



**THE TOXIC SUBSTANCES REGULATIONS 1983,
AMENDMENT NO. 4**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of December 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 82 of the Toxic Substances Act 1979, and, in the case of regulations 10 to 16 of the regulations and the Schedules to the regulations, to section 7 of that Act, Her Excellency the Governor-General, acting on the advice of the Minister of Health tendered on the recommendation of the Toxic Substances Board, and 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 Toxic Substances Regulations 1983, Amendment No. 4, and shall be read together with and deemed part of the Toxic Substances Regulations 1983* (hereinafter referred to as the principal regulations).

(2) Except as provided in regulation 9 (3) of these regulations, these regulations shall come into force on the 20th day of December 1993.

2. Exemptions—Regulation 6 (1) of the principal regulations (as amended by regulation 3 of the Toxic Substances Regulations 1983, Amendment No. 1) is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) Nothing in Parts III and IV of the Act, except sections 32 and 34 (d), and such of the provisions of section 20 as relate to the packing, preparing, and labelling of poisons; and”.

3. Fixed bulk containers—(1) Regulation 17A of the principal regulations (as inserted by regulation 5 of the Toxic Substances Regulations 1983, Amendment No. 1) is hereby amended by revoking paragraph (f) of subclause (2), and substituting the following paragraph:

“(f) It shall be situated in a position that—

(i) Permits ready visual inspections of the outer surface of the container, other than the bottom of a self-supporting container resting on its base; and

(ii) Is protected from impact by vehicles or swinging loads.”.

(2) Regulation 17A of the principal regulations (as so substituted) is hereby further amended by omitting from paragraph (h) of subclause (2) the word “pipe”, and substituting the word “system”.

(3) Regulation 17A of the principal regulations (as so substituted) is hereby amended by revoking paragraph (i) of subclause (2), and substituting the following paragraph:

“(i) It shall have a facility to indicate the product level and be of such a design that the contents of the tank will not leak if the level indicator is damaged.”

4. Requirements for labels on containers of deadly poisons and dangerous poisons—Regulation 23 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclauses:

“(4) The statements referred to in paragraphs (a) and (b) of subclause (3) of this regulation shall be surrounded together on all 4 sides by a prominent continuous line.

“(4A) That continuous line, which shall contrast strongly with the background, shall be in the form of a rectangle.

*1988/130

Amendment No. 1: S.R. 1986/363

Amendment No. 2: S.R. 1988/51

Amendment No. 3: S.R. 1988/253

“(4B) No information (other than the statements referred to in paragraphs (a) and (b) of subclause (3) of this regulation) shall appear within that rectangle.”

5. Requirements for labels on containers of standard poisons—Regulation 24 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclauses:

“(4) The statements referred to in paragraphs (a) and (b) of subclause (3) of this regulation shall be surrounded together on all 4 sides by a prominent continuous line.

“(5) That continuous line, which shall contrast strongly with the background, shall be in the form of a rectangle.

“(6) No information (other than the statements referred to in paragraphs (a) and (b) of subclause (3) of this regulation) shall appear within that rectangle.”

6. Labels on containers of harmful substances—Regulation 25 of the principal regulations (as substituted by regulation 8 (1) of the Toxic Substances Regulations 1983, Amendment No. 1) is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(3) The statements referred to in subclause (2) of this regulation shall be surrounded together on all 4 sides by a prominent continuous line.

“(4) That continuous line, which shall contrast strongly with the background, shall be in the form of a rectangle.

“(5) No information (other than the statements referred to in subclause (2) of this regulation) shall appear within that rectangle.”

7. Labels for aerosol and smoke generators—(1) Regulation 28 of the principal regulations is hereby amended by revoking subclause (1A) (as inserted by regulation 9 (1) of the Toxic Substances Regulations 1983, Amendment No. 1), and substituting the following subclause:

“(1A) Every label on an aerosol spray container that contains any toxic substance shall contain the name of the propellant used to expel the contents of the container.”

(2) Regulation 9 (1) of the Toxic Substances Regulations 1983, Amendment No. 1 is hereby consequentially revoked.

8. Restrictions on paint and painted articles—Regulation 47 (4) of the principal regulations is hereby amended by omitting from the item relating to lead the expression “5000”, and substituting the expression “2500”.

9. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulation 49i (as inserted by regulation 3 (1) of the Toxic Substances Regulations 1983, Amendment No. 3), and substituting the following regulations:

“49i. **Prohibition on storage of PCB**—(1) Subject to subclause (2) of this regulation, after the 31st day of July 1994, no person shall store any PCB.

“(2) The Director may, by notice in writing, exempt any person from the prohibition imposed by subclause (1) of this regulation, either generally or subject to such conditions as the Director may specify in the notice.

