

## **EPA Notices (Amendments and Revocations) Notice 2020**

This notice is issued by the Environmental Protection Authority (“Authority”) under sections 75, 76 and 76A of the Hazardous Substances and New Organisms Act 1996 (“Act”). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2).

### **Table of Contents**

[Objective of Notice](#)

[Extent of Consultation](#)

[Further Information About EPA Notices](#)

[Part A: General](#)

[1. Title](#)

[2. Commencement](#)

[3. Principal Notices](#)

[Part B: Amendments to Hazardous Substances \(Labelling\) Notice 2017](#)

[4. Clause 4 Amended \(Definitions\)](#)

[5. Clause 5 Amended \(When Notice Does Not Apply to Hazardous Substances\)](#)

[6. Clause 10 Amended \(Representations on Label\)](#)

[7. Clause 11 Amended \(Requirement for Product Identifier\)](#)

[8. Clause 12 Amended \(Requirement for Contact and Emergency Contact Details\)](#)

[9. Clause 13 Replaced \(Label Elements for Substances That Have Equivalent GHS Classifications\)](#)

[10. Clause 14 Revoked \(Label Elements for Desensitised Explosives\)](#)

[11. Clause 15 Amended \(Other Information\)](#)

[12. Clause 17 Amended \(Labels for Mixtures Containing Toxic or Corrosive Ingredients\)](#)

[13. Clause 18 Amended \(Additional Label Statements Required on Label of Consumer Products\)](#)

[14. Clause 19 Replaced \(Generic Label Statement Required for Class 9 Pesticides\)](#)

[15. Clause 20 Replaced \(Label Statement Required for Class 9.1 Pesticides and Plant Growth Regulators\)](#)

[16. Clause 21 Amended \(Label Statement Required for Class 9.3 Pesticides Coated on a Seed\)](#)

[17. Clause 22 Amended \(Label Statement Required for Class 9.3 Pesticides in Granular Form\)](#)

[18. Clause 23 Amended \(Label Statement Required for Class 9.3 Pesticides Used As Vertebrate Bait\)](#)

[19. Clause 24 Amended \(Label Statement Required for Class 9.4 Pesticides and Plant Growth Regulators\)](#)

[20. Clause 25 Amended \(Application Restrictions and Buffer Zone Label Statements Required for Class 9 Pesticides and Plant Growth Regulators\)](#)

[21. Clause 27 Amended \(Class 1 Substances\)](#)

[22. Clause 28 Replaced \(Application of Notice to Class 6.1E \(Aspiration Hazard\) Substances\)](#)

[23. Clause 29 Amended \(Combination Packaging\)](#)

[24. Clause 30 Amended \(Alternative UN Pictogram for Dangerous Goods in Single Packaging\)](#)

[25. Clause 31 Amended \(Alternative Compliance for Importers and Manufacturers\)](#)

[26. Clause 33 Amended \(Advertising Acutely Toxic or Corrosive Substances\)](#)

[27. Part C Replaced \(Transitional Provisions and Consequential Amendments\)](#)

[28. Schedule Revoked \(Equivalent Classifications in GHS\)](#)

[Part C: Amendments to Hazardous Substances \(Packaging\) Notice 2017](#)

[29. Clause 4 Amended \(Definitions\)](#)

[30. Clause 9 Amended \(Additional Performance Tests for Packaging for Some Hazardous Substances\)](#)

[31. Clause 12 Amended \(Child-Resistant Packaging\)](#)

[32. Clause 13 Amended \(Permanent Identification\)](#)

[33. Clause 14 Amended \(Alternative Compliance for Importers and Manufacturers in Relation to Clause 12 and 13\)](#)

[34. Clause 18 Amended \(Application of This Part\)](#)

[35. Clause 22 Amended \(Compliance with Packing instructions\)](#)

NEW ZEALAND GAZETTE

[36. Clause 24 Amended \(Additional Packaging Requirements for Certain Substances\)](#)

[37. Clause 26 Amended \(Exception for Petrol\)](#)

[38. Part D Replaced \(Transitional Provisions and Consequential Amendments\)](#)

[39. Schedule Amended](#)

[Part D: Amendments to Hazardous Substances \(Safety Data Sheets\) Notice 2017](#)

[40. Clause 4 Amended \(Definitions\)](#)

[41. Clause 8 Revoked \(Classification for the Purpose of Information in Safety Data Sheet\)](#)

[42. Clause 9 Amended \(Alternative Compliance for Importers and Manufacturers\)](#)

[43. Clause 10 Amended \(Alternative Compliance for Suppliers\)](#)

[44. Part C Replaced \(Transitional Provisions\)](#)

[45. Schedule 1 Amended \(Content and Format of Safety Data Sheets\)](#)

[46. Schedule 2 Revoked \(Equivalent Classifications in GHS\)](#)

[Part E: Amendments to Hazardous Substances \(Disposal\) Notice 2017](#)

[47. Clause 3 Amended \(Application\)](#)

[48. Clause 4 Amended \(Definitions\)](#)

[49. Clause 5 Amended \(Disposal Requirements for Class 1 Substances\)](#)

[50. Clause 6 Replaced \(Other Hazardous Substances Requiring Disposal Methods for Class 1 Substances\)](#)

[51. Clause 7 Amended \(Disposal Requirements for Class 2, 3, and 4 Substances\)](#)

[52. Clause 8 Amended \(Disposal Requirements for Class 5 Substances\)](#)

[53. Clause 9 Amended \(Disposal Requirements for Class 6 and 8 Substances\)](#)

[54. Clause 10 Amended \(Disposal Requirements for Class 9 Substances\)](#)

[55. Clause 12 Amended \(Disposal Requirements for Packages That Have Been in Direct Contact with Hazardous Substances\)](#)

[56. Clause 13 Amended \(Disposal Requirements for Compressed Gas in Gas Containers\)](#)

[Part F: Amendments to Hazardous Substances \(Hazardous Property Controls\) Notice 2017](#)

[57. Clause 3 Amended \(Interpretation\)](#)

[58. Clause 4 Replaced \(References to Hazard Classifications\)](#)

[59. Clause 5 Amended \(References to Quantities\)](#)

[60. Clause 7 Amended \(Application\)](#)

[61. Clause 8 Amended \(Ecotoxic Controls\)](#)

[62. Clause 12 Amended \(Outline of Notice\)](#)

[63. Clause 13 Amended \(Certain Substances Restricted to Workplaces Only\)](#)

[64. Clause 14 Amended \(Outline of Subpart\)](#)

[65. Clause 17 Amended \(Management of Substances Subject to a Permission Must be in Accordance With the HSW HS Regulations\)](#)

[66. Clause 18 Amended \(Firearms Licence Required for Possession of Gunpowder or Propellant\)](#)

[67. Clause 19 Amended \(Management of Large Quantities of Certain Substances to be in Accordance With HSW HS Regulations\)](#)

[68. Clause 21 Amended \(Substances to be Kept Away From Incompatible Substances\)](#)

[69. Clause 22 Amended \(Management of Small Quantities of Explosives\)](#)

[70. Clause 23 Amended \(Management of Small Quantities of Flammable Substances\)](#)

[71. Clause 24 Amended \(Management of Small Quantities of Oxidising Substances\)](#)

[72. Clause 25 Amended \(Management of Small Quantities of Corrosive Substances\)](#)

[73. Clause 31 Amended \(Stationary Container Systems for an internal Combustion Engine\)](#)

[74. Clause 32 Amended \(Filling of SCUBA Cylinders\)](#)

[75. Clause 34 Amended \(Requirements for Substances on Board Ships not Subject to HSW Act\)](#)

[76. Part 4 Heading Amended](#)

[77. Clause 35 Amended \(Outline of Subpart\)](#)

## NEW ZEALAND GAZETTE

- [78. Clause 37 Amended \(Substances Must be Correctly Labelled\)](#)
- [79. Clause 38 Amended \(Safety Data Sheets Must be Obtained and Accessible\)](#)
- [80. Clause 39 Amended \(Stationary Container Systems\)](#)
- [81. Clause 40 Replaced \(Separation of Above Ground Stationary Tanks Containing Class 9 Hazardous Substances\)](#)
- [82. Clause 41 Amended \(Requirement to Have Secondary Containment Systems for Pooling Substances\)](#)
- [83. Clause 42 Amended \(Emergency Response Plans\)](#)
- [84. Clause 43 Amended \(Signage\)](#)
- [85. Part 4, Subpart B Heading Amended](#)
- [86. Clause 46 Amended \(Adverse Effects to be Avoided\)](#)
- [87. Clause 47 Amended](#)
- [88. Clause 48 Amended \(Records of Application of Pesticides and Plant Growth Regulators\)](#)
- [89. Clause 49 Amended \(Environmental Exposure Limits Must Not be Exceeded\)](#)
- [90. Clause 50 Amended \(Restrictions on Applying A Substance in an Application Plot\)](#)
- [91. Clause 51 Amended \(Buffer Zone Distances\)](#)
- [92. Clause 52 Amended \(Class 9.1 Pesticide or Plant Growth Regulator Must Not be Applied to Water\)](#)
- [93. Clause 53 Amended \(Adverse Effects of Class 9.3 Substances to be Avoided\)](#)
- [94. Clause 54 Amended \(Class 9.3 Pesticides on Seeds\)](#)
- [95. Clause 55 Amended \(Class 9.3 Pesticide in Granular Form\)](#)
- [96. Clause 56 Amended \(Use of Class 9.3 Pesticides as Vertebrate Bait\)](#)
- [97. Clause 57 Amended \(Import and Manufacture of Class 9.3 Pesticide Used as Vertebrate Bait\)](#)
- [98. Clause 58 Amended \(Protection of Invertebrate Pollinators From Class 9.4 Substances\)](#)
- [99. Part 4, Subpart C Heading Amended](#)
- [100. Clause 60 Amended \(Qualifications Needed for Mixing or Loading of Pesticides or Plant Growth Regulators in Preparation for Application\)](#)
- [101. Clause 61 Amended \(Qualifications Needed for Mixing or Loading of Vertebrate Toxic Agents in Preparation for Application\)](#)
- [102. Clause 62 Amended \(Qualifications Needed for Aerial Application\)](#)
- [103. Clause 63 Amended \(Qualifications for a Contractor Applying A Pesticide or Plant Growth Regulator\)](#)
- [104. Clause 64 Amended \(Qualifications for a Person Other Than A Contractor Applying a Pesticide or Plant Growth Regulator\)](#)
- [105. Clause 65 Amended \(Qualifications for a Contractor Using Substance in Urban Pest Management\)](#)
- [106. Clause 66 Amended \(Transitional Recognition of an Approved Handler Test Certificate\)](#)
- [107. Schedule 1 Amended \(Certain Substances Restricted to Workplaces Only\)](#)
- [108. Schedule 2 Amended \(Provisions of HSW HS Regulations Applicable to a Substance in a Place That is not a Workplace\)](#)
- [109. Schedule 3 Amended \(Quantities of Hazardous Substances That Require Management in Accordance With HSW HS Regulations\)](#)
- [110. Schedule 4 Amended \(Incompatible Substances and Materials\)](#)
- [111. Schedule 7 Amended \(Threshold Quantities for Secondary Containment and Emergency Response Plan\)](#)
- [112. Schedule 8 Amended \(Threshold Quantities for Signage\)](#)
- [113. New Schedule 8A Inserted](#)
- [114. Schedule 9 Amended \(Variations to Qualification Requirements for Certain Class 9 Substances\)](#)
- [115. Schedule 10 Amended \(Qualifications for Applying Certain Class 9 Substances\)](#)
- [Part G: Amendments to Hazardous Substances \(Importers and Manufacturers\) Notice 2015](#)
- [116. Clause 10 Amended \(Obligation to Provide Information and Certificate\)](#)
- [Part H: Revocation of Notices](#)
- [117. Hazardous Substances \(Classification\) Notice 2017 Revoked](#)
- [118. Hazardous Substances \(Minimum Degrees of Hazard\) Notice 2017 Revoked](#)

### **Objective of Notice**

## NEW ZEALAND GAZETTE

This notice amends the following EPA notices in order to implement the new hazard classification system contained in the Hazardous Substances (Hazard Classification) Notice 2020.

- Hazardous Substances (Labelling) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5641](#))
- Hazardous Substances (Packaging) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5713](#))
- Hazardous Substances (Safety Data Sheets) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5637](#))
- Hazardous Substances (Disposal) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5639](#))
- Hazardous Substances (Hazardous Property Controls) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5647](#))
- Hazardous Substances (Importers and Manufacturers) Notice 2015 ([New Zealand Gazette, 22 October 2015, Notice No. 2015-au6161](#))

This notice also revokes the existing Hazardous Substances (Classification) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5634](#)) and the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5631](#)) which are replaced by the Hazardous Substances (Hazard Classification) Notice 2020 ([New Zealand Gazette, 29 October 2020, Notice No. 2020-au4842](#)).

### **Extent of Consultation**

This notice reflects the amendments made to the six EPA notices listed in the objective and revokes the Hazardous Substances (Classification) Notice 2017 and the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017. This notice itself was not made available for public consultation.

The Authority publicly notified its intention to implement a new classification system on 29 October 2019 by publishing a consultation document on its website. It invited comments by 9 January 2020. The revocation of the Hazardous Substances (Classification) Notice 2017 and the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 and the consequential amendments proposed to six EPA notices were described in this consultation document.

A second consultation was carried out between 8 June 2020 and 4 August 2020 seeking further feedback. Exposure drafts of consolidated versions of the six EPA notices with the proposed amendments were provided in this consultation.

Both consultation documents were also sent to relevant persons in accordance with section 76C(1)(c) of the Act, and other interested parties.

Comments received from the public consultations were taken into account by the Authority during the drafting of this notice.

