

# Consolidated EPA Notice

Under the Hazardous Substances and New Organisms Act 1996

## Hazardous Substances (Packaging) Notice 2017

EPA CONSOLIDATION 30 April 2021

## Objective of notice

This notice prescribes requirements relating to packaging of hazardous substances.

This notice uses the hazard classification system set out in the Hazardous Substances (Hazard Classification) Notice 2020.

*Note: this consolidated statement of objective takes account of the objective statements in the original notice, and in the subsequent amendment notice.*

## History of Hazardous Substances (Packaging) Notice 2017

The Hazardous Substances (Packaging) Notice 2017 came into force on 1 December 2017. It now incorporates the following amendment.

### **Amendment**

Amendment 1

### **Effective date**

30 April 2021

## **Summary of amendments**

### **Amendment 1**

Hazardous Substances (Amendments and Revocations) Notice 2020

### **Clauses amended**

Clauses 4, 9, 12, 13, 14, 18, 22, 24, 26 Part D, Schedule

# Hazardous Substances (Packaging) Notice 2017

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## Part A: General

### 1. Title

This is the Hazardous Substances (Packaging) Notice 2017.

### 2. Commencement

This consolidated notice is effective as at 30 April 2021.

### 3. Application

- (1) This notice applies to importers, manufacturers, and suppliers of hazardous substances, and packaging importers or manufacturers, in respect of—
  - (a) an item of packaging for a hazardous substance that—
    - (i) has a capacity of 450 litres or less; or
    - (ii) can contain a net mass of contents of 400 kg or less; or
  - (b) large packaging.
- (2) This notice does not apply to —
  - (a) a container for holding gases or aerosol components under pressure (other than under atmospheric pressure); or
  - (b) a process container or other stationary container system, tank, tank wagon, transportable container (including an intermediate bulk container), or stationary tank (as those terms are defined in the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)); or
  - (c) 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
  - (d) 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
  - (e) any fuel gas transported through transmission pipelines when subject to the [Health and Safety in Employment \(Pipelines\) Regulations 1999](#); or
  - (f) hazardous substances that are dangerous goods while they are being transported in accordance with any applicable requirements of a relevant transport rule; or
  - (g) hazardous substances transferred or decanted from a container in a workplace for use within that workplace in compliance with the requirements of [Part 2](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

- (3) The provisions of this notice apply subject to—
- (a) any variation of these requirements made in accordance with sections [77](#) or [77A](#) of the Act; and
  - (b) the provisions of a relevant group standard as applied in accordance with [section 96E](#) of the Act.

#### 4. Definitions

- (1) In this notice, unless the context otherwise requires —

**Accreditation Council** means the council having that name that is continued under the [Standards and Accreditation Act 2015](#)

**Act** means the [Hazardous Substances and New Organisms Act 1996](#)

**Authority** means the Environmental Protection Authority established under the [Environmental Protection Authority Act 2011](#)

**competent authority** means the relevant regulatory authority having authority over, or an obligation to control, standards for packaging for hazardous substances, or for hazardous substances being transported, under the law of a relevant country

**consumer product** means a hazardous substance that is packed or repacked primarily for use by a household consumer or for use in an office and—

- (a) if packed or repacked primarily for use by the household consumer, is packed in a way and in a quantity in which it is intended to be used by a household consumer; and
- (b) if packed or repacked primarily for use in an office, is packed in a way and in a quantity in which it is intended to be used for office use

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

**correctly packaged**, in relation to a hazardous substance, means correctly packaged in accordance with [clause 5](#)

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

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

**firework** has the same meaning as in the [Hazardous Substances \(Fireworks\) Regulations 2001](#)

**fuel gas** has the same meaning as in the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)

**IANZ** means the part of the Accreditation Council continued under the [Standards and Accreditation Act 2015](#) known as International Accreditation New Zealand

**importer** has the same meaning as in the [Customs and Excise Act 1996](#)

**large packaging** means packaging that—

- (a) consists of outer packaging containing articles or inner packaging; and
- (b) is designed for mechanical handling; and
- (c) exceeds 400 kg net mass or 450 litre capacity but has a volume of not more than 3 m<sup>3</sup>

**list of dangerous goods** means the list of dangerous goods in Chapter 3.2 of the [UN Model Regulations](#)

**manufacture**, in relation to a hazardous substance—

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

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

**packaging importer or manufacturer** means a person who imports or manufactures (as applicable) packaging intended for use as packaging for hazardous substances

**PCBU** has the same meaning as in the [Health and Safety at Work Act 2015](#)

**petrol** means unleaded petrol, racing gasoline, aviation gasoline, or blends of petrol and ethanol such as E10 and E85.

