazette 2004, p 846, r 31; SR 2017/131 r 17.29)*

### 41 Requirement to have secondary containment systems for pooling substances

- (1) This clause applies to a place within a workplace if—
  - (a) there is held in it, or reasonably likely to be held in it on occasion, an aggregate quantity of class 9 pooling substances more than the quantity specified in Schedule 7; and
  - (b) it is not a port, or part of a port facility, that is used to store hazardous substances for 72 hours or less.
- (2) Regulation 13.30(2) to (5) of the HSW HS Regulations (including all requirements that are referred to within those provisions) apply for the purposes of this clause as if:

- (a) any reference to a class 6 or 8 substance is replaced with a reference to a class 9 pooling substance; and
- (b) regulation 17.100(3)(a) (which relates to reductions in required capacity for secondary containment on application to WorkSafe, and is incorporated into regulation 13.30) is omitted; and
- (c) any reference in those regulations to a “relevant safe work instrument” is replaced with a reference to any safe work instrument that would be relevant to a class 6 or 8 substance.

*Compare: SR 2017/131 r 13.30*

#### **42 Emergency response plans**

- (1) Regulations 5.6 to 5.12 of the HSW HS Regulations apply for the purposes of this notice in relation to a class 9 substance, as if the references to Schedule 5 in those regulations were references to Schedule 7 of this notice.
- (2) An emergency response plan required by this clause may be part of any other management documentation for an emergency whether—
  - (a) required by or under the HSW Act or another enactment; or
  - (b) undertaken by a PCBU for some other reason.

*Compare: SR 2001/123 rr 25, 28, 29, 30, 31, 32, 33, 34, SR 2017/131 rr 5.6 - 5.13*

#### **43 Signage**

Regulations 2.5 to 2.10 of the HSW HS Regulations apply for the purposes of this notice in relation to a class 9 substance, as if the references to Schedule 3 in those regulations were references to Schedule 8 of this notice.

*Compare: SR 2017/131 rr 2.5 to 2.10, SR 2001/123 r 42, and SR 2001/124 rr 51 and 52*

### *Requirements in a place other than a workplace*

#### **44 Requirements for storage and emergency management (secondary containment, emergency response plans and signage)**

- (1) Clauses 39 to 43 apply in any place other than a workplace, subject to the modifications described in subclause (2).
- (2) Where provisions of the HSW HS Regulations are referred to in clauses 39 to 43, those regulations must be read subject to the following modifications (in addition to those described in clauses 39 to 43):
  - (a) any reference in those regulations to “place within a workplace” is replaced with “location within a place”;
  - (b) any other reference to “workplace” in those regulations is replaced with “place”, except where the word “workplace” appears in the title to regulations made under the HSW Act:

- (c) any reference in those regulations to “relevant PCBU” or “PCBU with management or control” is replaced with “person in charge”:
- (d) any other reference in those regulations to “PCBU” is replaced with “person”:
- (e) any reference in those regulations to “work” is replaced with “activities”, except where the word “work” appears in the phrases “safe work instrument” or “work supervisor”, or in the title of regulations made under the HSW Act:
- (f) any reference in those regulations to “worker” is replaced with “person in the place”, except where the word “worker” appears in the phrase “emergency service worker”.

## Subpart B: Use of class 9 substances

### 45 Application of subpart

Unless otherwise stated, this subpart applies in any place, whether or not it is a workplace.

### 46 Adverse effects to be avoided

A person who applies a class 9 pesticide must take all reasonable steps to ensure that the substance does not cause any significant adverse effects to the environment beyond the application area.

### 47 Equipment must be appropriate

- (1) This clause applies to a class 9 substance, if it is used in a workplace.
- (2) Regulation 13.7 of the HSW HS Regulations applies to the substance for the purposes of this notice, as if the reference to a class 8 substance is replaced with a reference to a class 9 substance.

*Compare: SR 2001/117 r 7(1) and (2), SR 2017/131 r 13.7*

### 48 Records of application of pesticides and plant growth regulators

- (1) This clause applies to a class 9.1A, 9.2A, 9.3A or 9.4A pesticide or plant growth regulator, if it is used in a workplace.
- (2) If 3 kg or more of the substance is applied within 24 hours, in a place where the substance is likely to enter air or water and leave the application area, a PCBU with management or control of the substance must ensure that a written record is kept of each application of the substance.
- (3) A record required to be kept under this clause must include the following information:
  - (a) the name and HSNO approval number of the substance:
  - (b) the date and time of each application or discharge of the substance:
  - (c) the amount of the substance applied or discharged:
  - (d) the location where the substance was applied or discharged:
  - (e) if the substance is applied to or discharged in the air, a description of the wind speed and direction when the substance was applied or discharged:
  - (f) the name of the user of the substance and the user’s address:

- (g) other measures taken to ensure there are no significant adverse effects beyond the boundary of the application area:
  - (h) in relation to aircraft carrying out aerial application of a substance, electronic data files that indicate locations of where the substance has been dispensed and aircraft secondary positional information (for example, geographic information system original shape files, based on Global Navigation Satellite System data).
- (4) A record must be kept for not less than 3 years after the date on which the substance that the record relates to is applied or discharged.

