Implementation of GHS 7

Implications for hazardous substance approvals and group standards

Submission Analysis Report on June 2020 Consultation

OCTOBER 2020

Environmental Protection Authority
Te Mana Rauhī Taiao

New Zealand Government

Table of contents

1. Public consultation process

1. The Environmental Protection Authority (EPA) is proposing to update New Zealand's current hazardous substance classification system to the United Nations Globally Harmonized System of Classification and Labelling of Chemicals Revision 7 (GHS 7).

2. The EPA publicly consulted on its intention to adopt GHS 7 on 29 October 2019, with submissions closing on 9 January 2020. Seventy-one submissions were received. The consultation document, and submission analysis report from that consultation, are available on the EPA website.

3. A second consultation was carried out in June 2020 on the next stage of the GHS implementation project. This report summarises the submissions received from the second consultation, and provides the EPA's response to submitters' comments and concerns.

Details of the consultation

4. The second consultation document was open for public submissions from 8 June 2020 until 4 August 2020. The document invited comments on five main proposals (refer to Section 2 below).

5. Nearly 5,000 stakeholders were directly advised that the consultation was taking place. The consultation was also promoted through EPA newsletters.

6. New Zealand is party to the Technical Barriers to Trade agreement, overseen by the World Trade Organisation (WTO). This consultation was accordingly notified to WTO. No member countries submitted a return on the consultation document.

7. The consultation document is available on the EPA website.

Purpose of this report

8. The purpose of this report is to provide a summary of submissions on the June 2020 consultation, along with the EPA's response and recommendations.

9. The parts of this report that are relevant to making EPA Notices as provided by section 76C of the HSNO Act[1] will be made available to the EPA Board to help inform their decision.

10. The parts of this report that are relevant to approving a new set of group standards as provided by section 96C of the HSNO Act[2] will be made available to the relevant decision-making committee to help inform their decision.

[1] Notably Proposal 5

[2] Notably Proposal 3

11. The parts of this report that are relevant to reassessing individual approvals issued after 1 December 2017 as provided by section 63C of the HSNO Act[3] will be made available to the relevant decision-making committee to help inform their decision.

12. The parts of this report that are relevant to re-issuing or revoking individual approvals issued before 1 December 2017 as provided by Schedule 7 of the HSNO Act[4] will be made available to the decision maker (the EPA Chief Executive) to help inform his decision.

Submissions received

13. Twenty-eight submissions were received on this second consultation.

14. A high-level summary of submitter comments and the EPA response to the five proposals is provided in Section 2.

15. A more detailed analysis of submitter comments on each proposal and the EPA response is provided in Sections 3 to 8. The number of submitters who responded to each question and proposal is also provided, along with the number of submitters who commented, agreed or disagreed.

2. Summary of submitters' comments and the EPA's response

16. A high-level summary of submitters' comments and the EPA's response to the five proposals is provided in the table below.

Proposal	Summary of submitter comments	EPA response and recommendation
Proposal 1 Proposed GHS 7 classifications for all individual hazardous substance approvals, including those that we are planning to revoke as they can be managed under a group standard.	Several submitters identified (potential) errors in the new GHS classifications provided in Appendix 6 to the consultation document. Some submitters queried how the EPA would "fix" any potential errors made when assigning the new classification of any reissued or reassessed substance.	We acknowledge that some errors occurred in mapping the current HSNO classifications to GHS classifications. All identified errors have been corrected. This includes errors noted both by submitters, and by the EPA in an additional internal review process. An updated Classifications and Fates spreadsheet will be published on the EPA website that includes the revised classifications. The identified errors have also been separately addressed in this report in

[3] Notably Proposal 1

[4] Notably Proposals 1 - 4

Proposal	Summary of submitter comments	EPA response and recommendation
		response to the relevant submitter's comment. If any errors are made in assigning new classifications to substances at the time they are reissued or reassessed, these approvals can be amended using section 67A of the HSNO Act to apply the correct classification. Note: Some of the final GHS classifications assigned to some substances via this process are subject to reassessments currently in progress at the time this report is written.
Proposal 2 Proposed "fate" of all individual hazardous substance approvals, that is, whether we plan to revoke or retain the approval. For each individual approval we propose to revoke, we will identify which group standard(s) we consider could be used to manage that substance.	Several submitters identified specific substances that they considered should be reissued rather than revoked, and vice versa.	In response to submitter concerns, we changed the fate from "revoke" to "reissue" for some substances, and vice versa. Some changes were also made to the fates of other substances following an additional internal review process. These changes are captured in an updated Classifications and Fates spreadsheet that will be published on the EPA website.
Proposal 3 Proposed changes to the group standards to apply the GHS 7 classifications.	The majority of submitters were supportive of all the proposed changes to the group standards. The proposal to add metallic corrosivity as an optional primary hazard in Corrosive group standards received particular support. It was requested that the Gases Under Pressure Mixtures group standards explicitly list the four gases under pressure hazard classifications.	Submitter support for the proposed changes to the group standards is noted, and we will recommend that the decision-making committee implement all changes as consulted on. In response to submitter concerns, we have now proposed that the four gases under pressure hazard classifications be added to the scope of the nine Gases Under Pressure Mixtures group standards.

Proposal	Summary of submitter comments	EPA response and recommendation
Proposal 4 Updates to the controls placed on substances approved or reassessed before 1 December 2017.	Several submitters commented on potential issues with ensuring that current control variations are maintained when certain substances are reissued.	The EPA has taken on board the concerns raised by these submitters, and has a quality assurance process in place to minimise or eliminate errors with assigning controls when substances are reissued.
Proposal 5 To amend the Hazardous Property Controls Notice to no longer require signage for storage of agrichemicals on the basis of their terrestrial ecotoxicity hazards.	Of the 15 submitters who commented on this proposal, eight supported it, and seven opposed it. The key points made by opposing submitters include: • Signage is important in that it provides initial identification of the hazards present at a site, and ensures correct and prompt action is taken to avoid any unintended environmental risk. • Signs provide critical hazard information for firefighters when they first arrive on scene. Information contained in inventories and safety data sheets (SDSs) can take some time to acquire and review, if accessible. • Removing emergency signage will make it more difficult for the Officer in Charge of an incident to identify and manage environmental hazards during emergencies, particularly for substances that have no aquatic ecotoxicity classification.	As this proposal was not supported by key agencies, including Fire and Emergency New Zealand (FENZ), the primary emergency responder that emergency signage is targeted at, we have amended our proposal. We now propose to keep the requirement for signage for terrestrial ecotoxicity hazards, but with amended thresholds. Specifically, we propose to set a default storage threshold quantity of 10,000 L / 10,000 kg for all substances classified as hazardous to the terrestrial environment. The key benefits of this new proposal are that it is proportionate to the risk being managed, it is a consistent approach for both individual approvals and substances covered by a group standard, and it is straightforward to implement and enforce.

3. Submission analysis Proposal 1 – Proposed GHS classifications for all individual approvals

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
Question 1 Do you have any comments regarding any proposed GHS 7 classification assigned to any individual hazardous substance approval?	Twenty-six submitters responded to this question. *Fourteen submitters provided comments* 3, 7, 11, 13, 15, 18, 19, 23, 25, 26, 29, 30, 32, 33 Two of these submitters (19 and 25) expressed support for this proposal. *Twelve submitters had no comment* 1, 6, 8, 10, 14, 17, 20, 22, 24, 27, 28, 31	Phenylmercury acetate (HSR004633) is not currently classified as a class 6.1 substance so it is therefore also missing GHS acute toxicity classifications. Misclassified substances should undergo a fast-track reassessment process, especially those that could have 6.1A or 6.1B classifications.	We acknowledge that the current HSNO classification of HSR004633 is likely to be incorrect as it was based on limited data. However, we are limited to transferring existing HSNO classifications when assigning GHS classifications to reissued approvals. Amending incorrect classifications needs to be carried out via a reassessment process. Note that for this particular substance, we have changed the fate from “revoke” to “reissue” given the regulatory interest in mercury compounds.
		Clarification requested as to why Luna Privilege (HSR100746) is not classified as hazardous to the aquatic environment as it currently has a 9.1B classification.	We acknowledge the proposed classification of HSR100746 as listed in Appendix 6 of the consultation document is incorrect, and that a classification of “hazardous to the aquatic environment chronic Category 2” should be assigned to this substance. The new classification in full for this substance is: specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 2.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Lithium lactate (HSR006165) should have the equivalent GHS hazard classifications of 4.2A and 4.3A rather than the non-hazardous classification proposed.	We acknowledge the proposed classification of HSR006165 as listed in Appendix 6 of the consultation document is incorrect. The 4.2A and 4.3A classifications were inadvertently not mapped to the equivalent GHS classifications on the basis that they were not relevant to lithium salts. However, we are mandated to transferring existing classifications when re-issuing existing approvals so the equivalent GHS classifications need to be assigned to this substance. The relevant GHS classifications are pyrophoric solid Category 1, and substances and mixtures which, in contact with water, emit flammable gases Category 1. We have added these classifications to this substance in an updated Classifications and Fates spreadsheet that will be published on the EPA website. We now propose to reissue this approval as there is no group standard that currently allows these classifications. The errors in this substance's current classification will need to be addressed post reissue by way of a reassessment or modified reassessment.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Soluble concentrate containing 600–605 g/litre propamocarb (HSR000481) currently has a 9.1D hazard classification but has not been assigned either an aquatic toxic classification or a biocidal classification.	We note that the classification of HSR000481 as listed in Appendix 6 of the consultation document is correct. A classification of designed for biocidal action is not required because this substance has (other) terrestrial ecotoxicity classifications.
		Several submitters had comments or queries relating to gases under pressure. • The four gases under pressure classifications should be applied to all Gases Under Pressure Mixtures group standards, as well as compressed air and other gases/gas mixtures which would otherwise be classified as non-hazardous. • Concern that single component gases under pressure that do not have an approval (whether hazardous or not) will be missed given such gases are unable to be covered by the Gases Under Pressure Mixtures group standards. • Query whether there is a classification category for non-hazardous gases under pressure, for example, argon. • Query whether the four GHS 7 gases under pressure classifications (compressed gas, liquefied gas, refrigerated liquid gas, dissolved gas) should be included in a substance's classification.	We agree that the four gases under pressure hazard classifications should be added to the scope of the Gases Under Pressure Mixtures group standards, and have proposed this change. However, these group standards currently only cover gas mixtures. Therefore, any single component gas that is intrinsically hazardous (i.e. triggers a HSNO classification in its unpackaged state) needs to be individually approved. Modifying the Gases Under Pressure Mixtures group standards to accommodate single component gases is outside the scope of this work to apply GHS. It is a policy change that needs to be further investigated, and consulted on as a separate matter. Under HSNO, only substances that are intrinsically hazardous (in their natural state) can be approved. Therefore a non-hazardous gas cannot be granted a HSNO approval. However, non-hazardous gases can still be assigned a gases under pressure classification when they are packaged in a cylinder. For example argon can either be a compressed gas or a liquefied gas.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			Note that controls can be, and are, set under HSNO for non-hazardous gases once they are packaged (refer section 76(1)(f) and (2) of the HSNO Act). The HSW Hazardous Substances Regulations also set controls on gases under pressure (Part 15). Refer to our response under Question 4 on pages 33 and 34 for further discussion on the application of gases under pressure classifications to group standards.
		Water dispersible granule containing 500 g/kg buprofezin (HSR000452) currently has a 9.1D hazard classification but has not been assigned either an aquatic toxic classification or a biocidal classification.	We acknowledge the classification of HSR000452 as listed in Appendix 6 of the consultation document is incorrect. We note that the current 9.1D classification for the active ingredient buprofezin was based on chronic data, and it should map to the GHS classification "hazardous to the aquatic environment chronic Category 1". Accordingly the proposed classifications for buprofezin and some substances containing buprofezin are updated as follows: • Buprofezin (HSR002819): Change from hazardous to the aquatic environment chronic Category 2 to hazardous to the aquatic environment chronic Category 1 • Water dispersible granule containing 500 g/kg buprofezin (HSR000452): Add hazardous to the aquatic environment chronic Category 1