**relevant international instrument** means—

- (a) the [UN Model Regulations](#); or
- (b) the International Maritime Dangerous Goods Code 2018; or
- (c) the Technical Instructions for Safe Transport of Dangerous Goods by Air of the International Civil Aviation Organisation 2019-2020; or
- (d) the Dangerous Goods Regulations of the International Air Transport Association, 61<sup>st</sup> Edition, 2019

**relevant transport rule** means—

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

**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



**UN Model Regulations** means the [21<sup>st</sup> revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, 2019](#), published by the United Nations

**workplace** has the same meaning as in the [Health and Safety at Work Act 2015](#)

- (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) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) [Notice 2020](#) and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) [Notice 2020](#).
- (4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) [Notice 2020](#).

## Part B: Packaging

### 5. Meaning of correctly packaged

A hazardous substance is **correctly packaged** if it is packed in accordance with this notice and its packaging complies with this notice.

### 6. Duties of importers and manufacturers

- (1) This clause applies to —
  - (a) an importer who imports a hazardous substance for the purposes of supply, or for use by the importer in the importer's workplace; or
  - (b) a manufacturer who manufactures a hazardous substance for the purposes of supply, or for use by the manufacturer in the manufacturer's workplace.
- (2) The importer or manufacturer must ensure that the substance is correctly packaged as soon as practicable after importing or manufacturing the substance.

### 7. Duties of suppliers

A person who supplies a hazardous substance to another person must ensure the substance is correctly packaged.

### 8. Packaging must be able to retain contents

- (1) When filled and closed, the packaging for a hazardous substance must—
  - (a) not leak any substance when subjected to the normal stresses and strains of handling; and
  - (b) maintain its ability to retain its contents in the range of environmental or temperature conditions to which it is likely the package may be subjected throughout its lifecycle;

- (c) not release any gas or vapour unless the packaging is specifically designed to be vented; and
  - (d) maintain its ability to retain its contents if part of the contents are removed and the packaging is resealed (except in relation to packaging that is designed for use on one occasion only).
- (2) The packaging for a hazardous substance must not react with the hazardous substance to generate another hazardous substance, or to weaken the packaging in any way.

## 9. Additional performance tests for packaging for some hazardous substances

- (1) Subject to [clause 18](#), packaging for a hazardous substance that is in a hazard class or has a hazard classification described in the [Schedule](#), if in the form and quantity described in the [Schedule](#), must pass the performance tests described in the [Schedule](#).
- (2) Despite subclause (1), packaging for a substance described in subclause (3) is not required to comply with the drop test described in the [Schedule](#) if the outside of the packaging has a warning statement that meets the requirements in subclause (4).
- (3) For the purpose of subclause (2), the substances are:
  - (a) a substance with the hazard classification flammable liquids Category 2 if less than 0.1 L:
  - (b) a substance that has any of the following hazard classifications if less than 0.5 L:
    - (i) flammable liquids Category 3 or Category 4:
    - (ii) acute toxicity Category 4 (oral, dermal or inhalation):
    - (iii) hazardous to the aquatic environment chronic Category 3 or chronic Category 4.
- (4) The warning statement must state that the package may not withstand a drop of 0.5 m, be in English and be easily read by a person with normal eyesight.