*Compare: SR 2001/117 rr 5(2), 6, SR 2017/131 rr 13.3, 13.4*

#### 49 Environmental exposure limits must not be exceeded

- (1) A person must not use a class 9 substance in a manner that allows the concentration of the substance to exceed the environmental exposure limit set for the substance in the environmental medium concerned.
- (2) However, where there is an environmental exposure limit for a substance in surface water, a person must not use the substance in a manner that allows the substance to exceed the limit within receiving waters after reasonable mixing.
- (3) If a person is applying a class 9 pesticide or plant growth regulator in an application area, subclauses (1) and (2) only apply to environmental media beyond the application area.
- (4) In this clause—

**environmental exposure limit** means a concentration of a substance in an environmental medium as set—

- (a) under section 77B of the Act, unless the Authority has set the limit for guidance only; or
- (b) by the Authority under the Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001, unless the Authority has determined that the limit is no longer applicable

**environmental medium** means water, soil, or sediment where these are in the natural environment, or a surface that a hazardous substance may be deposited onto, as specified by the Authority in relation to an environmental exposure limit.

*Compare: SR 2001/117 r 45*

#### 50 Restrictions on applying a substance in an application plot

- (1) The Authority may set one or more of the following matters for a specified application method as an additional control for a class 9 substance:
  - (a) a maximum application rate;
  - (b) a maximum application frequency;
  - (c) a minimum application interval.
- (2) A person must not apply a substance using the specified application method in an application plot—
  - (a) at a rate greater than the maximum application rate; or

- (b) more frequently than the maximum application frequency; or
  - (c) at any time after a previous application of the substance, that is within the minimum application interval.
- (3) In this clause—
- application frequency** means the number of times a substance is applied within a specified time period
- application interval** means the time that elapses between applications of the substance
- application rate** means the quantity of the substance that is applied per unit area.

*Compare: SR 2001/117 r 48*

## 51 Buffer zone distances

- (1) The Authority may set one or more buffer zone distances in relation to an application method as an additional control for a class 9 substance.
  - (2) A person who applies the substance using an application method for which a buffer zone distance has been set must ensure the application plot is not within any buffer zone distance set for the substance.
  - (3) In this clause—
- buffer zone distance** means a specified horizontal distance from a downwind sensitive area
- sensitive area** means a description of a type of place in which people or organisms may be significantly adversely affected by a substance, as specified by the Authority when it sets a buffer zone distance for a substance.

## 52 Class 9.1 pesticide or plant growth regulator must not be applied to water

- (1) A person must not apply a class 9.1 pesticide or class 9.1 plant growth regulator directly into or onto water.
- (2) This clause does not apply to a vertebrate toxic agent or fumigant.

## 53 Adverse effects of class 9.3 substances to be avoided

A person who uses a class 9.3 substance must take all reasonable steps to ensure non-target terrestrial vertebrates are not adversely affected by the substance.

## 54 Class 9.3 pesticides on seeds

- (1) A person who coats a seed with a class 9.3 pesticide must ensure the coated seed is coloured to distinguish it from a seed that has not been coated with a hazardous substance.
- (2) A person who sows a seed coated with a class 9.3 pesticide must—
  - (a) ensure the seed is coloured in accordance with subclause (1); and
  - (b) take all reasonable steps to ensure that, if sown—
    - (i) the seed is completely covered with soil; or
    - (ii) birds are prevented or deterred from foraging on the application plot.
- (3) A person in control of a seed that has been coated with a class 9.3 pesticide, must take all reasonable steps to ensure that the seed is not accessible to birds at any time.

**55 Class 9.3 pesticide in granular form**

- (1) A person who applies a class 9.3 pesticide in granular form to an application plot must take all reasonable steps to ensure that—
  - (a) the granules are completely covered with soil once applied; or
  - (b) birds are prevented or deterred from foraging on the application plot.

**56 Use of class 9.3 pesticide as vertebrate bait**

- (1) The Authority may specify one or more of the following matters (bait specifications) as an additional control for a class 9.3 pesticide:
  - (a) bait size:
  - (b) degree of palatability:
  - (c) methods of release:
  - (d) repellents or attractants to be used with the pesticide.
- (2) A person must not use a class 9.3 pesticide outdoors as bait, or part of bait, for vertebrate species, unless it is—
  - (a) blue or green; and
  - (b) used in accordance with each bait specification that has been specified in accordance with subclause (1).

**57 Import and manufacture of class 9.3 pesticide used as vertebrate bait**

- (1) This clause applies to a class 9.3 pesticide if it is reasonable to expect the substance may be used outdoors as bait, or part of bait, for vertebrate species.
- (2) A person who imports or manufactures a class 9.3 pesticide must ensure that the pesticide meets any bait specifications described in clause 56(1)(a) and (b), and will be able to be used in accordance with clause 56(2)(a).

*Compare: SR 2001/117 r 51*

**58 Protection of invertebrate pollinators from class 9.4 substances**

- (1) This clause applies if a class 9.4 substance is applied to a plant, and it is in a form that non-target invertebrate pollinators are likely to be exposed to either during, or after, its application.
- (2) A person who applies the substance must ensure the application plot does not include any—
  - (a) bees that are foraging; or
  - (b) plants (including trees and weeds) that—
    - (i) are likely to be visited by non-target invertebrate pollinators; and
    - (ii) are either—
      - (A) in flower or part flower; or
      - (B) likely to flower within the period specified by the Authority as an additional control for the substance.
- (3) Subclause (2) does not apply if the application plot is indoors, and the substance is contained within the facility.