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			• HSR000135, HSR002487, HSR101031 and HSR101296: Change from hazardous to the aquatic environment chronic Category 4 to hazardous to the aquatic environment chronic Category 1 The new classifications in full are: • HSR002819: acute oral toxicity Category 4, specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 1, hazardous to terrestrial vertebrates • HSR000452: eye irritation Category 2, specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 1, hazardous to terrestrial vertebrates • HSR000135: specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 1, hazardous to terrestrial vertebrates • HSR002487: specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 1, hazardous to terrestrial vertebrates • HSR101031: specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			environment chronic Category 1. hazardous to terrestrial vertebrates • HSR101296: eye irritation Category 2, specific target organ toxicity (repeated exposure) Category 2, hazardous to the aquatic environment chronic Category 1, hazardous to terrestrial vertebrates
		One submitter noted it was difficult to confirm the GHS aquatic toxicity classifications and requested that the EPA somehow mark the chronic classifications to indicate where they had been derived based on a data gap (for example, lack of biodegradability data) as opposed to data confirming the persistence of the substance.	We note that given the large number of substances involved, it is not realistic to mark the chronic classifications to indicate how they were derived. If someone has concerns about a chronic aquatic classification assigned to a particular substance(s), we suggest they contact the EPA and we can provide information on that particular substance(s).
		There are at least 30 substances that currently have a 9.1D classification that have not been classified as either hazardous to the aquatic environment or designed for biocidal action. For example HRE000001.	We note that the 9.1D classification on many agrichemicals maps to either hazardous to the aquatic environment acute Category 2 or Category 3, classifications that we are not adopting. In these cases, the classification “designed for biocidal action” should be assigned to the agrichemical if it does not have a terrestrial ecotoxicity classification. We have double-checked the mapping spreadsheet for all 9.1D agrichemicals and ensured that a designed for biocidal action classification has been assigned where relevant.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			Regarding HRE000001, its current 9.1D classification maps to hazardous to the aquatic environment acute Category 3, which we are not adopting. A classification of designed for biocidal action is, however, not required as this substance has a terrestrial ecotoxicity classification (9.3A).
		There are several substances with 9.1B or 9.1C classifications that have not been classified as hazardous to the aquatic environment. These are: HSR000145 HSR000426 HSR000566 HSR000567 HSR000708 HSR000755 HSR000757 HSR000827 HSR001650 HSR001662 HSR001685 HSR001687 HSR001688 HSR007685 HSR007768 HSR100034 HSR100450 HSR100588 HSR100746 HSR100774 HSR100893 HSR101024 HSR101254 HSR101380.	We acknowledge that mapping the current HSNO aquatic ecotoxicity classifications (9.1A–9.1D) to the GHS aquatic ecotoxicity classifications is not straightforward. We have reviewed all 24 substances listed by this submitter. We note that three of the approvals listed (HSR000757, HSR007685, and HSR101380) are actually 9.1D substances. Two of these (HSR007685 and HSR101380) have been assigned a "designed for biocidal action" classification. HSR000757 is classified as hazardous to terrestrial vertebrates so a designed for biocidal action classification is not required. Regarding the other 21 substances: • The following substance has now been assigned a classification of hazardous to the aquatic environment chronic Category 1: o Bait containing 20 g/kg methiocarb (HSR000145)

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			• The following substances have now been assigned a classification of hazardous to the aquatic environment chronic Category 2: o GF-1118 (HSR001685) o GF-871 (HSR001688) o Actigard (HSR100588) o Luna Privilege (HSR100746). • The following substances have now been assigned a classification of hazardous to the aquatic environment chronic Category 3: o Soluble concentrate containing 480 g/litre bentazone (HSR000426) o Raid/Baygon PDQ, PHQ and PDR Ant and Roach Bait (HSR001650) o GF-389 (HSR001687) o RB-2-129 (HSR007768) o RB-2-138 (HSR100034) o Yates Double Action Weed 'n' Feed Liquid (HSR100774) o Bait containing 100 g/kg sodium nitrite (HSR100893) • The remaining substances have been assigned a classification of designed for biocidal action if they

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			do not have a terrestrial ecotoxicity classification. Of note is that several of these substances would have been assigned classifications of hazardous to the aquatic environment acute Category 2 or 3, classifications that we are not adopting.
		Concern that the removal of the 6.1E classification would result in some substances with aspiration hazards no longer being recognised as such. This is due to the absence of an aspiration hazard classification in the early days of HSNO, resulting in some substances such as HSR001222, being assigned a 6.1E oral classification but not aspiration hazard.	When deciding whether a GHS classification of aspiration hazard Category 1 was warranted for a substance currently assigned as 6.1E, we assessed the data that was used to classify the substance when it was originally approved. If no data was held by the EPA at that time to suggest that the substance was an aspiration hazard, the GHS aspiration hazard classification was not assigned. This was the case for the given example HSR001222. The current 6.1E classification is based on acute oral LD50 data. No information regarding aspiration hazard was used in its original classification. The EPA was therefore unable to assign an aspiration hazard Category 1 classification to this substance. We acknowledge there may be other substances, especially those approved in the early days of HSNO, where the data held by the EPA is incomplete. After GHS implementation, if people consider that an aspiration hazard classification should be assigned to a substance (whose individual approval is to be retained), they should contact the EPA so we can look to add the classification (likely via a modified reassessment).

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Disagree with the EPA decision to not adopt the GHS classifications of hazardous to the aquatic environment acute Category 2 and Category 3 on the basis of the potential impact to transport requirements.	Our rationale for making this decision is discussed in detail in the submission analysis report on the October 2019 consultation document, available on the EPA website. We note that the GHS classifications of hazardous to the aquatic environment acute Category 2 and Category 3 are not used in the classification system under the UN Recommendations on the Transport of Dangerous Goods. Therefore, their non-adoption in the HSNO system will have no impact on transport requirements.
		Based on the 2009 Yearly Chemical Review, bromadiolone formulation (HSR001603) should be classified as 6.9B and 9.3A rather than 6.9B and 9.1D as listed in Appendix 6 to the consultation document.	We note that the classification of this substance has been amended twice. The first amendment, carried out in 2009, changed the classification from 6.9B and 9.1D to 6.9B and 9.3A. There was a subsequent amendment in 2011 to change the classification back to 6.9B and 9.1D. The GHS classification of specific target organ toxicity (repeated exposure) Category 2 and designed for biocidal action, as listed in Appendix 6 of the consultation document is therefore correct.
		Polymer gel block containing 1.5 g sodium fluoroacetate/kg (HSR002419) should not have 6.5B hazard classification based on 2007 reassessment of 1080 and its formulations.	We acknowledge the classification of HSR002419 as listed in Appendix 6 of the consultation document is incorrect in that it should not include 6.5B. The new classification for this substance is: acute oral toxicity Category 2, reproductive toxicity Category 1, hazardous to terrestrial vertebrates