## 10. Compatibility where hazardous substance repackaged

- (1) Where a hazardous substance is packaged in packaging that has previously contained another substance —
  - (a) both substances must be compatible; or
  - (b) all practicable steps must be taken to remove all residues of the original substance.
- (2) In this clause, a substance (**substance A**) is compatible with another substance (**substance B**) if—
  - (a) substance A is chemically inert if brought into contact with substance B in the range of environmental or temperature conditions that the package is likely to be subjected to throughout its lifecycle; or

- (b) substance A is chemically reactive when brought into contact with substance B, it does not—
  - (i) cause combustion; or
  - (ii) generate an explosion; or
  - (iii) generate a new substance of a different class or category.

## 11. Marking of packaging

A packaging importer or manufacturer must not mark the packaging for a hazardous substance as if it has been type-tested and certified in accordance with the [UN Model Regulations](#) or another relevant international instrument unless—

- (a) the package meets the requirements set out in [clause 21](#); and
- (b) the markings comply with the [UN Model Regulations](#) or another applicable relevant international instrument, including the codes for the packaging type, UN Packing Group, and the UN Packaging symbol.

## 12. Child-resistant packaging

- (1) The packaging to which this clause applies must be child-resistant.
- (2) This clause applies to the packaging of a hazardous substance that is in any of the following hazard classes or has any of the following hazard classifications, if the packaging holds 5 L or less, or 5 kg or less:
  - (a) acute toxicity:
  - (b) skin corrosion Category 1A, Category 1B or Category 1C:
  - (c) serious eye damage Category 1:
  - (d) germ cell mutagenicity Category 1:
  - (e) carcinogenicity Category 1:
  - (f) reproductive toxicity Category 1:
  - (g) specific target organ toxicity – single exposure Category 1:
  - (h) specific target organ toxicity – repeated exposure Category 1:
  - (i) aspiration hazard Category 1
- (3) Subclause (1) does not apply if the substance is to be supplied to a workplace for use in that workplace and the PCBU has put in place adequate measures to ensure that children cannot gain access to the workplace.
- (4) In this clause,—
  - (a) **child-resistant** means, in relation to packaging, that the packaging is designed or constructed so that it is not unduly difficult for adults to open but —

- (i) it is significantly difficult for children under 5 years of age to open, or gain access to the contents, within a reasonable time; or
  - (ii) in the case of packaging that is, or contains, a dispensing device, children under 5 years of age attempting to open, or gain access to the contents, would not obtain a toxic or harmful amount of the substance within a reasonable time; and
- (b) compliance with the following standards must be treated as meeting the definition in paragraph (a):
- (i) in relation to reclosable packaging, AS 1928-2007 *Child resistant packaging – Requirements and testing procedures for reclosable packages* (ISO 8317:2003):
  - (ii) in relation to non-reclosable packaging,—
    - (A) BS EN 862:2016 *Packaging. Child resistant packaging. Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products*:
    - (B) Australian Standard entitled AS 1928-2001 *Child-resistant packages*.

### 13. Permanent identification

- (1) Containers to which this clause applies must be permanently identified as containing a toxic or corrosive substance (as relevant).
- (2) This clause does not apply to smokeless powders.
- (3) This clause applies to any container for a consumer product containing a liquid or solid substance that is in any of the following hazard classes or has any of the following hazard classifications—
  - (a) acute toxicity:
  - (b) skin corrosion Category 1A, Category 1B or Category 1C:
  - (c) respiratory sensitisation Category 1:
  - (d) germ cell mutagenicity:
  - (e) carcinogenicity:
  - (f) reproductive toxicity Category 1 or Category 2:
  - (g) specific target organ toxicity – single exposure Category 1:
  - (h) specific target organ toxicity – repeated exposure Category 1:
  - (i) aspiration hazard Category 1.
- (4) Subclause (1) does not apply if the substance is to be supplied to a workplace for use in that workplace and the PCBU has put in place adequate measures to ensure that children cannot gain access to the workplace.

- (5) In this clause, **permanently identified** means identified in a durable way that ensures the identification is not removed—
- (a) when the container is subjected to the wear and tear of normal storage, handling and use; or
  - (b) in the range of environmental or temperature conditions that the container is likely to be subjected to throughout its lifecycle.

