

# Decision to reissue

7 March 2022

## Summary

|                    |  |
|--------------------|--|
| Application type   | To reissue an approval for a hazardous substance under Clause 4 of Schedule 7 of the Hazardous Substances and New Organisms Act 1996 (“the Act”) |
| Consideration date | 7 March 2022   |
| Considered by      | The Chief Executive <sup>1</sup> of the Environmental Protection Authority (“the EPA”)   |
| Decision           | To reissue the approval HSR101527  |

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<sup>1</sup> The Chief Executive of the EPA has made the decision on this application under delegated authority in accordance with section 19 of the Act.

## Introduction

1. This document provides the following information regarding the reissue of HSR101527 under clause 4 of Schedule 7 of the Act:
  - the reasons behind the decision to reissue
  - the legislative criteria for reissue
  - classification and control mapping

## Process

### Reasons for reissue

2. On 30 April 2021 the Environmental Protection Authority (EPA) adopted the Globally Harmonised System of Classification and Labelling of Chemicals revision 7 (GHS).
3. The updating of the hazard classification system required a new Hazard Classification Notice to be issued, updates to several other EPA notices, and updates to all existing approvals. The EPA took this opportunity to reissue existing approvals to update their controls as well as assigning new hazard classifications in accordance with the new Hazardous Substances (Hazard Classification) Notice 2020.
4. During the update process the approval number HSR101527 had not yet been generated due to an inadvertent error.
5. Subsequent to this reissue, the approval HSR000350 was determined to cover products that required different classifications and controls than those currently in place for the approval.
6. In order to represent the products that used the approval correctly, a second approval number, HSR101527, was generated to cover non-aerosol products previously covered by the original approval. However, the approval number was not generated until after the completion of the initial reissue, and now needs to be reissued into GHS.

### Legislative criteria for the reissue

7. The approval is to be considered under clause 4 of Schedule 7 of the Act, which enables the EPA to amend and reissue the approvals. The reissue of approvals is for the purpose of updating the approvals to take into account the new classification system, and to revoke the existing prescribed controls to replace them with new controls, omitting any existing control if it is reasonable to conclude that the purpose of that control is to address the adverse effect on people in the workplace and any other aspect of the control is only incidental.
8. It is also necessary to consider other relevant sections of the Act, namely sections 4 to 8. These sections are the purpose of the Act, the principles and matters to consider in order to achieve the purpose of the Act and the requirements to exercise caution when managing adverse effects and take in account the principles of the Treaty of Waitangi.

## Hazardous properties

9. On 15 October 2020, the EPA issued the Hazardous Substances (Hazard Classification) Notice 2020. This notice establishes a hazard classification framework for hazardous substances that incorporates elements of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS 7) by reference, plus a new framework for terrestrial ecotoxicity classifications. The approval HSR101527 will be assigned new

hazard classifications in accordance with the notice, and the controls will also be updated to bring them into line with the new legislation<sup>2</sup> that came into force on 1 December 2017.

10. A correlation table that maps the previous HSNO alpha-numeric classifications to the new HSNO classifications is provided in Appendix 1. The old and new classifications for the approval HSR101527 reissued in this decision document are provided in Table 1. The gases under pressure liquefied gas classification is included in the approval to cover non-aerosol products originally covered by HSR000350.

**Table 1: Current and proposed classifications for approval HSR101527**

| Approval Number | Pre-GHS Classification | Reissued GHS Classification   |
|-----------------|------------------------|---|
| HSR101527       | 6.5A, 6.5B, 9.1A, 9.4B | <b>Gases under pressure liquefied gas,</b><br>Respiratory sensitisation Category 1, Skin sensitisation Category 1, Hazards to the aquatic environment acute Category 1, Hazards to the aquatic environment chronic Category 1 |

## Changes to controls on reissued approvals

11. The existing prescribed controls, being the controls that applied to the affected substances immediately before 1 December 2017, are set out in the various decision documents, and Transfer Notices. These original approvals were referred to in order to ensure that the correct controls were applied to the reissued approvals.
12. The mapping of the existing prescribed default controls to new default HSNO controls and/or requirements under the HSW (HS) Regulations is set out in Appendix 3.
13. As this approval has a different classification to the original approval, the default controls may differ. The addition of the Hazardous Property Controls Notice 2017 Part 4C control will be added due to the use patterns of the products that will be covered by this approval. The product using this approval, Pestigas (P002929), is considered an agrichemical due to its use to eradicate pests on food crops.

## Consideration

### Information available for consideration

14. The information available to the Chief Executive for consideration includes:
  - a. A consultation table mapping the previous HSNO alpha-numeric classifications to the new GHS classifications
  - b. Draft approval document

## Decision

15. Pursuant to Clause 3 Schedule 7 of the Act, I have considered the reissue of the approval HSR101527.

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<sup>2</sup> The Health and Safety at Work (Hazardous Substances) Regulation 2017 and a series of EPA Notices.