- (4) In this clause, **invertebrate pollinator** means an invertebrate agent that moves pollen from the male anthers of a flower to the female stigma of a flower, including (without limitation): bees, pollen wasps, ants, hoverflies, butterflies, moths and flower beetles.

*Compare: SR 2001/117 r 49*

## Subpart C: Qualifications required for application of class 9 substances

### 59 Application of subpart

Unless otherwise specified, this subpart applies in any place, whether or not it is a workplace.

### 60 Qualifications needed for mixing or loading of pesticides or plant growth regulators in preparation for application

- (1) This clause applies to—
- (a) a class 9.1A, 9.2A, 9.3A or 9.4A pesticide or plant growth regulator:
  - (b) a substance listed in Table 1 in Schedule 9.
- (2) However, this clause does not apply to—
- (a) a fumigant or vertebrate toxic agent:
  - (b) a substance listed in Table 4 of Schedule 9.
- (3) A person mixing, loading, or otherwise handling the substance in preparation for the substance to be applied to an application area must be a **qualified loader**.
- (4) However, a person (person A) may mix, load or otherwise handle the substance if a qualified loader—
- (a) has provided guidance to person A in respect of the handling of the substance at the place; and
  - (b) is available at all times to provide assistance, if necessary, to person A while the substance is being handled.
- (5) In this clause, **qualified loader** means a person who holds at least one of the following:
- (a) a current aerial topdressing rating, aerial spraying rating, or aerial vertebrate toxic agent rating issued under Part 61 of the Civil Aviation Rules:
  - (b) Rural Contractors New Zealand's Registered Chemical Applicator Accreditation:
  - (c) GROWSAFE® Registered Chemical Applicator Certificate:
  - (d) GROWSAFE® Standard certificate:
  - (e) GROWSAFE® Advanced certificate:
  - (f) National Certificate in Agrichemical Application:
  - (g) Unit Standard 21563 *Demonstrate knowledge of the HSNO Act, and NZS 8409:2004 for the use of agrichemicals*.

### 61 Qualifications needed for mixing or loading of vertebrate toxic agents in preparation for application

- (1) This clause applies to—



- (a) a class 9.1A, 9.2A, 9.3A or 9.4A vertebrate toxic agent:
  - (b) a substance listed in Table 3 in Schedule 9.
- (2) However, this clause does not apply to a vertebrate toxic agent if it is to be used in urban pest management.
- (3) A person mixing, loading, or otherwise handling the vertebrate toxic agent in preparation for the substance to be applied to an application area must be a **qualified VTA loader**.
- (4) However, a person (person A) may mix, load or otherwise handle the substance if a qualified VTA loader—
- (a) has provided guidance to person A in respect of the handling of the substance at the place; and
  - (b) is available at all times to provide assistance, if necessary, to person A while the substance is being handled.
- (5) In this clause, **qualified VTA loader** means a person who holds at least one of the following:
- (a) a current aerial spraying rating, or aerial vertebrate toxic agent rating issued under Part 61 of the Civil Aviation Rules:
  - (b) Rural Contractors New Zealand's Registered Chemical Applicator Accreditation:
  - (c) GROWSAFE® Registered Chemical Applicator Certificate:
  - (d) GROWSAFE® Standard certificate:
  - (e) GROWSAFE® Advanced certificate:
  - (f) National Certificate in Agrichemical Application:
  - (g) Unit Standard 21563 *Demonstrate knowledge of the HSNO Act, and NZS 8409:2004 for the use of agrichemicals*:
  - (h) a compliance certificate as a certified handler for the relevant vertebrate toxic agent.

## 62 Qualifications needed for aerial application

- (1) This clause applies to—
- (a) a class 9.1A, 9.2A, 9.3A or 9.4A pesticide or plant growth regulator:
  - (b) a substance listed in Table 1 in Schedule 9:
  - (c) advion fire ant bait (HSR007905):
  - (d) if the substance is applied into or onto water, a substance listed in Table 2 of Schedule 9.
- (2) However, this clause does not apply to—
- (a) a fumigant:
  - (b) a substance listed in Table 4 of Schedule 9.
- (3) A person must not apply the substance aurally (other than from an unmanned aircraft), unless the person holds a current aerial topdressing rating, aerial spraying rating, or aerial vertebrate toxic agent rating issued under Part 61 of the Civil Aviation Rules.
- (4) A person must not apply the substance aurally from an unmanned aircraft, unless the person is operating under the authority of, and in accordance with the terms of, a valid unmanned aircraft operator certificate under Part 102 of the Civil Aviation Rules.

