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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

HAZARDOUS SUBSTANCES (TIMBER PRESERVATIVES, ANTISAPSTAINS AND ANTIFOULING PAINTS) (AMENDMENT) TRANSFER NOTICE 2006

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Timber Preservatives, Antisapstains and Antifouling Paints) (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 (Timber Preservatives, Antisapstains and Antifouling Paints) (Amendment) Transfer Notice 2006.
- (2) In this notice, the Hazardous Substances (Timber Preservatives, Antisapstains and Antifouling Paints) Transfer Notice 2004 (Supplement to the *New Zealand Gazette*, 4 June 2004, No. 65, page 1555, as amended by Supplement to the *New Zealand Gazette*, 17 December 2004, No. 167, page 4183) is called “the principal notice”.

2 Commencement

This notice comes into force on 1 July 2006.

3 Interpretation

In this notice, words and phrases have the meanings ascribed to them in the principal notice.

4 Deemed assessment and approval

- (1) On the commencement of this notice, the hazardous substances described in 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 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 Schedule 1 to this notice is deemed to have the hazard classifications specified opposite its description.

6 Amendments to Schedule 1 to the principal notice

Schedule 1 to the principal notice is amended—

- (a) by, in Table 1, in their appropriate alphabetical order, inserting the hazardous substances, hazard classifications and variation codes described in Table 1 of Schedule 1 to this notice; and
- (b) in the manner indicated 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 (timber preservatives and antisapstains) to be transferred

Substance	Hazard classification(s)	Variation code(s)
Liquid containing 70 – 120 g/litre boric acid , 140 – 180 g/litre copper carbonate and 1 – 10 g/litre tebuconazole	3.1D, 6.1C, 6.5A, 6.5B, 6.8B, 6.9A, 8.1A, 8.2C, 8.3A, 9.1B, 9.3C	4
Liquid containing 0.1 – 0.9 g/litre carbendazim and 10 – 17 g/litre chlorothalonil	6.4A, 6.5A, 6.5B, 6.7B, 6.9B, 9.1A	1, 3, 4
Liquid containing 35 – 40 g/litre CCA	6.1B, 6.3A, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9B, 8.3A, 9.1A, 9.2C, 9.3B, 9.4C	2, 4
Liquid containing 115 – 140 g/litre CCA	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.2C, 8.3A, 9.1A, 9.2C, 9.3B, 9.4C	2, 4
Oil miscible liquid containing 1 – 3 g/litre iodocarb and 10 – 20 g/litre permethrin	3.1C, 6.1E, 6.3B, 6.5A, 6.5B, 6.9B, 9.1A, 9.4B	1, 3, 4
Oil miscible liquid containing 10 – 20 g/litre iodocarb and 1 – 9 g/litre permethrin	3.1C, 6.1E, 6.3B, 6.5A, 6.5B, 6.9B, 9.1A, 9.4B	1, 3, 4
Liquid containing 20 – 40 g/litre iodocarb and 10 – 20 g/litre permethrin	3.1C, 6.1E, 6.3B, 6.5A, 6.5B, 6.9B, 9.1A, 9.4B	1, 3, 4
Oil miscible liquid containing 50 – 90 g/litre iodocarb and 50 – 90 g/litre permethrin	3.1C, 6.1E, 6.3B, 6.4A, 6.5A, 6.5B, 6.9B, 9.1A, 9.3C, 9.4A	1, 3, 4
Oil miscible liquid containing 3 – 10 g/litre iodocarb , 10 – 25 g/litre permethrin and 160 – 220 g/litre tributyltin naphthenate	3.1C, 6.1B, 6.3A, 6.4A, 6.5A, 6.5B, 6.7A, 6.9A, 9.1A, 9.2B, 9.3C, 9.4B	2, 4
Oil miscible liquid containing 3.2 – 10 g/litre iodocarb , 1 – 10 g/litre permethrin and 100 – 150 g/litre tributyltin naphthenate	3.1C, 6.1C, 6.3A, 6.4A, 6.5A, 6.5B, 6.9A, 9.1A, 9.2B, 9.3C, 9.4B	2, 4
Liquid containing 0.6 – 5 g/litre 2-methyl-3(2H)-isothiazolone , 0.6 – 5 g/litre 5-chloro-2-methyl-4-isothiazolin-3-one and 10 – 50 g/litre 8-hydroxyquinolone	6.1D, 6.3A, 6.5B, 6.6B, 6.9B, 8.3A, 9.1A, 9.2D, 9.3C	1, 3, 4
Oil miscible liquid containing 10 – 20 g/litre permethrin	3.1C, 6.1E, 6.3B, 6.5A, 6.5B, 6.9B, 9.1A, 9.4B	1, 3, 4
Oil miscible liquid containing 26 – 60 g/litre permethrin and 400 – 500 g/litre tributyltin naphthenate	3.1C, 6.1B, 6.3A, 6.4A, 6.5A, 6.5B, 6.9A, 9.1A, 9.2A, 9.3B, 9.4A	2, 4
Oil miscible liquid containing 120 – 150 g/litre tributyltin naphthenate	3.1C, 6.1C, 6.3A, 6.4A, 6.9A, 9.1B, 9.2B, 9.3C	2, 4
Oil miscible liquid containing 260 – 450 g/litre tributyltin naphthenate	3.1C, 6.1B, 6.3A, 6.4A, 6.9A, 9.1A, 9.2A, 9.3C	2, 4
Oil miscible liquid containing 32.5 – 50 g/litre tributyltin oxide	3.1C, 6.1D, 6.3B, 6.8B, 6.9B, 9.1A, 9.2B, 9.3C	1, 3, 4