“49j. **Prohibition on use of PCB**—(1) Subject to subclause (2) of this regulation, no person shall use any PCB.

“(2) The Director may, by notice in writing, exempt any person from the prohibition imposed by subclause (1) of this regulation, either generally or subject to such conditions as the Director may specify in the notice.”

(2) Regulation 1 (2) of the Toxic Substances Regulations 1983, Amendment No. 3 is hereby revoked.

(3) The regulations inserted by subclause (1) of this regulation shall come into force on the 1st day of January 1994.

10. New dangerous poisons—(1) The substances named in the First Schedule to these regulations are hereby declared to be dangerous poisons.

(2) The Second Schedule to the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be dangerous poisons by subclause (1) of this regulation.

11. Further amendments to Second Schedule—(1) The Second Schedule to the principal regulations is hereby amended by omitting the item that begins with the word “CHLORFENVINPHOS”, and substituting the following item:

“CHLORFENVINPHOS, in liquid preparations containing less than 50 percent but not less than 5 percent of chlorfenvinphos; and in solid preparations containing 20 percent or more of chlorfenvinphos.”

(2) The Second Schedule to the principal regulations is hereby further amended by omitting the item that begins with the word “FURATHIOCARB” (as inserted by regulation 7 of the Toxic Substances Regulations 1983, Amendment No. 3), and substituting the following item:

“FURATHIOCARB, in liquid preparations containing 20 percent or more of furathiocarb; and in solid preparations containing 80 percent or more of furathiocarb and except in preparations in microencapsulation form.”

(3) The Second Schedule to the principal regulations is hereby further amended by omitting the item that begins with the word “METHIOCARB”, and substituting the following item:

“METHIOCARB, in liquid preparations containing 50 percent or more of methiocarb.”

12. New standard poisons—(1) The substances named in the Second Schedule to these regulations are hereby declared to be standard poisons.

(2) The Third Schedule to the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be standard poisons by subclause (1) of this regulation.

13. Further amendments to Third Schedule—(1) The Third Schedule to the principal regulations is hereby amended by omitting—

(a) The item that begins with the word “AZOCYCLOTIN”; and

(b) The item that begins with the word “BINAPACRYL”; and

(c) The item that begins with the word “BRODIFACOUM”; and

(d) The item that begins with the word “BROMADIOLONE”; and

(e) The item that begins with the words “BROMOPHOS ETHYL”; and

(f) The item that begins with the word “CARBOPHENOTHION”; and

- (g) The item that begins with the word "CHLORFENVINPHOS" (as substituted by regulation 10 (1) of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (h) The item that begins with the word "COUMAPHOS"; and
 - (i) The item that begins with the word "CYANOPHENPHOS"; and
 - (j) The item that begins with the word "CYHALOTHRIN"; and
 - (k) The item that begins with the word "DICHLORVOS"; and
 - (l) The item that begins with the words "DIETHYLENE GLYCOL"; and
 - (m) The item that begins with the word "DIMETILAN"; and
 - (n) The item that begins with the word "DISULFOTON"; and
 - (o) The item that begins with the word "ENDOSULFAN"; and
 - (p) The item that begins with the words "ETHYLENE GLYCOL"; and
 - (q) The item that begins with the word "FAMPHUR"; and
 - (r) The item that begins with the word "FENAMIPHOS"; and
 - (s) The item that begins with the words "FENTHION ETHYL" (as inserted by regulation 19 (1) of the Toxic Substances Regulations 1983, Amendment No. 1); and
 - (t) The item that begins with the word "FLOCOUMAFEN" (as inserted by regulation 9 of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (u) The item that begins with the word "FURATHIOCARB" (as inserted by regulation 9 of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (v) The item that begins with the word "IOXYNIL"; and
 - (w) The item that begins with the word "ISAZOPHOS"; and
 - (x) The item that begins with the word "METHAMIDOPHOS"; and
 - (y) The item that begins with the word "METHIOCARB"; and
 - (z) The item that begins with the word "NARASIN" (as inserted by regulation 19 (1) of the Toxic Substances Regulations 1983, Amendment No. 1); and
 - (za) The item that begins with the word "OMETHOATE"; and
 - (zb) The item that begins with the word "PHOSALONE"; and
 - (zc) The item that begins with the word "PYRAZOPHOS".
- (2) The Third Schedule to the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following items:
- "AZOCYCLOTIN, in liquid preparations containing less than 30 percent but not less than 3 percent of azocyclotin; and in solid preparations containing 7.5 percent or more of azocyclotin.
 - "BINAPACRYL, in liquid preparations containing less than 75 percent but not less than 7.5 percent; and in solid preparations containing 30 percent or more of binapacryl.
 - "BRODIFACOUM, in liquid preparations containing less than 0.1 percent but not less than 0.01 percent of brodifacoum; and in solid preparations containing less than 0.5 percent but not less than 0.05 percent of brodifacoum.
 - "BROMADIOLONE, in preparations containing less than 1 percent but not less than 0.1 percent of bromadiolone.
 - "BROMOPHOS ETHYL, in liquid preparations containing less than 50 percent but not less than 5 percent of bromophos ethyl; and in solid preparations containing 20 percent or more of bromophos ethyl.