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Bait containing 8 g/kg cholecalciferol (Substance B) (HSR007749) should not have a 6.5B hazard classification based on the VTA transfer notice 2004 as amended.	We note that the 6.5B classification was added to HSR007749 in 2010 following the 2009 Yearly Chemical Review (ERMA200067). Therefore the GHS classification of skin sensitisation Category 1 is applicable to this substance.
		Bait containing 100 g/kg sodium nitrite (HSR100893) currently has a 9.1C classification but no equivalent GHS hazard classification has been assigned.	We acknowledge the classification of HSR100893 as listed in Appendix 6 of the consultation document is incorrect, and that a classification of “hazardous to the aquatic environment chronic Category 3” should be assigned to this substance. The new classification for this substance is: acute oral toxicity Category 4, eye irritation Category 2, germ cell mutagenicity Category 2, specific target organ toxicity – repeated exposure Category 2, hazardous to the aquatic environment chronic Category 3, hazardous to terrestrial vertebrates.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		There are several errors with the classification listed for soluble concentrate containing 200 g sodium fluoroacetate/litre (HSR002427) based on the 2007 reassessment of 1080 and its formulations. These include: • the new classification incorrectly assigned “designed for biocidal action” instead of “hazardous to the aquatic environment acute Category 1” • 9.2D (hazardous to soil organisms) has been omitted from its current classification • the current classification provided for 9.4 has the incorrect degree of hazard	We acknowledge the classification of HSR002427 as listed in Appendix 6 of the consultation document was incorrect as it did not reflect the changes made in the 2007 reassessment of 1080 and its formulations. The correct current classification for this substance is 6.1A (oral), 6.1A (inhalation), 6.1D (dermal), 6.3B, 6.4A, 6.8A, 6.9A, 9.1A, 9.2D, 9.3A, 9.4A. The new classification has been changed to apply hazardous to the aquatic environment acute Category 1 and hazardous to soil organisms. The designed for biocidal action classification has been removed. The new classification of HSR002427 is: acute oral toxicity Category 1, acute dermal toxicity Category 4, acute inhalation toxicity Category 1, eye irritation category 2, reproductive toxicity Category 1, specific target organ toxicity – repeated exposure Category 1, hazardous to the aquatic environment acute Category 1, hazardous to soil organisms, hazardous to terrestrial vertebrates, hazardous to terrestrial invertebrates.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Bait containing 0.55–1.84% w/w encapsulated cyanide (HSR007628) currently has a 9.1D classification but this has been converted into the GHS classification of "hazardous to the aquatic environment chronic Category 2" rather than Category 4.	The EPA confirms that the classification "hazardous to the aquatic environment chronic Category 2" is appropriate for this substance. It is based on the high chronic toxicity of potassium cyanide, and its concentration in this formulation. People will have up to four years to amend their labels to include any additional information required by the chronic Category 2 classification.
		Several substances (1080 formulations) have incorrect HSNO classifications, although the proposed GHS classifications are correct. This includes HSR002418, HSR002420, HSR002422, HSR002425, and HSR002426.	We acknowledge that the current HSNO classifications listed for some 1080 formulations in Appendix 6 were the pre-2007 reassessment classifications and therefore incorrect. The correct current HSNO classifications will be provided in an updated Classifications and Fates spreadsheet that will be published on the EPA website. However, we confirm that the proposed GHS classifications for these substances are correct as these were mapped from the classifications assigned in the 2007 reassessment of 1080 and its formulations.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		The approval number HSR100752 encompasses six Feratox formulations, some of which have different hazard classifications. Only one substance / classification is listed in Appendix 6 of the consultation document.	We acknowledge there is an issue with the single approval number HSR100752 covering multiple substances with different classifications. This will be resolved when we reissue the six Feratox formulations by allocating each formulation its own unique approval number. The new classifications assigned will be based on the HSNO hazard classifications assigned in the application APP201241.
		Feratox 475 g/kg (HSR001673) is missing from Appendix 6 of the consultation document.	This substance was inadvertently omitted from Appendix 6. The relevant information for this substance is: • Approval fate: Reissue • Current classification: 6.1B (oral, dermal), 6.3B, 8.3A, 6.5B, 6.8B, 6.9A (oral), 9.1A, 9.2A, 9.3A, 9.4A • GHS Classification: acute oral toxicity Category 2, acute dermal toxicity Category 2, eye corrosion Category 1, skin sensitisation Category 1, reproductive toxicity Category 2, specific target organ toxicity (repeated exposure) Category 1, hazardous to the aquatic environment acute Category 1, hazardous to the aquatic environment chronic Category 1, hazardous to soil organisms, hazardous to terrestrial vertebrates, hazardous to terrestrial invertebrates.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		There is not a direct mapping from the current HSNO aerosol classification (2.1.2A) and the three GHS aerosol classifications. This may lead to some aerosols being assigned the incorrect GHS classification, which would result in having to apply for a new HSNO approval. For example aerosol containing 0.5-1.0g/Kg, d-phenothrin, 3.19-10g/L piperonyl butoxide and 3-4.54g/Kg tetramethrin (HSR000260).	We acknowledge that there is not a direct mapping between the current HSNO and GHS aerosol classifications. Under the current HSNO classification system, there is only one classification for aerosols, 2.1.2A. This classification is triggered when the aerosol contains greater than 45% of flammable components. Under GHS 7, there are three aerosol classifications, Category 1, Category 2 and Category 3. The threshold above which an aerosol may be classified as aerosol Category 1 or Category 2 (depending on test results) is greater than 1% of flammable components. This threshold is significantly lower than the threshold of 45% for the HSNO classification 2.1.2A. Category 3 aerosols are essentially non-flammable, i.e. they contain ≤ 1% flammable components and have a heat of combustion < 20 kJ/g, or do not meet the test criteria for classification as Category 1 or Category 2. The GHS contains a default provision whereby aerosols containing greater than 1% flammable components, which are not submitted to the flammability classification procedures in the GHS (foam test, ignition distance test, enclosed space test), should be classified as aerosol Category 1. In the Classifications and Fates spreadsheet included as Appendix 6 to the consultation document, an aerosol

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
			Category 1 classification was assigned to all 2.1.2A aerosols by default. The reason for this was that data is needed on the heat of combustion and foam test/ignition distance test/enclosed space test results in order to assign an aerosol Category 2 classification, and this data is not currently held by the EPA. If data is provided to the EPA post reissue that indicates the aerosol classification assigned to the reissued substance is incorrect, we will amend the approval (likely using s67A of the HSNO Act intended for minor or technical amendments) to assign the correct classification. The applicant will not need to apply for a new approval. Also of note is that as a result of submitter comments, the EPA has amended the proposed GHS classifications of several aerosols that were not previously 2.1.2A, but that have greater than 1% flammable components. These aerosols did not have any aerosol classification assigned in Appendix 6 of the consultation document, but have now been assigned a classification of aerosol Category 1. This is the case for the example provided by this submitter, and will address their particular concerns about this product. We have also added aerosol Category 3 to any identified aerosols that have ≤1% flammable components, which also differs from the information presented in Appendix 6.

Question 1	Submitters	Summary of submitter comments	EPA response and recommendation
		Concern that people may have trouble assigning the correct GHS skin corrosive classification based on safety data sheet (SDS) information, especially in cases where a substance was assigned a skin corrosive Category 1 with no breakdown into Categories 1A, 1B or 1C. A straight mapping exercise could result in New Zealand having different GHS classifications for skin corrosives than overseas jurisdictions such as Europe if they are based on different classification criteria.	We note that the GHS classifications of skin corrosive Categories 1A, 1B and 1C directly map to the current HSNO classifications of 8.2A, 8.2B and 8.2C respectively, that is, the current HSNO criteria for skin corrosives is exactly the same as GHS, and therefore the same as in Europe. Further, skin corrosive Categories 1A, 1B and 1C directly map to UN Packing Groups I, II and III respectively in the same way that 8.2A, 8.2B and 8.2C directly map to UN Packing Groups I, II and III respectively. Therefore there should be no new difficulties in assigning corrosive classifications under the GHS classification system than under the current HSNO classification system. Further, the EPA is not aware of any regulator that assigns GHS skin corrosive Category 1 with no breakdown into 1A, 1B or 1C.

4. Submission analysis Proposal 2 – Proposed "fate" for individual approvals

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
Question 2 Do you have any comments regarding our proposal to revoke any specific individual approval?	Twenty-seven submitters responded to this question. *Seven submitters provided comments* 8, 11, 15, 18, 21, 25, 33 *Twenty submitters had no comment* 1, 3, 6, 7, 10, 13, 14, 17, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32	Query regarding the proposed revocation of the approval for Tires 5800 (HSR100952). When the individual approval has been revoked to be thereafter covered by a group standard, query whether its status on the Inventory of Chemicals will be "*May be used as a single component chemical under an appropriate group standard*" or "*May be used as a component in a product covered by a group standard but it is not approved for use as a chemical in its own right*".	The EPA will add all single component chemicals whose individual approval is to be revoked, to the Inventory of Chemicals (IoC). We note that Tires 5800 comprises a single component chemical, with impurities and stabilisers. The main component of this substance will be added to the IoC with the status "*May be used as a single component chemical under an appropriate group standard".* Note that there is provision to add chemicals to a confidential section of the IoC if required.
		1,1,1,3,3-pentafluoropropane (HSR007941) should be reissued rather than revoked as group standards do not cover single component gases under pressure.	1,1,1,3,3-pentafluoropropane is a non-hazardous gas. As noted above, only substances that are intrinsically hazardous (in their natural state) can be approved. This substance therefore has no legal HSNO approval, so it cannot be either reissued or revoked.
		Agree with the proposal but query whether substances with multiple uses (e.g. citric acid) need to be assigned to multiple group standards, which would require additional resources to manage.	Many substances whose individual approvals are proposed for revocation will be able to be covered by more than one relevant group standard. This situation currently exists for many substances. In such cases, an importer, manufacturer or supplier only needs to assign the substance to one relevant group standard. There is no issue if different

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
			suppliers assign the same substance to different group standards, provided the scope of the group standard is met.
		Two substances classified as 6.1A have been proposed for revocation and assigned to the Additives, Process Chemicals and Raw Materials Group Standard which does not allow 6.1A substances. These substances are: • phenylmercury hydroxide (HSR004634) • potassium silver cyanide (HSR004659)	**phenylmercury hydroxide (HSR004634)** We note that the classification of this substance as listed in Appendix 6 is incorrect – its classification as listed in the Hazardous Substances (Chemicals) Transfer Notice 2006 is 6.1B, not 6.1A. However, the EPA agrees this substance should be reissued given the regulatory interest in mercury compounds. Its new classification in full is: acute oral toxicity Category 2, acute dermal toxicity Category 2, acute inhalation toxicity Category 2, specific target organ toxicity – repeated exposure Category 2, hazardous to the aquatic environment acute Category 1, hazardous to the aquatic environment chronic Category 1. **potassium silver cyanide (HSR004659**) We note that the classification of this substance as listed in Appendix 6 is incorrect. Its classification as listed in the Hazardous Substances (Chemicals) Transfer Notice 2006 is 6.1B, not 6.1A. This substance can therefore be managed under a relevant group standard approval Its new classification in full is: acute oral toxicity Category 2, acute dermal toxicity Category 2, acute inhalation toxicity Category 2, hazardous to the aquatic environment acute

