



THE DANGEROUS GOODS (LABELLING) REGULATIONS 1978

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of November 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL
PURSUANT to section 35 of the Dangerous Goods Act 1974, His
Excellency the Governor-General, acting by and with the advice
and consent of the Executive Council, hereby makes the following
regulations.

ANALYSIS

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| 1. Title and commencement | 7. Chief Inspector may approve a modified label |
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REGULATIONS

1. **Title and commencement**—(1) These regulations may be cited as the Dangerous Goods (Labelling) Regulations 1978.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. **Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Dangerous Goods Act 1974:

“Aerosol” means a dispensing container incorporating a valve, and which contains a product maintained under a pressure greater than one atmosphere by a propellant of compressed or liquefied gas, and from which the product (and usually the propellant gas) is discharged when the valve is opened; and “aerosol container” means an unfilled container intended for use as an aerosol:

“Approved” means approved by an Inspector:

“Cylinder”, in relation to dangerous goods of Class 2, means any

container of a kind commonly used for storing or transporting such goods in compressed, liquefied, or dissolved form, and having a capacity not exceeding 250 litres water capacity; but does not include an aerosol container:

“Fixed tank”, in relation to a tank vehicle, means a tank which is securely attached to the vehicle:

“Outer package” means any container enclosing one or more bottles, tins, cans, drums, or similar receptacles which are normally removed from that container before their contents are used:

“Tank”, when used in relation to compressed or liquefied gas, means a container (including a pressure vessel of cylindrical or spherical shape) having a capacity exceeding 250 litres water capacity:

“Tank trailer” means a vehicle which does not have its own means of propulsion and is used for the conveyance of liquid dangerous goods carried in one or more fixed tanks; but does not include the trailer of an articulated vehicle or a railway tank unit:

“Tank wagon” means a vehicle having its own means of propulsion and used for the conveyance of liquid dangerous goods carried in one or more fixed tanks; and includes an articulated vehicle so used.

3. Application of regulations—These regulations shall not apply in respect of—

- (a) Any static tank or other container which is not normally capable of being conveyed:
- (b) Any dangerous goods, being liquids intended for use as a beverage, containing ethyl alcohol or alcohol-water solutions, and which are packed in containers holding not more than 5 litres.

4. General marking requirements—(1) Subject to these regulations, no person shall pack, store, carry, sell, hire out, or expose for sale, or hiring out any dangerous goods unless—

- (a) The container of those dangerous goods is clearly marked with either their technical or trade name, whichever best indicates the dangerous nature of the goods, or, as an alternative in the case of an outer package, with the name of the manufacturer or supplier where such indicates the nature of the contents; and
- (b) Where the quantity of dangerous goods in the container exceeds one kg in weight or one litre in capacity, is labelled with a label in the form specified in the First Schedule to these regulations.

(2) The label referred to in subclause (1) of this regulation shall not be required on any container of dangerous goods of Class 2 (d), Class 3 (a), or Class 3 (b) the capacity of which is not greater than 5 litres and which is marked in accordance with regulation 5 of these regulations.

(3) The label referred to in subclause (1) (b) of this regulation shall not be required on any container of dangerous goods of Class 3 (c).

(4) In the case of tank wagons, tank trailers, and railway tank cars, labels shall be displayed in readily visible positions on both sides

of the wagon, trailer, or car and (except in the case of a railway tank car) on the rear of the vehicle and, in addition to the words specified in the First Schedule to these regulations, there shall be marked in easily read capital letters in the bottom half of each label the words "NO SMOKING OR NAKED LIGHTS WITHIN 8 METRES".

(5) The label required by this regulation to be displayed on containers in which are packed dangerous goods shall be kept clean and legible until all traces of such dangerous goods have been removed from the containers.

5. Labelling goods of Class 2 (d), Class 3 (a), or Class 3 (b)—In addition to the requirements of regulation 4 of these regulations, where any dangerous goods of Class 2 (d), Class 3 (a), or Class 3 (b) are intended for sale, the person packing such goods in the case of Class 3 (a) and Class 3 (b), or compressing the gas into a cylinder in the case of Class 2 (d), and the person selling or exposing the goods for sale, shall each ensure that the container of the dangerous goods (other than an outer package) is marked as follows:

- (a) In the case of dangerous goods of Class 3 (a), with a label worded as specified in Form 1 of the Second Schedule to these regulations:
- (b) In the case of dangerous goods of Class 3 (b) packed in containers of capacity exceeding half a litre, with a label worded as specified in Form 2 of the Second Schedule to these regulations:
- (c) In the case of dangerous goods of Class 2 (d) with a label worded as specified in Form 3 of the Second Schedule to these regulations.