- “CARBOPHENOTHION, in liquid preparations containing less than 15 percent but not less than 1.5 percent of carbophenothion; and in solid preparations containing less than 60 percent but not less than 6 percent of carbophenothion.
- “CHLORFENVINPHOS, in liquid preparations containing less than five percent but not less than 0.5 percent of chlorfenvinphos; and in solid preparations containing less than 20 percent but not less than 2 percent of chlorfenvinphos.
- “COUMAPHOS, in liquid preparations containing less than 10 percent but not less than 1 percent of coumaphos; and in solid preparations containing less than 30 percent but not less than 3 percent of coumaphos.
- “CYANOPHENPHOS, in liquid preparations containing less than 25 percent but not less than 2.5 percent of cyanophenphos; and in solid preparations containing 10 percent or more of cyanophenphos.
- “CYHALOTHRIN, in liquid preparations containing less than 25 percent but not less than 2.5 percent of cyhalothrin; and in solid preparations containing 10 percent or more of cyhalothrin.
- “DICHLORVOS, in liquid preparation containing less than 25 percent but not less than 2.5 percent of dichlorvos; and in solid preparations containing 10 percent or more of dichlorvos.
- “DIMETILAN, in liquid preparations containing less than 25 percent but not less than 2.5 percent of dimetilan; and in solid preparations containing 10 percent or more of dimetilan.
- “DISULFOTON, in solid preparations containing less than 5 percent but not less than 0.5 percent of disulfoton.
- “ENDOSULFAN, in liquid preparations containing less than 40 percent but not less than 4 percent of endosulfan; and in solid preparations containing 15 percent or more of endosulfan.
- “ETHYLENE GLYCOL, and its monomethyl and monoethyl ethers and their acetates in preparations containing 5 percent or more of these substances.
- “FAMPHUR, in liquid preparations containing less than 25 percent but not less than 2.5 percent of famphur; and in solid preparations containing 10 percent or more of famphur.
- “FENAMIPHOS, in solid preparations containing less than 20 percent but not less than 2 percent of fenamiphos.
- “FENTHION ETHYL, in liquid preparations containing less than 25 percent but not less than 2.5 percent of fenthion ethyl; and in solid preparations containing 10 percent or more of fenthion ethyl.
- “FLOCOUMAFEN, in liquid preparations containing less than 0.1 percent but not less than 0.01 percent; and in solid preparations containing less than 2 percent but not less than 0.2 percent of flocoumafen.
- “FURATHIOCARB, in liquid preparations containing less than 20 percent but not less than 2 percent of furathiocarb; and in solid preparations containing less than 80 percent but not less than 10 percent of furathiocarb and except in preparations in microencapsulation form.

- “IOXYNIL, in liquid preparations containing less than 50 percent but not less than 5 percent of ioxynil; and in solid preparations containing 20 percent or more of ioxynil.
- “ISAZOPHOS, in liquid preparations containing less than 30 percent but not less than 3 percent of isazophos; and in solid preparations containing 10 percent or more of isazophos.
- “METHAMIDOPHOS, in liquid preparations containing less than 10 percent but not less than 1 percent of methamidophos; and in solid preparations containing less than 50 percent but not less than 5 percent of methamidophos.
- “METHIOCARB, in liquid preparations containing less than 50 percent but not less than 5 percent of methiocarb; and in solid preparations containing 20 percent or more of methiocarb.
- “NARASIN, in liquid preparations containing less than 8 percent but not less than 0.8 percent of narasin; and in solid preparations containing less than 30 percent but not less than 3 percent of narasin.
- “OMETHOATE, in liquid preparations containing less than 25 percent but not less than 2.5 percent of omethoate; and in solid preparations containing 10 percent or more of omethoate.
- “PHOSALONE, in liquid preparations containing less than 60 percent but not less than 6 percent of phosalone.
- “PYRAZOPHOS, in liquid preparations containing less than 70 percent but not less than 7 percent of pyrazophos; and in solid preparations containing 30 percent or more of pyrazophos.”

14. New harmful substances—(1) The substances named in the Third Schedule to these regulations are hereby declared to be harmful substances.