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
			Category 1, hazardous to the aquatic environment chronic Category 1.
		Concern regarding existing substances with classifications that trigger the default tracking control, but where this requirement was deleted at the time the substance was approved. Most people are not aware that the tracking requirement was deleted as they refer to the regulations not the substance approval document. If a substance is assigned a classification that the HSWA HS Regulations require to be tracked, it will be tracked irrespective of the EPA approval status, exactly as was the case pre December 2017. Withdrawing individual approvals shouldn't in the main, capture any of these but the risk exists.	Tracking requirements for hazardous substances are now set in the HSW Hazardous Substances Regulations. Any variations to the default tracking requirement for specific substances will be included in these regulations, or in a HSW Safe Work Instrument, not in the HSNO approval. Of note is that the HSW HS Regulations made some changes to the classifications that trigger the tracking requirement compared to the old HSNO Tracking Regulations. Notably 6.1C substances are no longer required to be tracked.
		Consider that all existing individual approvals that require a certified handler should NOT have their approvals revoked as this would result in loss of the substances legal classification. The certified handler status would then depend on the substance classification in SDSs, which may be variable. Retaining a substances legal classification in an individual approval provides certainty about the certified handler status. There was a particular concern that phenylmercury acetate (HSR004633) should not have its approval revoked.	We acknowledge that if we revoke individual approvals with 6.1A or 6.1B classifications, they will lose their mandatory legal HSNO classification. This could potentially lead to variability in the classifications assigned to the substance by different parties, and therefore introduce variability as to what controls should be applied to that substance. We have therefore reconsidered our approach and now propose to reissue (i.e. retain the individual approval) of those 6.1A and 6.1B substances where the classification is based on robust, reliable data, or is consistent with overseas classifications of that substance. Correspondingly, we will

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
			revoke any 6.1A and 6.1B substance where its current classification is not based on reliable data. Refer to the updated Classifications and Fates Spreadsheet for a revised list of substance assignments. Of note is that the hazard classifications of all revoked single component chemicals will continue to be made available on the Chemical Classification Information Database (CCID) on the EPA website. Refer to our response under Question 1 on page 8 for discussion on the proposed fate of phenylmercury acetate.
		One submitter asked about legacy adoption of existing variation to controls.	The EPA has a quality assurance process in place to minimise or eliminate errors when assigning controls to reissued approvals. Particular attention will be paid to retaining control variations that are necessary to manage any risks that are not managed by the default controls. Of note is that there will be a number of control variations on some current approvals that relate to requirements that are now set under the HSW legislation. In the vast majority of cases, these variations have been transferred to the HSW Hazardous Substance Regulations or to a HSW Safe Work Instrument. If there are any workplace variations that were not transferred to these instruments, they will be retained as additional controls under HSNO.
		Concern that there may be control variations on the current individual approvals that are proposed for	We acknowledge the concern raised by this submitter but notes that this situation exists now. Currently, if an individual

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
		revocation, and these variations will not be picked up in the group standard.	approval is able to be managed under a group standard, a person has the choice of using either approval.
		Acknowledge there are benefits associated with group standards. However a precautionary approach needs to be taken when revoking individual approvals to avoid any consequential impacts. There is a concern that individual approvals are revoked and transferred to a group standard based on their current classification, which may not be reflective of the latest information. As a consequence, an introducer may classify a substance in the future based on new available information, and the substance could then fall out of scope of the group standard, and all other group standards. In some cases, importers and manufacturers will be able to leverage the Not Otherwise Specified (N.O.S) group standards as a back-up if these substances were lawfully used in New Zealand before 1 July 2006. However, these group standards do not cover substances that have been individually approved after 1 July 2006. Therefore, we consider that any decision to revoke any individual approvals will need some guarantee mechanism to ensure products don't fall out of a group standard approval if the substance is reclassified by industry post GHS implementation.	We acknowledge this submitter's concerns. If the situation arises where a substance classification changes such that it no longer fits in the group standard it was originally assigned to, there are a number of options to pursue: • The substance could fit the scope of another existing group standard. • The importer could apply for the scope of the group standard to be amended, or a new group standard to be created. • A Part 5 application could be submitted. The EPA cannot guarantee that a (revoked) substance will never fall outside the scope of a group standard if it is reclassified at some point in the future, just as there is no guarantees for current substances managed under a group standard.

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
		Concern that information contained within the individual approvals will be lost if they become covered under a group standard. A comprehensive review is required to ensure individual approvals that are proposed for revocation do not provide for any aspect that will be lost if transferred to a group standard. Should an error be made by the EPA during this process that requires a reassessment or classification correction, there should be an avenue for industry re-course to the EPA, without fiscal deterrent, to remedy any such error. Request for a way for industry to highlight any errors requiring reassessment or classification correction to the EPA during the transition period.	We acknowledge this submitter's concerns and were mindful of this issue when proposing whether to revoke or retain individual approvals. Several factors were taken into account when deciding on the fate of any given individual approval, over and above confirming that a substance could fit the scope of at least one existing group standard. Such factors included whether the substance had any particular control variations which would require the individual approval to be retained, whether the substance was of particular regulatory concern (for example, a high priority on the EPA screened chemicals list for reassessment), whether the substance was a very high volume dangerous good. If the EPA inadvertently revokes an individual approval that should have been reissued, we would use section 13 of the Interpretation Act 1999 to reinstate the original approval. The approval would need to be reissued either using Schedule 7 or section 63C of the HSNO Act. This would be undertaken at no cost to the applicant. If we made an error when mapping the current HSNO classification of a reissued substance to its new classification, these approvals can be amended using section 67A of the HSNO Act to apply the correct classification. Revoked approvals will not need a classification correction as they no longer have a mandatory HSNO legal classification.

Question 2	Submitters	Summary of submitter comments	EPA response and recommendation
		We agree that a record of assignment should be kept for any revoked substance that will in future be covered by a group standard. We do not agree that a substance already assigned to a group standard needs a new record of assignment as evidence that the group standard requirement has been met. This seems an unnecessary administrative burden.	We note that importers / manufacturers / suppliers must keep a record of assignment for all substances used under a group standard, in accordance with the relevant provision in the group standard. For substances whose individual approvals will be revoked as part of this reissue process, the record of assignment could include a copy of the relevant parts of the updated Classifications and Fates spreadsheet (which will be published on the EPA website), provided the group standard being used is the same one identified in that spreadsheet. In all other cases, a "regular" record of assignment will need to be kept. For substances that are currently assigned to a group standard (and will continue to be managed under that same group standard) a new record of assignment does not need to be created. It will be sufficient to rely on the HSNO:GHS classification correlation tables in the new Hazard Classification Notice. Of note is that in a very small number of cases, for example, some aerosols, some substances may need to be assigned to a different group standard. In these cases, a new record of assignment will need to be created. As above, the record of assignment could include a copy of the relevant parts of the updated Classifications and Fates spreadsheet.

Question 3	Submitters	Summary of submitter comments	EPA response and recommendation
Question 3 Do you have any comments regarding our proposal to retain any specific individual approval?	Twenty-six submitters responded to this question. *Six submitters provided comments* 15, 21, 25, 31, 32, 33 *Twenty submitters had no comment* 1, 6, 7, 8, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30	What if someone decides to assign to a substance the classification of a recognised overseas jurisdiction?	If a substance has an individual approval, the classification assigned by the EPA is its legal classification and must be used in New Zealand. Importantly this legal classification must be used even if the substance is being managed under a group standard. However, for substances that do not have an individual approval, but are managed under a group standard, the classification from a recognised overseas jurisdiction (Australia, USA, Canada or the EU), such as appears on a SDS, may be used.
		Undecylenic acid (CAS 112-38-9, HSR003810) has been assigned a 6.1A (acute dermal toxicity Category 1) classification, making it a tracked substance. There is reliable data to support a much lighter classification. Perpetuating an incorrect classification like this to the new system is unhelpful and it should be addressed.	We acknowledge that the current classifications of some substances require reviewing. However, the EPA is limited to transferring existing classifications when re-issuing existing approvals. Any errors in a substance's current classification need to be addressed post reissue by way of a reassessment or modified reassessment.
		Rabbit Calicivirus Suspension (HSR000119) is included in Appendix 6 to be reissued but the approval was revoked on 10/02/2017 (HSR04001).	We acknowledge that the inclusion of HSR000119 in Appendix 6 was an error. As the submitter noted, this substance approval has already been revoked.
		Formulations A to E of approval Feratox pellets in Ferafeed paste (HSR100752) could possibly fit within the substance approval for Bait containing 0.55% - 1.84% w/w encapsulated potassium cyanide (HSR007628). The toxic loading of Formulation F of HSR100752 exceeds the range of HSR007628.	Refer to our response under Question 1 on page 21.

