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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

HAZARDOUS SUBSTANCES (VETERINARY MEDICINES) (AMENDMENT) TRANSFER NOTICE 2006

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Veterinary Medicines) (Amendment) Transfer Notice 2006

Pursuant to section 160A of the Hazardous Substances and New Organisms Act 1996 (in this notice referred to as **the Act**), the Environmental Risk Management Authority gives the following notice.

1 Title

- (1) This notice is the Hazardous Substances (Veterinary Medicines) (Amendment) Transfer Notice 2006.
- (2) In this notice, the Hazardous Substances (Veterinary Medicines) Transfer Notice 2005 (Supplement to the *New Zealand Gazette*, 29 June 2005, No. 99, page 2297) is called “the principal notice”.

2 Commencement

This notice comes into force on 1 July 2006.

3 Interpretation

- (1) In this notice, words and phrases have the meanings ascribed to them in the principal notice.
- (2) In clause 3 of the principal notice—
 - (a) omit the definition “annual retention certificate”;
 - (b) in the appropriate alphabetical order, insert “**practising certificate** means a practising certificate issued by the Veterinary Council of New Zealand in accordance with section 26 of the Veterinarians Act 2005”;
 - (c) omit the definition of “UN Model Regulations” and substitute “**UN Model Regulations** means the 14th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2005 by the United Nations”;
 - (d) omit the definition of “veterinarian” and substitute “**veterinarian** has the meaning given to it by the Veterinarians Act 2005”.

4 Deemed assessment and approval

- (1) On the commencement of this notice, the hazardous substances described in Tables 1 and 2 of Schedule 1 to this notice are no longer subject to the provisions of Parts 11 to 15 of the Act.
- (2) Each hazardous substance described in Tables 1 and 2 of Schedule 1 to this notice is deemed to have been assessed and approved by the Authority under section 29 of the Act.

5 Deemed hazard classification

Each hazardous substance described in Tables 1 and 2 of Schedule 1 of this notice is deemed to have the hazard classifications specified opposite its description in Schedule 1.

6 Amendments to Schedule 1 to the principal notice

(1) Schedule 1 to the principal notice is amended—

- (a) by, in Table 1, in the appropriate alphabetical order, inserting the hazardous substances, hazard classifications and variation codes described in Table 1 of Schedule 1 to this notice;
- (b) by in Table 2, in the appropriate alphabetical order, inserting the hazardous substances, hazard classifications and variation codes described in Table 2 of Schedule 1 to this notice; and
- (c) in the manner described in Schedule 2 to this notice.

7 Application of controls and changes to controls

The controls set out in Schedule 2 to the principal notice are amended in the manner indicated in Schedule 3 to this notice.

8 Other obligations and restrictions

The obligations and restrictions specified in Schedule 4 to the principal notice are amended in the manner indicated in Schedule 4 to this notice and are imposed as controls under section 160B of the Act applying to the relevant substances described in Schedule 1 to the principal notice.

Schedule 1

List of substances (veterinary medicines) to be transferred

Table 1
Veterinary Medicines that are for use in New Zealand

Substance	Hazard Classification(s)	Variation code(s)
Flammable liquid containing 10 – 15 g/litre abamectin (Substance B)	3.1D, 6.1D, 6.3B, 6.4A, 6.8B, 6.8C, 6.9B, 9.1A, 9.2C, 9.3C, 9.4A	4, 7, 13, 17, 35
Liquid containing 1.5 – 3% albendazole and 0.06 – 0.18% sodium selenate (Substance C)	6.3B, 6.5B, 6.6B, 6.8A, 6.9B, 9.1A	4, 7, 10, 13, 17, 35
Liquid containing 0.1 – 0.2% benzoic acid , 2 – 2.5% malic acid and 0.03 – 0.04% salicylic acid	6.3B	11, 35
Cream containing 1.1 – 1.5% cetrimide and 0.3 – 0.7% chlorhexidine gluconate	6.4A, 6.5B, 9.1B	6, 10, 11, 12, 34, 35
Foam containing 7.5 – 9% chlorhexanide gluconate , 1.2 – 1.8% miconazole nitrate and 0.15 – 0.2% selenium sulphide	6.1E, 6.3A, 6.4A, 6.7B, 6.8B, 9.1A	4, 7, 11, 12, 17, 34, 35
Solid containing 10 – 24% chlortetracycline hydrochloride	6.3A, 6.4A, 9.1A	4, 7, 11, 12, 17, 35
Capsule containing 65 – 79% copper oxide	6.1D, 6.4A, 6.9B, 9.1A, 9.3C	4, 5, 6, 7, 11, 12, 17, 20, 24, 31 35
Solid containing 1.5 – 3.5% febantel	6.8B, 6.9B	5, 6, 35
Solid containing 1 – 3% formic acid , 1 – 3% propanoic acid, 15 – 25% lactic acid and other organic acids	8.2C, 8.3A	5, 6, 35
Liquid containing 4 – 7% formic acid , 25 – 35% propanoic acid, 20 – 30% lactic acid and other organic acids	6.1D, 8.2B, 8.3A, 9.1D, 9.3C	4, 13, 35
Flammable liquid containing 0.5 – 0.75 g/litre iodine and 10 – 15 g/litre tannic acid	3.1B, 6.4A, 6.5B, 9.1D	1, 2, 10, 11, 12, 34, 35
Liquid containing 0.07 – 0.09% ivermectin and 0.08 – 0.13% sodium selenate (Substance B)	6.5B, 6.8A, 9.1A, 9.2C, 9.4A	4, 7, 10, 13, 17, 35
Liquid containing 0.07 – 0.09% ivermectin and 0.08 – 0.13% sodium selenate (Substance C)	6.5B, 6.8B, 9.1A, 9.2C, 9.4A	4, 7, 10, 13, 17, 35
Liquid containing 0.9 – 1.1% ivermectin and 0.1 – 0.13% sodium selenate	6.8C, 9.1A, 9.2C, 9.4B	4, 7, 13, 17, 35
Gel containing 3.5 – 4.5 g/litre ivermectin and 40 – 60 g/litre praziquantel	6.1E, 6.5B, 6.8C, 9.1A, 9.2C, 9.3C, 9.4A	4, 7, 10, 13, 17, 35