(2) The Fourth Schedule to the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the names of the substances declared to be harmful substances by subclause (1) of this regulation.

15. Further amendments to Fourth Schedule—(1) The Fourth Schedule to the principal regulations is hereby amended by omitting—

- (a) The item that begins with the words “ACETIC ACID”; and
- (b) The item that begins with the word “AMINOCARB”; and
- (c) The item that begins with the words “AMMONIUM HYDROXIDE”; and
- (d) The item that begins with the word “BINAPACRYL”; and
- (e) The item that begins with the words “BROMOPHOS ETHYL”; and
- (f) The item that begins with the word “BROMOXYNIL”; and
- (g) The item that begins with the word “CHLORFENVINPHOS” (as inserted by regulation 11 of the Toxic Substances Regulations 1983, Amendment No. 3); and
- (h) The item that begins with the word “CHLORMEQUAT”; and
- (i) The item that begins with the words “CHLOROMETHANE SULPHONAMIDE”; and
- (j) The item that begins with the words “3-CHLORO-p-TOLUIDINE HYDROCHLORIDE”; and
- (k) The item that begins with the word “CHLORPYRIFOS”; and

- (l) The item that begins with the word "CROTOXYPHOS" (as inserted by regulation 21 (1) of the Toxic Substances Regulations 1983, Amendment No. 1); and
 - (m) The item that begins with the word "CYANOPHENPHOS"; and
 - (n) The item that begins with the word "CYHALOTHRIN"; and
 - (o) The item that begins with the word "CYPERMETHRIN" (as substituted by regulation 12 (1) of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (p) The item that begins with the word "DICHLORVOS"; and
 - (q) The item that begins with the word "DIMETILAN"; and
 - (r) The item that begins with the word "ENDOSULFAN"; and
 - (s) The item that begins with the word "FAMPHUR"; and
 - (t) The item that begins with the word "FENTHION"; and
 - (u) The item that begins with the words "FENTHION ETHYL" (as inserted by regulation 21 (1) of the Toxic Substances Regulations 1983, Amendment No. 1); and
 - (v) The item that begins with the word "FURATHIOCARB" (as inserted by regulation 11 of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (w) The item that begins with the word "HALOXYFOP" (as inserted by regulation 11 of the Toxic Substances Regulations 1983, Amendment No. 3); and
 - (x) The item that begins with the word "HYPOCHLORITES"; and
 - (y) The item that begins with the word "IODINE"; and
 - (z) The item that begins with the word "IOXYNIL"; and
 - (za) The item that begins with the word "ISAZOPHOS"; and
 - (zb) The item that begins with the word "OMETHOATE"; and
 - (zc) The item that begins with the word "PARAFORMALDEHYDE"; and
 - (zd) The item that begins with the word "PHOSALONE"; and
 - (ze) The item that begins with the word "PHOXIM" (as inserted by regulation 21 (1) of the Toxic Substances Regulations 1983, Amendment No. 1); and
 - (zf) The item that begins with the word "PROPOXUR"; and
 - (zg) The item that begins with the word "PYRAZOPHOS".
- (2) The Fourth Schedule to the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following items:
- "ACETIC ACID, in preparations containing less than 30 percent but not less than 8 percent of acetic acid.
 - "AMINOCARB, in solid preparations containing less than 10 percent but not less than 1 percent of aminocarb.
 - "AMMONIUM HYDROXIDE, in preparations containing less than 20 percent but not less than 2 percent of ammonium hydroxide.
 - "BINAPACRYL, in liquid preparations containing less than 7.5 percent but not less than 0.75 percent; and in solid preparations containing less than 3 percent of binapacryl.
 - "BROMOPHOS ETHYL, in liquid preparations containing less than 5 percent but not less than 0.5 percent of bromophos ethyl; and in solid preparations containing 20 percent but not less than 2 percent of bromophos ethyl.
 - "BROMOXYNIL, in liquid preparations containing less than 10 percent but not less than 1 percent of bromoxynil.