5. Submission analysis Proposal 3 – Proposed changes to group standards

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
Question 4 Do you have any comments regarding the list of proposed GHS 7 classifications included in the scope section of any group standard?	Twenty-six submitters responded to this question. *Nine submitters provided comments* 6, 7, 13, 18, 23, 25, 26, 28, 33 *Seventeen submitters had no comment* 1, 3, 8, 10, 11, 15, 17, 19, 20, 21, 22, 24, 27, 29, 30, 31, 32	Support the addition of the hazard classification "designed for biocidal action" to the list of subsidiary hazards in some group standards. However, note that it is not included in the Active Ingredients for Use in the Manufacture of Agricultural Compounds Group Standard.	The EPA made a deliberate decision to *not* add "designed for biocidal action" to this group standard on the basis that the active ingredients themselves are not released directly into the environment. Rather, it is the formulated products that are used in the environment, and the classification "designed for biocidal action" will be added to these products if it is warranted.
		The Cosmetic Products Group Standard should include the aerosol Category 3 (non-flammable) classification in the scope.	The EPA agrees with this and has amended this group standard accordingly.
		Although the Gases Under Pressure Mixtures group standards mention that the substances need to be gases under pressure, they do not specifically list the four gases under pressure hazard classifications being adopted by the EPA. Recommend that these four hazard classifications be specifically listed in the scope of these group standards as they are mandatory hazards in these group standards.	We note that the scope of these group standards state that a substance covered by that group standard must be a "gas under pressure", a term defined in the HSNO Act as including the four classifications (compressed gas, liquefied gas, refrigerated liquefied gas, and dissolved gas). However, we agree that listing the four specific gases under pressure classifications would be useful to users of these group standards. We therefore propose to amend the wording in the scope of Gases Under Pressure Mixtures group standards to list the four gases under pressure classifications.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
		Request for a group standard that covers non-hazardous gases under pressure mixtures.	Under HSNO, only substances that are intrinsically hazardous (in their natural state) can be approved. There is no statutory provision to make group standards for non-hazardous substances (refer section 96B of the HSNO Act).
		Concern that single component gases under pressure that do not have an approval (whether hazardous or not) will be missed given such gases are unable to be covered by the Gases Under Pressure Mixtures group standards.	As noted in our response under Question 1 on pages 10 and 11, Gases Under Pressure Mixtures group standards can only cover gas mixtures. Therefore, any single component gas that is intrinsically hazardous (i.e. triggers a HSNO classification in its unpackaged state) needs to be individually approved. Modifying the Gases Under Pressure Mixtures group standards to accommodate single component gases is a policy change that needs to be further investigated, and consulted on as a separate matter.
		Concern that people may have trouble assigning the correct GHS skin corrosive classification based on safety data sheet (SDS) information, especially in cases where a substance was assigned a skin corrosive Category 1 classification with no breakdown into Categories 1A, 1B or 1C. A straight mapping exercise could result in New Zealand having different GHS classifications for skin corrosives than overseas jurisdictions such as Europe if they are based on different classification criteria.	Refer to our response under Question 1 on page 24.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
		Generally support the simplification of the current terrestrial ecotoxicity classifications (9.2, 9.3 and 9.4). However, we are concerned that Australian and New Zealand markets will require separate labelling due to the additional warning statements required in New Zealand, which will add complexity and cost. Additionally as home garden pack sizes and labels are generally quite small, our preference would be to not have these statements and pictograms on our New Zealand labels. Can consideration be given to removing the requirement for pictograms, while still retaining the warning statements on products?	The labelling requirements for agrichemicals that are hazardous to the terrestrial environment are specified in clause 19 of the Labelling Notice. This clause does not require a pictogram for these hazards. Rather this clause is performance based, that is, the label must include the following information. Note that one statement may address more than one requirement: • an indication of the type of hazard (e.g. *hazardous to terrestrial vertebrates*) • an indication of the circumstances in which it may be hazardous to the terrestrial environment (e.g. *A risk is identified for bees foraging in the crop to be treated, or in hives and non-target areas which are over-sprayed or reached by spray drift*) • an indication of the kind and extent of the harm it is likely to cause to the terrestrial environment (e.g. *toxic to bees*) • an indication of the steps to be taken to prevent harm to the terrestrial environment (e.g. *do not spray whilst bees are foraging*) Note that the alternative compliance provision (clause 31) in the Labelling Notice does *not* cover this clause 19, i.e. the labels of all agrichemicals that are classified as hazardous to the terrestrial environment (including labels on substances from the nominated overseas jurisdictions) need to include information on terrestrial ecotoxicity hazards.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
		One submitter supports updating all approvals with GHS 7 and strongly recommends that it is done in a manner that avoids any product displacement in terms of continued lawful entry.	Comments noted.
Question 5 Do you have any comments regarding any of the proposed name changes of any group standard?	Twenty-five submitters responded to this question. *Six submitters provided comments* 7, 18, 20, 21, 28, 33 *Nineteen submitters had no comment* 1, 3, 6, 8, 10, 11, 13, 15, 17, 19, 22, 23, 24, 26, 27, 29, 30, 31, 32	There were multiple requests for the inclusion of the group standard approval number in the group standard names, especially on the EPA website to make it easier to search for specific group standards.	We agree that including the approval number with the name of each group standard in the website search would be useful for stakeholders, and will ensure this is actioned.
		Request that any embalming products group standard that allows for carcinogenic hazards within their scope should include the term “carcinogenic” in the name of all the relevant group standards.	We note that as a rule, the name of group standards reflect the mandatory primary hazards (“must include”) in the group standard. In the case of many of the embalming products group standards, the carcinogenic hazard classifications included in their scope are optional subsidiary hazards (“may include”). This is why the term “carcinogenic” is not included in their name.
		Request that the name of each group standard include the specific GHS Category (including the category number) of each hazard classification in order to clarify the scope for users.	The EPA considers the name of the group standard cannot solely be used to determine whether a substance can be covered by that particular group standard. Users need to check the scope of the group standard to ensure that a substance fits all the criteria for assignment to that particular group standard. The scope contains other information that does not directly relate to the hazard classifications of the substance, such as exclusions.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
		Suggestion that the name of the Dental Products (Oxidising Liquids and Solids) Group Standard be shortened to Dental Products (Oxidising) Group Standard.	The EPA does not agree with this name change, as the group standard does not include oxidising gases. The EPA therefore recommends maintaining the change as proposed in the consultation document.
Question 6 Do you have any comments regarding any of the proposed changes to the definitions in any group standard?	Twenty-four submitters responded to this question. *One submitter provided comments* 33 *Twenty-three submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 15, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32	One submitter advised they had a general comment about aspiration hazards that they would include in the "other comments" section of their submission.	Refer to our response under Question 1 on page 16.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
Question 7 Do you have any comments regarding the proposal to add aerosol Category 3 as a mandatory primary hazard to the "non-flammable aerosol" group standards?	Twenty-six submitters responded to this question. *Six submitters provided comments* 3, 7, 18, 23, 24, 33 Four of these submitters (3, 7, 23, 24) agreed with this proposal *Twenty submitters had no comment* 1, 6, 8, 10, 11, 13, 14, 15, 17, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32	Key reasons provided by the submitters that agreed with this proposal include aligning with our major trading partners and being consistent with the GHS.	Support noted.
		One submitter requested a similar action be taken for non-hazardous gases under pressure.	We note that an aerosol Category 3 classification merely indicates that the aerosol is not flammable, not that it is non-hazardous. The non-flammable aerosol group standards require the aerosol to have at least one intrinsic hazard classification. We cannot make group standards for non-hazardous substances. Only substances that are intrinsically hazardous can be issued with a HSNO approval.
		Two submitters identified that the difference in the way aerosols are classified between HSNO and GHS 7 means that mapping aerosol classifications from HSNO to GHS 7 is not straightforward.	Refer to our response under Question 1 on pages 22 and 23 for a general discussion on the differences in aerosol classifications between HSNO and GHS 7. With respect to group standards, the three current flammable aerosol group standards cover aerosols with a 2.1.2A hazard classification, while the three "non-flammable aerosol" group standards cover aerosols that do not have a 2.1.2A classification. Post GHS 7 implementation, the flammable aerosol group standards will cover aerosols with aerosol Category 1 or Category 2 hazard classifications, while the "non-flammable aerosol" group standards will cover

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
			aerosols with the aerosol Category 3 hazard classification. As the threshold required to trigger both aerosol Category 1 and Category 2 is significantly lower than the current threshold of 45% flammable components for a 2.1.2A classification, the EPA acknowledges that, after GHS implementation, some aerosols may be covered by a different group standard than they are currently. We will provide guidance to importers and manufacturers to assist the re-classification and re-assignment of aerosols to the correct group standard. We note that there will be a four year transitional period to make any required changes to the labelling or safety data sheets of affected substances.
Question 8 Do you have any comments regarding the proposed amendment to the "Gases Under Pressure Mixtures" group standards to clarify that these group standards apply to "gases under pressure" as defined in the Act?	Twenty-five submitters responded to this question. *Two submitters provided comments* 24, 33 Submitter 24 agreed with this proposal *Twenty-three submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 30, 31, 32	One submitter noted that although the Gases Under Pressure Mixtures group standards mention that the substances need to be gases under pressure, they do not specifically list the four gases under pressure hazard classifications being adopted by the EPA. Recommend that these four hazard classifications be specifically listed in the scope of these group standards as they are mandatory hazards in these group standards.	Refer to our response under Question 4 on page 33.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
Question 9 Do you have any comments regarding the proposal to add the classifications “hazardous to soil organisms”, “hazardous to terrestrial vertebrates” and “hazardous to terrestrial invertebrates” to the list of permitted subsidiary hazards in selected group standards?	Twenty-six submitters responded to this question. *Eight submitters provided comments* Seven of these submitters (6, 22, 23, 24, 29, 30, 33) agreed with this proposal, and submitter 26 had concerns. *Eighteen submitters had no comment* 1, 3, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 27, 28, 31, 32	Key reasons provided by the submitters that agreed with this proposal include: • These classifications are more informative than the single classification for terrestrial ecotoxicity previously consulted on. • It will improve environmental hazard awareness and management. • Removal of these classifications could create issues with inappropriate controls or products being incorrectly matched to existing approvals. • It is necessary in order to maintain status quo. • This ensures that we maintain the existing level of environment protection.	Support noted.
		One submitter considered that the three terrestrial hazard classifications were too broad and could be further broken down to provide more information to users regarding the degree of hazard.	We consider that subcategorising the classification “hazardous to the terrestrial environment” into the following four classifications is more than adequate to enable characterisation of the nature of the hazard. This allows for the setting of unique sets of controls to manage these four separate hazards. • hazardous to soil organisms • hazardous to terrestrial vertebrates • hazardous to terrestrial invertebrates • designed for biocidal action

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
			When a new substance is considered for approval, once it has been assigned one or more of these four classifications, we can carry out targeted risk assessments using the relevant ecotoxicity data, environmental fate data, and exposure assessment information provided in applications. This approach is consistent with international risk assessment methodologies which typically do not use hazard based classification systems. When substances that are currently approved are reissued, they will retain all the sets of controls that were assigned to them when they were originally approved.
		We will need to update the labels of products such as fertilisers which do not require these statements and pictograms in Australia. Our preference would be to include the warning statements (not the pictograms) and continue to have common labels for the Australian and New Zealand markets.	Refer to our response under Question 4 on page 35. Note also that clause 22 of the Labelling Notice does not apply to fertilisers.