Schedule 2

Amendments to Schedule 1 to the principal 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
Oil miscible liquid containing 11 g/litre permethrin	Oil miscible liquid containing 10 – 20 g/litre permethrin
Oil miscible liquid containing 230 g/litre tributyltin naphthenate, 11 g/litre permethrin and 13.2 g/litre iodocarb	Oil miscible liquid containing 225 – 260 g/litre tributyltin naphthenate, 8 – 17 g/litre permethrin and 8 – 17 g/litre iodocarb
Oil miscible liquid containing 886 g/litre tributyltin naphthenate and 50 g/litre permethrin	Oil miscible liquid containing 800 – 886 g/litre tributyltin naphthenate and 40 – 50 g/litre permethrin
Oil miscible liquid containing 125 g/litre tributyltin oxide	Oil miscible liquid containing 100 – 250 g/litre tributyltin oxide

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

- (a) omit the hazard classification set out in the second column;
- (b) substitute the hazard classification set out in the third column;
- (c) insert the hazard classification set out in the fourth column.

Table 2

Changes to hazard classifications

Substance	Hazard classification omitted	Hazard classification substituted	Hazard classification inserted
Soluble concentrate containing 466 g/litre benzalkonium chloride and 7 g/litre permethrin			6.9B
Soluble concentrate containing 200 g/litre boric acid and 240 g/litre sodium borate	6.3B		
Suspension concentrate containing 100 – 250 g/litre carbendazim and 250 – 450 g/litre chlorothalonil (Substance A)	6.4A	8.3A	

Substance	Hazard classification omitted	Hazard classification substituted	Hazard classification inserted
Suspension concentrate containing 100 – 250 g/litre carbendazim and 250 – 450 g/litre chlorothalonil (Substance B)	6.4A	8.3A	
Suspension concentrate containing 500 g/litre chlorothalonil (Substance A)	6.4A	8.3A	

In Table 2 of Schedule 1 to the principal notice, for the hazardous substance “Antifouling paint containing 840 g/litre cuprous oxide and 350 g/litre zinc oxide” omit the hazard classification “6.3A” and substitute “6.3B”.

Schedule 3

Amendments to Schedule 2 to the principal notice

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 Schedule 1 as if the following regulation were inserted immediately after regulation 9:

9A Exception to approved handler requirement for transportation of packaged substances

- (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); or
 - (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.

- (1) 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.
- (2) 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.
- (3) In this regulation, **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.

Control – Hazardous Substances (Packaging) Regulations 2001

Regulation 19

In the second change to controls for regulation 19

- (a) omit “Oil miscible liquid containing 886 g/litre tributyltin naphthenate and 50 g/litre permethrin” and substitute “Oil miscible liquid containing 800 – 886 g/litre tributyltin naphthenate and 40 – 50 g/litre permethrin” and
- (b) omit “Oil miscible liquid containing 230 g/litre tributyltin naphthenate, 11 g/litre permethrin and 13.2 g/litre iodocarb” and substitute “Oil miscible liquid containing 225 – 260 g/litre tributyltin naphthenate, 8 – 17 g/litre permethrin and 8 – 17 g/litre iodocarb”.

Regulation 19

In the list following the second change to controls for regulation 19, in the appropriate alphabetical order, insert the following substances:

Liquid containing 35 – 40 g/litre CCA

Liquid containing 115 – 140 g/litre CCA

Oil miscible liquid containing 3 – 10 g/litre iodocarb, 10 – 25 g/litre permethrin and 160 – 220 g/litre tributyltin naphthenate

Oil miscible liquid containing 26 – 60 g/litre permethrin and 400 – 500 g/litre tributyltin naphthenate

Oil miscible liquid containing 260 – 450 g/litre tributyltin naphthenate

Control – Hazardous Substances (Emergency Management) Regulations 2001**Regulations 37 and 38**

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 have a capacity of more than 60 litres but none of which have 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.

Schedule 4

Amendments to Schedule 3 to the principal notice

New clauses 10 and 11

Immediately after clause 9, insert the following:

10 Packaging, identification, and signage for substances with variation code 4

- (1) A hazardous substance described in Schedule 1 with variation code 4 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) the 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.

11 Fire extinguishers, emergency management response plans and secondary containment for substances with variation code 4

- (1) A hazardous substance described in Schedule 1 with variation code 4 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.