- “CHLORFENVINPHOS, in liquid preparations containing less than 0.5 percent of chlorfenvinphos; and in solid preparations containing less than 2 percent of chlorfenvinphos but not less than 0.2 percent.
- “CHLORMEQUAT, in liquid preparations containing less than 10 percent but not less than 1 percent of chlormequat.
- “CHLOROMETHANE SULPHONAMIDE, in liquid preparations containing less than 20 percent but not less than 2 percent of chloromethane sulphonamide; and in solid preparations containing 20 percent or more of chloromethane sulphonamide.
- “3-CHLORO-p-TOLUIDINE-HYDROCHLORIDE, in liquid preparations containing less than 20 percent but not less than 2 percent of 3-chloro-p-toluidine-hydrochloride; and in solid preparations containing less than 80 percent but not less than 20 percent of 3-chloro-p-toluidine-hydrochloride.
- “CHLORPYRIFOS, in liquid preparations containing less than 6 percent but not less than 0.6 percent of chlorpyrifos; and in solid preparations containing less than 25 percent but not less than 6 percent of chlorpyrifos.
- “CROTOXYPHOS, in liquid preparations containing less than 2 percent but not less than 0.2 percent of crotoxyphos; and in solid preparations containing less than 10 percent but not less than 1 percent of crotoxyphos.
- “CYANOPHENPHOS, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent of cyanophenphos; and in solid preparations containing less than 10 percent but not less than 1 percent of cyanophenphos.
- “CYHALOTHRIN, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent of cyhalothrin; and in solid preparations containing less than 10 percent but not less than 1 percent of cyhalothrin.
- “CYPERMETHRIN, (including all isomers, and all isomeric mixtures, of cypermethrin), in liquid preparations containing less than 4 percent but not less than 0.4 percent of cypermethrin; and in solid preparations containing less than 15 percent but not less than 4 percent of cypermethrin.
- “DICHLORVOS, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent of dichlorvos; and in solid preparations containing less than 10 percent but not less than 1 percent of dichlorvos.
- “DIMETILAN, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent of dimetilan; and in solid preparations containing less than 10 percent but not less than 0.1 percent of dimetilan.
- “ENDOSULFAN, in liquid preparations containing less than 4 percent but not less than 0.4 percent of endosulfan; and in solid preparations containing less than 15 percent but not less than 1.5 percent of endosulfan.
- “FAMPHUR, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent; and in solid preparations containing less than 10 percent but not less than 1 percent of famphur.

- “FENTHION, in liquid preparations containing less than 15 percent but not less than 1.5 percent of fenthion; and in solid preparations containing less than 60 percent but not less than 15 percent of fenthion.
- “FENTHION ETHYL, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent of fenthion ethyl; and in solid preparations containing less than 10 percent but not less than 1 percent of fenthion ethyl.
- “FURATHIOCARB, in liquid preparations containing less than 2 percent but not less than 0.2 percent of furathiocarb; and in solid preparations containing less than 10 percent but not less than 1 percent of furathiocarb and in solid and liquid preparations in microencapsulation form.
- “HALOXYFOP, in liquid preparations containing less than 20 percent but not less than 2 percent of haloxyfop; and in solid preparations containing less than 80 percent but not less than 8 percent of haloxyfop.
- “HYPOCHLORITES, in preparations containing less than 10 percent but not less than 4 percent of hypochlorite.
- “IODINE, in substances containing 2.6 percent but not less than 0.30 percent of iodine.
- “IOXYNIL, in liquid preparations containing less than 5 percent but not less than 0.5 percent of ioxynil; and in solid preparations containing less than 20 percent but not less than 2 percent of ioxynil.
- “ISAZOPHOS, in liquid preparations containing less than 3 percent but not less than 0.3 percent of isazophos; and in solid preparations containing less than 10 percent but not less than 1 percent of isazophos.
- “OMETHOATE, in liquid preparations containing less than 2.5 percent but not less than 0.25 percent; and in solid preparations containing less than 10 percent but not less than 1 percent of omethoate.
- “PARAFORMALDEHYDE, in preparations containing less than 5 percent but not less than 0.5 percent of paraformaldehyde.
- “PHOSALONE, in liquid preparations containing less than 6 percent but not less than 0.6 percent of phosalone; and in solid preparations containing less than 25 percent but not less than 2.5 percent of phosalone.
- “PHOXIM, in liquid preparations containing less than 10 percent but not less than 1 percent of phoxim; and in solid preparations containing less than 50 percent, but not less than 12 percent of phoxim.
- “PROPOXUR, in liquid preparations containing less than 2 percent but not less than 0.2 percent of propoxur; and in solid preparations containing less than 7 percent but not less than 0.7 percent of propoxur.
- “PYRAZOPHOS, in liquid preparations containing less than 7 percent but not less than 0.7 percent of pyrazophos; and in solid preparations containing less than 30 percent but not less than 7 percent of pyrazophos.”

(3) The Fourth Schedule to the principal regulations is hereby amended by adding, to the item that begins with the word "HYDROCARBON", the following paragraph:

"(e) In preparations containing less than 25 percent but not less than 2.5 percent of kerosene or turpentine or white spirits:"

16. Exempted substances—(1) The Fifth Schedule to the principal regulations is hereby amended by omitting the following items:

"Adhesives.

"Aerosols that are not deadly poisons or dangerous poisons.

"Anti-fouling compositions.