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
Question 10 Do you have any comments regarding the proposal to add the classification "designed for biocidal action" to the list of permitted subsidiary hazards in selected group standards?	Twenty-five submitters responded to this question. *Seven submitters provided comments* 6, 7, 22, 23, 24, 26, 33 Five of these submitters (6, 22, 23, 24, 33) agreed with this proposal. *Eighteen submitters had no comment* 1, 3, 8, 10, 11, 13, 15, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32	Key reasons provided by submitters who supported this proposal include: • This is an important classification and should be included where it is relevant. • Not all 9.1D substances are classified as hazardous to the aquatic environment but they do have the potential to be environmental hazards. • This would add to the clarity of the description and decision making.	Support noted.
		An agrichemical as defined in NZS8409 includes "a detergent or sanitiser used in an agricultural context". Clarification requested as to how this relates to the classification "designed for biocidal action".	We note that the definition of agrichemical in the EPA Hazard Classification Notice is independent of the definition of agrichemical in NZS 8409—2004. The definition of agrichemical in the Hazard Classification Notice does not include detergent or sanitisers. Given the classification "designed for biocidal action" is restricted to agrichemicals as defined in the Hazard Classification Notice, detergent or sanitisers will not be assigned this classification.
		Suggestion that the "designed for biocidal action" classification be removed for relatively "benign" substances such as plant growth regulators that do not have other environmental hazard classifications.	We acknowledge this submitter's comments and we note that there are minimal default controls associated with the classification "designed for biocidal action". However, the benefit of assigning this classification to agrichemicals (including plant growth regulators) that are not intrinsically ecotoxic is that it gives the EPA an

Questions 4 - 11	Submitters	Summary of submitter comments	EPA response and recommendation
			opportunity to assess the nature of any environmental risks and apply additional controls if necessary. Of note is that only plant growth regulators that meet the definition of "biocidal action" as included in the Hazard Classification Notice can be classified as "designed for biocidal action".
Question 11 Do you have any comments regarding the proposal to add metallic corrosive Category 1 as an optional primary hazard in corrosive group standards?	Twenty-four submitters responded to this question. *Nine submitters provided comments* 7, 8, 10, 15, 19, 23, 24, 28, 30 Eight of these submitters (8, 10, 15, 19, 23, 24, 28, 30) agreed with this proposal *Fifteen submitters had no comment* 1, 3, 6, 11, 13, 17, 18, 20, 21, 22, 26, 27, 29, 32, 33	Key reasons provided by submitters that were in support of this proposal include: • It will solve the current problem of not being able to assign substances that are corrosive to metals but not corrosive to skin into a group standard. • It would require minimal changes to labels.	Support noted.
		One submitter suggested adding the metallic corrosive Category 1 hazard classification to all group standards as a subsidiary hazard, as is the case with the eye corrosive Category 1 hazard classification.	We considered adding the metallic corrosive Category 1 hazard classification to all group standards as a subsidiary hazard but rejected this option on the basis that metallic corrosive Category 1 requires UN Packing Group III, which is the same packing group required for skin corrosion Category 1C. Eye corrosive Category 1 is considered a less significant hazard and does not require UN Packing Group III. On balance, we considered it was more appropriate that metallic corrosive Category 1 be classed as an optional primary hazard, in the same manner as skin corrosion Category 1C.

Questions 12 - 14	Submitters	EPA response and recommendation
Question 12 Do you have any comments regarding the proposal to add the sales restriction clause back into the Gas Under Pressure Mixtures (Toxic [6.1], Flammable, Corrosive) Group Standard 2017 (HSR002539)?	Twenty-four submitters responded to this question. *Two submitters supported the proposed amendment* 24, 33 *Twenty-two submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32	Proceed with changes as proposed.
Question 13 Do you have any comments regarding the proposal to correct the cross-referencing error in clause 1 (3) in Schedule 1 of the Dental Products (Subsidiary Hazard) Group Standard 2017 (HSR002558)?	Twenty-five submitters responded to this question. *One submitter supported the proposed amendment* 24 *Twenty-four submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33	Proceed with changes as proposed.
Question 14 Do you have any comments regarding the proposed changes to the three veterinary medicine group standards regarding the more consistent use of the term “veterinary medicine active ingredient”, and the proposed changes to the wording of clause 8 in HSR100758 and HSR100759?	Twenty-five submitters responded to this question. *One submitter supported the proposed amendment* 24 *Twenty-four submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33	Proceed with changes as proposed.

Question 15	Submitters	Summary of submitter comments	EPA response and recommendation
Question 15 Do you have any other comments regarding any of the proposed changes to any of the group standards?	Twenty-five submitters responded to this question. *Three submitters provided additional comments* 14, 15, 24 *Twenty-two submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 30, 31, 32, 33	Two submitters noted that the scope of aerosol group standards have an upper limit of 1000 mL and enquired if that limit could be increased. Substances such as adhesives under pressure are often in cylinders larger than 1000 mL. An alternative suggestion provided was to make it clearer that the surface coating group standards may be applied to this type of product.	We note that changing the capacity limit of aerosol dispensers covered by the aerosol group standards is outside the scope of the work to apply the new classification system. Importers or manufacturers of any aerosol greater than 1000 mL capacity will need to approach the EPA for a Part 5 approval. Any change to this is a policy matter and will need to be consulted on separately. Of note is that the upper limit of 1000 mL is designed to be consistent with the standard AS 2278.1—2008 “Aerosol containers Metal aerosol dispensers of capacity 50 mL to 1000 mL inclusive”, which is referred to under Health and Safety at Work legislation (regulation 15.25 of Health and Safety at Work (Hazardous Substances) Regulations 2017). It is also noted that the larger containers of substances (e.g. adhesives) under pressure referred to by this submitter would likely fall into the new hazard class “chemicals under pressure” that has been introduced in the eighth revised edition of the GHS. As such, it is outside the scope of this work to implement GHS 7.

		The discussion paper (para 87) states there is a 1:1 conversion between HSNO subclass 2.1.2 and the GHS 7 classifications for flammable aerosols. However, there is a need to reclassify flammable aerosols into aerosol Category 1 or Category 2.	Refer to our response under Question 1 on pages 22 and 23 for a general discussion on the differences in aerosol classifications between HSNO and GHS 7. We note that classification into GHS aerosol Category 2 requires data on heat of combustion and foam test/ignition distance test/enclosed space test results. As this data was not available for current approvals, all substances with a current 2.1.2A classification were assigned a GHS classification of aerosol Category 1 by default. This is in line with the default provision contained in the GHS. If data is provided to the EPA post reissue that indicates that an aerosol Category 2 classification is appropriate, the EPA will amend the approval (likely using section 67A of the HSNO Act) to change the classification.

6. Submission analysis Proposal 4 – Control mapping (individual approvals approved or reassessed before 1 December 2017)

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
Question 16 Do you have any comments regarding the controls mapping spreadsheet?	Twenty-five submitters responded to this question. *Three submitters provided comments* 15, 23, 32 *Twenty-two submitters had no comment* 1, 3, 6, 7, 8, 10, 11, 13, 14, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 30, 31, 33	The controls mapping spreadsheet doesn't account for situations where certified handler requirements have been varied to remove this requirement. In particular, the "approved handler / certified handler" control in some substances was replaced by the control "must be secured when not in use". In some cases this variation has not been transferred across. For example, sodium monensin and QANZ1201 where the original decision was to vary the approved handler control, yet the new database flags the need for certified handler training and certification as a default.	We note that the controls mapping spreadsheet did not list every single control variation on every substance as this was not realistic. Further, it was not possible to cover situations where controls were deleted. The primary aim of this controls mapping spreadsheet was to show in a generic sense, the "fate" of the majority of HSNO controls in substances that will be reissued next year. We acknowledge that there will be some exceptions to the generic information provided in this spreadsheet. When the EPA reissues the approximately 3,500 individual approvals, we will look at each approval on a case-by-case basis to determine the relevant set of controls that needs to be assigned. We acknowledge the importance of ensuring that the new set of controls reflect the status quo (taking into account the legislative changes of 1 December 2017). This relates both to ensuring all appropriate control variations are retained, and all appropriate default controls have been deleted. Certified handler requirements are now set in the HSW Hazardous Substances Regulations. Any variations to the default certified handler requirement for specific substances will be included in these regulations, or in a HSW Safe Work Instrument, not in the HSNO approval.

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
			The "Approved hazardous substances with controls" database on the EPA website does display the default HSW requirements at a high level. However they are listed for information only and should not be relied on for HSW compliance purposes.
		Control mapping may be more consistent if the terrestrial ecotoxicity categories had hazard sub-classes. Some invertebrate ecotoxins are not insecticides but are herbicides etc. Hazard warnings for potential impacts as well as intended control actions are important.	Refer to our response to Question 9 under pages 40 and 41 for discussion about the classification framework for terrestrial ecotoxicity. We acknowledge that the decision to "roll-up" the current 10 hazard classifications for terrestrial ecotoxicity plus the 9.1D biocide classification into four classifications has led to issues with the mapping of a small number of controls (all in the HPC Notice). These controls are: the requirements to keep records of use, qualification requirements for users of agrichemicals, and signage for terrestrial ecotoxicity hazards (refer to our response under Question 17 for detailed discussion on this proposal). Solutions were found for all three cases. We consider that moving forward, the benefits of the revised framework for terrestrial ecotoxicity will outweigh the minor difficulties involved with implementing this new system.

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
		One submitter provided specific comments relating to various control variations applied to particular substances. **Requirements for keeping records of use** This requirement has been transferred to the HPC Notice (clause 48) with additional substances listed in Schedule 8A. The following issues were identified: • **Bait containing 0.05 g/kg - 0.1 g/kg bromadiolone (HSR001603)** This substance has a 9.3A classification but is not included in Schedule 8A. It was reassessed as part of the 2009 Yearly Chemical Review, which changed the 9.1D classification to 9.3A. • **Polymer gel containing 50 g/kg sodium fluoroacetate (HSR002418)** This substance does not need to be included in Schedule 8A as it has a 9.1A classification. See the decision document from the 2007 reassessment of 1080. • **Liquid Bromatrol (HSR007909)** This substance has a 9.3A classification but is not included in the Schedule 8A.	Our responses to these specific comments are: • **Bait containing 0.05 g/kg - 0.1 g/kg bromadiolone (HSR001603)** We note that the classification of this substance has been amended twice. The first amendment, carried out in 2009, changed the classification from 6.9B and 9.1D to 6.9B and 9.3A. There was a subsequent amendment in 2011 to change the classification back to 6.9B and 9.1D. Therefore this substance does not need to be added to Schedule 8A. • **Polymer gel containing 50 g/kg sodium fluoroacetate (HSR002418)** We agree with this submitter and this substance has been removed from Schedule 8A. • **Liquid Bromatrol (HSR007909)** We agree with this submitter and this substance has been added to Schedule 8A.