Substance	Hazard Classification(s)	Variation code(s)
Liquid containing 1 – 1.5% levamisole hydrochloride and 0.1 – 0.3% praziquantel	6.5B, 6.6B, 6.9B	10, 35
Liquid containing 30 – 40% metacresolsulphonic acid/formaldehyde condensate	9.1D	13, 35
Solid containing 5 – 10% methyl sulphonyl methane and 5 – 10% zinc methionine	9.1B	5, 13, 35
Liquid containing 2.1 – 2.5% moxidectin	6.1D, 6.5B, 6.8B, 6.8C, 6.9B, 9.1A, 9.2B, 9.3C, 9.4B	4, 7, 10, 13, 17, 35
Liquid containing 4.5 – 5.5 g/litre moxidectin and 2.6 – 6.0 g/litre sodium selenate	6.1E, 6.5B, 6.8B, 6.8C, 9.1A, 9.2C, 9.4B	4, 7, 10, 13, 17, 35
Solid containing 15 – 20% sulphadiazine and 3.5 – 4% trimethoprim	6.3A, 6.4A, 6.5B, 6.9B, 9.1B	5, 6, 10, 11, 12, 18, 22, 31, 35
Liquid containing 67 – 73% tergitol NP-9 (Substance B)	6.1D, 6.3A, 6.4A, 9.3C	13, 35
Liquid containing 35 – 45% triflumuron	6.9B, 9.1A, 9.4A	4, 7, 13, 17, 35

Table 2
Veterinary medicines that are manufactured for exportation

Substance	Hazard Classification(s)	Variation code(s)
Solid containing 30 – 50 % niclosamide	6.1E, 6.4A, 6.5B, 6.9B, 9.1A, 9.3B	7, 11, 12, 17, 35
Solid containing 75 – 85% niclosamide	6.1D, 6.4A, 6.5B, 6.9B, 9.1A, 9.3B	7, 11, 12, 17, 35

Schedule 2

Amendments to Schedule 1 to the principal notice

Immediately after the description of **Variation code 34** in the explanatory notes, insert the following:

- ***Variation code 35** relates to changes to the transitional periods under Schedule 4 to this notice.*

In Table 1 of Schedule 1 to the principal notice, omit the substance description in the first column of Table 1 below and substitute the substance description set out opposite to it.

Table 1
Changes to substance descriptions

Current substance description	New substance description
Flammable liquid containing 10 – 15 g/litre abamectin	Flammable liquid containing 10 – 15 g/litre abamectin (Substance A)
Liquid containing 95 – 100% acetylsalicylic acid	Solid containing 95 – 100% acetylsalicylic acid
Liquid containing 2.4 – 5% barium selenate	Liquid containing 2.4 – 9% barium selenate
Cream containing 0.5 – 0.7% g/kg cetrimide	Cream containing 0.5 – 0.7% cetrimide
Liquid containing 0.07 – 0.09% ivermectin and 0.08 – 0.13% sodium selenate	Liquid containing 0.07 – 0.09% ivermectin and 0.08 – 0.13% sodium selenate (Substance A)
Liquid containing 67 – 73% tergitol NP-9	Liquid containing 67 – 73% tergitol NP-9 (Substance A)

In Table 1 of Schedule 1 to the principal notice, for the hazardous substance described in the first column of Table 2 below, as appropriate—

- omit the hazard classification(s) set out in the second column;
- substitute the hazard classification(s) set out opposite to it in the third column;
- insert the hazard classification(s) set out opposite it in the fourth column.

