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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

HAZARDOUS SUBSTANCES (REASSESSMENT OF AZINPHOS METHYL) DIRECTION NOTICE 2009

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Reassessment of azinphos methyl) Direction Notice 2009

Pursuant to sections 63A and 66 of the Hazardous Substances and New Organisms Act 1996 (“the Act”), the Environmental Risk Management Authority issues the following notice.

Notice

1 Title

This notice is the Hazardous Substances (Reassessment of azinphos methyl) Direction Notice 2009.

2 Commencement

This notice comes into force 28 days after the date of notification in the New Zealand Gazette.

3 Interpretation

- (1) In this notice, words and phrases have the meanings given to them in the Act and in Regulations made under the Act.
- (2) In this notice, the following words have the following meanings:
Collector means a person, other than the holder, who collects, transports or stores azinphos methyl and formulations containing azinphos methyl, for the purpose of disposal, in accordance with this notice.
Environmentally sound disposal means disposal in accordance with clause 7 of this notice.
Holder means a person who is in possession of azinphos methyl and formulations containing azinphos methyl on or after the date this notice comes into force prior to collection by a collector.

4 Prohibition on use

- (1) No person may use azinphos methyl (Approval Number HSR002815); suspension concentrate containing 350g/litre azinphos methyl (Approval Number HSR000160) or wettable powder containing 350g/kg azinphos methyl (Approval Number HSR000161) after the date that this notice comes into force.
- (2) No person may use Cotnion 200 Insecticide (Approval Number HSR002486) after the expiry of 31 December 2014.

5 Controls on use of Cotnion 200 Insecticide 31 December 2014

The controls set out in Table 1 of the Appendix to this notice will continue in effect until the expiry of 31 December 2014. The new controls set out in Table 2 of the Appendix will apply (where applicable) in addition to those in Table 1 of the Appendix. These new controls come into force 12 February 2010.

6 Additional controls

The controls in 7, 8 and 9 apply from the date that this notice comes into force.

7 Storage of azinphos methyl and formulations containing azinphos methyl

Holders and collectors must ensure that azinphos methyl, and formulations containing azinphos methyl, are only stored in suitable containers and kept in buildings and places which are:

- (a) secure and suitable for the purpose taking into account the quantities stored, moisture control ventilation and spill containment; and
- (b) sited so that the risk of contamination of people, animals, crops and the environment is minimised.

8 Controls on the disposal of azinphos methyl and formulations containing

- (1) Azinphos methyl and formulations containing azinphos methyl may be disposed of by:
 - (a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance or any product of such treatment is no longer a hazardous substance; or
 - (b) exporting the substance from New Zealand as waste for environmentally sound disposal provided that such export complies with the relevant requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the OECD Decision C(2001)107 on the Control of Transboundary Movement of Wastes Destined for Recovery Operations.
- (2) In subclause (1)(a), treating the substance does not include:
 - (a) (save in the case of use of Cotnion 200 Insecticide in accordance with the controls set out in the Appendix to this notice before the expiry of 31 December 2014) application to or discharge to any environmental medium; or
 - (b) dilution of the substance with any other substance before discharge into the environment; or
 - (c) depositing the substance in a landfill or a sewage facility; or
 - (d) depositing the substance in an incinerator unless in doing so the substance is treated in accordance with subclause (1)(a).
- (3) All stocks of azinphos methyl and formulations containing azinphos methyl must be used or disposed of by the expiry of 31 December 2014.

9 Controls on collectors of azinphos methyl and formulations containing azinphos methyl

- (1) A collector must ensure that equipment used to handle the substance complies with regulation 7 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.
- (2) A collector who handles azinphos methyl and formulations containing azinphos methyl must comply with regulation 8 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.
- (3) Regulation 9 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001 applies to any quantity of azinphos methyl and formulations containing azinphos methyl.

- (4) For the purposes of regulation 10 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001, no azinphos methyl and formulations containing azinphos methyl in any quantity may be carried on any passenger service vehicle.
- (5) When stored for the purpose of environmentally sound disposal, azinphos methyl and formulations containing azinphos methyl must not be mixed with any other substance.
- (6) The Hazardous Substances (Packaging) Regulations 2001 apply to azinphos methyl and formulations containing azinphos methyl as if they are deemed to have a hazard classification that is class 6.1B. Transport of azinphos methyl and formulations containing azinphos methyl by land within New Zealand shall comply with all relevant requirements of the Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1).
- (7) Transport of azinphos methyl and formulations containing azinphos methyl by sea within New Zealand shall comply with all relevant requirements of either the Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A) or the International Maritime Dangerous Goods Code.
- (8) Transport of azinphos methyl and formulations containing azinphos methyl by air within New Zealand shall comply with all relevant requirements of Part 92 of the Civil Aviation Rules.
- (9) The Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 apply to azinphos methyl and formulations containing azinphos methyl stored or transported in a tank, tank wagon or transportable container as those terms are defined in those Regulations.
- (10) The location and movement of azinphos methyl and formulations containing azinphos methyl must be recorded in accordance with the Hazardous Substances (Tracking) Regulations 2001.
- (11) The Hazardous Substances (Emergency Management) Regulations 2001 apply to azinphos methyl and formulations containing azinphos methyl as if they are deemed to have hazard classifications that are class 6.1B and 9.1A.
- (12) The Hazardous Substances (Identification) Regulations 2001 apply to azinphos methyl and formulations containing azinphos methyl as if they are deemed to have hazard classifications that are class 6.1B and 9.1A.