### **Further Information About EPA Notices**

EPA notices are a form of delegated legislation that are administered by the Authority. They are classed as disallowable instruments under the Legislation Act 2012 ("Legislation Act"). This means that the notice must be tabled in the House of Representatives who may, by resolution, disallow the notice. The Regulations Review Committee is the select committee responsible for considering instruments such as this notice under the Legislation Act.

### **Part A: General**

#### **1. Title**

This is the EPA Notices (Amendments and Revocations) Notice 2020.

#### **2. Commencement**

This notice comes into force on 30 April 2021.

#### **3. Principal Notices**

(1) This notice amends these notices:

- Hazardous Substances (Labelling) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5641](#))
- Hazardous Substances (Packaging) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5713](#))
- Hazardous Substances (Safety Data Sheets) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5637](#))

- Hazardous Substances (Disposal) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5639](#))
- Hazardous Substances (Hazardous Property Controls) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5647](#))
- Hazardous Substances (Importers and Manufacturers) Notice 2015 ([New Zealand Gazette, 22 October 2015, Notice No. 2015-au6161](#))

(2) This notice revokes these notices:

- Hazardous Substances (Classification) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5634](#))
- Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5631](#))

#### **Part B: Amendments to Hazardous Substances (Labelling) Notice 2017**

##### **4. Clause 4 Amended (Definitions)**

(1) In clause 4(1) revoke the definition of **aerosol**.

(2) In clause 4(1) insert in its appropriate alphabetical order:

“**aerosol dispenser** has the same meaning as in regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

**agrichemical** means a substance used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed, for the purposes of—

- a. managing or eradicating pests, including vertebrate pests; or
- b. maintaining, promoting, or regulating plant or animal health, productivity, performance or reproduction; or
- c. enhancing the effectiveness of an agrichemical used for the treatment of plants or animals; or
- d. mitigating environmental, sustainability, or climate change impacts; and

for the avoidance of doubt:

- a. includes any veterinary medicine, pesticide adjuvant, fertiliser, plant growth regulator, fumigant or domestic pesticide, and
- b. excludes any timber treatment chemical, antisapstain chemical and antifouling paint.”

(3) In clause 4(1) replace the definition of **expert** with:

“**expert** means—

- a. a member of a scientific committee set up by an international, national, or professional scientific body to review scientific data; or
- b. a person considered by his or her scientific peers to be an expert in the relevant field of scientific study”.

(4) In clause 4(1) definition of **GHS**:

- a. replace “5th” with “7th”; and
- b. replace “2013” with “2017”.

(5) In clause 4(1) definition of **hazard statement** after “assigned” insert “in the GHS”.

(6) In clause 4(1) revoke the definition of **HSNO classification**.

(7) In clause 4(1) revoke the definition of **list of dangerous goods**.

(8) In clause 4(1) revoke the definition of **pesticide**.

(9) In clause 4(1) definition of **precautionary statement**:

- a. replace “statement” with “phrase”; and
- b. delete “of a particular classification”.

(10) In clause 4(1) definition of **relevant international instrument**:

- a. in (b) replace “2014” with “2018”; and
- b. in (c) replace “2015-16” with “2019-20”; and
- c. in (d) replace “57th” with “61st”; and
- d. in (d) replace “2016” with “2019”.

(11) In clause 4(1) definition of **signal word** delete “or this notice”.

(12) In clause 4(1) definition of **UN Model Regulations**:

- a. replace “18th” with “21st”; and
- b. replace “2013” with “2019”.

(13) Replace clause 4(2), 4(3) and 4(4) with:

“(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

(3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) Notice 2020 and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020.

(4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020.”

#### **5. Clause 5 Amended (When Notice Does not Apply to Hazardous Substances)**

In clause 5(2)(b) replace “is” with “as”.

#### **6. Clause 10 Amended (Representations on Label)**

In clause 10(c) after “has a” insert “hazard”.

#### **7. Clause 11 Amended (Requirement for Product Identifier)**

In clause 11(b) replace “Hazardous Substances (Safety Data Sheet) Notice 2017” with “Hazardous Substances (Safety Data Sheets) Notice 2017”.

#### **8. Clause 12 Amended (Requirement for Contact and Emergency Contact Details)**

Replace clause 12(2) with:

“(2) A 24 hour freephone emergency contact phone number from which information about the substance can be obtained in an emergency must appear on the label of substances in the following hazard classes:

- a. explosives
- b. oxidising liquids
- c. oxidising solids
- d. organic peroxides
- e. acute toxicity
- f. skin corrosion/irritation
- g. serious eye damage/eye irritation
- h. respiratory or skin sensitisation.”

#### **9. Clause 13 Replaced (Label Elements for Substances That Have Equivalent GHS Classifications)**

Replace clause 13 with:

##### **“13. Label Elements for Hazardous Substances**

(1) For each hazard classification of a hazardous substance, a label for the substance must—

- a. include the pictogram, signal word, hazard statements, and precautionary statements (**label elements**) prescribed in the GHS; and
- b. comply with the prescribed measures in the GHS in relation to—
  - i. precedence of hazard information (in cases where a substance has more than one hazard classification); and
  - ii. arrangements for presenting the label elements.

(2) A precautionary statement that has minor differences in the way that it is expressed must be treated as complying with subclause (1)(a) if the minor differences do not affect its obvious meaning.”

**10. Clause 14 Revoked (Label Elements for Desensitised Explosives)**

Revoke clause 14.

**11. Clause 15 Amended (Other Information)**

(1) In clause 15(1) delete “or 14”.

(2) In clause 15(2):

- a. replace “additional hazard properties” with “additional hazardous properties”; and
- b. replace “different class or subclass” with “different hazard class”.

**12. Clause 17 Amended (Labels for Mixtures Containing Toxic or Corrosive Ingredients)**

(1) In clause 17(1):

- a. after “ingredient” delete “substance”; and
- b. replace “that has a classification” with “that is in a hazard class or has a hazard classification”.

(2) Replace clause 17(3)(b) with:

“b. any ingredient that has any of the following hazard classifications if disclosure of the ingredient would amount to disclosure of confidential information:

- i. acute toxicity Category 4 (oral, dermal or inhalation):
- ii. specific target organ toxicity – single exposure Category 3:
- iii. aspiration hazard Category 1.”

(3) In clause 17(4) replace “hazardous properties” with “hazard classifications”.

(4) In clause 17 replace Table 1 with:

**Table 1. Concentration Cut-off Levels for Identification of Ingredients on a Label**

<b>Column 1 Hazard Class or Hazard Classification of Ingredient</b>	<b>Column 2 Concentration Cut-off Level ≥%</b>
acute toxicity	The value is the concentration that triggers classification independently of any other ingredient.
skin corrosion Category 1A, Category 1B, and Category 1C	5 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.
serious eye damage Category 1	3 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.
respiratory sensitisation Category 1	1.0 (or for gas 0.2) Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
skin sensitisation Category 1	1.0 Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
germ cell mutagenicity Category 1	0.1
germ cell mutagenicity Category 2	1.0
carcinogenicity Category 1	0.1
carcinogenicity Category 2	1.0
reproductive toxicity Category 1	0.3
reproductive toxicity Category 2	3.0
effects on or via lactation	0.3
specific target organ toxicity - single exposure Category 1	1.0
specific target organ toxicity - single exposure Category 2	10
specific target organ toxicity - single exposure Category 3	The value is the concentration of the ingredient at or above which, in the opinion of an expert, there is data indicating evidence that the mixture causes narcotic effects or respiratory tract irritation in humans. The GHS default value is 20%.
specific target organ toxicity - repeated exposure Category 1	1.0
specific target organ toxicity - repeated exposure Category 2	10

aspiration hazard Category 1	10 The mixture must meet the viscosity criteria for classification as aspiration hazard Category 1. The identification requirement also applies if the mixture separates into two or more layers, one of which contains $\geq 10\%$ of ingredients classified as aspiration hazard Category 1, and it meets the viscosity criteria for classification as aspiration hazard Category 1.
------------------------------	---

**13. Clause 18 Amended (Additional Label Statements Required on Label of Consumer Products)**

(1) In clause 18(3) replace “has a classification” with “is in a hazard class or has a hazard classification”.

(2) Replace clause 18(4) with:

“(4) For the purpose of subclause (3), the hazard classes and hazard classifications are:

- a. acute toxicity
- b. skin corrosion Category 1A, Category 1B and Category 1C
- c. serious eye damage Category 1
- d. respiratory or skin sensitisation
- e. germ cell mutagenicity
- f. carcinogenicity:
- g. reproductive toxicity
- h. specific target organ toxicity – single exposure
- i. specific target organ toxicity – repeated exposure:
- j. aspiration hazard Category 1.”

(3) In clause 18(5) replace “an aerosol” with “in the hazard class aerosol”.

**14. Clause 19 Replaced (Generic Label Statement Required for Class 9 Pesticides)**

Replace clause 19 with:

**“19. Label Information Required for Agrichemicals That are Hazardous to the Terrestrial Environment**

The label for an agrichemical that is in the hazard class hazardous to the terrestrial environment must include the following information—

- a. an indication of its type of hazard;
- b. an indication of the circumstances in which it may be hazardous to the terrestrial environment;
- c. an indication of the kind and extent of the harm it is likely to cause to the terrestrial environment; and
- d. an indication of the steps to be taken to prevent harm to the terrestrial environment.”

**15. Clause 20 Replaced (Label Statement Required For Class 9.1 Pesticides And Plant Growth Regulators)**

Replace clause 20 with:

**“20. Label Statements Required for Agrichemicals That are Hazardous to the Aquatic Environment**

(1) This clause applies to an agrichemical that is in the hazard class hazardous to the aquatic environment, unless it is a fertiliser, veterinary medicine, vertebrate toxic agent or fumigant.

(2) The label must include the following statements (or words to this effect)—

“Do not apply directly into or onto water”.

“Take all reasonable steps to ensure that the substance does not cause any significant adverse effects to the environment beyond the application area.”

(3) The label statements required by this clause are in addition to any GHS hazard information required for the substance.”

**16. Clause 21 Amended (Label Statement Required for Class 9.3 Pesticides Coated on a Seed)**

(1) In the heading to clause 21:

- a. replace “statement” with “statements”; and
- b. replace “class 9.3 pesticides coated on a seed” with “agrichemicals that are hazardous to terrestrial vertebrates which are coated on seeds”.

(2) Replace clause 21(1) with:

“(1) This clause applies to an agrichemical if it—



- a. has been coated on a seed; and
- b. has the hazard classification hazardous to terrestrial vertebrates.”

**17. Clause 22 Amended (Label Statement Required for Class 9.3 Pesticides in Granular Form)**

(1) In the heading to clause 22:

- a. replace “class 9.3 pesticide” with “agrichemicals”; and
- b. after “granular form” insert “that are hazardous to terrestrial vertebrates”.

(2) Replace clause 22(1) with:

“(1) This clause applies to an agrichemical unless it is a fertiliser or veterinary medicine if it—

- a. is in granular form; and
- b. has the hazard classification hazardous to terrestrial vertebrates.”

**18. Clause 23 Amended (Label Statement Required for Class 9.3 Pesticides Used as Vertebrate Bait)**

(1) In the heading to clause 23 replace “class 9.3 pesticides” with “agrichemicals”.

(2) Replace clause 23(1) with:

“(1) This clause applies to an agrichemical if it—

- a. is to be used as bait, or as part of bait, for vertebrate species; and
- b. has the hazard classification hazardous to terrestrial vertebrates.”

**19. Clause 24 Amended (Label Statement Required for Class 9.4 Pesticides and Plant Growth Regulators)**

(1) In the heading to clause 24 replace “class 9.4 pesticides and plant growth regulators” with “agrichemicals that are hazardous to terrestrial invertebrates”.

(2) Replace clause 24(1) with:

“(1) This clause applies to an agrichemical if it—

- a. is used in a form that non-target invertebrate pollinators are likely to be exposed to either during, or after, it is applied to a plant; and
- b. has the hazard classification hazardous to terrestrial invertebrates.”

(3) In clause 24(3) replace “x” with “x”.

(4) In clause 24(4) replace “x” with “x”.

**20. Clause 25 Amended (Application Restrictions and Buffer Zone Label Statements Required for Class 9 Pesticides and Plant Growth Regulators)**

(1) In the heading to clause 25 replace “class 9 pesticides and plant growth regulators” with “agrichemicals”.

(2) In clause 25(1) replace “a class 9 pesticide or plant growth regulator” with “an agrichemical”.

**21. Clause 27 Amended (Class 1 Substances)**

(1) Replace the heading to clause 27 with “Explosives”.

(2) In clause 27(1) replace “class 1 substance” with “substance in the hazard class explosives (class 1)”.

(3) In clause 27(2) replace “class 1 substances” with “substances in the hazard class explosives (class 1)”.

**22. Clause 28 Replaced (Application of Notice to Class 6.1E (Aspiration Hazard) Substances)**

Replace clause 28 with:

**“28. Application of Notice to Aspiration Hazard Category 1 Substances**

(1) This notice does not apply to a substance with the hazard classification aspiration hazard Category 1 contained in an aerosol dispenser or in a container fitted with a sealed spray attachment.

(2) Nothing in this clause limits the application of this notice to a substance with the hazard classification aspiration hazard Category 1 if it has a hazard classification that is additional to aspiration hazard.”

**23. Clause 29 Amended (Combination Packaging)**

In clause 29(a) delete “or 14”.

**24. Clause 30 Amended (Alternative UN Pictogram for Dangerous Goods in Single Packaging)**

In clause 30(1) replace “clauses” with “clause” and delete “and 14”.

**25. Clause 31 Amended (Alternative Compliance for Importers and Manufacturers)**

(1) In clause 31(6):

- a. replace “a pesticide” with “an agrichemical”; and
- b. replace “a class 9.1 substance” with “in the hazard class hazardous to the aquatic environment”.