		Comments on "additional controls" spreadsheet • **Packaging of substances containing specified VTAs (#67 in spreadsheet)** This additional control includes the following definition "In this clause package means the smallest package in which the relevant substance is sold". The same definition is included in the additional controls for other VTA products that require tracking (1080, MZP & PAPP). For clarity this definition should be added to clause 26 of the Labelling Notice. Also, clause 26 of the Labelling Notice requires a unique identifier on the label for sodium nitrite. Bait containing sodium nitrite at 100 g/kg (HSR100893) is the only VTA containing sodium nitrite and does not require tracking. • **Securing certain substances when not in use (#71 in spreadsheet)** It was noted that "The requirement for 6.1A-C substances to be secured whilst not in use was transferred to the HSW HS Regulations. As part of this process, the requirement was deleted for 6.1C substances." Reg 13.10 of the HSW HS Regulations require any quantity of class 6.1C (except for propellant powders of classes 1.1C (UN 0160) and 1.3C (UN 0161)) to be secured when not in use.	Our responses to these specific comments are: • **Packaging of substances containing specified VTAs** The intent of this control was to ensure that the unique identifier was on the immediate container of the VTA. The current wording of the Labelling Notice is "The labels on each package for the following substances must be labelled with a unique identifier…". We will consider the need for clarification of this clause when we next amend the Labelling Notice. Regarding the need for packages of Bait containing sodium nitrite at 100 g/kg (HSR100893) to include a unique identifier on the label, the EPA agrees this is ineffectual if the substance is not required to be tracked. However, this is a policy change that is outside the scope of implementing GHS. We will review this matter when we next amend the Labelling Notice. • **Securing certain substances when not in use** Comments noted. • **VTAs to be coloured blue or green** Submitter comments noted. We are aware that when we reissue VTAs used for bird control, we need to ensure the current control situation is maintained by deleting clauses 56(2)(a) and 57 of the HPC Notice from the relevant substance approvals.

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
		• **VTAs to be coloured blue or green (#72 in spreadsheet)** This additional control was not applied to vertebrate baits used to control birds. As it has now been made part of a default control for all vertebrate baits (HPC Notice cl 56(2)(a) & cl 57) the control will need to be deleted in the reissued approvals for the following substances: ○ Treated seed containing 22 - 25 g/kg alpha-chloralose (HSR001599) ○ Paste containing 25 g/kg alpha-chloralose (HSR001600) ○ Powder containing 970 - 980 g/kg 3-chloro-p-toluidine hydrochloride (HSR001611) ○ Solid containing 900 - 1000 g/kg alpha-chloralose (HSR007750)	

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
		Comments on "New default HSNO Controls" spreadsheet • **HPC Notice clause 13 and Schedule 1 Certain substances restricted to workplaces only** ○ Although this clause makes provision for supply of these substances to a non-PCBU, if the substance is a tracked substance under the HSW HS Regulations then it cannot be supplied to a non-PCBU (HSW HS Regulation 19.7) ○ The following substances that require a controlled substances licence under HSW HS Regulations are not included in Schedule 1: - Paste containing 9.5 - 10 g/kg yellow phosphorus (HSR001609) - Paste containing 4.5 - 5 g/kg yellow phosphorus (HSR001610) - PAPP Paste B (HSR100495) - PAPP Ready to use Bait (HSR100496)	Our responses to these specific comments are: • Submitter comments noted. However, the list of substances in Schedule 1 of the HPC Notice is larger than the list of substances required to be tracked under HSW. • We note that none of the four approvals listed currently have an explicit sales restriction control added. However, these substances all require a Controlled Substance Licence (CSL) and are therefore restricted to workplace use only. We acknowledge that a conservative approach would be to list these four substances in Schedule 1 of the HPC Notice. This is outside the scope of the current work to implement GHS 7, however we will look at this option when the HPC Notice is next amended.
		• **HPC Notice Clause 61 Qualifications needed for mixing or loading of vertebrate toxic agents in preparation for application:** ○ **Polymer gel containing 50 g/kg sodium fluoroacetate (HSR002418)** This substance does not need to be included in Table 3A of Schedule 9 as it has a 9.1A	Our responses to these specific comments are: • **Polymer gel containing 50 g/kg sodium fluoroacetate (HSR002418)** The EPA agrees with this submitter and this substance has been removed from Table 3A of Schedule 9.

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
		classification (see the decision document from the 2007 reassessment of 1080). ○ **Liquid containing 20 - 25 g/litre brodifacoum (HSR100324) and Liquid containing 24 - 25 g/litre bromadiolone (HSR100325)** These two substances have been included in Table 3A of Schedule 9. However, they cannot be used directly as VTAs as they have the use restriction control "*No person may use this substance for any purpose other than as an ingredient or component in the manufacture of another substance or product*". It is assumed that Liquid Bromatrol (HSR007909) was excluded from this table for this reason.	• **Liquid containing 20 - 25 g/litre brodifacoum (HSR100324) and Liquid containing 24 - 25 g/litre bromadiolone (HSR100325)** We acknowledge there is a use restriction control on HSR100324 and HSR100325 that prevents them from being used in the field, However, our approach in transitioning to GHS 7 is to maintain the status quo of the current controls as much as possible. These two substances are currently captured by the current requirement (clauses 61 and 65 of the HPC Notice) so will be included in Table 3A of Schedule 9 at this time. However, we will review the listing of all substances in all schedules in the HPC Notice when we next amend this notice. The omission of Liquid Bromatrol (HSR007909) from Table 3A was an error and this substance has now been added.
		• **HPC Notice clause 62 Qualifications need for aerial application** This clause applies to vertebrate toxic agents, however Tables 1 and 1A of Schedule 9 do not include any VTAs. The likely reason being that other clauses (60, 63, 64 & 65) that refer to these tables do not apply to VTAs. Consideration should be given to whether clause 62 should apply to VTAs, or if the provisions of the HSW HS Regulations, clause 61 of the HPC Notice, and the Civil Aviation Rules sufficiently manage any risk.	We note that clause 62 of the HPC Notice (as amended in 2020) will apply to: • any agrichemical (including VTAs) that is classified as hazardous to the aquatic environment acute Category 1 or chronic Category 1 (other than those listed in Schedule 4), and • any substance listed in Tables 1 or 1A of Schedule 9 (noting that there are no VTAs listed these tables).

Question 16	Submitters	Summary of submitter comments	EPA response and recommendation
		Furthermore, not all the substance listed in the table (or included by default as a result of their hazard classification) are approved for aerial application. A separate table should be created within Schedule 9 for this clause.	Clause 62 of the current HPC Notice applies to all 9.1A, 9.2A, 9.3A and 9.4A pesticides (including VTAs) plus other substances listed in Tables 1 and 1A of Schedule 9. We therefore acknowledge that any VTA (for which aerial application is permitted) that currently has a 9.2A, 9.3A or 9.4A classification but not a 9.1A classification needs to be covered by clause 62 of the HPC Notice in order to maintain the status quo. We have only identified the following two VTAs that fit this criteria, and have added them directly into clause 62: • Soluble concentrate containing 34 g/litre pindone as the sodium salt (HSR001597) • Cereal based pellets containing 1.5 - 2.0 g sodium fluoroacetate/kg (HSR002424).
		• **HPC Notice Clause 63 Qualifications for a contractor applying agrichemicals** X-stinguish Argentine ant bait (HSR000111) should be added to Table 4 in Schedule 9 of the HPC Notice (Agrichemicals not subject to certain qualification requirements) as the substance approval deleted the approved handler control. Alternatively, the control needs to be deleted in the reissued approval.	The EPA agrees that this substance should not be subject to qualification requirements. We also note that the qualification requirements in the HPC Notice (Part 4, Subpart C) have applied since 1 December 2017. We note that these requirements have already been deleted for this substance. When this substance is reissued, we will ensure that the status quo is maintained.

7. Submission analysis Proposal 5 – Remove requirement for signage on basis of terrestrial ecotoxicity hazards

Question 17	Submitters	Summary of submitter comments	EPA response and recommendation
Question 17 Do you agree with our proposal to amend the Hazardous Property Controls Notice to no longer require signage for agrichemicals on the basis of their terrestrial ecotoxicity hazards?	Twenty-six submitters responded to this question. *Eight submitters **agreed** with this proposal* 15, 24, 25, 26, 29, 30, 31, 32 *Seven submitters **disagreed** with this proposal* 6, 13, 21, 22, 23, 27, 33 *Eleven submitters had no comment* 1, 7, 8, 10, 11, 14, 17, 18, 19, 20, 28	Key comments made by submitters who **agreed** with this proposal were: • Agree with the reasoning provided in the consultation document. • At times, excessive signage can be a negative and can detract information on other important hazards in a workplace. • The existing signage control does not seem fit for purpose and should be removed. • It makes sense to provide consistency with the other emergency management type controls. There will only be a small number of qualifying products that are stored in significant quantities that do not trigger other classifications.	We acknowledge the support for the proposal to no longer require signage for terrestrial ecotoxicity hazards. However, we also recognise that this proposal was not supported by key agencies, including FENZ, the primary emergency responder for which the provision of emergency signage is targeted. Therefore, after carefully considering the concerns of opposing submitters, the EPA has modified the proposal as explained below.
		Key reasons given by submitters who **disagreed** with the proposal were: • It would be better to require emergency response plans or secondary containment for substances with terrestrial ecotoxicity hazards, rather than to drop the (currently inconsistent) signage warning emergency	We acknowledge that including information (such as the ecotoxicity pictogram) on signs where substances with terrestrial ecotoxicity hazards are present will provide first responders with information that could be useful to prevent or limit potential damage to the environment, particularly in

Question 17	Submitters	Summary of submitter comments	EPA response and recommendation
		responders of the hazard. A major spill of an undiluted terrestrial ecotoxic substance on bare ground is a major environmental issue: emergency responders may not be the ones to mitigate the effect, but it should be planned for by the holders of the substance. • The main purpose of requiring sites that store large quantities of hazardous substances to have signs is to warn emergency responders of the hazards presented by the hazardous substances on the site. Signs provide critical hazard information for firefighters when they first arrive on scene. Information contained in inventories and SDS can take some time to acquire and review, if accessible. • Signage provides emergency responders (who have a statutory requirement to contain chemicals and prevent harmful run-off at incidents) with important information when attending incidents. If firefighters/first responders do not know about the environmental dangers when responding to a fire/emergency, they will not know to take steps to manage those risks to the environment. • Signage is important in that it provides initial identification of the hazards present at a site, and ensures correct and prompt action is taken to avoid any unintended environmental risk. The removal of signage for any chemical that is ecotoxic would	cases where no ecotoxic pictogram is already required for aquatic ecotoxicity. The EPA therefore proposes a change to the original proposal as consulted on. We now propose to continue the requirement for signage on the basis of terrestrial ecotoxicity hazards, but with amended thresholds. Specifically, the EPA proposes to set a default threshold quantity of 10,000 L / 10,000 kg for all substances classified as hazardous to the terrestrial environment (which includes designed for biocidal action). This requirement will be set in the HPC Notice and will apply to relevant individual approvals and substances covered by a group standard. This threshold quantity is the same as that set for hazards such as 3.1D and 6.1D in the HSW regulations and was the original threshold for the lower categories of terrestrial ecotoxicity under HSNO. It is also the current threshold for 9.1D (hazardous to the aquatic environment, chronic Category 4). The benefits of this new proposal are that it: • addresses submitter concerns in that information on potential risks to the terrestrial environment will be included on signs for sites storing large quantities of agrichemicals. • is proportionate to the risk. • is a consistent approach for both individual approvals and substances covered by a group standard.