#### **14. Alternative compliance for importers and manufacturers in relation to clauses 12 and 13**

- (1) An importer or manufacturer must be treated as complying with [clause 6](#), as it relates to clauses [12](#) or [13](#) if, at the time the relevant requirement applies, the importer or manufacturer meets any requirements for packaging to be child-resistant or permanently identified (as the case may be) under the law that would have applied if the substance were for supply in another specified jurisdiction that is nominated by the importer or manufacturer in accordance with subclause (3).
- (2) Nothing in this clause affects the requirements under [clause 12](#) for packaging for a hazardous substance to be child-resistant if the substance has any of the following hazard classifications:
  - (a) acute toxicity Category 1, Category 2 or Category 3 (oral, dermal or inhalation):
  - (b) acute toxicity Category 4 (oral, dermal or inhalation) liquid substance:
  - (c) skin corrosion Category 1A, Category 1B, or Category 1C:
  - (d) aspiration hazard Category 1.
- (3) The relevant law must be for the purpose of imposing packaging requirements to prevent children gaining access to packaging for hazardous substances, or to ensure durable and permanent markings are on packaging for hazardous substances (as the case may be) but may describe child-resistance or permanent identification in different terms to those provided for in this notice.
- (4) An importer or manufacturer who seeks to rely on this clause must—
  - (a) apply the law of the specified jurisdiction according to the reasonably expected circumstances of supply in New Zealand (for example, supply to consumers or to workplaces); and
  - (b) before importing or manufacturing the substance, establish a record that states the importer or manufacturer's intention to rely on this clause in relation to a relevant jurisdiction that is nominated in the record.
- (5) The importer or manufacturer may nominate a relevant specified jurisdiction by referring directly to the jurisdiction, or by referring to a particular legal instrument in the relevant jurisdiction that has legal force at the relevant time.

- (6) The record must show the dates of each entry and be kept for a period that ends 2 years after the end of the period during which the importer or manufacturer makes the hazardous substance available for supply.
- (7) In this clause, **specified jurisdiction** means—
- (a) the European Union; or
  - (b) the Commonwealth of Australia, including any state or territory of Australia; or
  - (c) Canada, including any province or territory of Canada; or
  - (d) the United States, including any state.

### 15. Alternative compliance for suppliers in relation to clauses 12 and 13

A supplier who is subject to a duty to ensure that a hazardous substance is correctly packaged must be treated as complying with [clause 7](#), as it relates to [clause 12](#) or [13](#) (as the case may be) if, at the time of supply, the hazardous substance has been packaged by an importer or manufacturer in accordance with [clause 14](#).

### 16. Packaging likely to arouse curiosity of children

Packaging for a hazardous substance that is supplied or intended for supply to the general public must not have a shape or a design (or both) that is likely to attract or arouse the active curiosity of children.

### 17. Misleading packaging

Packaging for a hazardous substance that is supplied or intended for supply to the general public must not have a presentation or a design (or both) that may mislead consumers as to the nature, characteristics, or suitability for a purpose of a hazardous substance (for example, that it contains human or animal foodstuffs or medicinal products when it does not).

## Part C: Packaging requirements specific to hazardous substances that are dangerous goods

### 18. Application of this Part

- (1) This Part applies to packaging for hazardous substances that are dangerous goods.
- (2) Packaging for a hazardous substance to which this Part applies must comply with—
- (a) this Part; or
  - (b) in the case of a substance that is in any of the hazard classes or has any of the hazard classifications described in the [Schedule](#) that is in the form and quantity described in the [Schedule](#)—
    - (i) this Part; or
    - (ii) the performance tests described in the [Schedule](#).

## 19. References to provisions of UN Model Regulations

In this Part, a reference to provisions of the [UN Model Regulations](#) must be treated as including—

- (a) any definitions or further provisions in the [UN Model Regulations](#) that—
  - (i) are necessary to give the first-mentioned provisions effect; or
  - (ii) exclude, limit or modify the application of those provisions in particular circumstances (in addition to the exceptions set out in [clause 23](#)); and
- (b) the equivalent provisions in any other relevant international instrument, including any definitions or further provisions in that international instrument as described in paragraph (a).