16. I have considered the matters raised in sections 4 to 8 of the Act, but given the nature of the reissue is administrative, there are no further considerations required in order to achieve the purposes of the Act.
17. I consider it appropriate to reissue the approval HSR101527 with the controls set out in the approval document in accordance with Clause 4 Schedule 7 of the Act.
18. Given the hazard classification system came into effect on 30 April 2021, this decision will have immediate effect.
19. The transitional provisions of the relevant EPA notices apply to the reissued approval for the transitional period which begins on the date of reissue and ends on 30 April 2025.



**7 March 2022**

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**Dr Allan Freeth**  
**Chief Executive**  
**Environmental Protection Authority**

**Date**

## Appendix 1: HSNO to GHS correlation table

### Physical hazards

| Pre 30 April 2021 HSNO classification | Post 30 April 2021 HSNO classification   |
|---------------------------------------|--|
| <b>Explosives (class 1)</b>           |  |
|                                       | unstable explosive   |
| 1.1 (A, B, C, D, E, F, G, J, L)       | 1.1 (A, B, C, D, E, F, G, J, L)  |
| 1.2 (B, C, D, E, F, G, H, J, K, L)    | 1.2 (B, C, D, E, F, G, H, J, K, L)   |
| 1.3 (C, F, G, H, J, K, L)             | 1.3 (C, F, G, H, J, K, L)  |
| 1.4 (B, C, D, E, F, G, S)             | 1.4 (B, C, D, E, F, G, S)  |
| 1.5D                                  | 1.5D   |
| 1.6N                                  | 1.6N   |
| <b>Flammable gases</b>                |  |
| 2.1.1A                                | flammable gas Category 1A<br><br>flammable gas Category 1A pyrophoric gas<br><br>flammable gas Category 1A chemically unstable gas A<br><br>flammable gas Category 1A chemically unstable gas B<br><br>flammable gas Category 1B<br><br><i>Note: Some flammable gases Category 1A may be additionally classified as pyrophoric and/or chemically unstable.</i> |
| 2.1.1B                                | flammable gas Category 2   |
| <b>Aerosols</b>                       |  |
| 2.1.2A (flammable aerosol)            | aerosol Category 1<br><br>aerosol Category 2   |
|                                       | aerosol Category 3   |

| Pre 30 April 2021 HSNO classification        | Post 30 April 2021 HSNO classification   |
|--|--|
| <b>Gases under pressure</b>                  |  |
|  | compressed gas<br>liquefied gas<br>refrigerated liquefied gas<br>dissolved gas |
| <b>Flammable liquids</b>                     |  |
| 3.1A   | flammable liquids Category 1   |
| 3.1B   | flammable liquids Category 2   |
| 3.1C   | flammable liquids Category 3   |
| 3.1D   | flammable liquids Category 4   |
| <b>Desensitised explosives</b>               |  |
| 3.2A (liquid) and 4.1.3A (solid)             | desensitised explosive Category 1  |
| 3.2B (liquid) and 4.1.3B (solid)             | desensitised explosive Category 2  |
| 3.2C (liquid) and 4.1.3C (solid)             | desensitised explosive Category 3  |
|  | desensitised explosive Category 4  |
| <b>Flammable solids</b>                      |  |
| 4.1.1A                                       | flammable solids Category 1  |
| 4.1.1B                                       | flammable solids Category 2  |
| <b>Self-reactive substances and mixtures</b> |  |
| 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                                   |

| Pre 30 April 2021 HSNO classification  | Post 30 April 2021 HSNO classification  |
|--|---|
| 4.1.2G   | self-reactive substances and mixtures Type G  |
| <b>Pyrophoric liquids, pyrophoric solids, self-heating substances and mixtures</b> |   |
| 4.2A   | pyrophoric liquids Category 1, or<br>pyrophoric solids Category 1                     |
| 4.2B   | self-heating substances and mixtures Category 1                                       |
| 4.2C   | self-heating substances and mixtures Category 2                                       |
| <b>Substances and mixtures which, in contact with water, emit flammable gases</b>  |   |
| 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 |
| <b>Oxidising substances that are liquids or solids</b>                             |   |
| 5.1.1A   | oxidising liquids Category 1, or<br>oxidising solids Category 1                       |
| 5.1.1B   | oxidising liquids Category 2, or<br>oxidising solids Category 2                       |
| 5.1.1C   | oxidising liquids Category 3, or<br>oxidising solids Category 3                       |
| <b>Oxidising gases</b>   |   |
| 5.1.2A   | oxidising gases Category 1  |
| <b>Organic peroxides</b>   |   |
| 5.2A   | organic peroxide Type A   |
| 5.2B   | organic peroxide Type B   |

| Pre 30 April 2021 HSNO classification | Post 30 April 2021 HSNO classification |
|---------------------------------------|--|
| 5.2C                                  | organic peroxide Type C                |
| 5.2D                                  | organic peroxide Type D                |
| 5.2E                                  | organic peroxide Type E                |
| 5.2F                                  | organic peroxide Type F                |
| 5.2G                                  | organic peroxide Type G                |
| <b>Corrosive to metals</b>            |  |
| 8.1A                                  | corrosive to metals Category 1         |