Question 17	Submitters	Summary of submitter comments	EPA response and recommendation
		appear not to be consistent with other requirements from other agencies and policies both local and government in regards to environmental outcomes. • We do not support removing the default / generic signage requirement in favour of applying this control under section 77 of the HSNO Act. In our experience, control variations that are listed on a substances approval document are regularly missed in the outside world. • This proposal will remove signage from not only 9.2 – 9.4 substances, but also substances that are currently classified as 9.1D on the basis of designed for biocidal action. Signage should be required for such substances as they could cause significant harm if they were to enter the aquatic environment and water table at high levels. • We do not agree with this proposal unless there are adequate substitutes for the current signage.	• makes it easy for industry to know what the threshold quantity is as the same quantity applies across the board. • is straightforward to implement and enforce.

8. Submission analysis – Other comments

Question	Submitters	Summary of submitter comments	EPA response and recommendation
If you have any other comments, please write them here	*Thirteen submitters provided comments in this section* 3, 8, 10, 11, 14, 16, 22, 23, 28, 29, 30, 32, 33	If an aerosol has 45% or less flammable component, currently it is not classified as flammable. But this will certainly change with GHS 7 adoption. So now any aerosol not tested having flammable component >1% will fall under H222. Why is this transition from 45% to 1% flammable components not highlighted anywhere on the EPA GHS 7 adoption?	Refer to our response under Question 1 on pages 22 and 23 for a general discussion on the differences in aerosol classifications between HSNO and GHS 7.
		I agree with revoking many approvals but this will involve work to update SDSs so the extra transition time will be needed. Adopting the lower concentration cut-off values for classification of mixtures will put New Zealand at a commercial disadvantage as our products will be more highly classified than from other countries like Australia.	Comments noted. The rationale behind our decision to adopt the lower concentration cut-off values for classification of mixtures is discussed in the submission analysis report from our first consultation (October 2019). This document is available on the EPA website.
		Request that the wording/language in the updated and new EPA notices is clear and free from legal jargon as much as possible. This will help industry comply with the reforms. Specifically please ensure the wording in the "Alternative compliance for importers and manufacturers" sections in the SDS and Labelling Notices is clear and easy to understand.	Comments noted.

Question	Submitters	Summary of submitter comments	EPA response and recommendation
		Since the GHS classifications are much more verbose than HSNO, I would like to see any possible abbreviations approved by EPA. For example, Appendix 6 lists 2,4-Pentanedione HSR001072, as 6.1C (all), 6.1C (O), 6.1C (D), 6.1C (I) and lists the three routes separately in the GHS Classification. I would request that EPA (and WorkSafe if possible) should approve the use of the form "acute oral, dermal & inhalation toxicity Category 3" etc. in workplace inventories, and elsewhere, as this would make them much more compact.	Comments noted. We will be publishing guidance material on our website that includes a set of standard abbreviations for GHS classifications.
		I would like to see a clarification of what (all) means in the HSNO classification in Appendix 6 and how this is to be dealt with in any automated transfer of HSNO to GHS. From the context in Appendix 6 (and CCID) it would appear to mean "undefined".	The term (all) that appears after some classifications (e.g. 6.1, 6.9) refers to the overall classification for that hazard sub-class. For example if a substance is classified as 6.1B oral, 6.1C dermal and 6.1C inhalation, its overall classification would be 6.1B. This approach will not be necessary when we implement GHS 7 as the different exposure routes have distinct and separate classifications.
		There are a number of known errors in the Hazardous Property Controls Notice that do not appear to be corrected in the amended version included in the consultation document. However, we support the change in HPC Notice to use the term “agrichemicals” rather than “pesticides”.	We note that addressing the outstanding issues with the HPC Notice are outside the scope of this work to apply GHS classifications. Resolving these issues will require some policy work to be undertaken, and will involve further public consultation

Question	Submitters	Summary of submitter comments	EPA response and recommendation
		My comments are focused on non VTA agrichemicals, In general I support the move to follow international best practice for hazard classification and controls. I consider GHS 7 to be inadequate for the protection of terrestrial environments, and I support the introduction of terrestrial ecotoxicity categories for the protection of soil, invertebrates including native insect pollinators and non-target vertebrates such as birds and lizards.	Support noted.
		We have checked all our approvals classifications and are unsure how the conversion of the aquatic classifications occurred. From a quick check of several of our products, many classifications proposed by the EPA did not match the overseas classification. We understand that there are multiple reasons for this, in particular what data the EPA used for classification, and we are aware that this is not an opportunity to present new data. We are happy to provide further details if requested by the EPA. In general, we are in favour of aligning with overseas jurisdictions and the proposed timeframe for compliance. We also appreciate the EPA efforts to engage with stakeholders on this issue. The proposed transitional timeframe for label and SDS compliance is also supported. The EPA are strongly encouraged to continue to work with stakeholders such as manufacturers, users and the ACVM team over the coming years.	We acknowledge that the mapping of the current HSNO aquatic ecotoxicity classifications (9.1A – 9.1D) to the GHS aquatic ecotoxicity classifications is not straightforward. As the submitter notes, the current assignment of GHS classifications was limited to using existing data currently held on the substance in the EPA database. This may explain differences in the GHS classifications assigned by the EPA and GHS classifications on the same product overseas where different data may have been used. If, for certain substances, these differences are significant and of particular concern, we suggest the submitter contact the EPA directly to discuss these.

Question	Submitters	Summary of submitter comments	EPA response and recommendation
		We strongly support the change to a four-year transition period. This length of time will allow for labels to be amended, printed, and make their way onto shelves. With the controls database being updated to reflect the new controls, it would be a great opportunity to populate the UN number field. Suggest looking at the WorkSafe calculator if help is required, as that may already have some kind of translation in place. This would offer greater clarity and consistency.	Comments noted.
		No information has been provided about old HSNO default controls that have been consistently deleted for certain substances. We assume this will be considered when approvals are reissued and trust that the corresponding HPC Notice clause(s) will be also be deleted. An example of this is that old HSNO Control E4 relating to protection of terrestrial vertebrates (regs 50-51 of the Classes 6, 8 and 9 Controls Regulations) was deleted for VTAs used for bird control. For the purposes of this consultation it was useful to see the substances listed in schedules within the HPC Notice. As new substances are approved, will these schedules be updated, or will the requirement be reflected as an additional (or deleted) control in the approval document? It is preferable to have a consistent approach to this.	We acknowledge the importance of ensuring that the new set of controls assigned to reissued substances reflect the status quo (taking into account the legislative changes of 1 December 2017). This relates both to ensuring all appropriate control variations are retained, and all appropriate default controls have been deleted. A quality assurance process has been developed in order to minimise or eliminate errors during the reissuing process. Regarding the list of substances in the Schedules to the HPC Notice, it is not realistic to amend the HPC Notice every time a new substance is approved that requires a control variation to the HPC Notice. Where a variation to a HPC Notice control is required for a substance approved

Question	Submitters	Summary of submitter comments	EPA response and recommendation
			after the date of GHS implementation, this variation will be specified in the substance approval.
		Careful consideration and review is needed of all substances that present an aspiration hazard not previously identified in HSNO. It is important substances with this hazard be assigned the correct GHS classification for aspiration hazard. There is a risk of losing aspiration hazard substances in gaps created within a linear mapping approach that does not accurately align.	Refer to our response under Question 1 on page 16.

Appendix 1 – List of Submitters

Submitter number	Name	Organisation	Organisation type
1	Anonymous		Private Business
3	Anonymous		Private Business
6	Katrina Merrifield	Greater Wellington Regional Council	Local Government
7	Janet Connochie	Chemsafety Ltd	Private Business
8	Sally Coveny	Allnex New Zealand	Private Business
10	Anonymous		Private Business
11	John Hulston	Isotope Consulting Limited	Private Business
13	Trudy Geoghegan	Fire and Emergency New Zealand	Crown Entity
14	Dave Morkel	3M New Zealand	Private Business
15	Geoffrey Meikle	Technical Compliance Consultants Ltd	Private Business
16	Anonymous		Private Business
17	Francis Naranjo	Diversey	Private Business
18	Simonne Moses	SMoses Consulting Ltd	Private Business
19	Anonymous		Private Business
20	Anonymous		Private Business
21	Timothy Cammell	Interchem Agencies Ltd	Private Business
22	Jane Lamb	New Zealand Agrichemical Education Trust (NZAET)	NGO
23	David Havell	Department of Conservation, Auckland	Government Organisation
24	Phillip Tse	Chemie-Tech Limited	Private Business
25	Anonymous		Other
26	Nicole Scott	Yates New Zealand	Private Business
27	Debbie Bly	Rotorua Lakes Council	Local Government

Submitter number	Name	Organisation	Organisation type
28	Rachael Linklater	Accord Australasia	Industry Association
29	Anonymous		Private Business
30	Matthew Salter	UPL New Zealand Limited	Private Business
31	Carole Inkster	New Zealand Food and Grocery Council	Industry Association
32	Gina Weldon	Department of Conservation, Hamilton	Government Organisation
33	Ken Clarke	Responsible Care NZ	Industry Association

Disclaimer

The contents of this document do not reflect final Environmental Protection Authority policy. Words and details that form part of these proposals do not necessarily reflect settled terminology and may change in the process of drafting the final EPA Notices. This document does not alter the laws of New Zealand. All reasonable effort has been made to ensure that the information provided in this publication is accurate, up to date, and otherwise adequate in all respects. But this information is made available strictly on the basis that the EPA does not accept any responsibility or liability to any person or entity that chooses to rely on the information in this document.

Further information

More detailed information is available on our website at **www.epa.govt.nz** or by contacting us directly.

Email

info@epa.govt.nz

Phone

+64 4 916 2426

Postal address

Environmental Protection Authority
Private Bag 63002
Wellington 6140
New Zealand

Physical address

Level 10
Grant Thornton House
215 Lambton Quay
Wellington 6011
New Zealand

Environmental Protection Authority
Te Mana Rauhī Taiao

New Zealand Government