**26. Clause 33 Amended (Advertising Acutely Toxic or Corrosive Substances)**

(1) Replace clause 33(1) with:

“(1) This clause applies to a hazardous substance if:

- a. it is in any of the following hazard classes or has any of the following hazard classifications:
  - i. acute toxicity;
  - ii. skin corrosion Category 1A, 1B, 1C;
  - iii. serious eye damage Category 1; and
- b. the substance is advertised to members of the public through any medium; and
- c. the likely audience is not provided with a reasonable opportunity to read and consider the information required to be on the product label before purchase of the substance.”

**27. Part C Replaced (Transitional Provisions and Consequential Amendments)**

Replace Part C with:

**“Part C: Transitional Provisions**

**34. Definitions for the Purpose of This Part**

In this Part—

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

**2017 Notices** mean the EPA notices that came into force on 1 December 2017.

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

**approval** includes—

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

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

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

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

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

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

**35. Transitional Requirements Relating to Reissued Approvals**

(1) A person relying on a reissued approval may, during the transitional period, comply with the controls related to labelling according to the terms of—

- a. the reissued approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant regulations that were in force under the Act

immediately before 1 December 2017 remain in force.

### **36. Transitional Requirements Relating to Reassessed Pre 2017 Approvals**

(1) A person relying on a reassessed pre 2017 approval may, during the transitional period, comply with the controls related to labelling according to the terms of—

- a. the reassessed pre 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021 despite any transitional period provided for in the approval.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017; and
- b. any relevant 2017 Notices as issued on 1 December 2017.

### **37. Transitional Requirements Relating to Reassessed Post 2017 Approvals**

(1) A person relying on a reassessed post 2017 approval may, during the transitional period, comply with the controls related to labelling according to the terms of—

- a. the reassessed post 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant 2017 Notices as issued on 1 December 2017 remain in force.

### **38. Transitional Requirements Relating to 2020 Group Standards**

(1) A person relying on a 2020 group standard may, during the transitional period, comply with the conditions relating to labelling according to the terms of:

- a. the 2020 group standard; or
- b. the equivalent 2017 group standard; or
- c. the equivalent pre 2017 group standard.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017; and
- b. any relevant 2017 Notices as issued on 1 December 2017; and
- c. any relevant pre 2017 group standards in force immediately before 1 December 2017; and
- d. any relevant 2017 group standards."

### **28. Schedule Revoked (Equivalent Classifications in GHS)**

Revoke the schedule.

#### **Part C: Amendments to Hazardous Substances (Packaging) Notice 2017**

### **29. Clause 4 Amended (Definitions)**

(1) In clause 4(1) definition of **relevant international instrument**:

- a. in (b) replace "2014" with "2018"; and
- b. in (c) replace "2015-2016" with "2019-2020"; and
- c. in (d) replace "57th" with "61st"; and
- d. in (d) replace "2016" with "2019".

(2) In clause 4(1) definition of **UN Model Regulations**:

- a. replace "18th" with "21st"; and
- b. replace "2013" with "2019".

(3) Replace clause 4(2), 4(3) and 4(4) with:

"(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

(3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) Notice 2020 and used,

but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020.

(4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020.”

**30. Clause 9 Amended (Additional Performance Tests for Packaging for Some Hazardous Substances)**

(1) In clause 9(1) replace “has a classification” with “is in a hazard class or has a hazard classification”.

(2) Replace clause 9(3) with:

“(3) For the purpose of subclause (2), the substances are:

- a. a substance with the hazard classification flammable liquids Category 2 if less than 0.1L;
- b. a substance that has any of the following hazard classifications if less than 0.5L;
  - i. flammable liquids Category 3 or Category 4;
  - ii. acute toxicity Category 4 (oral, dermal or inhalation);
  - iii. hazardous to the aquatic environment chronic Category 3 or chronic Category 4.”

**31. Clause 12 Amended (Child-resistant Packaging)**

Replace clause 12(2) with:

“(2) This clause applies to the packaging of a hazardous substance that is in any of the following hazard classes or has any of the following hazard classifications, if the packaging holds 5L or less, or 5kg or less:

- a. acute toxicity;
- b. skin corrosion Category 1A, Category 1B or Category 1C;
- c. serious eye damage Category 1;
- d. germ cell mutagenicity Category 1;
- e. carcinogenicity Category 1;
- f. reproductive toxicity Category 1;
- g. specific target organ toxicity – single exposure Category 1;
- h. specific target organ toxicity – repeated exposure Category 1;
- i. aspiration hazard Category 1.”

**32. Clause 13 Amended (Permanent Identification)**

Replace clause 13(3) with:

(3) This clause applies to any container for a consumer product containing a liquid or solid substance that is in any of the following hazard classes or has any of the following hazard classifications—

- a. acute toxicity;
- b. skin corrosion Category 1A, Category 1B or Category 1C;
- c. respiratory sensitisation Category 1;
- d. germ cell mutagenicity;
- e. carcinogenicity;
- f. reproductive toxicity Category 1 or Category 2;
- g. specific target organ toxicity – single exposure Category 1;
- h. specific target organ toxicity – repeated exposure Category 1;
- i. aspiration hazard Category 1.”

**33. Clause 14 Amended (Alternative Compliance for Importers and Manufacturers in Relation to Clause 12 and 13)**

Replace clause 14(2) with:

“(2) Nothing in this clause affects the requirements under clause 12 for packaging for a hazardous substance to be child-resistant if the substance has any of the following hazard classifications:

- a. acute toxicity Category 1, Category 2 or Category 3 (oral, dermal or inhalation);
- b. acute toxicity Category 4 (oral, dermal or inhalation) liquid substance;
- c. skin corrosion Category 1A, Category 1B, or Category 1C;

d. aspiration hazard Category 1.”

**34. Clause 18 Amended (Application of This Part)**

In clause 18(2)(b) replace “has a classification” with “is in any of the hazard classes or has any of the hazard classifications”.

**35. Clause 22 Amended (Compliance with Packing Instructions)**

In clause 22(2) replace “flammable liquids (class 3.1)” with “a substance in the hazard class flammable liquids”.

**36. Clause 24 Amended (Additional Packaging Requirements for Certain Substances)**

(1) In clause 24(1) replace “Clauses” with “clauses”.

(2) In clause 24(2) replace “self-reactive flammable substances (class 4.1.2)” with “substances in the hazard class self-reactive substances and mixtures”.

(3) Replace clause 24(3) with:

“(3) Packaging for substances in the following hazard classes must, when closed, exclude any other substance that may cause the substance to explode or spontaneously combust:

- a. pyrophoric liquids;
- b. pyrophoric solids;
- c. self-heating substances and mixtures;
- d. oxidising liquids;
- e. oxidising solids.”

(4) In clause 24(4) replace “class 4.3A, 4.3B, or 4.3C substances” with “substances in the hazard class substances and mixtures which, in contact with water, emit flammable gases”.

(5) In clause 24(5) replace “organic peroxides (class 5.2)” with “substances in the hazard class organic peroxides”.

**37. Clause 26 Amended (Exception for Petrol)**

In clause 26(b) replace “container” with “containers”.

**38. Part D replaced (Transitional Provisions and Consequential Amendments)**

(1) Replace Part D with:

**“Part D: Transitional Provisions**

**27. Definitions for the Purpose of this Part**

In this Part—

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

**2017 Notices** mean the EPA notices that came into force on 1 December 2017

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

**approval** includes—

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

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

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

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

**reissued approval** means an approval that was in force immediately before 1 December 2017 that is reissued in

accordance with Schedule 7 of the Act on or after 30 April 2021

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

**28. Transitional Requirements Relating to Reissued Approvals**

(1) A person relying on a reissued approval may, during the transitional period, comply with the controls related to packaging according to the terms of—

- a. the reissued approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant regulations that were in force under the Act immediately before 1 December 2017 remain in force.

**29. Transitional Requirements Relating to Reassessed Pre 2017 Approvals**

(1) A person relying on a reassessed pre 2017 approval may, during the transitional period, comply with the controls related to packaging according to the terms of—

- a. the reassessed pre 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021 despite any transitional period provided for in the approval.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017 remain; and
- b. any relevant 2017 Notices as issued on 1 December 2017.

**30. Transitional Requirements Relating to Reassessed Post 2017 Approvals**

(1) A person relying on a reassessed post 2017 approval may, during the transitional period, comply with the controls related to packaging according to the terms of—

- a. the reassessed post 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant 2017 Notices as issued on 1 December 2017 remain in force.

**31. Transitional Requirements Relating to 2020 Group Standards**

(1) A person relying on a 2020 group standard may, during the transitional period, comply with the conditions relating to packaging according to the terms of:

- a. the 2020 group standard; or
- b. the equivalent 2017 group standard; or
- c. the equivalent pre 2017 group standard.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017; and
- b. any relevant 2017 Notices as issued on 1 December 2017; and
- c. any relevant pre 2017 group standards in force immediately before 1 December 2017; and
- d. any relevant 2017 group standards.”

**39. Schedule Amended**

(1) In the first paragraph:

- a. replace “Schedule” with “schedule”; and
- b. replace “hazard classification” with “hazard class or hazard classification”.

(2) Replace the Table with:

<b>Column 1 Hazard Class or Hazard Classification</b>	<b>Column 2 Form</b>	<b>Column 3 Maximum Quantity Per Unit of Packaging</b>
flammable liquids Category 2	liquid	1.0L

NEW ZEALAND GAZETTE

flammable liquids Category 3	liquid	5.0L
flammable liquids Category 4	liquid	Not exceeding 450L
flammable solids Category 1	solid	1.0kg
flammable solids Category 2	solid	5.0kg
substances and mixtures which, in contact with water, emit flammable gases Category 2	liquid or solid	0.5L or 0.5kg
substances and mixtures which, in contact with water, emit flammable gases Category 3	liquid or solid	1.0L or 1.0kg
oxidising liquids Category 2	liquid	1.0L
oxidising liquids Category 3	liquid	5.0L
oxidising solids Category 2	solid	1.0kg
oxidising solids Category 3	solid	5.0kg
organic peroxide Type B or Type C not requiring temperature control under regulation 12.27 of the Health and Safety at Work (Hazardous Substances) Regulations 2017	liquid or solid	25.0ml or 0.1kg
organic peroxide Type D, Type E or Type F, not requiring temperature control under regulation 12.27 of the Health and Safety at Work (Hazardous Substances) Regulations 2017	liquid or solid	125.0ml or 0.5kg
acute toxicity Category 2 (oral, dermal or inhalation)	liquid or solid	0.1L or 0.5kg
acute toxicity Category 3 (oral, dermal or inhalation)	liquid or solid	5.0L or 5.0kg
acute toxicity Category 4 (oral, dermal or inhalation) serious eye damage Category 1 respiratory sensitisation Category 1 skin sensitisation Category 1 germ cell mutagenicity carcinogenicity reproductive toxicity specific target organ toxicity - single exposure Category 1 and Category 2 specific target organ toxicity - repeated exposure Category 1 and Category 2	liquid or solid	Not exceeding 400kg net mass or 450L
skin corrosion Category 1B	liquid or solid	1.0L or 1.0kg
corrosive to metals Category 1	liquid or solid	5.0L or 5.0kg
skin corrosion Category 1C		
hazardous to the aquatic environment acute Category 1	liquid or solid	5.0L or 5.0kg
hazardous to the aquatic environment chronic Category 1 and Category 2		
hazardous to the aquatic environment chronic Category 3 and Category 4	liquid or solid	Not exceeding 400kg net mass or 450L

(All liquid volumes measured at 20°C)

**Part D: Amendments to Hazardous Substances (Safety Data Sheets) Notice 2017**

**40. Clause 4 Amended (Definitions)**

(1) In clause 4(1) replace the definition of **expert** with:

“**expert** means—

- a. a member of a scientific committee set up by an international, national, or professional scientific body to review scientific data; or
- b. a person considered by his or her scientific peers to be an expert in the relevant field of scientific study.”

(2) In clause 4(1) definition of **GHS**:

- a. replace “5th” with “7th”; and
- b. replace “2013” with “2017”.

(3) In clause 4(1) definition of **hazard statement** after “assigned” insert “in the GHS”.

(4) In clause 4(1) revoke the definition of **HSNO classification**.

(5) In clause 4(1) definition of **precautionary statement**:

- a. replace “statement” with “phrase”; and

b. delete “of a particular classification”.

(6) In clause 4(1) definition of **relevant international instrument**:

- a. in (b) replace “2014” with “2018”; and
- b. in (c) replace “2015-16” with “2019-20”; and
- c. in (d) replace “57th” with “61st”; and
- d. in (d) replace “2016” with “2019”.

(7) In clause 4(1) definition of **signal word** delete “or the Hazardous Substances (Labelling) Notice 2017”

(8) In clause 4(1) revoke the definition of **tolerable exposure limit**.

(9) In clause 4(1) insert in its appropriate alphabetical order:

“**UN Model Regulations** means the 21st revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, 2019, published by the United Nations”

(10) Replace clause 4(2), 4(3) and 4(4) with:

“(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

(3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) Notice 2020 and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020.

(4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020.”

#### **41. Clause 8 Revoked (Classification for the Purpose of Information in Safety Data Sheet)**

Revoke clause 8.

#### **42. Clause 9 Amended (Alternative Compliance for Importers and Manufacturers)**

(1) In clause 9(2)(b) replace “class 3.1D substance” with “substance with the hazard classification flammable liquids Category 4”.

(2) In clause 9(6) replace “or 6th” with “6th, 7th or 8th”.

#### **43. Clause 10 Amended (Alternative Compliance for Suppliers)**

(1) In clause 10(1) replace “Clause” with “clause” in each place where it appears.

(2) In clause 10(2)(b) replace “class 3.1D substance” with “substance with the hazard classification flammable liquids Category 4”.