### 63 Qualifications for a contractor applying a pesticide or plant growth regulator

- (1) This clause applies to—
  - (a) a class 9.1A, 9.2A, 9.3A or 9.4A pesticide or plant growth regulator:
  - (b) a substance listed in Table 1 in Schedule 9:
  - (c) if the substance is applied into or onto water, a substance listed in Table 2 of Schedule 9.
- (2) However, this clause does not apply when the substance is applied aurally, or to—
  - (a) a fumigant or vertebrate toxic agent:
  - (b) a substance listed in Table 4 of Schedule 9.
- (3) A contractor must not apply the substance unless the contractor is a **qualified contractor**.
- (4) However, a contractor other than a qualified contractor may apply the substance if a qualified contractor—
  - (a) has provided guidance to the contractor in respect of the application of the substance at the place; and
  - (b) is available at all times to provide assistance to the contractor, if necessary, while the contractor is applying the substance.
- (5) A qualified contractor must provide evidence of their qualifications upon request by an enforcement officer.
- (6) In this clause, **qualified contractor** means a contractor who—
  - (a) has evidence of having applied the substance or a similar substance using the application method on two or more application areas; and
  - (b) with respect to Table 1 of Schedule 10—
    - (i) holds at least one qualification or unit standard specified in column 1 against the application method being used (**qualification A**); and
    - (ii) if one or more unit standards are specified in column 2 alongside qualification A, has been credited with one or more relevant unit standards of those specified.

### 64 Qualifications for a person other than a contractor applying a pesticide or plant growth regulator

- (1) This clause applies to—
  - (a) a class 9.1A, 9.2A, 9.3A or 9.4A pesticide or plant growth regulator:
  - (b) a substance listed in Table 1 in Schedule 9, other than Fusilade Forte (HSR007852):
  - (c) if the substance is applied into or onto water, a substance listed in Table 2 of Schedule 9.
- (2) However, this clause does not apply when the substance is applied aurally, or to—
  - (a) a fumigant or vertebrate toxic agent:
  - (b) a substance listed in Table 4 of Schedule 9.
- (3) A person must not apply the substance using an application method listed in Table 2 of Schedule 10, unless the person is a **qualified person**.

- (4) However, a person other than a qualified person (**person A**), may apply the substance if a qualified person—
  - (a) has provided guidance to person A in respect of the application of the substance at the place; and
  - (b) is available at all times to provide assistance, if necessary, to person A while person A is applying the substance.
- (5) A qualified person must provide evidence of their qualifications upon request by an enforcement officer.
- (6) In this clause, **qualified person** means a person who—
  - (a) has evidence of having applied the substance using the relevant application method on more than one occasion, and with respect to Table 2 of Schedule 10,—
    - (i) holds at least one qualification or unit standard in column 1 specified against the application method being used (**qualification A**); and
    - (ii) if one or more unit standards are specified in column 2 alongside qualification A, has been credited with one or more relevant unit standards of those specified:
  - (b) when acting as a contractor, is a qualified contractor for the purposes of clause 63.

*Compare: SR 2001/117 r 9, SR 2017/131 r 13.9*

## **65 Qualifications for a contractor using substance in urban pest management**

- (1) This clause applies to—
  - (a) a class 9.1A, 9.2A, 9.3A, or 9.4A substance used in urban pest management (UPM);
  - (b) a substance listed in Table 3 in Schedule 9.
- (2) A contractor must not handle or apply the substance unless the contractor is a **qualified UPM contractor**.
- (3) However, a contractor other than a qualified UPM contractor may handle or apply the substance if a qualified UPM contractor—
  - (a) has provided guidance to the contractor in respect of the application of the substance at the place; and
  - (b) is available at all times to provide assistance, if necessary, to the contractor while the substance is being applied by the contractor.
- (4) A qualified UPM contractor must provide evidence of their qualifications upon request by an enforcement officer.
- (5) In this clause, **qualified UPM contractor** means a contractor who, with respect to Table 3 in Schedule 10—
  - (a) holds the qualification specified in row A or B; or
  - (b) has been credited with all of the units or unit standards specified in row C or D.

## **66 Transitional recognition of an approved handler test certificate**

- (1) This clause applies to a person who, immediately before the commencement of this notice, held a **relevant approved handler test certificate**.

- (2) Despite subclause (1), this clause does not apply to a person if the relevant approved handler test certificate is treated as an equivalent compliance certificate in accordance with Schedule 1 of the HSW HS Regulations, and the compliance certificate has been suspended or cancelled by WorkSafe under those regulations.
- (3) A person to whom this clause applies is regarded as a qualified loader, qualified VTA loader, qualified contractor, qualified person or qualified UPM contractor for the purposes of this subpart until the later of the following dates:
  - (a) 31 December 2019; or
  - (b) the date on which relevant approved handler test certificate expires.
- (4) In this clause **relevant approved handler test certificate** means a test certificate for an approved handler, issued under section 82 of the Act (as it was before the commencement of section 29 of the Amendment Act) in accordance with regulation 4 of the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001, that applies in respect of the hazardous substance being applied or handled, or a similar class 9 substance.