"Builders' materials.

"Paints and varnishes.

"Sealants."

(2) The Fifth Schedule to the principal regulations is hereby further amended by inserting, in its appropriate alphabetical order, the following item:

"Timber and wallboard."

17. Revocations—Regulations 8 (1), 10 (1) and 12 (1) of the Toxic Substances Regulations 1983, Amendment No. 3 are hereby consequentially revoked.

SCHEDULES

Reg. 10

FIRST SCHEDULE

NEW DANGEROUS POISONS

- AZACONAZOLE, in liquid preparations containing 55 percent or more of azaconazole.
- CYCLOHEXYLAMINE, in liquid preparations containing 70 percent or more of cyclohexylamine.
- METHYLENE BIS-THIOCYANATE, in liquid preparations containing 35 percent or more of methylene bis-thiocyanate.
- THIODICARB, in liquid preparations containing more than or equal to 30 percent of thiodicarb.

Reg. 12

SECOND SCHEDULE

NEW STANDARD POISONS

- ACETIC ACID, in preparations containing 30 percent or more of acetic acid.
- ALKYL DIMETHYL BENZYL AMMONIUM CHLORIDE, in liquid preparations containing 10 percent or more of alkyl dimethyl benzyl ammonium chloride.
- AZACONAZOLE, in liquid preparations containing less than 55 percent but not less than 4 percent of azaconazole; and in solid preparations containing 20 percent or more of azaconazole.
- BETACYFLUTHRIN, in liquid preparations containing 10 percent or more of betacyfluthrin; and in solid preparations containing 40 percent or more of betacyfluthrin.
- CHROMATES, (including dichromates and complex mixed chromates) of barium, potassium, sodium, strontium, zinc or ammonia in paint containing more than 0.5% chromium calculated on the non volatile content of the paint.
- CYCLOHEXYLAMINE, in liquid preparations containing less than 70 percent but not less than five percent of cyclohexylamine; and in solid preparations containing 25 percent or more of cyclohexylamine.
- CYPROCONAZOLE, in liquid preparations containing 14 percent or more of cyproconazole; and in solid preparations containing 50 percent or more of cyproconazole.
- DIDECYL DIMETHYL AMMONIUM CHLORIDE, in liquid preparations containing 15 percent or more of didecyl dimethyl ammonium chloride; and in solid preparations containing more than 75 percent of didecyl dimethyl ammonium chloride.
- DIISOCYANATES (except methylene-bis-thiocyanate), in preparations containing less than 0.7 percent but not less than 0.04 percent of unreacted isocyanate monomer.
- DIMETHENAMID, in liquid preparations containing 50 percent or more of dimethenamid.
- FENPYROXIMATE, in liquid preparations containing more than 12 percent of fenpyroximate; and in solid preparations containing more than 49 percent of fenpyroximate.
- GLUTARALDEHYDE, in preparations containing 5 percent or more of glutaraldehyde.

SECOND SCHEDULE—*continued*NEW STANDARD POISONS—*continued*

- GLYPHOSATE-TRIMESIUM, in liquid preparations containing 35 percent or more of glyphosate-trimesium.
- KEROSENE, in liquid preparations containing 25 percent or more of kerosene.
- METHYLATED SPIRITS, in liquid preparations containing 25 percent or more of methylated spirits.
- METHYLENE BIS-THIOCYANATE, in liquid preparations containing less than 35 percent but not less than 2 percent of methylene bis-thiocyanate; and in solid preparations containing 10 percent or more of methylene bis-thiocyanate.
- MORPHOLINE, in liquid preparations containing 50 percent or more of morpholine.
- OCTADECYLAMINE, in liquid preparations containing 45 percent or more of octadecylamine.
- PACLOBUTRAZOL, in liquid preparations containing 20 percent or more of paclobutrazol.
- PROCHLORAZ, in liquid preparations containing 80 percent or more of prochloraz.
- SULFLURAMID, in liquid preparations containing 25 percent or more of sulfuramid.
- TERBUTHYLAZINE, in liquid preparations containing 80 percent or more of terbuthylazine.
- THIODICARB, in liquid preparations containing less than 30 percent but not less than three percent of thiodicarb; and in solids containing 15 percent or more of thiodicarb.
- TRICLOPYR BUTOXYETHYL ESTER, in liquid preparations containing 35 percent or more of triclopyr butoxyethyl ester.
- TURPENTINE, in liquid preparations containing 25 percent or more of turpentine.
- WHITE SPIRITS, in liquid preparations containing 25 percent or more of white spirits.

