

1975/11



THE FUMIGATION REGULATIONS 1967, AMENDMENT NO. 1

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 28th day of January 1975

Present:

THE HON. DR A. M. FINLAY PRESIDING IN COUNCIL

PURSUANT to the Health Act 1956, 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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fumigation Regulations 1967, Amendment No. 1, and shall be read together with and deemed part of the Fumigation Regulations 1967* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 7th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “fumigant”, and substituting the following definition:

“‘Fumigant’ means a substance (whether in solid, gaseous, or liquid form, and with or without the addition of warning agents) specified in the First Schedule to these regulations.”.

(2) Regulation 2 of the principal regulations is hereby further amended—

(a) By omitting from paragraph (a) of the proviso to the definition of the term “risk area” the expressions “30 ft” and “20 ft”, and substituting respectively the expressions “9 metres” and “6 metres”:

(b) By omitting from paragraph (b) of the said proviso the expression “10 ft”, and substituting the expression “3 metres”

3. Application of regulations—Regulation 3 (4) of the principal regulations is hereby amended by inserting, after the word “pellets”, the words “or chloropicrin,”.

4. Storage of fumigants—Regulation 8 (b) of the principal regulations is hereby amended—

(a) By omitting the words “a container”, and substituting the words “any such container”:

(b) By inserting, after the words “building or”, the words “the fumigant”.

5. Notice of intended fumigation—Regulation 11 (4) of the principal regulations is hereby amended by inserting, after the word “pellets”, the words “or chloropicrin,”.

6. Metric changes—The principal regulations are hereby further amended—

(a) By omitting from regulation 15 (1) (k) the expression “6 in.”, and substituting the expression “15 cm”:

(b) By omitting from regulation 20 (1) (i) the expression “6 in.”, and substituting the expression “15 cm”:

(c) By omitting from regulation 25 (2) (b) the expression “9 in.”, and substituting the expression “22 cm”:

(d) By omitting from regulation 25 (7) the expression “6 in.”, and substituting the expression “15 cm”:

(e) By omitting from regulation 27 (b) the expressions “12 in.” and “3 in.”, and substituting respectively the expressions “30 cm” and “7.5 cm”.

7. Final safety precautions—(1) Regulation 18 (5) of the principal regulations is hereby amended by inserting in paragraph (b) of the proviso, after the word “expedient”, the words “for the purpose of making a test required by subclause (4) of this regulation or”.

(2) Regulation 23 (3) of the principal regulations is hereby amended by inserting in paragraph (b) of the proviso, after the word “expedient”, the words “for the purpose of making a test required by subclause (2) of this regulation or”.

8. Soil fumigation—Regulation 28 of the principal regulations is hereby amended by adding the following subclause:

“(3) Nothing in subclause (1) or subclause (2) of this regulation shall apply in respect of fumigation by the use of chloropicrin.”

9. Further ventilation after fumigation with chloropicrin—The principal regulations are hereby amended by inserting, after regulation 28, the following regulation:

“28A. Notwithstanding anything in the preceding provisions of these regulations, where fumigation has been carried out by the use of chloropicrin and the operator has satisfied himself in terms of regulation 18 (4), regulation 23 (2), or regulation 26, as the case may require, the operator shall cause ventilation to be continued for a further period, being a period of not less than half the length of the period that elapsed between the commencement of the fumigation and the time at which the operator was so satisfied, and the ventilation shall not be deemed to have been completed until it has been so continued and such further period has expired.”

10. New First Schedule substituted—The principal regulations are hereby further amended by revoking the First Schedule, and substituting the First Schedule set out in the Schedule to these regulations.

11. Tests for fumigants—(1) The Third Schedule to the principal regulations is hereby amended by omitting from paragraph (b) (i), under the heading “*Materials required for Use in the Test*” in clause 1, the expression “6 in. by $\frac{3}{4}$ in.”, and substituting the expression “15 cm by 2 cm”.

(2) The Third Schedule to the principal regulations is hereby further amended by omitting from clause 4 the word “*Gas*”.

(3) The Third Schedule to the principal regulations is hereby further amended by adding the following clause:

“5. *For Chloropicrin*: A detector tube for chloropicrin, being of the type used for the detection of carbon tetrachloride, approved by the Director-General of Health shall be used according to the manufacturers’ instructions and in conjunction with the pump or device specified by the manufacturers for use with that type of tube.”

12. Maximum concentrations—(1) The Fourth Schedule to the principal regulations is hereby amended—

(a) By omitting the word “meter”, and substituting the word “metre”:

(b) By omitting the word “gas”.

(2) The Fourth Schedule to the principal regulations is hereby further amended by adding the following item:

“Chloropicrin 10 parts by volume in 1 million parts of air.”

SCHEDULE

Reg. 10

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

“FIRST SCHEDULE

Reg. 2

“FUMIGANTS

- (1) Hydro-cyanic acid (hydrogen cyanide).
- (2) Calcium cyanide.
- (3) Methyl bromide.
- (4) Ethylene dibromide.
- (5) Phosphine.
- (6) Chloropicrin.”

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 make a number of amendments to the Fumigation Regulations 1967.

Regulation 2: Subclause (1) substitutes a new definition of the term fumigant. The new definition and the new First Schedule substituted by regulation 10 makes it clear that a substance named in the First Schedule to the principal regulations is a fumigant for the purposes of the regulations whatever its form and whether it is mixed with warning agents or not.

Subclause (2) effects metric conversions.

Regulations 3, 5, 8, 11 (3), and 12 (2) extend the application of the regulations so that they now cover fumigation with chloropicrin.

Regulation 4 clarifies the meaning of regulation 8 of the principal regulations (which deals with storage of fumigants).

Regulation 6 effects metric conversions.

Regulation 7 permits operators and members of the fumigation staff to enter risk areas for the purpose of making tests.

Regulation 8 amends regulation 28 of the principal regulations (which relates to soil fumigation). This regulation is not to apply where the fumigant used is chloropicrin.

Regulation 9 inserts a new regulation 28A in the principal regulations. The new regulation requires a further period of ventilation where fumigation is being carried out with chloropicrin.

Regulation 10 substitutes a new First Schedule of fumigants. There are a number of changes in the form of this Schedule. Chloropicrin has been added to it.

Regulations 11 and 12 effect minor amendments and consequential amendments.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 January 1975.

These regulations are administered in the Department of Health.