## Schedule 1

### Certain substances restricted to workplaces only

clause 13

**Table 1: Substances to which clause 13 applies (subject to Table 2 exceptions)**

- Class 1 (explosives)
- Class 3.1A (flammable liquids)
- Class 3.2A, 3.2B, 3.2C (liquid desensitised explosives)
- Class 4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F (self-reactive substances and mixtures)
- Class 4.1.3A, 4.1.3B, 4.1.3C (solid desensitised explosives)
- Class 4.2A, 4.2B (spontaneously combustible substances)
- Class 4.3A, 4.3B, 4.3C (solids that emit flammable gas when in contact with water)
- Class 5.1.1A (oxidising substances)
- Class 5.2A, 5.2B (organic peroxides)
- Class 6.1A, 6.1B, 6.1C (acutely toxic)
- Class 6.7A (known or presumed human carcinogen)
- Class 8.2A (highly corrosive to skin)
- Dianex (HSR101016)
- Emulsifiable concentrate containing 500 g/litre dimethoate (HSR000193)
- Emulsifiable concentrate containing 800 g/litre diazinon (Substance B) (HSR000181)
- Fandango (HSR001722)
- Feratox pellet A in 12g Ferafeed paste (HSR100752)
- Feratox pellet A in 18g Ferafeed paste (HSR100752)
- Feratox pellet A in 20 g Ferafeed paste (HSR100752)
- Feratox pellet A in 9 g Ferafeed Paste (HSR100752)
- Feratox pellet B (one pellet) in 18 g Ferafeed paste (HSR100752)
- Firefly (HSR007993)
- Fury 120 SC (HSR101069)
- Melody Duo (HSR001616)
- Melody Duo NF (HSR007814)
- Perfekthion S-1 (HSR000965)
- PROLINE (HSR001661)
- RF-046 (HSR10107)

**Table 2: Exceptions to clause 13 restriction**

- safety ammunition, including blank ammunition, pre-primed cartridges and primers, of class 1.4S
- fireworks in hazard classifications 1.3G, 1.4G, and 1.4S that are controlled under the Hazardous Substances (Fireworks) Regulations 2001
- emergency flares and signalling devices in hazard classifications 1.3G, 1.4G, and 1.4S
- model rocket motors of hazard classifications 1.4G, and 1.4S
- propellants of hazard classifications 1.3C (UN 0161 and 0499)
- gunpowder of hazard classification 1.1D (UN 0027)
- igniting fuses of hazard classification 1.4G (UN 0317)
- igniters of hazard classification 1.4S (UN 0454)
- petrol
- aviation or racing gasoline of class 3.1A
- Optima Activator (Black) (HSR000103)
- Optima Activator (Blue) (HSR000104)
- Optima Activator (Red) (HSR000105)
- Optima Activator (White) (HSR000106)

## Schedule 2

### Provisions of HSW HS Regulations applicable to a substance in a place that is not a workplace

*clauses 17 and 19*

	Hazard Classification	Provisions of HSW HS Regulations
A	All hazard classifications (except class 9 – refer Part 4)	Part 2 (Labelling, signage, safety data sheets, and packaging) Part 3 (General duties relating to risk management) Part 4 (Certified handlers and supervision and training of workers) Part 5 (Emergency management)
B	Class 1 (explosives)	All Parts listed in row A, and: Part 9 (Class 1 substances)
C	Class 2, 3, or 4	All Parts listed in row A, and: Part 10 (Class 2, 3, and 4 substances) Part 11 (Controls relating to adverse effects of unintended ignition of class 2 and 3.1 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)
D	Class 5	All Parts listed in row A, and: Part 12 (Class 5 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)
E	Class 6, 8	All Parts listed in row A, and: Part 13 (Class 6 and 8 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)

## Schedule 3

### Quantities of hazardous substances that require management in accordance with HSW HS Regulations

clause 19

Hazard Classification or Description of Substance	Quantity
safety ammunition (UN0012), or blank cartridges (UN0014), including pre-primed cartridges (UN0055) or primers (UN0044), of class 1.4S	10 000 kg (gross weight)
fireworks of classes 1.3G, 1.4G or 1.4S that are controlled under the Hazardous Substances (Fireworks) Regulations 2001	500 kg (gross weight)
emergency flares or signalling devices of classes 1.3G, 1.4G or 1.4S	100 kg (gross weight)
model rocket motors of classes 1.4G or 1.4S	100 kg (gross weight)
propellants of class 1.3C (UN 0161 and 0499)	15 kg
gunpowder of class 1.1D (UN 0027)	15 kg
igniting fuses of hazard classification 1.4G (UN 0317)	100 kg (gross weight)
igniters of hazard classification 1.4S (UN 0454)	50 kg (gross weight)
2.1.1A (excluding LPG – refer to clauses 26 to 28)	100 kg (if not a permanent gas) 30 m3 (if a permanent gas)
2.1.2A	3 000 L aggregate water capacity
Petrol	50 L
Aviation or racing gasoline of class 3.1A	50 L
3.1B	50 L
3.1C	250 L (excluding in oil burning installations subject to clause 22 )
3.1D (other than diesel)	10 000 L
Diesel	1 000 L
4.1.1A	1 kg
4.1.1B	100 kg
4.2C	25kg
5.1.1B	50 kg or 50 L
5.1.1C	100 kg or 100 L



Hazard Classification or Description of Substance	Quantity
5.1.2A	50 kg or 50 m <sup>3</sup>
5.2C, 5.2D, 5.2E, or 5.2F	10 kg or 10 L
6.1D, 6.5A, or 6.5B	1 000 kg or 1 000 L
6.6A, 6.7B, 6.8A, or 6.9A	10 000 kg or 10 000 L
8.2B	1 000 kg or 1 000 L
8.2C, or 8.3A	10 000 kg or 10 000 L