THIRD SCHEDULE

Reg. 14

NEW HARMFUL SUBSTANCES

- ALKYL DIMETHYL BENZYL AMMONIUM CHLORIDE, in liquid preparations containing less than 10 percent but not less than 0.5 percent of alkyl dimethyl benzyl ammonium chloride.
- AZACONAZOLE, in liquid preparations containing less than 4 percent but not less than 0.5 percent of azaconazole; and in solid preparations containing less than 20 percent but not less than 2 percent of azaconazole.
- AZOCYCLOTIN, in liquid preparations containing less than 3 percent but not less than 0.3 percent of azocyclotin; and in solid preparations containing less than 7.5 percent but not less than 0.75 of azocyclotin.
- BETACYFLUTHRIN, in liquid preparations containing less than 10 percent but not less than 1 percent of betacyfluthrin; and in solid preparations containing 40 percent but not less than 4 percent of betacyfluthrin.

THIRD SCHEDULE—*continued*NEW HARMFUL SUBSTANCES—*continued*

- BRODIFACOUM, in liquid preparations containing less than 0.01 percent but not less than 0.001 percent of brodifacoum; and in solid preparations containing less than 0.05 percent but not less than 0.005 percent of brodifacoum.
- BROMADIOLONE, in preparations containing less than 0.1 percent but not less than 0.01 percent of bromadiolone.
- CARBOPHENOTHION, in liquid preparations containing less than 1.5 percent but not less than 0.15 percent of carbophenothion; and in solid preparations containing less than 6 percent but not less than 0.6 percent of carbophenothion.
- COUMAPHOS, in liquid preparations containing less than 1 percent but not less than 0.1 percent of coumaphos; and in solid preparations containing less than 3 percent but not less than 0.3 percent.
- CYCLOHEXYLAMINE, in liquid preparations containing less than 5 percent but not less than 0.3 percent of cyclohexylamine; and in solid preparations containing less than 25 percent but not less than 2.5 percent of cyclohexylamine.
- CYPROCONAZOLE, in liquid preparations containing less than 14 percent but not less than 1 percent of cyproconazole; and in solid preparations containing less than 50 percent but not less than 2 percent of cyproconazole.
- DIDECYL DIMETHYL AMMONIUM CHLORIDE, in liquid preparations containing less than 15 percent but not less than 1 percent of didecyl dimethyl ammonium chloride; and in solid preparations containing less than 75 percent but not less than 5 percent of didecyl dimethyl ammonium chloride.
- DIETHYLENE GLYCOL, and its monoalkyl ethers and their acetates in preparations containing 5 percent or more of these substances, except in floor polishes.
- DIMETHENAMID, in liquid preparations containing less than 50 percent but not less than 5 percent of dimethenamid.
- DIMETHYL FORMAMIDE, in liquid preparations containing not less than 10 percent of dimethyl formamide.
- DISULFOTON, in solid preparations containing less than 0.5 percent but not less than 0.05 percent of disulfoton.
- ETHYLENE GLYCOL, and its monomethyl and monoethyl ethers and their acetates in preparations containing less than 5 percent but not less than 0.5 percent of these substances.
- ETHYLENE GLYCOL, and its monoalkyl (except monomethyl and monoethyl) ethers and their acetates in preparations containing 5 percent or more of these substances, except in floor polishes.
- FENAMIPHOS, in solid preparations containing less than 2 percent but not less than 0.2 percent of fenamiphos.
- FENPYROXIMATE, in liquid preparations containing more than 12 percent but not less than 6 percent of fenpyroximate; and in solid preparations containing less than 49 percent but not less than 6 percent of fenpyroximate.
- FLOCOUMAFEN, in liquid preparations containing less than 0.01 percent but not less than 0.001 percent; and in solid preparations