Dated at Wellington this 5th day of November 2009.

For and on behalf of the Environmental Risk Management Authority:

HELEN ATKINS

Appendix to Gazette Notice: Controls for Cotnion 200 Insecticide

Table 1: Controls applicable to Cotnion 200 Insecticide

Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001		
Code T1	Regs 11 – 27	Limiting exposure to toxic substances through the setting of tolerable exposure limits
Code T2	Regs 29, 30	Controlling exposure in places of work through the setting of workplace exposure standards (WES). (AWES has been set by the Department of Labour for azinphos methyl: 0.2 mg/m ³ Time Weighted Average (TWA) based on skin absorption. This value has been adopted for Cotnion 200).
Code T3	Regs 5(1), 6	Requirements for keeping records of use
Code T4	Reg 7	Requirements for equipment used to handle substances
Code T5	Reg 8	Requirements for protective clothing and equipment
Code T6*	Reg 9	<p>Approved handler/security requirements for certain toxic substances</p> <p><i>Changes to Default Controls</i></p> <p>Regulation 9 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001</p> <p><i>The following regulation is inserted immediately after regulation 9:</i></p> <p style="text-align: center;"><i>9A Exception to approved handler requirement for transportation of packaged pesticides</i></p> <p>(1) <i>Regulation 9 is deemed to be complied with if:</i></p> <p style="padding-left: 20px;">(a) <i>when this substance is being transported on land—</i></p> <p style="padding-left: 40px;">(i) <i>by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with the approved safety system for the time being approved under section 6D of the Transport Services Licensing Act 1989; and</i></p> <p style="padding-left: 40px;">(ii) <i>other than by rail, the person who drives, loads, and unloads the vehicle that is transporting the substance has a current dangerous goods endorsement on his or her driver licence; and</i></p> <p style="padding-left: 40px;">(iii) <i>in all cases, Land Transport Rule: Dangerous Goods 1999 (Rule 45001) is complied with; or</i></p> <p style="padding-left: 20px;">(b) <i>when this substance is being transported by sea, one of the following is complied with:</i></p> <p style="padding-left: 40px;">(i) <i>Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A);</i></p> <p style="padding-left: 40px;">(ii) <i>International Maritime Dangerous Goods Code; or</i></p> <p style="padding-left: 20px;">(c) <i>when this substance is being transported by air, Part 92 of the Civil Aviation Rules is complied with:</i></p> <p>(2) <i>Subclause (1)(a)—</i></p> <p style="padding-left: 20px;">(a) <i>does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but</i></p> <p style="padding-left: 20px;">(b) <i>despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.</i></p> <p>(3) <i>Subclause (1)(c)—</i></p> <p style="padding-left: 20px;">(a) <i>applies to pilots, aircrew, and airline ground personnel loading and managing this substance within an aerodrome; but</i></p> <p style="padding-left: 20px;">(b) <i>does not apply to—</i></p> <p style="padding-left: 40px;">(i) <i>the handling of this substance in any place that is not within an aerodrome; or</i></p> <p style="padding-left: 40px;">(ii) <i>the loading and managing of this substance for the purpose of aerial spraying or dropping.</i></p> <p>(4) <i>In this regulation, UN Model Regulations means the 15th revised edition of the Recommendation on the transport of Dangerous Goods Model Regulations, published in 2007 by the United Nations.</i></p>

Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001		
Code T7	Reg 10	Restrictions on the carriage of toxic or corrosive substances on passenger service vehicles
Code E1*	Regs 32–45	Limiting exposure to ecotoxic substances through the setting of EELs <i>Changes to Default Controls</i> Regulation 32 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 Regulation 32 applies as if subclauses (1) and (2) were omitted.
Code E2	Regs 46 – 48	Restrictions on use of substances in application areas
Code E3	Reg 49	Controls relating to protection of terrestrial invertebrates eg beneficial insects
Code E5	Regs 5(2), 6	Requirements for keeping records of use
Code E6	Reg 7	Requirements for equipment used to handle substances
Code E7*	Reg 9	Approved handler/security requirements for certain ecotoxic substances <i>Changes to Default Controls</i> This regulation applies as if subclause (1) was omitted and the following substituted: (1) A hazardous substance to which this regulation applies must be under the personal control of an approved handler when the substance is applied in a wide dispersive manner.