## Schedule 4

### Incompatible substances and materials

*clause 21*

Substance hazard classification	Incompatible substances and materials
Class 1	All other classes
Class 2.1.1	All class 1 substances
	Class 2.1.2 substances
	All class 3 substances
	All class 4 substances
	All class 5 substances
Class 2.1.2	All class 1 substances
	Class 2.1.1 substances
	All class 3 substances
	All class 4 substances
	All class 5 substances
Class 3.1	All class 1 substances
	All class 2 substances
	Class 3.2 substances
	All class 4 substances
	All class 5 substances
Class 3.2	All class 1 substances
	All class 2 substances
	Class 3.1 substances
	Class 4.1.2, 4.2, and 4.3 substances
	All class 5 substances

Substance hazard classification	Incompatible substances and materials
Class 4.1.1 (readily combustible solids)	All class 1 substances
	All class 2 substances
	Class 4.1.2, 4.1.3, 4.2, and 4.3 substances
	All class 5 substances
Class 4.1.1 (those solids that may cause fire through friction only)	Any substance likely to cause a spark when struck against such a class 4.1.1 substance
Class 4.1.2	All class 1 substances
	All class 2 substances
	Class 3.1 and 3.2 substances
	Class 4.1.3 and 4.2 substances
	All class 5 substances
	Catalytic impurities that have a detrimental influence on the thermal stability and the hazard presented by class 4.1.2 substances
Class 4.1.3	All class 1 substances
	All class 2 substances
	Class 3.1 substances
	Class 4.2 substances
	All class 5 substances
Class 4.2	All class 1 substances
	All class 2 substances
	All class 3 substances
	Class 4.1.1, 4.1.2, 4.1.3, and 4.3 substances
	All class 5 substances
	Air
	Oxygen

Substance hazard classification	Incompatible substances and materials
Class 4.3	All class 1 substances
	All class 2 substances
	All class 3 substances
	Class 4.1.1, 4.1.2, 4.1.3, and 4.2 substances
	All class 5 substances
	All class 8 substances
	Water
Class 5.1.1 and 5.1.2	All class 1 substances
	All class 2 substances
	All class 3 substances
	All class 4 substances
	All class 5.2 substances
	All 6.1A, 6.1B, 6.1C substances
	Class 6.1 toxic cyanides
	All class 8 substances
Class 5.2	All class 1 substances
	All class 2 substances
	All class 3 substances
	All class 4 substances
	All class 5.1.1 and 5.1.2 substances
	All 6.1A, 6.1B, 6.1C substances
	Class 6.1 toxic cyanides
	All class 8 substances
Class 6.1A, 6.1B, 6.1C	All class 1 substances
	All class 5 substances
Class 6.1 toxic cyanides	All class 1 substances
	All class 5 substances
	All class 8.2 corrosive acids

Substance hazard classification	Incompatible substances and materials
Class 8.2 corrosive acids	All class 1 substances Class 4.3A, 4.3B, 4.3C substances All class 5 substances Class 6.1 toxic cyanides Class 8.2 corrosive alkalis
Class 8.2 corrosive alkalis	All class 1 substances Class 4.3A, 4.3B, 4.3C substances All class 5 substances Class 8.2 corrosive acids
Class 9.1	All class 1 substances All class 5 substances

## Schedule 5

### Maximum quantities of LPG permitted to be held indoors in a place that is not a workplace

clause 26

Indoor Location	Maximum quantity	Maximum cylinder size
<b>Residential dwellings comprising:</b>		
<ul style="list-style-type: none"> <li>a detached house or single storey attached dwelling</li> </ul>	20 kg per dwelling	10kg
<ul style="list-style-type: none"> <li>multi-storey attached dwellings, up to and including 3 storeys</li> </ul>	20 kg per dwelling	10kg
<ul style="list-style-type: none"> <li>multi-storey attached dwellings of over 3 storeys.</li> </ul>	10 kg per dwelling	10kg
<b>Other areas of regular habitation (excluding residential dwellings listed above), within buildings with a roof and three or more walls that:</b>		
<ul style="list-style-type: none"> <li><i>are not attached</i> to residential or other occupancies</li> </ul>	10 kg per 10 m <sup>2</sup> of the indoor floor area, up to a maximum total quantity of 100 kg.	10 kg
<ul style="list-style-type: none"> <li><i>are attached</i> to residential or other occupancies per premises.</li> </ul>	20 kg per premises.	10 kg

## Schedule 6

### Separation distances between above ground stationary tank and protected place

*clause 40*

Container capacity (litres)	Distance (metres)
Up to 3 000	3
3 001 to 50 000	5
Greater than 50 000	8

## Schedule 7

### Threshold quantities for secondary containment and emergency response plan

*clauses 41 and 42*

Hazard classification	Description	Quantity
9.1A	Liquid	100 L
	solid	100 kg
9.1B, 9.1C	Liquid	1 000 L
	Solid	1 000 kg
9.1D	Liquid	10 000 L
	Solid	10 000 kg



## Schedule 8

### Threshold quantities for signage

*clause 43*

Hazard classification	Description	Quantity
9.1A, 9.2A, 9.3A, 9.4A	Liquid	100 L
	Solid	100 kg
9.1B, 9.1C, 9.2B, 9.2C, 9.3B, 9.4B, 9.4C	Liquid	1 000 L
	Solid	1 000 kg
9.1D, 9.2D, 9.3C	Liquid	10 000 L
	Solid	10 000 kg