## Health hazards

| Pre 30 April 2021 HSNO classification | Post 30 April 2021 HSNO classification   |
|---------------------------------------|--|
| <b>Acute toxicity</b>                 |  |
| 6.1A (oral, dermal, inhalation)       | acute oral toxicity Category 1<br>acute dermal toxicity Category 1<br>acute inhalation toxicity Category 1 |
| 6.1B (oral, dermal, inhalation)       | acute oral toxicity Category 2<br>acute dermal toxicity Category 2<br>acute inhalation toxicity Category 2 |
| 6.1C (oral, dermal, inhalation)       | acute oral toxicity Category 3<br>acute dermal toxicity Category 3<br>acute inhalation toxicity Category 3 |
| 6.1D (oral, dermal, inhalation)       | acute oral toxicity Category 4<br>acute dermal toxicity Category 4<br>acute inhalation toxicity Category 4 |
| 6.1E (oral, dermal, inhalation)       | <i>Note: acute toxicity Category 5 has not been adopted</i>  |



| Pre 30 April 2021 HSNO classification    | Post 30 April 2021 HSNO classification   |
|--|--|
| <b>Aspiration hazard</b>                 |  |
| 6.1E (aspiration hazard)                 | aspiration hazard Category 1<br><i>Note: aspiration hazard Category 2 has not been adopted</i> |
| <b>Respiratory tract irritation</b>      |  |
| 6.1E (respiratory tract irritant)        | specific target organ toxicity – single exposure Category 3<br>respiratory tract irritation    |
| <b>Skin corrosion/irritation</b>         |  |
| 8.2A                                     | skin corrosion Category 1A   |
| 8.2B                                     | skin corrosion Category 1B   |
| 8.2C                                     | skin corrosion Category 1C   |
| 6.3A                                     | skin irritation Category 2   |
| 6.3B                                     | <i>Note: skin irritation Category 3 has not been adopted</i>                                   |
| <b>Serious eye damage/eye irritation</b> |  |
| 8.3A                                     | serious eye damage Category 1  |
| 6.4A                                     | eye irritation Category 2<br><i>Note: The subcategories 2A and 2B have not been adopted.</i>   |
| <b>Respiratory or skin sensitisation</b> |  |
| 6.5A                                     | respiratory sensitisation Category 1   |
| 6.5B                                     | skin sensitisation Category 1  |
| <b>Germ cell mutagenicity</b>            |  |
| 6.6A                                     | germ cell mutagenicity Category 1  |
| 6.6B                                     | germ cell mutagenicity Category 2  |
| <b>Carcinogenicity</b>                   |  |
| 6.7A                                     | carcinogenicity Category 1   |
| 6.7B                                     | carcinogenicity Category 2   |

| Pre 30 April 2021 HSNO classification                      | Post 30 April 2021 HSNO classification   |
|--|--|
| <b>Reproductive toxicity</b>                               |  |
| 6.8A   | reproductive toxicity Category 1   |
| 6.8B   | reproductive toxicity Category 2   |
| 6.8C (additional category for effects on or via lactation) | effects on or via lactation  |
| <b>Specific target organ toxicity</b>                      |  |
| 6.9A (oral, dermal, inhalation)                            | specific target organ toxicity – single exposure Category 1<br>specific target organ toxicity – repeated exposure Category 1 |
| 6.9B (oral, dermal, inhalation)                            | specific target organ toxicity – single exposure Category 2<br>specific target organ toxicity – repeated exposure Category 2 |
| 6.9B (narcotic effects)                                    | specific target organ toxicity – single exposure Category 3<br>narcotic effects  |

## Environmental hazards

| Pre 30 April 2021 HSNO classification           | Post 30 April 2021 HSNO classification   |
|---|--|
| <b>Hazardous to the aquatic environment</b>     |  |
| 9.1A  | hazardous to the aquatic environment acute Category 1<br>hazardous to the aquatic environment chronic Category 1   |
| 9.1B  | hazardous to the aquatic environment chronic Category 2  |
| 9.1C  | hazardous to the aquatic environment chronic Category 3  |
| 9.1D  | hazardous to the aquatic environment chronic Category 4<br><br><i>Note: hazardous to the aquatic environment acute Category 2 and acute Category 3 have not been adopted</i> |
| <b>Hazardous to the terrestrial environment</b> |  |
| 9.2A, 9.2B, 9.2C, 9.2D                          | hazardous to soil organisms  |
| 9.3A, 9.3B, 9.3C                                | hazardous to terrestrial vertebrates   |

| Pre 30 April 2021 HSNO classification | Post 30 April 2021 HSNO classification |
|---------------------------------------|--|
| 9.4A, 9.4B, 9.4C                      | hazardous to terrestrial invertebrates |
| 9.1D (designed for biocidal action)   | designed for biocidal action           |