Hazardous Substances (Packaging) Regulations 2001		
Code P1	Regs 5, 6, 7(1), 8	General packaging requirements
Code P3	Reg 9	Criteria that allow substances to be packaged to a standard not meeting Packing Group I, II or III criteria
Code P13	Reg 19	Packaging requirements for toxic substances
Code P14	Reg 20	Packaging requirements for corrosive substances
Code P15	Reg 21	Packaging requirements for ecotoxic substances
Code PG2	Schedule 2	Packaging requirements equivalent to UN Packing Group I
Code PG2	Schedule 2	Packaging requirements equivalent to UN Packing Group II
Code PG3	Schedule 3	Packaging requirements equivalent to UN Packing Group III
Code PS4	Schedule 4	Packaging requirements as specified in Schedule 4

Hazardous Substances (Disposal) Regulations 2001		
Code D4	Reg 8	Disposal requirements for toxic and corrosive substances
Code D5	Reg 9	Disposal requirements for ecotoxic substances
Code D6	Reg 10	Disposal requirements for packages
Code D7	Regs 11, 12	Information requirements for manufacturers, importers and suppliers, and persons in charge
Code D8	Regs 13, 14	Documentation requirements for manufacturers, importers and suppliers, and persons in charge

Hazardous Substances (Personnel Qualifications) Regulations 2001		
Code AH1	Regs 4 – 6	Approved Handler requirements (including test certificate and qualification requirements)

Hazardous Substances (Tracking) Regulations 2001		
Code TR1	Regs 4(1), 5, 6	General tracking requirements

Hazardous Substances (Emergency Management) Regulations 2001		
Code EM1	Regs 6, 7, 9 – 11	Level 1 information requirements for suppliers and persons in charge
Code EM2	Reg 8(a)	Information requirements for corrosive substances
Code EM6	Reg 8(e)	Information requirements for toxic substances
Code EM7	Reg 8(f)	Information requirements for ecotoxic substances
Code EM8	Regs 12- 16, 18- 20	Level 2 information requirements for suppliers and persons in charge
Code EM11	Regs 25 – 34	Level 3 emergency management requirements: duties of person in charge, emergency response plans
Code EM12*	Regs 35 – 41	<p>Level 3 emergency management requirements: secondary containment</p> <p><i>Change to Default Controls</i></p> <p>Regulations 35- 42 of the Hazardous Substances (Emergency Management) Regulations 2001</p> <p><i>The following subclauses are added after subclause (3) of regulation 36:</i></p> <p>(4) <i>For the purposes of this regulation, and regulations 37 to 40, where this substance is contained in pipework that is installed and operated so as to manage any loss of containment in the pipework it—</i></p> <p>(a) <i>is not to be taken into account in determining whether a place is required to have a secondary containment system; and</i></p> <p>(b) <i>is not required to be located in a secondary containment system.</i></p> <p>(5) <i>In this clause, pipework—</i></p> <p>(a) <i>means piping that—</i></p> <p>(i) <i>is connected to a stationary container; and</i></p> <p>(ii) <i>is used to transfer a hazardous substance into or out of the stationary container; and</i></p> <p>(b) <i>includes a process pipeline or a transfer line.</i></p>
Code EM13	Reg 42	Level 3 emergency management requirements: signage

Hazardous Substances (Identification) Regulations 2001		
Code I1	Regs 6, 7, 32–35, 36(1) – (7)	Identification requirements, duties of persons in charge, accessibility, comprehensibility, clarity and durability
Code I3	Reg 9	Priority identifiers for ecotoxic substances
Code I8	Reg 14	Priority identifiers for toxic substances
Code I9	Reg 18	Secondary identifiers for all hazardous substances
Code I11	Reg 20	Secondary identifiers for ecotoxic substances
Code I16	Reg 25	Secondary identifiers for toxic substances
Code I17	Reg 26	Use of generic names
Code I18	Reg 27	Requirements for using concentration ranges
Code I19	Regs 29 – 31	Additional information requirements, including situations where substances are in multiple packaging
Code I20	Reg 36(8)	Durability of information for class 6.1 substances
Code I21	Regs 37- 39, 47- 50	General documentation requirements
Code I23	Reg 41	Specific documentation requirements for ecotoxic substances
Code I28	Reg 46	Specific documentation requirements for toxic substances
Code I29	Regs 51, 52	Signage requirements
Code I30	Reg 53	Advertising corrosive and toxic substances

Hazardous Substances (Tank Wagon and Transportable Containers) Regulations 2004
Controls for Stationary Container Systems

These controls are set out in Schedule 8 of the Hazardous Substances (Dangerous Goods and Schedule Toxic Substances) Transfer Notice 2004. The requirements of this schedule are detailed in the Compilation of Hazardous Substances Regulations and Controls (<http://www.ermanz.govt.nz/hs/hs-regulations.html>).