6. Format and content of labels—(1) Except as provided in regulation 7 of these regulations, labels specified by regulation 4 of these regulations shall be in the appropriate form prescribed in the First Schedule to these regulations as to wording, shape, colour, and comparative size of lettering.

(2) The labels specified in regulation 4 of these regulations shall be of such size as to readily attract attention, but shall not in any case be less than the following sizes, measured along the side of the diamond:

- (a) On containers (other than tank wagons, tank trailers, and railway tank cars) of a capacity of 20 litres and over, 10 cm × 10 cm:
 - (b) On tank wagons, tank trailers, and rail tank cars, 40 cm × 40 cm.
- (3) The labels specified in regulation 5 of these regulations shall be conspicuously marked in easily legible type and in contrasting layout or colour where any other printing is on the container, and shall occupy a space of not less than 100 cm² in area in the case of any container of 5 litres capacity or more.

7. Chief Inspector may approve a modified label—Notwithstanding anything to the contrary in these regulations, the Chief Inspector may approve a modified label where, in his opinion, circumstances warrant the modification and where the modified label adequately indicates the dangerous nature of the goods packed in the container;

but in relation to any label of a form prescribed in the First Schedule to these regulations, he shall not approve any change in the general shape, background colour, or nature of the warning symbol.

8. Chief Inspector may impose additional requirements—In addition to the requirements imposed by regulations 4 and 5 of these regulations, the Chief Inspector may either generally or specifically, where he considers it necessary for purposes of identification or classification or for notification to users, require any importer, vendor, or owner of any dangerous goods to mark in a specified manner on the packages containing the dangerous goods any or all of the following details:

- (a) The chemical name of any constituent dangerous goods:
- (b) Where appropriate, the flash point of the dangerous goods:
- (c) A warning against any hazard associated with the particular use of any dangerous goods.

9. Aerosols—Notwithstanding anything to the contrary in these regulations, no person shall pack, store, carry, sell, hire out, or expose for sale or hiring out any aerosol unless the aerosol complies with the following conditions:

- (a) The aerosol bears in clear lettering a label reading “Keep in cool place away from heat. Do not puncture can or throw in fire even when empty” or some equivalent approved wording:
- (b) An aerosol containing more than 45 percent by weight of flammable contents is marked with the word “Flammable” in prominent lettering followed by the phrase “Do not store or use near fire or flame”, and any outer package containing such aerosols is marked with the words “FLAMMABLE AEROSOLS” in block letters of not less than 2 cm in height. In this paragraph, the term “flammable contents” means any liquid or solid component of the aerosol having a flash point of 61°C or less and any flammable gas content:
- (c) An aerosol containing 45 percent or less by weight of flammable contents (within the meaning of paragraph (b) of this regulation) and yet still possessing a flammability hazard in the form of either a flammable spray or by leaving a flammable surface or airborne residue after spraying, is marked with the words “Do not use near fire or flame”:
- (d) An aerosol that expels a corrosive or highly toxic gas or spray has included in its label an approved warning appropriate to the risk or risks, or as may be required under the provisions of the Poisons Act 1960.

10. Revocations—The following regulations are hereby consequentially revoked:

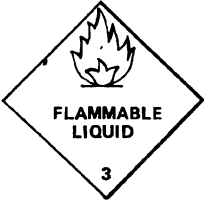
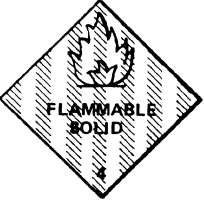

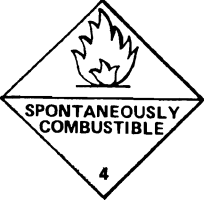
- (a) Part II of the Dangerous Goods Regulations 1958:
 - (b) The First Schedule to the Dangerous Goods Regulations 1958 (as amended by regulation 13 of the Dangerous Goods Regulations 1958, Amendment No. 1):
 - (c) Regulation 13 of the Dangerous Goods Regulations 1958, Amendment No. 1.
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SCHEDULES






Regs. 4, 6, 7

FIRST SCHEDULE


MARKING OF KINDS OR CLASSES OF DANGEROUS GOODS

Kind or Class of Dangerous Goods	Marking	Colouring
Classes 3 (a) and 3 (b) in liquid form		Black lettering and symbol on red background.
Class 4, Flammable solids. This label should also be used for solids that are flammable but that have not been scheduled as dangerous goods under the Act and that do not come under the category of "Dangerous when wet" or "spontaneously combustible"		Black lettering and symbol on red background having vertical white stripes.
Class 4A, Calcium carbide		Black lettering and symbol on blue background.
Class 4B, Phosphorus (yellow or white)		Black lettering and symbol —upper half of background white, lower half, red.