#### **44. Part C Replaced (Transitional Provisions)**

Replace Part C with:

### **“Part C: Transitional Provisions**

#### **12. Definitions for the Purpose of This Part**

In this Part—

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

**2017 Notices** mean the EPA notices that came into force on 1 December 2017.

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

**approval** includes—

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

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



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

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

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

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

### **13. Transitional Requirements Relating to Reissued Approvals**

(1) A person relying on a reissued approval may, during the transitional period, comply with the controls related to safety data sheets according to the terms of—

- a. the reissued approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant regulations that were in force under the Act immediately before 1 December 2017 remain in force.

### **14. Transitional Requirements Relating to Reassessed Pre 2017 Approvals**

(1) A person relying on a reassessed pre 2017 approval may, during the transitional period, comply with the controls related to safety data sheets according to the terms of—

- a. the reassessed pre 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021 despite any transitional period provided for in the approval.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017; and
- b. any relevant 2017 Notices as issued on 1 December 2017.

### **15. Transitional Requirements Relating to Reassessed Post 2017 Approvals**

(1) A person relying on a reassessed post 2017 approval may, during the transitional period, comply with the controls related to safety data sheets according to the terms of—

- a. the reassessed post 2017 approval; or
- b. the approval that were in force immediately before 30 April 2021.

(2) To the extent necessary to comply with subclause (1) any relevant 2017 Notices as issued on 1 December 2017 remain in force.

### **16. Transitional Requirements Relating to 2020 Group Standards**

(1) A person relying on a 2020 group standard may, during the transitional period, comply with the conditions relating to safety data sheets according to the terms of:

- a. the 2020 group standard; or
- b. the equivalent 2017 group standard; or
- c. the equivalent pre 2017 group standard.

(2) To the extent necessary to comply with subclause (1) the following remain in force:

- a. any relevant regulations that were in force under the Act immediately before 1 December 2017; and
- b. any relevant 2017 Notices as issued on 1 December 2017; and
- c. any relevant pre 2017 group standards in force immediately before 1 December 2017; and
- d. any relevant 2017 group standards.”

### **45. Schedule 1 Amended (Content and Format of Safety Data Sheets)**

(1) In the heading to Schedule 1, replace “Schedule 1” with “Schedule”.

(2) Replace Schedule 1, Part A, Section 1(d) with:

“d. a 24 hour freephone emergency contact phone number in the case of a substance that is in any of the following

hazard classes:

- i. explosives (class 1);
- ii. oxidising liquids;
- iii. oxidising solids;
- iv. oxidising gases;
- v. organic peroxides;
- vi. acute toxicity;
- vii. skin corrosion/irritation;
- viii. serious eye damage/eye irritation;
- ix. respiratory or skin sensitisation;
- x. aspiration hazard; and”.

(3) Replace Schedule 1, Part A, Section 2 with:

**Section 2: Hazard Identification**

- a. the hazard classification of the substance; and
- b. hazard information, including,—
  - i. the GHS signal word, GHS hazard statements and GHS precautionary statements in relation to relevant hazard properties; and
  - ii. in relation to a substance in the hazard classes hazardous to the aquatic environment or hazardous to the terrestrial environment, any hazard and precautionary information that is required on the label in relation to clauses 19 to 22 and 24 of the Hazardous Substances (Labelling) Notice 2017; and
  - iii. information about other hazards that do not give rise to a hazard classification (for example, “releases toxic gas when wet”).”

(4) In Schedule 1, Part A, section 3(a) before “classification” insert “hazard”.

(5) In Schedule 1, Part A, section 3(b):

- a. replace “a toxic, corrosive, or ecotoxic ingredient” with “an ingredient”; and
- b. before “classifications” insert “hazard classes or hazard”; and
- c. replace “Schedule” with “schedule”.

(6) In Schedule 1, Part A, section 3(b)(i) replace “identify” with “identity”.

(7) Replace Schedule 1, Part A, section 3(b)(i)(A) with:

“A. the ingredient causes the correct hazard classification of the hazardous substance to include any of the following hazard classifications:

- i. acute toxicity Category 4 (oral, dermal or inhalation);
- ii. skin irritation Category 2;
- iii. eye irritation Category 2;
- iv. specific target organ toxicity – single exposure Category 3;
- v. aspiration hazard Category 1; and”.

(8) In Schedule 1, Part A, section 3(b)(i)(B) after “correct” insert “hazard”.

(9) In Schedule 1, Part A, after section 9(a)(xvii), insert “(xviii) particle characteristics”.

(10) Replace Schedule 1, Part A, section 11(a) with

“a. Toxicological information should be provided for the following hazard classes:

- i. acute toxicity;
- ii. skin corrosion/irritation;
- iii. serious eye damage/eye irritation;
- iv. respiratory or skin sensitisation;
- v. germ cell mutagenicity;

- vi. carcinogenicity:
- vii. reproductive toxicity:
- viii. specific target organ toxicity – single exposure:
- ix. specific target organ toxicity – repeated exposure:
- x. aspiration hazard.”

(11) In Schedule 1, Part A, section 11(b) replace “classifications” with “classes”.

(12) In Schedule 1, Part A, section 12(a)(iii) delete “as defined in the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017”.

(13) In Schedule 1, Part B replace table with:

**Table: Concentration Cut-off Levels Requiring Disclosure of Ingredients in Mixtures**

<b>Column 1 Hazard Class or Hazard Classification of Ingredient</b>	<b>Column 2 Concentration Cut-off Level <math>\geq</math>%</b>
acute toxicity	The value is the concentration that triggers the hazard classification independently of any other ingredient.
skin corrosion Category 1A, 1B, 1C	1.0 Below 5% the substance would be classified as skin irritation Category 2 and so the ingredient requires identification
skin irritation Category 2	10
serious eye damage Category 1	1.0 Below 3% the substance would be classified as eye irritation Category 2 and so the ingredient requires identification.
eye irritation Category 2	10
respiratory sensitisation Category 1	0.1 Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
skin sensitisation Category 1	0.1 Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
germ cell mutagenicity Category 1	0.1
germ cell mutagenicity Category 2	1.0
carcinogenicity Category 1	0.1
carcinogenicity Category 2	0.1
reproductive toxicity Category 1	0.1
reproductive toxicity Category 2	0.1
effects on or via lactation	0.1
specific target organ toxicity - single exposure Category 1 and Category 2	1.0
specific target organ toxicity - single exposure Category 3	The value is the concentration of the ingredient at, or above which, in the opinion of an expert, there is data indicating evidence that the mixture causes narcotic effects or respiratory tract irritation in humans. The GHS default value is 20%.
specific target organ toxicity - repeated exposure Category 1 and Category 2	1.0
aspiration hazard Category 1	10 The mixture must meet the viscosity criteria for classification as aspiration hazard Category 1. The identification requirement also applies if the mixture separates into two or more layers, one of which contains $\geq$ 10% of ingredients classified as aspiration hazard Category 1, and it meets the viscosity criteria for classification as aspiration hazard Category 1.
hazardous to the aquatic environment acute Category 1	0.1 The value is the concentration that triggers the hazard classification independently of any other ingredient.
hazardous to the aquatic environment chronic Category 1	0.1 The value is the concentration that triggers the hazard classification independently of any other ingredient.
hazardous to the aquatic environment chronic Category 2, Category 3, Category 4	1.0 The value is the concentration that triggers the hazard classification independently of any other ingredient.

#### 46. Schedule 2 Revoked (Equivalent Classifications in GHS)

- (1) Revoke Schedule 2.

**Part E: Amendments to Hazardous Substances (Disposal) Notice 2017**

**47. Clause 3 Amended (Application)**

- (1) In clause 3(1)(b) replace “packaging” with “a container”.
- (2) In clause 3(1)(c) replace “compressed gas that is in a gas container” with “substances in the hazard class gases under pressure that are in gas containers”.

**48. Clause 4 Amended (Definitions)**

- (1) In clause 4(1) revoke the definition of **disposal**.
- (2) In clause 4(1) definition of **environmental exposure limit** replace “a” with “the limit on the”
- (3) In clause 4(1) revoke the definition of **environmental medium**.
- (4) In clause 4(1) insert in their appropriate alphabetical order:  
“**GHS** means the Globally Harmonised System of Classification and Labelling of Chemicals, 7th revised edition, 2017, published by the United Nations”  
“**hazard grouping** means a hazard grouping as specified in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020 (physical hazards, health hazards or environmental hazards)”
- (5) In clause 4(1) revoke the definition of **packaging**.
- (6) In clause 4(1) revoke the definition of **rapidly degradable**.
- (7) Replace clause 4(2) and 4(3) with:  
“(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.  
(3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) Notice 2020 and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020.  
(4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020.”

**49. Clause 5 Amended (Disposal Requirements for Class 1 Substances)**

- (1) In the heading to clause 5 replace “class 1” with “explosive”.
- (2) In clause 5(1) replace “class 1 substance” with “substance in the hazard class explosives (class 1)”.

**50. Clause 6 Replaced (Other Hazardous Substances Requiring Disposal Methods for Class 1 Substances)**

- (1) Replace clause 6 with:

**“6. Other Hazardous Substances Requiring Disposal Methods as for Explosive Substances**

A person who disposes of a substance in either of the hazard classes desensitised explosives or self-reactive substances and mixtures must dispose of it by using a disposal method for a substance in the hazard class explosives (class 1) prescribed in clause 5.”

**51. Clause 7 Amended (Disposal Requirements for Class 2, 3, and 4 Substances)**

- (1) In the heading to clause 7 replace “class 2, 3, and 4” with “certain flammable”.
- (2) In clause 7(1) replace “class 2, 3 or 4 substance” with “substance that is in any of the hazard classes or has any hazard classifications listed in subclause (1A)”.
- (3) After clause 7(1) insert:

“(1A) For the purposes of subclause (1), the hazard classes and hazard classifications are:

- a. flammable gases;
- b. aerosol Category 1 and aerosol Category 2;
- c. flammable liquids;
- d. flammable solids;
- e. pyrophoric liquids;
- f. pyrophoric solids;
- g. self-heating substances and mixtures;
- h. substances and mixtures which, in contact with water, emit flammable gases.”

- (4) In clause 7(2)(b) replace “class 2.1.1 and 3.1 substances” with “substances in either of the hazard classes flammable gases or flammable liquids”.

(5) In clause 7(3) replace “class 2.1.1, 3.1, or 4.1.1 substance” with “substance in any of the hazard classes flammable gases, flammable liquids, or flammable solids”.

(6) In clause 7(3)(a) replace “class 1 or class 5 substance” with “substances in any of the hazard classes explosives (class 1), oxidising gases, oxidising liquids, oxidising solids, or organic peroxides”.

**52. Clause 8 Amended (Disposal Requirements for Class 5 Substances)**

(1) In the heading to clause 8, replace “class 5 substances” with “oxidising substances and organic peroxides”.

(2) In clause 8(1) replace “class 5 substance” with “substance in any of the hazard classes oxidising gases, oxidising liquids, oxidising solids or organic peroxides”.

(3) In clause 8(3) replace “class 5 substance” with “substances in any of the hazard classes oxidising gases, oxidising liquids, oxidising solids, or organic peroxides”.

(4) Replace clause 8(3)(a) with

“a. the substance will not at any time come into contact with substances in any of the following hazard classes:

- i. explosives (class 1);
- ii. flammable gases;
- iii. aerosols Category 1 or Category 2;
- iv. flammable liquids;
- v. flammable solids;
- vi. self-reactive substances and mixtures;
- vii. pyrophoric liquids;
- viii. pyrophoric solids;
- ix. self-heating substances and mixtures;
- x. substances and mixtures which, in contact with water, emit flammable gases
- xi. desensitised explosives;”.

**53. Clause 9 Amended (Disposal Requirements for Class 6 and 8 Substances)**

(1) In the heading to clause 9, replace “class 6 and 8 substances” with “substances hazardous to human health or corrosive to metals”.

(2) In clause 9(1) replace “class 6 or 8 substance” with “substance that has a hazard classification in the hazard grouping health hazards or is in the hazard class corrosive to metals”.

(3) In clause 9(2)(b) replace “class 6 substance” with “substance that has a hazard classification in the hazard grouping health hazards, other than substances in the hazard classes skin corrosion/irritation or serious eye damage/eye irritation”.

**54. Clause 10 Amended (Disposal Requirements for Class 9 Substances)**

(1) In the heading to clause 10, replace “class 9 substances” with “substances hazardous to the environment”.

(2) In clause 10(1) replace “class 9 substance” with “substance that has a hazard classification in the hazard grouping environmental hazards”.

(3) In clause 10(1)(a)(ii) replace “class 9.1 substance” with “substance in the hazard class hazardous to the aquatic environment”.

(4) After clause 10(2) insert:

“(3) In this clause:

**bioaccumulative** has the same meaning as in Chapter 4.1, Table 4.1.1, Note 5 of the GHS.

**rapidly degradable** has the same meaning as in Chapter 4.1, section 4.1.2.11.3 of the GHS.”

**55. Clause 12 Amended (Disposal Requirements for Packages That Have Been in Direct Contact With Hazardous Substances)**

(1) In the heading to clause 12, replace “packages” with “containers”.

(2) In clause 12(1)(a) replace “package” with “container”.

(3) In clause 12(1)(b) replace “package” with “container”.

(4) In clause 12(2) replace “package” with “container”.

(5) In clause 12(2)(b)(ii) replace “package” with “container”.

(6) Replace clause 12(3) with:

“(3) However, subclause (2) does not apply in relation to a container that has contained—

- a. a substance that has a hazard classification in the hazard grouping physical hazards, other than substances in the hazard class corrosive to metals, if the container has been treated to remove any residual contents of the hazardous substance; or
- b. a substance that has a hazard classification in either of the hazard groupings health hazards or environmental hazards, or is in the hazard class corrosive to metals, if the container has been treated so that the residual contents of the container are below the threshold for the substance to be classified as hazardous under the Hazardous Substances (Hazard Classification) Notice 2020”.