Change to Controls
Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004

Clause 1: This clause applies as if the words “a hazardous substance described in Schedules 1 and 2” in subclause (1) was replaced by:
“this substance”.

Clause 100: This clause applies as if subclause (1) was replaced by:

(1) In this Part, existing stationary container system means a stationary container system to which this Schedule applies that, immediately before 1 July 2004,—

(a) was being used to contain this substance; or

(b) was designed to be used to contain this substance, and construction of the stationary container system to that design had commenced.

Table 2: New controls applicable to Cotnion 200 Insecticide

Receptor	Crop	New Control
Operator exposure	Summerfruit	<p>Mixers/loaders must wear:</p> <ul style="list-style-type: none"> Coveralls over long-sleeved shirt, long-legged trousers. Chemical resistant gloves. Chemical resistant footwear plus socks. Protective eyewear. Chemical resistant headgear for overhead exposures. For exposure in enclosed areas, a respirator with either an organic vapour-removing cartridge with a prefilter approved for pesticides, or a canister approved for pesticides. For exposure outdoors, dust/mist filtering respirator. <p>Applicators must use a closed cab with appropriate filtering system and have the above RPE (respiratory protective equipment) and PPE (personal protective equipment) immediately available for use if leaving the cab in the treated area, and a system for storing the used RPE and PPE to prevent contamination of the cab. At least long-sleeved shirt and long-legged trousers, footwear plus socks should be worn in the functioning enclosed cab.</p>
	Potato and strawberry	<p>PPE to be worn during mixing/loading and application should comprise at least:</p> <ul style="list-style-type: none"> Coveralls over long-sleeved shirt, long-legged trousers. Chemical resistant gloves. Chemical resistant footwear plus socks. Protective eyewear. For exposure in enclosed areas, a respirator with either an organic vapour-removing cartridge with a prefilter approved for pesticides, or a canister approved for pesticides. For exposure outdoors, dust/mist filtering respirator.

Receptor	Crop	New Control
<p>Re-entry workers exposure to residues- Contact</p> <p>Definition of Contact: contact with anything that was sprayed</p>	Summerfruit, potato & strawberry	<p>REI¹:</p> <ul style="list-style-type: none"> • Summer Fruit 0-7 days Full PPE • Summer Fruit 8-14 days Reduced PPE • Potatoes 0-7 days Full PPE • Potatoes 8-14 days Reduced PPE plus long runners trousers • Strawberry 0-7 days Full PPE runners • Strawberry 8-14 days Reduced PPE plus long runners trousers <p>PPE requirement for entry during REI.</p> <p>Full PPE to comprise:</p> <ul style="list-style-type: none"> • Coveralls over long-sleeved shirt, long-legged trousers. • Chemical resistant gloves. • Chemical resistant footwear plus socks. • Protective eyewear. • Chemical resistant headgear for overhead exposures. <p>Reduced PPE to comprise:</p> <ul style="list-style-type: none"> • Coveralls over long-sleeved shirt • Cotton gloves. • Boots plus socks. • Hat
<p>Re-entry workers exposure to residues- Non Contact</p> <p>Definition of Non Contact: no intentional contact with anything that was sprayed</p>		<p>REI²:</p> <ul style="list-style-type: none"> • Summer Fruit 0-3 days Reduced PPE • Potatoes No PPE requirements • Strawberry 0-3 days Reduced PPE plus long runners trousers <p>Reduced PPE to comprise:</p> <ul style="list-style-type: none"> • Coveralls over long-sleeved shirt • Cotton gloves. • Boots plus socks. • Hat
Bystander exposure	Summerfruit	<p>Buffer zone upwind of public areas or the nearest farm buildings or dwellings to exceed 50m.</p> <p>Buffer zone areas may not include employee housing, private property and other areas people may occupy.</p> <p>Definition of public areas: any place where members of the public can legally be.</p>
Aquatic environment (aquatic)	Summerfruit, potato & strawberry	<p>Buffer zones upwind of waterways to exceed 50m.</p> <p>definition of a waterway: waterways including modified water courses such as reservoirs, irrigation canals, water-supply races, canals for the supply of water for electricity generation or farm drainage canals, as well as natural water bodies.</p>

¹ REI – Restricted Entry Interval

² REI – Restricted Entry Interval

Receptor	Crop	New Control
Other Controls		
Limiting the number of applications per year	Summerfruit, potato & strawberry	Limited to 2 applications per year.
New Labelling requirements	Summerfruit and potatoes	New stock must be labelled with new requirements 3 months after this decision comes into effect. Stocks with old labels may not be sold after 12 months after this decision comes into effect.