## Schedule 9

### Variations to qualification requirements for certain class 9 substances

Table 1

#### Additional class 9 substances subject to certain qualification requirements

*clauses 60, 62, 63, 64,*

Substance name	Approval number
Atlantis Flo	HSR100435
Chlorine Dioxide (Pesticide)	HSR007938
Emulsifiable concentrate containing 100 g/litre haloxyfop[(R)-isomer] as the methyl ester	HSR000373
Fandango	HSR001722
Firefly	HSR007993
Fusilade Forte	HSR007852
Hortcare Approve 240SC	HSR007667
Ignite	HSR002431
Intuity	HSR101227
Opus Team	HSR007815
Pilaud	HSR000135
Scorp EC	HSR008025
Velum Prime	HSR101067

Table 2

## Qualification required only for application onto or into water

*Clause 62, 63, 64*

Substance name	Approval number
Donaghys Grunt G580 Glyphosate	HSR007906
Donaghys Premium Sprayoff G360	HSR007807
Donaghys Premium Sprayoff G540	HSR007808
Macspred Bi Dri glymac 680 herbicide	HSR007661
Orion Glyphosate 360 - B	HSR007694

Table 3

## Additional class 9 VTAs subject to certain qualification requirements

*Clause 61, 65*

Substance name	Approval number
Feratox pellet A in 12g Ferafeed paste	HSR100752
Feratox pellet A in 18g Ferafeed paste	HSR100752
Feratox pellet A in 20 g Ferafeed paste	HSR100752
Feratox pellet A in 9 g Ferafeed Paste	HSR100752
Feratox pellet B (one pellet) in 18 g Ferafeed paste	HSR100752
Feratox pellet B (two pellets) in 18 g Ferafeed paste	HSR100752

Table 4

## Class 9 substances not subject to certain qualification requirements

Clause 60, 62, 63, 64

Substance name	Approval number
Clobber*25 WP	HSR000010
PyGanic	HSR000051
PyGo	HSR000057
Hussar	HSR000065
Pilarking	HSR000078
Nimrod SC	HSR000080
Proclaim	HSR000110
Dustable powder containing 5.0 - 7.5 g/kg rotenone	HSR000194
Ready to use liquid containing 7.8 g/litre fenitrothion	HSR000202
Ready to use liquid containing 4.7 g/litre permethrin, 10 g/litre piperonyl butoxide and 0.05 g/litre pyriproxyfen	HSR000254
Ready to use liquid containing 2.5 - 4.0 g/litre permethrin	HSR000263
Ready to use liquid containing 10 g/litre permethrin	HSR000267
Ready to use liquid containing 3 g/litre permethrin	HSR000308
Ready to use liquid containing 1 g/litre permethrin	HSR000311
Ready to use liquid containing 5 g/litre permethrin	HSR000313
Ready to use liquid containing 14.25 g/litre esbiothrin. Also contains hydrocarbons	HSR000322
Ready to use liquid containing 20.9 g/litre esbiothrin. Also contains hydrocarbons	HSR000333
Granular material containing 20 g/kg picloram as the amine salt	HSR000554
Ready to use liquid containing 2.5 g/litre cyproconazole and 1 g/litre iodocarb (Substance A)	HSR000632
Gel containing 21.5 g/kg imidacloprid	HSR000676
Ready to use liquid containing 80 g/litre thiram	HSR000730

Substance name	Approval number
Sniper™	HSR000953
Melody Duo	HSR001616
Quintec	HSR001671
Nimrod EW Fungicide	HSR001738
Reason	HSR001758
Twinax	HSR002417
STEMSHOT KF-1	HSR002471
TnI 2040	HSR002483
IMPULSE	HSR007652
Colliss	HSR007669
Bait containing 16.5 g/kg hydramethylnon (Substance B)	HSR007699
Liquid containing 75 - 125 g/litre permethrin	HSR007702
TNL 2189	HSR007756
Myco-RF	HSR007810
Melody Duo NF	HSR007814
Vega	HSR007818
Phaltan 50SC	HSR007821
GF-1640	HSR007822
Betanal Forte	HSR007865
Elector PSP	HSR007967
Corasil	HSR008027
Pico	HSR008028
NoMate CM Spirals	HSR008047
Kytogen	HSR100003
Glacier	HSR100141
Acquire	HSR100276
Liquid containing 600 - 700 g/litre 2,4-D as the amine salt	HSR100292
Liquid containing 725 - 850 g/litre 2,4-D as the butyl ester	HSR100293