(7) In clause 12(4) replace “Packages” with “Containers”.

**56. Clause 13 Amended (Disposal Requirements for Compressed Gas in Gas Containers)**

- (1) In the heading to clause 13, replace “compressed gas” with “gases under pressure”.
- (2) In clause 13, replace “compressed gas” with “a substance in the hazard class gases under pressure”.

**Part F: Amendments to Hazardous Substances (Hazardous Property Controls) Notice 2017**

**57. Clause 3 Amended (Interpretation)**

(1) In clause 3(1) insert in its appropriate alphabetical order:

“**agrichemical** means a substance used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed, for the purposes of—

- a. managing or eradicating pests, including vertebrate pests; or
- b. maintaining, promoting, or regulating plant or animal health, productivity, performance or reproduction; or
- c. enhancing the effectiveness of an agrichemical used for the treatment of plants or animals; or
- d. mitigating environmental, sustainability, or climate change impacts; and

for the avoidance of doubt:

- a. includes any veterinary medicine, pesticide adjuvant, fertiliser, plant growth regulator, fumigant or domestic pesticide; and
- b. excludes any timber treatment chemical, antispain chemical and antifouling paint.”

(2) In clause 3(1) definition of **controlled substance licence** replace “s 95B” with “section 95B”.

(3) In clause 3(1) insert in its appropriate alphabetical order:

“**hazard grouping** means a hazard grouping as specified in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020 (physical hazards, health hazards or environmental hazards)”.

(4) In clause 3(1) revoke the definition of **New Zealand**.

(5) In clause 3(1) revoke the definition of **pesticide**.

(6) In clause 3(1) insert in its appropriate alphabetical order:

“**vertebrate bait** means bait designed to kill vertebrates that has the hazard classification hazardous to terrestrial vertebrates”.

(7) After clause 3(2) insert:

“(2A) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) Notice 2020 and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020.”

**58. Clause 4 Replaced (References to Hazard Classifications)**

Replace clause 4 with:

**“4. References to Hazard Classes and Hazard Classifications**

For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) Notice 2020.”

**59. Clause 5 Amended (References to Quantities)**

- (1) In clause 5(1) replace “an organic peroxide” with “a substance in the hazard class organic peroxides”.
- (2) In clause 5(4) replace “class 1 substance” with “substance in the hazard class explosives (class 1)”.

**60. Clause 7 Amended (Application)**

In clause 7(2) replace “gas under pressure” with “substances in the hazard class gases under pressure”.

**61. Clause 8 Amended (Ecotoxic controls)**

In clause 8 replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**62. Clause 12 Amended (Outline of notice)**

(1) In clause 12(4)(a) replace “class 9 substances” with “substances with a hazard classification in the hazard grouping environmental hazards”.

(2) In clause 12(4)(b) replace “class 9.3 substances” with “substances with the hazard classification hazardous to terrestrial vertebrates”.

**63. Clause 13 Amended (Certain Substances Restricted to Workplaces Only)**

In clause 13(1) replace “of a hazard classification” with “in a hazard class, or has a hazard classification”.

**64. Clause 14 Amended (Outline of Subpart)**

(1) In clause 14(3) replace “specifically addresses ecotoxic hazards” with “imposes requirements on substances with a hazard classification in the hazard grouping environmental hazards”.

(2) In clause 14(5)(c) replace “s 82(a)” with “section 82(a)”.

**65. Clause 17 Amended (Management of Substances Subject to a Permission Must be in Accordance With the HSW HS Regulations)**

(1) In clause 17(1) replace “of a hazard classification” with “that is in a hazard class, or has a hazard classification”.

(2) In clause 17(2) replace “classification” with “hazard class or hazard classification”.

**66. Clause 18 Amended (Firearms Licence Required for Possession of Gunpowder or Propellant)**

In clause 18 replace “class 1.1D gunpowder or class 1.3C propellant” with “gunpowder with a hazard classification of 1.1D or propellant with a hazard classification of 1.3C”.

**67. Clause 19 Amended (Management of Large Quantities of Certain Substances to be in Accordance With HSW HS Regulations)**

(1) Revoke clause 19(2).

(2) In clause 19(3) replace “classification” with “hazard class or hazard classification”.

(3) In clause 19(4) replace “subclause (2)” with “subclause (3)”.

**68. Clause 21 Amended (Substances to be Kept Away from Incompatible Substances)**

(1) In clause 21(1) replace “is” with “has”.

(2) In clause 21(1)(a) delete “of”.

(3) In clause 21(1)(b) replace “class 9.1” with “the hazard classification hazardous to the aquatic environment”.

(4) In clause 21(3)(a) replace “of a hazard classification” with “that is in a hazard class, or has a hazard classification”.

(5) In clause 21(3)(b):

a. replace “class 5 substance” with “substance in any of the hazard classes oxidising gases, oxidising liquids or oxidising solids”; and

b. after “oxidising substance;” insert “and”; and

(6) After clause 21(3)(b) insert:

“c. a substance in the hazard class organic peroxides is also incompatible with any other substance or material that will combust with air, or will combust with or catalyse the decomposition of an organic peroxide.”

**69. Clause 22 Amended (Management of Small Quantities of Explosives)**

(1) In clause 22(1) replace “class 1 substance if the substance is” with “substance that”.

(2) In clause 22(1)(a):

a. replace “of” with “has”; and

b. after “specified in” insert “row A in”.

(3) In clause 22(1)(b) before “at a place” insert “is”.

**70. Clause 23 Amended (Management of Small Quantities of Flammable Substances)**

(1) In clause 23(1) replace “class 2, 3, or 4 substance if the substance is” with “substance that”.

(2) In clause 23(1)(a):

a. replace “of” with “has”; and

b. after “specified in” insert “row B in”.

(3) In clause 23(1)(b) before “at a place” insert “is”.

**71. Clause 24 Amended (Management of Small Quantities of Oxidising Substances)**

(1) In the heading to clause 24 after “oxidising substances” insert “or organic peroxides”.

(2) In clause 24(1) replace “class 5 substance if the substance is” with “substance that”.

(3) In clause 24(1)(a):

a. replace “of” with “has”; and

b. after “specified in” insert “row C in”.

(4) In clause 24(1)(b) before “at a place” insert “is”.

**72. Clause 25 Amended (Management of Small Quantities of Corrosive Substances)**

(1) In the heading to clause 25 replace “corrosive substances” with “substances corrosive to skin”.

(2) In clause 25(1) replace “class 8.2 substance if the substance is” with “substance that”.

(3) In clause 25(1)(a):

a. replace “of” with “has”; and

b. after “specified in” insert “row E in”.

(4) In clause 25(1)(b) before “at a place” insert “is”.

(5) In clause 25(2)(a) after “access to it;” insert “and”.

**73. Clause 31 Amended (Stationary Container Systems for an Internal Combustion Engine)**

In clause 31(1)(c) replace “class 3.1A, 3.1B or 3.1C substance” with “substance with a hazard classification of flammable liquids Category 1, Category 2 or Category 3”.

**74. Clause 32 Amended (Filling of SCUBA Cylinders)**

In clause 32(a)(ii) after “meets the requirements of” insert “regulation”.

**75. Clause 34 Amended (Requirements for Substances on Board Ships not Subject to HSW Act)**

After clause 34(3)(b) insert:

“4. In this clause, **New Zealand** has the same meaning as in section 16 of the HSW Act.”

**76. Part 4 Heading Amended**

In the heading to Part 4 replace “Class 9 substances” with “Substances that are hazardous to the environment”.

**77. Clause 35 Amended (Outline of Subpart)**

(1) In clause 35(2) replace “class 9 substances” with “substances with a hazard classification in the hazard grouping environmental hazards”.

(2) In clause 35(3) replace “class 9 substances” with “substances with a hazard classification in the hazard grouping environmental hazards”.

(3) In clause 35(4)(b) replace “class 9 substances” with “substances with a hazard classification in the hazard grouping environmental hazards”.

**78. Clause 37 Amended (Substances Must be Correctly Labelled)**

Replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**79. Clause 38 Amended (Safety Data Sheets Must be Obtained and Accessible)**

Replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**80. Clause 39 Amended (Stationary Container Systems)**

(1) In clause 39 replace “class 9.1 substance” with “substance that is in the hazard class hazardous to the aquatic environment”.

(2) In clause 39(a) replace “class 9.1 substance” with “substance that is in the hazard class hazardous to the aquatic environment”.

(3) In clause 39(c) replace “class 6 or 8 substance” with “substance with a hazard classification in the hazard grouping health hazards”.

**81. Clause 40 Replaced (Separation of Above Ground Stationary Tanks Containing Class 9 Hazardous**



**Substances)**

(1) Replace clause 40 with:

**“40. Separation of Above Ground Stationary Tanks Containing Substances That are Hazardous to the Aquatic Environment**

(1) An above ground stationary tank that contains a substance that is in the hazard class hazardous to the aquatic environment but is not also in any of the hazard classes listed in subclause (2), must be separated from another above ground stationary tank that contains a substance that is in the hazard class hazardous to the aquatic environment by not less than 1 metre.

(2) For the purposes of subclause (1), the hazard classes are:

- a. flammable gases;
- b. flammable liquids;
- c. self-reactive substances and mixtures;
- d. pyrophoric liquids;
- e. self-heating substances and mixtures;
- f. substances and mixtures which, in contact with water, emit flammable gases.

(3) An above ground stationary tank that contains a substance that is in the hazard class hazardous to the aquatic environment but is not in any of the hazard classes or has any of the hazard classifications listed in subclause (4), must be separated from a protected place by a distance not less than the distance specified in Schedule 6 in relation to the size of the tank.

(4) For the purposes of subclause (3), the relevant hazard classes and hazard classifications are:

- a. flammable gases;
- b. flammable liquids;
- c. self-reactive substances and mixtures;
- d. pyrophoric liquids;
- e. self-heating substances and mixtures;
- f. substances and mixtures which, in contact with water, emit flammable gases;
- g. oxidising liquids;
- h. oxidising gases;
- i. organic peroxides;
- j. corrosive to metals;
- k. acute toxicity;
- l. skin corrosion Category 1A, 1B and 1C;
- m. serious eye damage Category 1.

**82. Clause 41 Amended (Requirement to Have Secondary Containment Systems for Pooling Substances)**

(1) In clause 41(1)(a) replace “class 9 pooling substances” with “pooling substances that are in the hazard class hazardous to the aquatic environment”.

(2) In clause 41(2)(a) replace “class 9 pooling substance” with “pooling substance that is in the hazard class hazardous to the aquatic environment”.

(3) In clause 41(2)(c) replace “class 6 or 8 substance” with “substance with a hazard classification in the hazard grouping health hazards”.

**83. Clause 42 Amended (Emergency Response Plans)**

In clause 42(1) replace “class 9 substance” with “substance that is in the hazard class hazardous to the aquatic environment”.

**84. Clause 43 Amended (Signage)**

In clause 43 replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**85. Part 4, Subpart B Heading Amended**

In the heading to Subpart B, Part 4 replace “class 9 substances” with “substances that are hazardous to the environment”.

**86. Clause 46 Amended (Adverse Effects to be Avoided)**

(1) In the heading to clause 46 after “avoided” insert “when applying agrichemicals”.

(2) In clause 46 replace “a class 9 pesticide” with “an agrichemical with a hazard classification in the hazard grouping environmental hazards”.

**87. Clause 47 Amended**

(1) In clause 47(1) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

(2) In clause 47(2) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**88. Clause 48 Amended (Records of Application of Pesticides and Plant Growth Regulators)**

(1) In the heading to clause 49:

- a. replace “records” with “record”; and
- b. replace “pesticides and plant growth regulators” with “agrichemicals”.

(2) Replace clause 48(1) with:

“(1) This clause applies to an agrichemical, other than a veterinary medicine or a fertiliser, that is used in a workplace if it—

- a. has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1; or
- b. is listed in Schedule 8A.”

**89. Clause 49 Amended (Environmental Exposure Limits Must Not be Exceeded)**

(1) In clause 49(1) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

(2) In clause 49(3) replace “a class 9 pesticide or plant growth regulator” with “an agrichemical with a hazard classification in the hazard grouping environmental hazards”.

**90. Clause 50 Amended (Restrictions on Applying a Substance in an Application Plot)**

In clause 50(1) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**91. Clause 51 Amended (Buffer Zone Distances)**

In clause 51(1) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**92. Clause 52 Amended (Class 9.1 Pesticide or Plant Growth Regulator Must Not be Applied to Water)**

(1) In the heading to clause 52 replace “Class 9.1 pesticide or plant growth regulator” with “Agrichemicals that are hazardous to the aquatic environment”.

(2) In clause 52(1) replace “a class 9.1 pesticide or class 9.1 plant growth regulator” with “an agrichemical that is in the hazard class hazardous to the aquatic environment”.

(3) In clause 52(2) after “apply to a” insert “fertiliser, veterinary medicine,”

**93. Clause 53 Amended (Adverse Effects of Class 9.3 Substances to be Avoided)**

(1) In the heading to clause 53 replace “of class 9.3 substances to be avoided” with “to be avoided when using substances that are hazardous to terrestrial vertebrates”.

(2) In clause 53 replace “class 9.3 substance” with “substance that has the hazard classification hazardous to terrestrial vertebrates”.

**94. Clause 54 Amended (Class 9.3 Pesticides on Seeds)**

(1) Replace the heading to clause 54 with:

**“54. Seeds Coated With Agrichemicals That are Hazardous to Terrestrial Vertebrates”.**

(2) In clause 54(1) replace “a class 9.3 pesticide” with “an agrichemical that has the hazard classification hazardous to terrestrial vertebrates”.