Table 2
Changes to hazard classifications

Substance	Hazard Classification(s)	Variation code(s)	Substance
Liquid containing 1 – 1.3% abamectin and 16 – 24% levamisole	6.8B, 9.3B	6.8A, 9.3C	3.1D, 6.3A

Substance	Hazard Classification(s)	Variation code(s)	Substance
Liquid containing 2 – 3% albendazole , 3.5 – 4% levamisole hydrochloride and 0.06 – 0.18% sodium selenate	9.2C		
Solid containing 0.7 – 1.3% benzocaine , 1 – 2.4% chlortetracycline hydrochloride and 1 – 3% magnesium oxide	9.1D		
Liquid containing 0.8 – 1.5% boric acid , 0.05 – 0.15% camphor oil and 0.1 – 0.25% zinc sulphate	6.5B		
Flammable liquid containing 120 – 180 g/litre chlorpyrifos	6.1D, 6.3A, 6.8B, 8.3A	6.1C, 6.3B, 6.4A	
Liquid containing 7 – 11% oxfendazole and 0.48 – 0.6% sodium selenate	6.3A	6.3B	6.5B
Flammable liquid containing 100 – 120 g/litre propetamphos	3.1C, 6.8A, 9.3B	3.1D, 9.3C	
Solid containing 95 – 100% zinc sulphate	6.3B		

In Table 1 of Schedule 1 to the principal notice, for the hazardous substance described in the first column of Table 3 below, as appropriate—

- (a) omit the variation code(s) set out opposite it in the second column;
- (b) insert the variation code(s) set out opposite to it in the third column.

Table 3
Changes to variation codes

Substance	Variation code(s) omitted	Variation code(s) inserted
Solid containing 0.7 – 1.3% benzocaine , 1 – 2.4% chlortetracycline hydrochloride and 1 – 3% magnesium oxide		12, 18
Liquid containing 0.8 – 1.5% boric acid , 0.05 – 0.15% camphor oil and 0.1 – 0.25% zinc sulphate	10	
Flammable liquid containing 120 – 180 g/litre chlorpyrifos	7, 17	9
Solid containing 1 – 9.5% clindamycin hydrochloride	6	
Solid containing 10 – 30% lincomycin hydrochloride and 28 – 48% spectinomycin sulphate	6	

Substance	Variation code(s) omitted	Variation code(s) inserted
Liquid containing 7 – 11% oxfendazole and 0.48 – 0.6% sodium selenate		10
Solid containing 8 – 20.6% oxytetracycline hydrochloride (Substance A)	6	
Flammable liquid containing 100 – 120 g/litre propetamphos		2

In Table 2 of Schedule 1 to the principal notice, omit the substance description “Liquid containing 1.5 – 3% **albendazole** (Substance A)” and substitute “Liquid containing 1.5 – 3% **albendazole** (Substance C)”.

Schedule 3

Amendments to Schedule 2 to the principal notice

Control – Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

New regulation 56A

Repeal the change to controls inserting regulation 56A, and substitute the following:

New regulation 56A The regulations apply to each hazardous substance described in Table 1 of Schedule 1 with variation code 1 as if the following regulation were inserted immediately after regulation 56:

56A Exception to approved handler requirement for transportation of packaged veterinary medicines

- (1) Regulation 56 is deemed to be complied with if—
 - (a) in the case of a hazardous substance being transported on land—
 - (i) in the case of a hazardous substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
 - (A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or
 - (B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 is complied with; or
- (2) in the case of a hazardous substance being transported by sea, one of the following is complied with—
 - (a) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A);
 - (b) International Maritime Dangerous Goods Code; or

in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.

(2) Subclause (1)(a)—

- (a) does not apply to a tank wagon or transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
- (b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.

(3) Subclause (1)(c)—

- (a) applies to pilots, aircrew, and airline ground personnel loading and handling a hazardous substance within an aerodrome; but
- (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.

New regulation 56B

In subclause (1), omit “current annual retention certificate” and substitute “current practising certificate”.

New regulation 89A

Repeal the change to controls inserting regulation 89A, and substitute the following:

New regulation 89A The regulations apply to each hazardous substance described in Table 1 of Schedule 1 with variation code 3 as if the following regulation were inserted immediately after regulation 89:

89A Exception to approved handler requirement for transportation of packaged veterinary medicines

(1) Regulation 89 is deemed to be complied with if—

- (a) in the case of a hazardous substance being transported on land—
 - (i) in the case of a hazardous substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing

Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and

- (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
 - (A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or
 - (B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 is complied with; or
 - (b) in the case of a hazardous substance being transported by sea, one of the following is complied with:
 - (i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A):
 - (ii) International Maritime Dangerous Goods Code; or
 - (c) in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.
- (2) Subclause (1)(a)—
- (a) does not apply to a tank wagon or transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
 - (b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.
- (3) Subclause (1)(c)—
- (a) applies to pilots, aircrew, and airline ground personnel loading and handling a hazardous substance within an aerodrome; but
 - (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.