Substance name	Approval number
Liquid containing 300 - 350 g/litre mancozeb and 35 - 40 g/litre metalaxyl	HSR100308
Liquid containing 70 - 90 g/litre pyrethrins	HSR100315
Liquid containing 180 - 220 g/litre pyrethrins	HSR100316
Liquid containing 450 - 550 g/litre spinosad	HSR100318
Liquid containing 65 - 85 g/litre trifloxystrobin	HSR100321
Liquid containing 5 - 15 g/litre allethrin, 3 - 12 g/litre d-phenothrin and 15 - 25 g/litre tetramethrin	HSR100323
Liquid containing 500 - 600 g/litre chlorpyrifos methyl	HSR100326
Liquid containing 450 - 550 g/litre propiconazole	HSR100339
Liquid containing 325 - 400 g/litre triclopyr as the triethylamine salts	HSR100342
StemCap KF-2	HSR100345
Galmano NF	HSR100402
Kinto Duo	HSR100485
Yates Super Shield Advanced	HSR100613
GF-3219	HSR100945
Thicarb 500FS	HSR101066
Permethrin IGR Concentrate	HSR101143
Permethrin Concentrate	HSR101155
Permethrin IGR RTU	HSR101156
Permethrin RTU	HSR101157
Yates Tomato and Vegetable Dust	HSR101195



Application method	Column 1	Column 2
		Unit Standard 6238 <i>Operate a knapsack motorised mist blower for agrichemical application</i>
Application into or onto water (if this is not prohibited by controls on the approval)	Rural Contractors New Zealand's Registered Chemical Applicator Accreditation with aquatic strand or GROWSAFE® Registered Chemical Applicator Certificate with aquatic strand	NA
Any ground-based application method not specified in rows above	GROWSAFE® Standard certificate or	NA
	Unit Standard 21563 <i>Demonstrate knowledge of the HSNO Act, and NZS 8409:2004 for the use of agrichemicals</i>	Unit Standard 27215 <i>Prepare to apply, and apply, agrichemicals using hand held equipment</i>

Table 2

### Qualifications for a person other than a contractor using ground-based application methods to apply certain pesticides and plant growth regulators (“qualified person”)

clause 64

Application method	Column 1	Column 2
1. Ground-based application to land, using mechanical equipment other than handheld equipment	GROWSAFE® Standard certificate or	NA
	Unit Standard 21563 <i>Demonstrate knowledge of the HSNO Act and NZS 8409:2004 for the use of agrichemicals</i>	Unit Standard 23620 <i>Prepare to apply, and apply, agrichemicals to control pests in crops or pasture</i>  Unit Standard 27216 <i>Prepare to apply, and apply, agrichemicals using motorised equipment</i>



Application method	Column 1	Column 2
		<p>Unit Standard 23617 <i>Prepare to apply, and apply, agrichemicals to control brush weeds</i></p> <p>Unit Standard 6239 <i>Prepare to apply, and apply, agrichemicals for total vegetation control</i></p> <p>Unit Standard 6236 <i>Operate a boom or band sprayer for agrichemical application</i></p> <p>Unit Standard 6242 <i>Prepare to apply, and apply, agrichemicals to crops by band spraying</i></p>
<p>2. Ground-based application to land, using motorised handheld equipment—</p> <p>(a) with a tank capacity exceeding 30 litres; or</p> <p>(b) within 30m of water or a sensitive habitat</p>	<p>GROWSAFE® Standard certificate</p> <p>or</p> <p>Unit Standard 21563 <i>Demonstrate knowledge of the HSNO Act, and NZS 8409:2004 for the use of agrichemicals</i></p>	<p>NA</p> <p>Unit Standard 27216 <i>Prepare to apply, and apply, agrichemicals using motorised equipment</i></p> <p>Unit Standard 6237 <i>Operate a handgun sprayer for agrichemical application</i></p> <p>Unit Standard 6238 <i>Operate a knapsack motorised mist blower for agrichemical application</i></p>
<p>3. Application into or onto water (if this is not prohibited by controls on the approval)</p>	<p>GROWSAFE® Standard certificate</p> <p>or</p> <p>Unit Standard 21563 <i>Demonstrate knowledge of the HSNO Act, and NZS 8409:2004 for the use of agrichemicals</i></p>	<p>Unit Standard 6240 <i>Prepare to apply, and apply, agrichemicals to control aquatic weeds</i></p>

Table 3

## Qualifications for an urban pest management contractor (“qualified UPM contractor”)

clause 65

Row	Qualification or units
A	New Zealand Certificate in Pest Operations (Level 3) (Urban Pest Control)
B	National Certificate in Urban Pest Management (Level 2)
C	<p>The following four unit standards from the New Zealand Certificate in Pest Operations (Level 3) (Urban Pest Control):</p> <ul style="list-style-type: none"> <li>• Unit standard 28786 <i>Demonstrate knowledge of the purpose and impacts of urban pest management</i>; and</li> <li>• Unit standard 28787 <i>Demonstrate knowledge of the legislative framework and regulatory controls governing the urban pest management industry</i>; and</li> <li>• Unit standard 28790 <i>Identify pests, assess pest activity and recommend integrated pest management or a standard treatment</i>; and</li> <li>• Unit standard 28791 <i>Apply pest management services in the urban pest management industry</i>.</li> </ul>
D	<p>The following three core units from the Australian Pest Management Qualification “CPP30911 Certificate III in Pest Management”:</p> <ul style="list-style-type: none"> <li>• CPPPMT3005 <i>Manage pests without applying pesticides</i>; and</li> <li>• CPPPMT3006 <i>Manage pests by applying pesticides</i>; and</li> <li>• CPPPMT3018 <i>Maintain equipment and pesticide storage area in pest management vehicles</i>.</li> </ul>



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