(3) In clause 54(2) replace “a class 9.3 pesticide” with “an agrichemical that has the hazard classification hazardous to terrestrial vertebrates”.

(4) In clause 54(3) replace “a class 9.3 pesticide” with “an agrichemical that has the hazard classification hazardous to terrestrial vertebrates”.

**95. Clause 55 Amended (Class 9.3 Pesticide in Granular Form)**

(1) Replace the heading to clause 55 with:

**“55. Agrichemicals in Granular Form That are Hazardous to Terrestrial Vertebrates”.**

(2) In clause 55(1) replace “a class 9.3 pesticide in granular form” with “an agrichemical, other than a fertiliser or veterinary medicine, in granular form that has the hazard classification hazardous to terrestrial vertebrates”.

**96. Clause 56 Amended (Use of Class 9.3 Pesticides as Vertebrate Bait)**

(1) In the heading to clause 56 after “Use of” delete “class 9.3 pesticides as”.

(2) In clause 56(1) replace “class 9.3 pesticide” with “vertebrate bait”.

(3) In clause 56(1)(d) replace “pesticide” with “bait”.

(4) In clause 56(2) replace “class 9.3 pesticide” with “vertebrate bait”.

**97. Clause 57 Amended (Import and Manufacture of Class 9.3 Pesticide Used as Vertebrate Bait)**

(1) In the heading to clause 57 after “Import and manufacture of” delete “class 9.3 pesticides used as”.

(2) In clause 57(1):

- a. replace “class 9.3 pesticide” with “vertebrate bait”; and
- b. replace “the substance” with “it”.

(3) In clause 57(2):

- a. replace “class 9.3 pesticide” with “vertebrate bait”; and
- b. replace “the pesticide” with “it”.

**98. Clause 58 Amended (Protection of Invertebrate Pollinators From Class 9.4 Substances)**

(1) In the heading to clause 58 delete “from class 9.4 substances”.

(2) Replace clause 58(1):

“1. This clause applies to an agrichemical that is applied to a plant if the agrichemical—

- a. has the hazard classification hazardous to terrestrial invertebrates; and
- b. is in a form that non-target invertebrate pollinators are likely to be exposed to either during, or after, its application.”

(3) In clause 58(2) replace “substance” with “agrichemical”.

(4) In clause 58(3) replace “substance” with “agrichemical”.

**99. Part 4, Subpart C Heading Amended**

In the heading to Subpart C, Part 4 replace “class 9 substances” with “substances that are hazardous to the environment”.

**100. Clause 60 Amended (Qualifications Needed for Mixing or Loading of Pesticides or Plant Growth Regulators in Preparation for Application)**

(1) In the heading to clause 60 replace “of pesticides or plant growth regulators” with “agrichemicals”.

(2) Replace clause 60(1)(a) with:

a. “an agrichemical that has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1:”.

(3) In clause 60(1)(b) after “Table 1” insert “or Table 1A”.

(4) In clause 60(2)(a) after “a” insert “veterinary medicine, fertiliser,”.

**101. Clause 61 Amended (Qualifications Needed for Mixing or Loading of Vertebrate Toxic Agents in Preparation for Application)**

(1) Replace clause 61(1)(a) with:

“a. a vertebrate toxic agent that has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1:”.

(2) In clause 61(1)(b) after “Table 3” insert “or Table 3A”.

**102. Clause 62 Amended (Qualifications Needed for Aerial Application)**

(1) Replace clause 62(1)(a) with:

“a. an agrichemical that has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1:”.

(2) In clause 62(1)(b) after “Table 1” insert “or Table 1A”.

(3) Replace clause 62(1)(d) with:

- “d. soluble concentrate containing 34g/litre pindone as the sodium salt (HSR001597);
- e. cereal based pellets containing 1.5 – 2.0g sodium fluoroacetate/kg (HSR002424);
- f. If the substance is applied into or onto water, a substance listed in Table 2 of Schedule 9.”

(4) In clause 62(2)(a) after “a” insert “veterinary medicine, fertiliser or”.

**103. Clause 63 Amended (Qualifications for a Contractor Applying a Pesticide or Plant Growth Regulator)**

(1) In the heading to clause 63 replace “a pesticide or plant growth regulator” with “agrichemicals”.

(2) Replace clause 63(1)(a) with:

- “a. an agrichemical that has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1:”.

(3) In clause 63(1)(b) after “Table 1” insert “or Table 1A”.

(4) In clause 63(2)(a) after “a” insert “veterinary medicine, fertiliser,”.

**104. Clause 64 Amended (Qualifications for a Person Other Than a Contractor Applying a Pesticide or Plant Growth Regulator)**

(1) In the heading to clause 64 replace “a pesticide or plant growth regulator” with “agrichemicals”.

(2) Replace clause 64(1)(a) with:

- “a. an agrichemical that has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1:”.

(3) In clause 64(1)(b) after “Table 1” insert “or Table 1A”.

(4) In clause 64(2)(a) after “a” insert “veterinary medicine, fertiliser,”.

**105. Clause 65 Amended (Qualifications for a Contractor Using Substance in Urban Pest Management)**

(1) In the heading to clause 65 replace “a contractor using substance in urban pest management” with “urban pest management contractors”.

(2) Replace clause 65(1) with:

“1. This clause applies to a substance used in urban pest management (UPM) that—

- a. has the hazard classification hazardous to the aquatic environment acute Category 1 or chronic Category 1;
- b. is listed in Table 1, Table 1A, Table 3, or Table 3A in Schedule 9.”

**106. Clause 66 Amended (Transitional Recognition of an Approved Handler Test Certificate)**

In clause 66(4) replace “class 9 substance” with “substance with a hazard classification in the hazard grouping environmental hazards”.

**107. Schedule 1 Amended (Certain Substances Restricted to Workplaces Only)**

(1) In Schedule 1 replace Table 1 with:

*clause 13*

---

**Table 1: Substances to Which Clause 13 Applies (Subject to Table 2 Exceptions)**

---

- 
- explosives (class 1)
  - flammable liquids Category 1
  - desensitised explosives Category 1, 2, 3, 4
  - self-reactive substances and mixtures Type A, B, C, D, E, F
  - pyrophoric liquids Category 1
  - pyrophoric solids Category 1
  - self-heating substances and mixtures Category 1
  - substances and mixtures which, in contact with water, emit flammable gases Category 1, 2, 3
  - oxidising liquids Category 1
  - oxidising solids Category 1
  - organic peroxides Type A, B
  - acute toxicity Category 1, 2, 3 (oral, dermal or inhalation)
  - skin corrosion Category 1A
  - carcinogenicity Category 1
  - Dianex (HSR101016)
  - Emulsifiable concentrate containing 500g/litre dimethoate (HSR000193)
  - Emulsifiable concentrate containing 800g/litre diazinon (Substance B) (HSR000181)
  - Fandango (HSR001722)
  - Feratox pellet A in 12g Ferafeed paste
  - Feratox pellet A in 18g Ferafeed paste
  - Feratox pellet A in 20g Ferafeed paste
  - Feratox pellet A in 9g Ferafeed Paste
  - Feratox pellet B (one pellet) in 18g Ferafeed paste
  - Firefly (HSR007993)
  - Fury 120 SC (HSR101069)
  - Melody Duo (HSR001616)
  - Melody Duo NF (HSR007814)
  - Perfekthion S-1 (HSR000965)
  - PROLINE (HSR001661)
  - RF-046 (HSR101072)

---

(2) In Schedule 1 replace Table 2 with:

---

**Table 2: Exceptions to Clause 13 Restriction**

---

- safety ammunition, including blank ammunition, pre-primed cartridges and primers, with a hazard classification of 1.4S
- fireworks with a hazard classification of 1.3G, 1.4G, 1.4S that are controlled under the Hazardous Substances (Fireworks) Regulations 2001
- emergency flares and signalling devices with a hazard classification of 1.3G, 1.4G, 1.4S
- model rocket motors with a hazard classification of 1.4G, 1.4S
- propellants with a hazard classification of 1.3C (UN 0161 and 0499)
- gunpowder with a hazard classification of 1.1D (UN 0027)
- igniting fuses with a hazard classification of 1.4G (UN 0317)
- igniters with a hazard classification of 1.4S (UN 0454)
- petrol
- aviation or racing gasoline with a hazard classification of flammable liquids Category 1
- Optima Activator (Black) (HSR000103)
- Optima Activator (Blue) (HSR000104)
- Optima Activator (Red) (HSR000105)
- Optima Activator (White) (HSR000106)

**108. Schedule 2 Amended (Provisions of HSW HS Regulations Applicable to a Substance in a Place That is not a Workplace)**

In Schedule 2 replace the table with:

*clauses 17 and 19*

<b>Row</b>	<b>Hazard class or classification</b>	<b>Provisions of HSW HS Regulations</b>
A	all hazard classifications except for those in the hazard grouping environmental hazards - refer Part 4 of Notice	Part 2 (Labelling, signage, safety data sheets, and packaging) Part 3 (General duties relating to risk management) Part 4 (Certified handlers and supervision and training of workers) Part 5 (Emergency management)
B	explosives (class 1)	All Parts listed in row A, and: Part 9 (Class 1 substances)
C	flammable gases aerosols flammable liquids flammable solids self-reactive substances and mixtures pyrophoric liquids pyrophoric solids self-heating substances and mixtures substances and mixtures which, in contact with water, emit flammable gases desensitised explosives	All Parts listed in row A, and: Part 10 (Class 2, 3, and 4 substances) Part 11 (Controls relating to adverse effects of unintended ignition of class 2 and 3.1 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)
D	oxidising gases oxidising liquids oxidising solids organic peroxides	All Parts listed in row A, and: Part 12 (Class 5 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)

NEW ZEALAND GAZETTE

E	corrosive to metals acute toxicity skin corrosion/irritation serious eye damage/eye irritation respiratory or skin sensitisation germ cell mutagenicity carcinogenicity reproductive toxicity specific target organ - toxicity single exposure specific target organ toxicity - repeated exposure aspiration hazard	All Parts listed in row A, and: Part 13 (Class 6 and 8 substances) Part 15 (Gases under pressure) Part 16 (Tank wagons and transportable containers) Part 17 (Stationary container systems)
---	---	---

**109. Schedule 3 Amended (Quantities of Hazardous Substances That Require Management in Accordance with HSW HS Regulations)**

In Schedule 3 replace the table with:

*clauses 19-25*

Row	Hazard Classification or Description of Substance	Quantity
A	safety ammunition (UN0012), or blank cartridges (UN0014), including pre-primed cartridges (UN0055) or primers (UN0044), of hazard classification 1.4S	10 000kg (gross weight)
	fireworks of hazard classifications 1.3G, 1.4G or 1.4S that are controlled under the Hazardous Substances (Fireworks) Regulations 2001	500kg (gross weight)
	emergency flares or signalling devices of hazard classifications 1.3G, 1.4G or 1.4S	100kg (gross weight)
	model rocket motors of hazard classifications 1.4G or 1.4S	100kg (gross weight)
	propellants of hazard classification 1.3C (UN 0161 and 0499)	15kg
	gunpowder of hazard classification 1.1D (UN 0027)	15kg
	igniting fuses of hazard classification 1.4G (UN 0317)	100kg (gross weight)
	igniters of hazard classification 1.4S (UN 0454)	50kg (gross weight)
B	flammable gas Category 1A or Category 1B (Refer to clauses 26 to 28 for additional requirements for LPG)	100kg (if not a permanent gas) 30m <sup>3</sup> (if a permanent gas)
	aerosol Category 1 or Category 2	3000L aggregate water capacity
	petrol	50L
	aviation or racing gasoline of hazard classification flammable liquids Category 1	50L
	flammable liquids Category 2	50L
	flammable liquids Category 3	250L (excluding in oil burning installations subject to clause 22 )
	flammable liquids Category 4 (other than diesel)	10000 L
	diesel	1000 L
	flammable solids Category 1	1kg
	flammable solids Category 2	100kg
C	self-heating substances and mixtures Category 2	25kg
	oxidising liquids Category 2	50L
	oxidising liquids Category 3	100L
	oxidising solids Category 2	50kg
	oxidising solids Category 3	100kg
	oxidising gas Category 1	50kg or 50m <sup>3</sup>
	organic peroxides Type C, D, E, F	10kg or 10L
D	acute toxicity Category 4 (oral, dermal or inhalation)	1000kg or 1000L
	respiratory sensitisation Category 1	
	skin sensitisation Category 1	
	germ cell mutagenicity Category 1	10000kg or 10000L
	carcinogenicity Category 2	
	reproductive toxicity Category 1	
E	specific target organ toxicity - single exposure Category 1	
	specific target organ toxicity - repeated exposure Category 1	
E	skin corrosion Category 1B	1000kg or 1000L
	skin corrosion Category 1C	10000kg or 10000L
F	serious eye damage Category 1	10000kg or 10000L