THIRD SCHEDULE—*continued*NEW HARMFUL SUBSTANCES—*continued*

- containing less than 0.2 percent but not less than 0.02 percent of flocoumafen.
- GLUTARALDEHYDE, in preparations containing less than 5 percent but not less than 2.5 percent of glutaraldehyde.
- GLYPHOSATE-TRIMESIUM, in liquid preparations containing less than 35 percent of glyphosate-trimesium but not less than 3.5 percent of glyphosate-trimesium.
- KEROSENE, in preparations containing less than 25 percent but not less than 2.5 percent of kerosene.
- METHAMIDOPHOS, in liquid preparations containing less than 1 percent but not less than 0.1 percent of methamidophos; and in solid preparations containing less than 5 percent but not less than 0.5 percent of methamidophos.
- METHIOCARB, in liquid preparations containing less than 5 percent but not less than 0.5 percent of methiocarb; and in solid preparations containing less than 20 percent but not less than two percent of methiocarb.
- METHYLATED SPIRITS, in preparations containing less than 25 percent but not less than 2.5 percent of methylated spirits.
- METHYLENE BIS-THIOCYANATE, in liquid preparations containing less than 2 percent but not less than 0.2 percent of methylene bis-thiocyanate; and in solid preparations containing less than 10 percent but not less than 1 percent of methylene bis-thiocyanate.
- MORPHOLINE, in liquid preparations containing less than 50 percent but not less than 5 percent of morpholine.
- NARASIN, in liquid preparations containing less than 0.8 percent of narasin but not less than 0.08 percent of narasin; and in solid preparations containing less than 3 percent but not less than 0.3 percent of narasin.
- OCTADECYLAMINE, in liquid preparations containing less than 45 percent but not less than 3 percent of octadecylamine.
- PACLOBUTRAZOL, in liquid preparations containing less than 20 percent but not less than 2 percent of paclobutrazol; and in solid preparations containing not less than 9 percent of paclobutrazol.
- PHOSPHORIC ACID, in liquid preparations containing less than 10 percent but not less than one percent of phosphoric acid.
- POTASSIUM NITRATE, in substances containing less than 1 percent but not less than 0.1 percent of potassium nitrate.
- POTASSIUM NITRITE, in substances containing less than 1 percent but not less than 0.1 percent of potassium nitrite.
- PROCHLORAZ, in liquid preparations containing less than 80 percent but not less than 8 percent of prochloraz.
- SULFLURAMID, in liquid preparations containing less than 25 percent but not less than 3 percent of sulfluramid; and in solid preparations containing 10 percent or more of sulfluramid.
- TERBUTHYLAZINE, in liquid preparations containing less than 80 percent but not less than 8 percent of terbuthylazine; and in solid preparations containing not less than 30 percent of terbuthylazine.

THIRD SCHEDULE—*continued*NEW HARMFUL SUBSTANCES—*continued*

- THIODICARB, in liquid preparations containing less than 3 percent but not less than 0.3 percent of thiodicarb; and in solids containing less than 15 percent but not less than one percent of thiodicarb.
- TRICHLOROACETIC ACID, except in preparations containing less than 10 percent of trichloroacetic acid.
- TRICLOPYR BUTOXYETHYL ESTER, in liquid preparations containing less than 35 percent but not less than 20 percent of triclopyr butoxyethyl ester.
- TURPENTINE, in preparations containing less than 25 percent but not less than 2.5 percent of turpentine.
- WHITE SPIRITS, in preparations containing less than 25 percent but not less than 2.5 percent of white spirits.

MARIE SHROFF,
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, which, with 2 exceptions, come into force on 20 December 1993, are made on the recommendation of the Toxic Substances Board and amend the Toxic Substances Regulations 1983. The regulations that come into force on later dates are the new regulations 49i and 49j (which are set out in regulation 9).

Regulation 2 amends regulation 6 of the principal regulations to provide that materials specified in the Fifth Schedule to the regulations are no longer exempt from—

(a) Section 32 of the Toxic Substances Act 1979:

(b) Part V of that Act (relating to the importation and carriage of toxic substances):

(c) Such of the provisions of section 20 of the Act as relate to the packing, preparing, and labelling of poisons.

Regulation 3 amends regulation 17A of the principal regulations to make it clear that a container which is self-supporting is not required to be accessible to visual inspection of its base. The requirements relating to overflow arrangements and level indicators are also amended to make them less restrictive.

Regulations 4, 5, and 6 amend regulations 23, 24, and 25 respectively of the principal regulations to allow labels to be surrounded by a label box in a colour other than black.

Regulation 7 amends regulation 28 of the principal regulations to make it clear that any aerosol spray container that contains any toxic substance shall be labelled with the name of the propellant.

Regulation 8 amends regulation 47 of the principal regulations. The amendment reduces from 5000 mg/kg to 2500 mg/kg the maximum allowable lead content in paint for the purposes of the labelling requirements in that regulation.

Regulation 9 revokes regulation 49i of the principal regulations (which was to have come into force on 1 January 1994), and substitutes new regulations 49i and 49j. The regulation 49i that was inserted into the regulations by the Toxic Substances Regulations 1983, Amendment No. 3 would have prohibited the storage or use, after 31 December 1993, of any PCB. That regulation 49i has now been split into 2 regulations, one dealing with a prohibition on the

storage of PCB, and the other dealing with a prohibition on use of PCB. The new regulation on storage will come into force on 1 August 1994. The new regulation on use will come into force on 1 January 1994.

Regulations 10 to 15 make changes to the Schedules to the principal regulations relating to the classification of toxic substances as dangerous poisons, standard poisons, and harmful substances.

Regulation 16 amends the list of exempted substances in the Fifth Schedule to the principal regulations.

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These regulations are administered in the Ministry of Health.