## 20. Assignment of hazardous substances to dangerous goods classes, divisions and packing groups

For the purposes of this Part, a hazardous substance that is a dangerous good must be treated as assigned to—

- (a) a dangerous goods class in accordance with the [UN Model Regulations](#); and
- (b) the Packing Group for that substance (as applicable) in accordance with the list of dangerous goods.

## 21. Design standard for packaging of hazardous substances that are dangerous goods

- (1) Packaging for a hazardous substance that is a dangerous good that is manufactured overseas must—
  - (a) conform with a design that has been type-tested and certified by or under the authority of a relevant competent authority in accordance with—
    - (i) Chapter 6.1 of the [UN Model Regulations](#); or
    - (ii) in the case of large packaging, Chapter 6.6 of the [UN Model Regulations](#); and
  - (b) be marked in accordance with Chapter 6.1.2 and 6.1.3 of the [UN Model Regulations](#).
- (2) Where packaging for a hazardous substance that is a dangerous good is manufactured in New Zealand, it must be certified as meeting the requirements set out in subclause (1)(a) by an accredited testing laboratory.
- (3) In this clause, **accredited testing laboratory** means a laboratory that is accredited by IANZ or a corresponding overseas body as meeting the requirements of—
  - (a) ISO/IEC 17025:2005 *General Requirements for the Competence of Testing and Calibration Laboratories*; or
  - (b) an equivalent standard.

## 22. Compliance with packing instructions

- (1) A hazardous substance that is a dangerous good must be packaged in accordance with the packing instructions that are set out in Chapter 4.1 of the [UN Model Regulations](#), and as indicated in the list of dangerous goods.
- (2) However, in relation to a substance in the hazard class flammable liquids, viscous substances may be assigned to a different packing group in accordance with the provisions in Chapter 2.3.2 of the [UN Model Regulations](#).

## 23. Exceptions for dangerous goods in limited quantities and dangerous goods in excepted quantities

- (1) Clauses 21 and 22 do not apply to the extent that the [UN Model Regulations](#) provide for an exception to the need for packaging to be type-tested and certified, or marked, in relation to dangerous goods in limited quantities or dangerous goods in excepted quantities.

- (2) In this clause—

**dangerous goods in excepted quantities** means dangerous goods packaged so that the maximum quantity in individual inner packaging complies with the limits specified for excepted quantities according to the class and division and packing group, or as specified for a particular entry in the list of dangerous goods

**dangerous goods in limited quantities** means dangerous goods packaged so that the maximum quantities in individual inner packaging comply with the limits specified for dangerous goods packed in limited quantities according to the class or division, and packing group, or as specified for a particular entry in the list of dangerous goods

## 24. Additional packaging requirements for certain substances

- (1) The requirements of this clause are additional to the requirements in clauses 21 and 22.
- (2) Packaging for substances in the hazard class self-reactive substances and mixtures must—
  - (a) prevent the compression of the substance at temperatures below 0°C; and
  - (b) prevent the trapping of small amounts of the substance in each closure mechanism in the packaging, during closing.
- (3) Packaging for substances in the following hazard classes must, when closed, exclude any other substance that may cause the substance to explode or spontaneously combust:
  - (a) pyrophoric liquids:
  - (b) pyrophoric solids:
  - (c) self-heating substances and mixtures:
  - (d) oxidising liquids:
  - (e) oxidising solids.



- (4) Packaging for substances in the hazard class substances and mixtures which, in contact with water, emit flammable gases must, when closed, retain any agent necessary for keeping the substance separate from water or water vapour.
- (5) Packaging for substances in the hazard class organic peroxides must—
  - (a) prevent the compression of the substance at temperatures below 0°C; and
  - (b) prevent the trapping of small amounts of the substance in each closure mechanism in the packaging, during closing; and
  - (c) when closed, also exclude any other substance that may cause that substance to explode or combust.