**110. Schedule 4 Amended (Incompatible Substances and Materials)**

NEW ZEALAND GAZETTE

In Schedule 4 replace the table with:

clause 21

<b>Hazard class or hazard classification</b>	<b>Incompatible substances and materials</b>
explosives (class 1)	all other hazard classes
flammable gases	all substances in the hazard grouping physical hazards except for those in the following hazard classes: <ul style="list-style-type: none"> <li>• flammable gases</li> <li>• corrosive to metals</li> </ul>
aerosol Category 1 aerosol Category 2	all substances in the hazard grouping physical hazards except for those in the following hazard classes: <ul style="list-style-type: none"> <li>• aerosols</li> <li>• corrosive to metals</li> </ul>
flammable liquids	all substances in the hazard grouping physical hazards except for those in the following hazard classes: <ul style="list-style-type: none"> <li>• flammable liquids</li> <li>• corrosive to metals</li> </ul>
desensitised explosives	all substances in the hazard grouping physical hazards except for those in the following hazard classes: desensitised explosives corrosive to metals
flammable solids	all substances in the hazard grouping physical hazards except for those in the following hazard classes: <ul style="list-style-type: none"> <li>• flammable solids</li> <li>• corrosive to metals</li> </ul>
flammable solids that may cause fire through friction only	any substance likely to cause a spark when struck against such a flammable solid
self-reactive substances and mixtures	<ul style="list-style-type: none"> <li>• all substances in the hazard grouping physical hazards except for those in the following hazard classes:                             <ul style="list-style-type: none"> <li>◦ self-reactive substances and mixtures</li> <li>◦ corrosive to metals</li> </ul> </li> <li>• catalytic impurities that have a detrimental influence on the thermal stability and the hazard presented by self-reactive substances and mixtures</li> </ul>
pyrophoric liquids pyrophoric solids self-heating substances and mixtures	<ul style="list-style-type: none"> <li>• all substances in the hazard grouping physical hazards except for those in the following hazard classes:                             <ul style="list-style-type: none"> <li>◦ pyrophoric liquids</li> <li>◦ pyrophoric solids</li> <li>◦ self-heating substances and mixtures</li> <li>◦ corrosive to metals</li> </ul> </li> <li>• air</li> <li>• oxygen</li> </ul>



NEW ZEALAND GAZETTE

<p>substances and mixtures which, in contact with water, emit flammable gases</p>	<ul style="list-style-type: none"> <li>• all substances in the hazard grouping physical hazards except for those in the hazard class substances and mixtures which, in contact with water, emit flammable gases</li> <li>• substances with the following hazard classifications: <ul style="list-style-type: none"> <li>◦ skin corrosion Category 1A, 1B, 1C</li> <li>◦ serious eye damage Category 1</li> </ul> </li> <li>• water</li> </ul>
<p>oxidising gases oxidising liquids oxidising solids</p>	<ul style="list-style-type: none"> <li>• all substances in the hazard grouping physical hazards except for those in the hazard classes oxidising gases, oxidising liquids and oxidising solids</li> <li>• substances with the following hazard classifications: <ul style="list-style-type: none"> <li>◦ acute toxicity Category 1, 2, 3 (oral, dermal, inhalation)</li> <li>◦ cyanides with a hazard classification of acute toxicity Category 4 (oral, dermal, inhalation)</li> <li>◦ skin corrosion Category 1A, 1B, 1C</li> <li>◦ serious eye damage Category 1</li> </ul> </li> <li>• substances in the hazard class hazardous to the aquatic environment</li> </ul>
<p>organic peroxides</p>	<ul style="list-style-type: none"> <li>• all substances in the hazard grouping physical hazards except for those in the hazard class organic peroxides</li> <li>• substances with the following hazard classifications: <ul style="list-style-type: none"> <li>◦ acute toxicity Category 1, 2, 3 (oral, dermal, inhalation)</li> <li>◦ cyanides with a hazard classification of acute toxicity Category 4 (oral, dermal, inhalation)</li> <li>◦ skin corrosion Category 1A, 1B, 1C</li> <li>◦ serious eye damage Category 1</li> </ul> </li> <li>• substances in the hazard class hazardous to the aquatic environment</li> </ul>
<p>acute toxicity Category 1, 2, 3 (oral, dermal, or inhalation)</p>	<p>substances in the following hazard classes:</p> <ul style="list-style-type: none"> <li>• explosives (class 1)</li> <li>• oxidising gases</li> <li>• oxidising liquids</li> <li>• oxidising solids</li> <li>• organic peroxides</li> </ul>
<p>cyanides in the hazard class acute toxicity</p>	<ul style="list-style-type: none"> <li>• substances in the following hazard classes: <ul style="list-style-type: none"> <li>◦ explosives (class 1)</li> <li>◦ oxidising gases</li> <li>◦ oxidising liquids</li> <li>◦ oxidising solids</li> <li>◦ organic peroxides</li> </ul> </li> <li>• acids with hazard classifications of skin corrosion Category 1A, 1B, 1C</li> </ul>

NEW ZEALAND GAZETTE

acids with hazard classifications of skin corrosion Category 1A, 1B or 1C	<ul style="list-style-type: none"> <li>• substances in the following hazard classes: <ul style="list-style-type: none"> <li>◦ explosives (class 1)</li> <li>◦ substances and mixtures which, in contact with water, emit flammable gases</li> <li>◦ oxidising gases</li> <li>◦ oxidising liquids</li> <li>◦ oxidising solids</li> <li>◦ organic peroxides</li> </ul> </li> <li>• cyanides in the hazard class acute toxicity</li> <li>• alkalis with hazard classifications of skin corrosion Category 1A, 1B, 1C</li> </ul>
alkalis with hazard classifications of skin corrosion Category 1A, 1B or 1C	<p>substances in the following hazard classes:</p> <ul style="list-style-type: none"> <li>• explosives (class 1)</li> <li>• substances and mixtures which, in contact with water, emit flammable gases</li> <li>• oxidising gases</li> <li>• oxidising liquids</li> <li>• oxidising solids</li> <li>• organic peroxides</li> <li>• acids with hazard classifications of skin corrosion Category 1A, 1B, 1C</li> </ul>
hazardous to the aquatic environment	<p>substances in the following hazard classes:</p> <ul style="list-style-type: none"> <li>• explosives (class 1)</li> <li>• oxidising gases</li> <li>• oxidising liquids</li> <li>• oxidising solids</li> <li>• organic peroxides</li> </ul>

**111. Schedule 7 Amended (Threshold Quantities for Secondary Containment and Emergency Response Plan)**

In Schedule 7 replace the table with:

*clauses 41 and 42*

<b>Hazard Classification</b>	<b>Description</b>	<b>Quantity</b>
Hazardous to the aquatic environment acute Category 1	Liquid	100L
	Solid	100kg
Hazardous to the aquatic environment chronic Category 1	Liquid	1000L
	Solid	1000kg
Hazardous to the aquatic environment chronic Category 2 or Category 3	Liquid	10000L
	Solid	10000kg

**112. Schedule 8 Amended (Threshold Quantities for Signage)**

In Schedule 8 replace the table with:

*clause 43*

<b>Hazard Classification</b>	<b>Description</b>	<b>Quantity</b>
Hazardous to the aquatic environment acute Category 1	Liquid	100L
	Solid	100kg
Hazardous to the aquatic environment chronic Category 1	Liquid	1000L
	Solid	1000kg

NEW ZEALAND GAZETTE

Hazardous to the aquatic environment chronic Category 4	Liquid	10000L
	Solid	10000kg
Hazardous to the terrestrial environment	Liquid	10000L
	Solid	10000kg

**113. New Schedule 8A Inserted**

After Schedule 8 insert:

**Schedule 8A**

clause 48

**Additional Agrichemicals Subject to Record Keeping Requirement**

The following table is a list of agrichemicals approved prior to 1 January 2020 that trigger the requirement to keep a record of application on the basis of their previous 9.2A, 9.3A or 9.4A classifications.

<b>Name</b>	<b>Approval No</b>
Peanut-based paste containing 1.5g sodium fluoroacetate/kg	HRE000001
Arvesta Motsa	HSR000070
Actara	HSR000099
Prodigy	HSR000130
Water soluble powder containing 750 - 970g/kg acephate	HSR000155
Emulsifiable concentrate containing 400g/litre dimethoate	HSR000188
Emulsifiable concentrate containing 100g/litre dimethoate	HSR000191
Emulsifiable concentrate containing 500g/litre dimethoate	HSR000193
Soluble concentrate containing 600g/litre mecoprop as the potassium salt	HSR000349
Soluble concentrate containing 400g/litre 2,4-DB as the sodium salt	HSR000361
Soluble concentrate containing 600g/litre dichlorprop (optically active isomer) as the potassium salt	HSR000363
Soluble concentrate containing 6.2g/litre dicamba, 50g/litre MCPA and 200g/litre mecoprop as the dimethylamine salts	HSR000364
Granular material containing 10.3g/kg 2,4-D, 0.7g/kg dicamba and 10.3g/kg mecoprop	HSR000365
Water soluble granule containing 800g/kg 2,4-D as the dimethylamine salt	HSR000366
Soluble concentrate containing 625 - 685g/litre 2,4-D as the dimethylamine and diethanolamine salts	HSR000367
Soluble concentrate containing 174g/litre 2,4-D as the amine salt	HSR000369
Soluble concentrate containing 600g/litre mecoprop-p (optically active isomer) as the potassium salt	HSR000372
Soluble concentrate containing 600g/litre mecoprop-p as the dimethylamine salt	HSR000375
Soluble concentrate containing 500g/litre MCPA as the dimethylamine salt	HSR000406
Suspension concentrate containing 600g/litre thiamethoxam	HSR000408
Suspension concentrate containing 350g/litre thiamethoxam	HSR000410
Soluble concentrate containing 310g/litre dichlorprop-p, 160g/litre MCPA and 130 g/litre mecoprop-p as dimethylamine salts	HSR000417
Water soluble powder containing 800g/kg 2,4-D as the sodium salt	HSR000419
Soluble concentrate containing 400g/litre amitrole (Substance B)	HSR000422
Soluble concentrate containing 400g/litre amitrole (Substance A)	HSR000423
Suspension concentrate containing 500g/litre ethofumesate (Substance B).	HSR000449
Granular material containing 10g/kg oryzalin and 20g/kg oxyfluorfen	HSR000539
Suspension concentrate containing 250g/litre oxyfluorfen	HSR000543
Emulsifiable concentrate containing 240g/litre oxyfluorfen (Substance B)	HSR000544
Gel containing 50g/kg picloram as the potassium salt	HSR000552
Granular material containing 20g/kg picloram as the amine salt	HSR000554
Soluble concentrate containing 50g/litre picloram and 100g/litre triclopyr as the amine salts	HSR000555
Water dispersible granule containing 400g/kg tralkoxydim	HSR000570
Suspension concentrate containing 150g/litre indoxacarb	HSR000583
Emulsifiable concentrate containing 500g/litre chlorpropham	HSR000637
Emulsifiable concentrate containing 240g/litre clethodim	HSR000644
Emulsifiable concentrate containing 400g/litre chlorpropham (Substance B)	HSR000651
Emulsifiable concentrate containing 120g/litre clethodim	HSR000660
Soluble concentrate containing 500g/litre dichlorprop as the potassium salt	HSR000671
Gel containing 21.5g/kg imidacloprid	HSR000676
Suspension concentrate containing 10g/litre spinosad	HSR000712
Emulsifiable concentrate containing 480g/litre clomazone	HSR000722
Soluble concentrate containing 300g/litre clopyralid as the amine salt (Substance A)	HSR000760
Soluble concentrate containing 300g/litre clopyralid as the amine salt (Substance B)	HSR000761

## NEW ZEALAND GAZETTE

Soluble concentrate containing 225g/litre clopyralid and 150g/litre picloram as the monoethanolamine salts	HSR000762
Soluble concentrate containing 240g/litre oxamyl	HSR000791
Water dispersible powder containing 600g/kg maleic hydrazide	HSR000796
Water soluble granules containing 600g/kg maleic hydrazide	HSR000797
Soluble concentrate containing 270g/litre maleic hydrazide	HSR000798
Soluble concentrate containing 480g/litre chlorethephon	HSR000804
Emulsifiable concentrate containing 400g/litre chlorpropham (Substance A)	HSR000823
Suspension concentrate containing 500g/litre ethofumesate (Substance A)	HSR000826
Perfekthion S-1	HSR000965
Soluble concentrate containing 34g/litre pindone as the sodium salt	HSR001597
GF-1118	HSR001685
GF-1397	HSR001686
GF-389	HSR001687
GF-871	HSR001688
GF-982	HSR001689
TNL 1584	HSR001708
Twinax	HSR002417
Polymer gel block containing 1.5g sodium fluoroacetate/kg	HSR002419
Apple-based paste containing 1.5g sodium fluoroacetate/kg	HSR002421
Cereal based pellets containing 1.5 - 2.0g sodium fluoroacetate/kg	HSR002424
Fish paste containing 10g sodium fluoroacetate/kg	HSR002425
Arrow Herbicide	HSR002703
Bait containing 0.55% - 1.84% w/w encapsulated cyanide	HSR007628
Solid containing 900 - 1000g/kg alpha-chloralose	HSR007750
Magister CS	HSR007804
Vega	HSR007818
TNL 2339	HSR007848
GF-1784	HSR007849
Fusilade Forte	HSR007852
OCP0704	HSR007878
Fruitfed Chloro-IPC	HSR007885
Liquid bait containing bromadiolone at 0.06g/L	HSR007908
Liquid Bromatrol	HSR007909
Corasil	HSR008027
Regal	HSR100032
Aramo	HSR100047
OCP1001	HSR100124
Danadim	HSR100129
OCP1002	HSR100136
Solid containing 750 - 900g/kg clopyralid as the potassium salt	HSR100300
Solid containing 750 - 850g/kg isoxaben	HSR100306
Liquid containing 100 - 150g/litre picloram as the triisopropanolamine salt and 180 - 220g/litre triclopyr as the triethylamine salt	HSR100313
Liquid containing 20 - 25g/litre brodifacoum	HSR100324
Liquid containing 24 - 25g/litre bromadiolone	HSR100325
Solid containing 700 - 950g/kg clopyralid	HSR100327
Liquid containing 325 - 400g/litre triclopyr as the triethylamine salts	HSR100342
ROOTX PIPELINE ROOT CONTROL	HSR100353
NUL1786	HSR100460
PAPP Paste A	HSR100494
Vixen	HSR100515
Vigilant II	HSR100589
Goltix Uno Herbicide	HSR100598
Nufarm Picloram 2G	HSR100600
Royal MH 30 Xtra	HSR100619
Centurion Xtra	HSR100646
Solvo 360CS	HSR100704
Optimus 175 EC	HSR100710
Orion Lawn Groom	HSR100726
Himalaya	HSR100744
Yates Double Action Weed 'n' Feed Liquid	HSR100774
Tnl 3014	HSR100797
Sprinter 700DS	HSR100806
GF-2551	HSR100844
RF-030	HSR100876
Betanal Quattro	HSR100882
GF-2032	HSR100901
Grasidim	HSR100921
RALID	HSR100933
GF-3219	HSR100945
Tui Tough Weed Eliminator RTU	HSR100955
Ox 240 Herbicide	HSR100984
Ethrel 720	HSR101005
Cut'n'Paste Picloram Gel	HSR101073