FIRST SCHEDULE—continued

Kind or Class of Dangerous Goods	Marking	Colouring
Class 5 and nitrous oxide and oxygen of Class 2 (a) and Class 2 (g) <ul style="list-style-type: none"> • 		Black lettering and symbol on yellow background.
Air, argon, helium neon, nitrogen, carbon dioxide, non-flammable compounds of methane and ethane containing fluoride, chlorine, or bromine, and other non-flammable gases of Class 2 (a)		Black lettering on green background.
Acetylene, carbon monoxide, coal gas, ethane, ethylene, hydrogen, methane, butadiene, cyclopropane, and any other flammable gas of Classes 2 (b), 2 (c), and 2 (d)		Black lettering and symbol on red background.
Carbon monoxide, coal gas, hydrogen chloride, hydrogen cyanide, hydrogen fluoride, hydrogen sulphide, methyl bromide, methyl chloride, sulphur dioxide and other toxic gases of Class 2		Black lettering and symbol on white background.
Class 8		Upper half—black symbols on white background. Lower half—white lettering on black background.

FIRST SCHEDULE—continued

Kind or Class of Dangerous Goods	Marking	Colouring
Class 5 (b)		Black lettering on yellow background.

SECOND SCHEDULE

Reg. 5

ADDITIONAL MARKING OF FLAMMABLE GOODS

Form 1—Class 3 (a)

DANGER

GIVES OFF

HIGHLY FLAMMABLE

VAPOUR

Keep well away from heat, sparks, and open flame
Keep closed when not in use

Form 2—Class 3 (b)

FLAMMABLE

Keep away from heat and open flame
Keep closed when not in use

SECOND SCHEDULE—*continued*

Form 3—Class 2 (d)

**DANGER
FLAMMABLE GAS**

Keep well away from heat, sparks, and open flame

CLOSE VALVE

when not in use

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the marks and labels that are to be made or attached to various containers of dangerous goods (as defined in the Dangerous Goods Act 1974).

The Schedule to the Dangerous Goods Act 1974 as extended by the Dangerous Goods Order 1978 (S.R. 1978/162), which sets out the classes of dangerous goods, is repeated here for ease of reference.

Class 2

Gases, being—

- (a) Gases (other than those included under any other paragraph of this Class) when compressed, liquefied, or dissolved under pressure.
- (b) Ethane, ethylene, hydrogen, methane, and any other flammable gas (other than that included under any succeeding paragraph of this Class).
- (c) Acetylene, compressed or dissolved, and contained within a porous substance.
- (d) Liquefied petroleum gas, and any other liquefied flammable gas.
- (e) Chlorine.
- (f) Anhydrous ammonia.
- (g) Liquid oxygen.

Class 3

Flammable liquids, mixtures of liquids, liquids containing solids in solution or suspension, and nitrocellulose, being—

- (a) Liquids, mixtures of liquids, and liquids containing solids in solution or suspension, which in each case has a flash point lower than 23 degrees Celsius, and nitrocellulose having a nitrogen content of not more than 12.6 percent by weight and wetted, gelatinised, or blended with an industrial solvent or other material approved as to kind and quantity by the Chief Inspector.
- (b) Liquids, mixtures of liquids, and liquids containing solids in solution or suspension, which in each case has a flash point of 61 degrees Celsius or lower, but not lower than 23 degrees Celsius.
- (c) Fuel oil.

Class 4

Flammable solids, being—

- (a) Calcium carbide.
- (b) Phosphorus (white or yellow).

Class 5

Oxidising substances, being—

- (a) Chromates and dichromates, chlorates, inorganic peroxides, nitrates, perchlorates, permanganates, calcium hypochlorite or mixtures thereof containing more than 39 percent chlorine, and hydrogen peroxide solutions containing more than 8 percent hydrogen peroxide.
- (b) Organic peroxides.

Class 8

Corrosives, being hydrochloric acid, hydrofluoric acid, nitric acid, sulphuric acid, chlorosulphonic acid, potassium hydroxide in solution, sodium hydroxide in solution, and aqueous ammonia.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 November 1978.

These regulations are administered in the Department of Internal Affairs.