## 25. Exception and additional requirements for fireworks

- (1) Clauses 21 and 22 do not apply to packaging for fireworks when supplied to the public in accordance with the [Hazardous Substances \(Fireworks\) Regulations 2001](#).
- (2) However packaging for fireworks must retain its integrity after being held in the flame of a cigarette lighter for 25 seconds if the fireworks—
  - (a) are subject to the [Hazardous Substances \(Fireworks\) Regulations 2001](#); and
  - (b) are displayed for sale in areas accessible to the public; and
  - (c) are not protected from any ignition source.
- (3) Subclause (2) does not apply to—
  - (a) those bonbon crackers, snaps, or similar pyrotechnic novelties or noise makers containing less than 1.7 mg of pyrotechnic substance; or
  - (b) those amorces, crackshots, or similar pyrotechnic novelties or noise makers containing less than 5 mg of pyrotechnic substance; or
  - (c) those party poppers, streamer bombs, handblasters, or similar pyrotechnic novelties or noise makers containing less than 20 mg of pyrotechnic substance.

## 26. Exception for petrol

Clauses 21 and 22 do not apply to portable containers for petrol that have a capacity of 25 litres or less if they comply with the requirements of—

- (a) AS/NZS 2906-2001-Fuel containers-portable-plastics and metal; or
- (b) ASTM-F852-08-Standard specification for portable gasoline containers for consumer use; or
- (c) a Code of Practice approved under [section 79](#) of the Act.

## Part D: Transitional provisions

### 27. Definitions for the purpose of this Part

In this Part—

**2017 group standard** means a group standard that was reissued in accordance with [Schedule 7](#) of the Act on or after 1 December 2017, including any amendments made to the group standard in accordance with [Part 6A](#) of the Act

**2017 Notices** mean the EPA [notices](#) that came into force on 1 December 2017

**2020 group standard** means a group standard that commences on 30 April 2021

**approval** includes—

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

**pre 2017 group standard** means a group standard that was in force prior to 1 December 2017, including any amendments made to the group standard in accordance with [Part 6A](#) of the Act

**reassessed post 2017 approval** means an approval that was granted after 1 December 2017 and that is reassessed on 30 April 2021 in accordance with [section 63C](#) of the Act

**reassessed pre 2017 approval** means an approval that was granted before 1 December 2017, was reissued in accordance with [Schedule 7](#) of the Act prior to 30 April 2021, and that is reassessed on 30 April 2021 in accordance with [section 63C](#) of the Act

**reissued approval** means an approval that was in force immediately before 1 December 2017 that is reissued in accordance with [Schedule 7](#) of the Act on or after 30 April 2021

**transitional period** means the period starting on 30 April 2021 and ending on 30 April 2025

### 28. Transitional requirements relating to reissued approvals

- (1) A person relying on a reissued approval may, during the transitional period, comply with the controls related to packaging according to the terms of—
  - (a) the reissued approval; or
  - (b) the approval that were in force immediately before 30 April 2021.
- (2) To the extent necessary to comply with subclause (1) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017 remain in force.

## 29. Transitional requirements relating to reassessed pre 2017 approvals

- (1) A person relying on a reassessed pre 2017 approval may, during the transitional period, comply with the controls related to packaging according to the terms of—
  - (a) the reassessed pre 2017 approval; or
  - (b) the approval that were in force immediately before 30 April 2021 despite any transitional period provided for in the approval.
- (2) To the extent necessary to comply with subclause (1) the following remain in force:
  - (a) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017 remain; and
  - (b) any relevant 2017 [Notices](#) as issued on 1 December 2017.

## 30. Transitional requirements relating to reassessed post 2017 approvals

- (1) A person relying on a reassessed post 2017 approval may, during the transitional period, comply with the controls related to packaging according to the terms of—
  - (a) the reassessed post 2017 approval; or
  - (b) the approval that were in force immediately before 30 April 2021.
- (2) To the extent necessary to comply with subclause (1) any relevant 2017 [Notices](#) as issued on 1 December 2017 remain in force.