Gramina	HSR101076
Multipurpose Lawn Treatment V2	HSR101163
Bouncer (new formulation)	HSR101176
Donaghys Clopyralid 300	HSR101196
Comaster CS	HSR101215
LP 408	HSR101236
Ethosin 500SC	HSR101238
Orion Weed and Feed Concentrate	HSR101260
Ken-Trel 750 SG Herbicide	HSR101329
Cletho 240 EC Selective Herbicide	HSR101346
GLY-OXY	HSR101347
Debut	HSR101356
Tramino	HSR101370
Archer 750	HSR101372
Bammer	HSR101379
A capsule suspension containing clomazone at 360g/L	HSR101381
GF-2791	HSR101385
Yates Lawn Weedkiller Rapid Hose-on	HSR101388

**114. Schedule 9 Amended (Variations to Qualification Requirements for Certain Class 9 Substances)**

(1) In the heading to Schedule 9 replace “class 9 substances with “agricultural chemicals”

(2) In Schedule 9 replace Table 1 with:

**Table 1****Additional Agricultural Chemicals Subject to Certain Qualification Requirements on the Basis of Aquatic Ecotoxicity Hazards Other Than Category 1***clauses 60, 62, 63, 64, 65*

<b>Substance Name</b>	<b>Approval Number</b>
Pilaud	HSR000135
Emulsifiable concentrate containing 100g/litre haloxyfop[(R)-isomer] as the methyl ester	HSR000373
Fandango	HSR001722
Ignite	HSR002431
Hortcare Approve 240SC	HSR007667
Opus Team	HSR007815
Fusilade Forte	HSR007852
Chlorine Dioxide (Pesticide)	HSR007938
Firefly	HSR007993
Scorp EC	HSR008025
Atlantis Flo	HSR100435
Velum Prime	HSR101067
Intuity	HSR101227

(3) In Schedule 9 after Table 1 insert:

**Table 1A****Agricultural Chemicals Approved Prior to 1 January 2020 That are Subject to Certain Qualification Requirements on the Basis of Previous 9.2A, 9.3A, or 9.4A Classifications***clauses 60, 62, 63, 64, 65*

<b>Substance Name</b>	<b>Approval Number</b>
Arvesta Motsa	HSR000070
Actara	HSR000099
Prodigy	HSR000130
Water soluble powder containing 750 - 970g/kg acephate	HSR000155
Emulsifiable concentrate containing 400g/litre dimethoate	HSR000188
Emulsifiable concentrate containing 100g/litre dimethoate	HSR000191
Emulsifiable concentrate containing 500g/litre dimethoate	HSR000193
Soluble concentrate containing 600g/litre mecoprop as the potassium salt	HSR000349
Soluble concentrate containing 400g/litre 2,4-DB as the sodium salt	HSR000361
Soluble concentrate containing 600g/litre dichlorprop (optically active isomer) as the potassium salt	HSR000363
Soluble concentrate containing 6.2g/litre dicamba, 50g/litre MCPA and 200g/litre mecoprop as the dimethylamine salts	HSR000364
Granular material containing 10.3g/kg 2,4-D, 0.7g/kg dicamba and 10.3g/kg mecoprop	HSR000365
Water soluble granule containing 800g/kg 2,4-D as the dimethylamine salt	HSR000366
Soluble concentrate containing 625-685g/litre 2,4-D as the dimethylamine and diethanolamine salts	HSR000367
Soluble concentrate containing 174g/litre 2,4-D as the amine salt	HSR000369
Soluble concentrate containing 600g/litre mecoprop-p (optically active isomer) as the potassium salt	HSR000372

NEW ZEALAND GAZETTE

Soluble concentrate containing 600g/litre mecoprop-p as the dimethylamine salt	HSR000375
Soluble concentrate containing 500g/litre MCPA as the dimethylamine salt	HSR000406
Suspension concentrate containing 600g/litre thiamethoxam	HSR000408
Suspension concentrate containing 350g/litre thiamethoxam	HSR000410
Soluble concentrate containing 310g/litre dichlorprop-p, 160g/litre MCPA and 130g/litre mecoprop-p as dimethylamine salts	HSR000417
Water soluble powder containing 800g/kg 2,4-D as the sodium salt	HSR000419
Soluble concentrate containing 400g/litre amitrole (Substance B)	HSR000422
Soluble concentrate containing 400g/litre amitrole (Substance A)	HSR000423
Suspension concentrate containing 500g/litre ethofumesate (Substance B).	HSR000449
Granular material containing 10g/kg oryzalin and 20g/kg oxyfluorfen	HSR000539
Suspension concentrate containing 250g/litre oxyfluorfen	HSR000543
Emulsifiable concentrate containing 240g/litre oxyfluorfen (Substance B)	HSR000544
Gel containing 50g/kg picloram as the potassium salt	HSR000552
Soluble concentrate containing 50g/litre picloram and 100g/litre triclopyr as the amine salts	HSR000555
Water dispersible granule containing 400g/kg tralkoxydim	HSR000570
Suspension concentrate containing 150g/litre indoxacarb	HSR000583
Emulsifiable concentrate containing 500g/litre chlorpropham	HSR000637
Emulsifiable concentrate containing 240g/litre clethodim	HSR000644
Emulsifiable concentrate containing 400g/litre chlorpropham (Substance B)	HSR000651
Emulsifiable concentrate containing 120g/litre clethodim	HSR000660
Soluble concentrate containing 500g/litre dichlorprop as the potassium salt	HSR000671
Suspension concentrate containing 10g/litre spinosad	HSR000712
Emulsifiable concentrate containing 480g/litre clomazone	HSR000722
Soluble concentrate containing 300g/litre clopyralid as the amine salt (Substance A)	HSR000760
Soluble concentrate containing 300g/litre clopyralid as the amine salt (Substance B)	HSR000761
Soluble concentrate containing 225g/litre clopyralid and 150g/litre picloram as the monoethanolamine salts	HSR000762
Soluble concentrate containing 240g/litre oxamyl	HSR000791
Water dispersible powder containing 600g/kg maleic hydrazide	HSR000796
Water soluble granules containing 600g/kg maleic hydrazide	HSR000797
Soluble concentrate containing 270g/litre maleic hydrazide	HSR000798
Soluble concentrate containing 480g/litre chlorethephon	HSR000804
Emulsifiable concentrate containing 400g/litre chlorpropham (Substance A)	HSR000823
Suspension concentrate containing 500g/litre ethofumesate (Substance A)	HSR000826
Perfekthion S-1	HSR000965
IFB 0.5%	HSR001679
GF-1118	HSR001685
GF-1397	HSR001686
GF-389	HSR001687
GF-871	HSR001688
GF-982	HSR001689
TNL 1584	HSR001708
Raid/Baygon Fly Baits - Sticker: Rose, Bouquet, Flower, Shell and Orange	HSR002464
Arrow Herbicide	HSR002703
Magister CS	HSR007804
TNL 2339	HSR007848
GF-1784	HSR007849
Fusilade Forte	HSR007852
OCP0704	HSR007878
Fruitfed Chloro-IPC	HSR007885
Regal	HSR100032
Aramo	HSR100047
OCP1001	HSR100124
Danadim	HSR100129
OCP1002	HSR100136
Solid containing 750 - 900g/kg clopyralid as the potassium salt	HSR100300
Solid containing 750 - 850g/kg isoxaben	HSR100306
Liquid containing 100 - 150g/litre picloram as the triisopropanolamine salt and 180 - 220g/litre triclopyr as the triethylamine salt	HSR100313
Solid containing 700 - 950g/kg clopyralid	HSR100327
ROOTX PIPELINE ROOT CONTROL	HSR100353
NUL1786	HSR100460
Vixen	HSR100515
Vigilant II	HSR100589
Goltix Uno Herbicide	HSR100598

NEW ZEALAND GAZETTE

Nufarm Picloram 2G	HSR100600
Royal MH 30 Xtra	HSR100619
Centurion Xtra	HSR100646
Solvo 360CS	HSR100704
Optimus 175 EC	HSR100710
Orion Lawn Groom	HSR100726
Himalaya	HSR100744
Yates Double Action Weed 'n' Feed Liquid	HSR100774
Tnl 3014	HSR100797
Sprinter 700DS	HSR100806
GF-2551	HSR100844
RF-030	HSR100876
Betanal Quattro	HSR100882
GF-2032	HSR100901
Grasidim	HSR100921
RALID	HSR100933
Tui Tough Weed Eliminator RTU	HSR100955
Ox 240 Herbicide	HSR100984
Ethrel 720	HSR101005
Cut'n'Paste Picloram Gel	HSR101073
Gramina	HSR101076
Vectothor Fly Bait	HSR101080
Multipurpose Lawn Treatment V2	HSR101163
Bouncer (new formulation)	HSR101176
Donaghys Clopyralid 300	HSR101196
Comaster CS	HSR101215
LP 408	HSR101236
Ethosin 500SC	HSR101238
Orion Weed and Feed Concentrate	HSR101260
Ken-Trel 750 SG Herbicide	HSR101329
Cletho 240 EC Selective Herbicide	HSR101346
GLY-OXY	HSR101347
Debut	HSR101356
Tramino	HSR101370
Archer 750	HSR101372
Bammer	HSR101379
A capsule suspension containing clomazone at 360g/L	HSR101381
GF-2791	HSR101385
Yates Lawn Weedkiller Rapid Hose-on	HSR101388

(4) In Schedule 9 replace Table 2 with:

**Table 2**  
**Qualification Required Only for Application onto or into Water**

*clauses 62, 63, 64*

<b>Substance Name</b>	<b>Approval Number</b>
Macspred Bi Dri glymac 680 herbicide	HSR007661
Orion Glyphosate 360 - B	HSR007694
Donaghys Premium Sprayoff G360	HSR007807
Donaghys Premium Sprayoff G540	HSR007808
Donaghys Grunt G580 Glyphosate	HSR007906

(5) In Schedule 9 replace Table 3 with:

**Table 3**  
**Additional VTAs Subject to Certain Qualification Requirements on the Basis of Aquatic Ecotoxicity Hazards Other Than Category 1**

*clause 61, 65*

<b>Substance Name</b>
Feratox pellet A in 12g Ferafeed paste
Feratox pellet A in 18g Ferafeed paste
Feratox pellet A in 20g Ferafeed paste
Feratox pellet A in 9g Ferafeed Paste
Feratox pellet B (one pellet) in 18g Ferafeed paste
Feratox pellet B (two pellets) in 18g Ferafeed paste

(6) In Schedule 9 after Table 3 insert:

**Table 3A**  
**VTAs Approved Prior to 1 January 2020 That are Subject to Certain Qualification Requirements on the Basis of Previous 9.2A, 9.3A, or 9.4A Classifications**

*clauses 61, 65*

NEW ZEALAND GAZETTE

<b>Substance Name</b>	<b>Approval Number</b>
Peanut-based paste containing 1.5g sodium fluoroacetate/kg	HRE000001
Soluble concentrate containing 34g/litre pindone as the sodium salt	HSR001597
Polymer gel block containing 1.5g sodium fluoroacetate/kg	HSR002419
Apple-based paste containing 1.5g sodium fluoroacetate/kg	HSR002421
Cereal based pellets containing 1.5 - 2.0g sodium fluoroacetate/kg	HSR002424
Fish paste containing 10g sodium fluoroacetate/kg	HSR002425
Bait containing 0.55% - 1.84% w/w encapsulated cyanide	HSR007628
Solid containing 900 - 1000g/kg alpha-chloralose	HSR007750
Liquid bait containing bromadiolone at 0.06g/L	HSR007908
Liquid Bromatrol	HSR007909
Liquid containing 20 - 25g/litre brodifacoum	HSR100324
Liquid containing 24 - 25g/litre bromadiolone	HSR100325
PAPP Paste A	HSR100494

(7) In Schedule 9 in the heading to Table 4 replace “Class 9 substances” with “Agrichemicals”.

**115. Schedule 10 Amended (Qualifications for Applying Certain Class 9 Substances)**

- (1) In the heading to Schedule 10 replace “class 9 substances” with “agricultural”.
- (2) In the heading to Schedule 10, Table 1 replace “pesticides and plant growth regulators” with “agricultural”.
- (3) In the heading to Schedule 10, Table 2 replace “pesticides and plant growth regulators” with “agricultural”.

**Part G: Amendments to Hazardous Substances (Importers and Manufacturers) Notice 2015**

**116. Clause 10 Amended (Obligation to Provide Information and Certificate)**

In clause 10(1)(a) replace “class 1 substance (explosive)” with “substance in the hazard class explosives (class 1)”:

**Part H: Revocation of Notices**

**117. Hazardous Substances (Classification) Notice 2017 Revoked**

Revoke the Hazardous Substances (Classification) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5634](#)).

**118. Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 Revoked**

Revoke the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 ([New Zealand Gazette, 3 November 2017, Notice No. 2017-au5631](#)).

Signed at Wellington this 15th day of October 2020.

JULIE HARDAKER, Chairperson, Environmental Protection Authority.