New regulation 89B

In subclause (1), omit “current annual retention certificate ” and substitute “current practising certificate”.

Control – Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001**New regulation 9A**

Repeal the change to controls inserting regulation 9A, and substitute the following:

New regulation 9A The regulations apply to each hazardous substance described in Table 1 of Schedule 1 with variation code 9 as if the following regulation were inserted immediately after regulation 9:

9A Exception to approved handler requirement for transportation of packaged veterinary medicines

- (1) Regulation 9 is deemed to be complied with if—
 - (a) in the case of a hazardous substance being transported on land—
 - (i) in the case of a hazardous substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
 - (A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or
 - (B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 is complied with; or
 - (b) in the case of a hazardous substance being transported by sea, one of the following is complied with:
 - (i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A):
 - (ii) International Maritime Dangerous Goods Code; or
 - (c) in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.

(2) Subclause (1)(a)—

- (a) does not apply to a tank wagon or transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
- (b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.

(3) Subclause (1)(c)—

- (a) applies to pilots, aircrew, and airline ground personnel loading and handling a hazardous substance within an aerodrome; but
- (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.

New Regulation 9B

In subclause (1), omit “current annual retention certificate ” and substitute “current practising certificate”.

Control – Hazardous Substances (Emergency Management) Regulations 2001**Regulation 37**

Immediately after the changes to controls for regulation 36, insert the following:

Regulation 37 This regulation applies to each hazardous substance described in Schedule 1, as if the following subclauses were inserted at the end:

- (2) If pooling substances which do not have class 1 to 5 hazard classifications are held in a place above ground in containers each of which has a capacity of 60 litres or less—
 - (a) if the place’s total pooling capacity is less than 20,000 litres, the secondary containment system must have a capacity of at least 25% of that total pooling potential:
 - (b) if the place’s total pooling potential is 20,000 litres or more, the secondary containment system must have a capacity of the greater of—

- (i) 5% of the total pooling potential; or
 - (ii) 5,000 litres.
- (3) Pooling substances to which subclause (2) applies must be segregated where appropriate to ensure that leakage of one substance may not adversely affect the container of another substance.

Regulation 38 This regulation applies to each hazardous substance described in Schedule 1, as if the following subclauses were inserted at the end:

- (2) If pooling substances which do not have class 1 to 5 hazard classifications are held in a place above ground in containers 1 or more of which has a capacity of more than 60 litres but none of which has a capacity of more than 450 litres—
 - (a) if the place's total pooling potential is less than 20,000 litres, the secondary containment system must have a capacity of either 25% of that total pooling potential or 110% of the capacity of the largest container, whichever is the greater:
 - (b) if the place's total pooling potential is 20,000 litres or more, the secondary containment system must have a capacity of the greater of—
 - (i) 5% of the total pooling potential; or
 - (ii) 5,000 litres.
- (3) Pooling substances to which subclause (2) applies must be segregated where appropriate to ensure that the leakage of one substance may not adversely affect the container of another substance.

Control – Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

Clause 100

In subclause (1)(b) of the change to controls for clause 100, omit “Table” and substitute “Schedule”.

Schedule 4

Amendments to Schedule 4 to the principal notice

New clauses 12 and 13

Immediately after clause 11, insert the following:

12 Packaging, identification, and signage for substances with variation code 35

- (1) A hazardous substance described in Schedule 1 with variation code 35 is not required to comply with the regulations specified in subclause (2) if it complies with the requirements for packaging, identification and signage, that applied to the substance at the close of 30 June 2006.
- (2) The regulations are—
 - (a) Hazardous Substances (Packaging) Regulations 2001; and
 - (b) the Hazardous Substances (Identification) Regulations 2001; and
 - (c) regulations 11 to 14 of the Hazardous Substances (Disposal) Regulations 2001.
- (3) This clause expires with the close of 30 June 2008.

13 Fire extinguishers, emergency management response plans and secondary containment for substances with variation code 35

- (1) A hazardous substance described in Schedule 1 with variation code 35 is not required to comply with regulations 6 to 34 and 42 of the Hazardous Substances (Emergency Management) Regulations 2001 if it complies with the requirements for fire extinguishers, emergency management response plans and secondary containment that applied to the substance at the close of 30 June 2006.
- (2) This clause expires with the close of 30 June 2007.