## 31. Transitional requirements relating to 2020 group standards

- (1) A person relying on a 2020 group standard may, during the transitional period, comply with the conditions relating to packaging according to the terms of:
  - (a) the 2020 group standard; or
  - (b) the equivalent 2017 group standard; or
  - (c) the equivalent pre 2017 group standard.
- (2) To the extent necessary to comply with subclause (1) the following remain in force:
  - (a) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017; and
  - (b) any relevant 2017 [Notices](#) as issued on 1 December 2017; and
  - (c) any relevant pre 2017 group standards in force immediately before 1 December 2017; and
  - (d) any relevant 2017 group standards.

## Schedule

*clause 9, 18*

This schedule sets out performance tests for the purpose of clauses 9 and 18. For the purposes of these clauses the relevant hazardous substances are those with a hazard class or hazard classification specified in column 1 of the following table—

- (a) in the form described in column 2 of the table; and
- (b) in an amount less than or equal to the maximum quantity per unit of packaging set out in column 3 of the table.

### Performance tests

Packaging must be tested using the particular hazardous substance to be contained or another substance with similar physical characteristics including density, viscosity, and particle size. The closure mechanism of the package must be fully closed and, in the case of vented packaging, the vents must be sealed. The tests are:

- (1) The package for the hazardous substance must be able to withstand the impact at any orientation of a drop of 0.5 m to a hard surface without losing its ability to retain its contents.
- (2) In the case of a liquid substance, the package must be leakproof when the package is held with the opening at the lowest point for a period of 30 minutes.

**Table: Hazard classes and hazard classifications of substances that may be packed in packaging that meets the requirements of clauses 9 or 18**

Column 1 Hazard class or hazard classification	Column 2 Form	Column 3 Maximum quantity per unit of packaging
flammable liquids Category 2	liquid	1.0 L
flammable liquids Category 3	liquid	5.0 L
flammable liquids Category 4	liquid	Not exceeding 450 L
flammable solids Category 1	solid	1.0 kg
flammable solids Category 2	solid	5.0 kg
substances and mixtures which, in contact with water, emit flammable gases Category 2	liquid or solid	0.5 L or 0.5 kg
substances and mixtures which, in contact with water, emit flammable gases Category 3	liquid or solid	1.0 L or 1.0 kg
oxidising liquids Category 2	liquid	1.0 L
oxidising liquids Category 3	liquid	5.0 L

Column 1 Hazard class or hazard classification	Column 2 Form	Column 3 Maximum quantity per unit of packaging
oxidising solids Category 2	solid	1.0 kg
oxidising solids Category 3	solid	5.0 kg
organic peroxide Type B or Type C not requiring temperature control under <a href="#">regulation 12.27</a> of the Health and Safety at Work (Hazardous Substances) Regulations 2017	liquid or solid	25.0 ml or 0.1 kg
organic peroxide Type D, Type E or Type F, not requiring temperature control under <a href="#">regulation 12.27</a> of the Health and Safety at Work (Hazardous Substances) Regulations 2017	liquid or solid	125.0 ml or 0.5 kg
acute toxicity Category 2 (oral, dermal or inhalation)	liquid or solid	0.1 L or 0.5 kg
acute toxicity Category 3 (oral, dermal or inhalation)	liquid or solid	5.0 L or 5.0 kg
acute toxicity Category 4 (oral, dermal or inhalation)  serious eye damage Category 1  respiratory sensitisation Category 1  skin sensitisation Category 1  germ cell mutagenicity  carcinogenicity  reproductive toxicity  specific target organ toxicity – single exposure Category 1 and Category 2  specific target organ toxicity – repeated exposure Category 1 and Category 2	liquid or solid	Not exceeding 400 kg net mass or 450 L
skin corrosion Category 1B	liquid or solid	1.0 L or 1.0 kg
corrosive to metals Category 1	liquid or solid	5.0 L or 5.0 kg
skin corrosion Category 1C		

Column 1 Hazard class or hazard classification	Column 2 Form	Column 3 Maximum quantity per unit of packaging
hazardous to the aquatic environment acute Category 1  hazardous to the aquatic environment chronic Category 1 and Category 2	liquid or solid	5.0 L or 5.0 kg
hazardous to the aquatic environment chronic Category 3 and Category 4	liquid or solid	Not exceeding 400 kg net mass or 450 L

(All liquid volumes measured at 20°C)