

**Reprint
as at 1 December 2017**

**Hazardous Substances (Classes 6, 8, and 9 Controls)
Amendment Regulations 2004**

(SR 2004/250)

Hazardous Substances (Classes 6, 8, and 9 Controls) Amendment Regulations 2004: revoked, on 1 December 2017, pursuant to regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Pursuant to section 75(1)(d), (e), and (f) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Requirement to keep record of application or discharge	2
4 Protective clothing and equipment	2
5 Quantities of class 6, 8, and 9 substances that must be under personal control of approved handler or secured	3
6 Carriage on passenger service vehicles	3
7 Prohibition on use of substance in excess of tolerable exposure limit	3
8 Vertebrate poisons	3
9 Workplace exposure standard	3
10 Environmental exposure limits for substances	4
11 Application area	4
12 Certain restrictions not to apply in application area	4
13 Application rate for substance within application area	4
14 Use of ecotoxic substances as bait	4

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

These regulations are administered by the Ministry for the Environment.

15 New Schedule 2 substituted 4

Schedule 4
New Schedule 2 substituted

1 Title

- (1) These regulations are the Hazardous Substances (Classes 6, 8, and 9 Controls) Amendment Regulations 2004.
- (2) In these regulations, the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Requirement to keep record of application or discharge

- (1) The heading to regulation 5 of the principal regulations is amended by omitting the words “or discharge”.
- (2) Regulation 5(1) of the principal regulations is amended by omitting the words “or discharge” in both places where they occur.
- (3) Regulation 5(1) of the principal regulations is amended by inserting, after the words “or 8.2B substance”, the words “applied for the purpose of causing bio-cidal action”.
- (4) Regulation 5(2) of the principal regulations is amended by inserting, after the words “or 9.4A substance”, the words “applied for the purpose of causing bio-cidal action”.
- (5) Regulation 5(2) of the principal regulations is amended by omitting the words “or discharge”.
- (6) Regulation 5(2) of the principal regulations is amended by omitting the words “or discharged”.

4 Protective clothing and equipment

Regulation 8 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) A person who handles a class 6.1A, 6.1B, 6.1C, 6.1D, 6.3A, 6.5A, 6.5B, 6.6A, 6.6B, 6.7A, 6.7B, 6.8A, 6.8B, 6.8C, 6.9A, 6.9B, 8.2A, 8.2B, 8.2C, or 8.3A substance must use protective clothing or equipment that is designed, constructed, and operated to ensure that the person—

¹ SR 2001/117

- (a) does not come into contact with the substance; and
- (b) is not exposed to a concentration of the substance that is greater than the workplace exposure standard for the substance.

5 Quantities of class 6, 8, and 9 substances that must be under personal control of approved handler or secured

Regulation 9 of the principal regulations is amended by adding the following subclauses:

- (3) Despite subclauses (1) and (2), a class 9 substance may be handled by a person who is not an approved handler if the substance is contained in sealed packaging.
- (4) Subclause (3) does not apply during the following stages of the lifecycle of the substance:
 - (a) formulation; and
 - (b) manufacture; and
 - (c) application.

6 Carriage on passenger service vehicles

Regulation 10 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) A person must not carry on a passenger service vehicle a class 6.1, 6.3, 6.4, or 6.5 substance, or any class 8 substance, unless—
 - (a) the substance is in sealed packaging; and
 - (b) the quantity of the substance in the package is not more than the maximum quantity for the class of substance specified in Schedule 2.

7 Prohibition on use of substance in excess of tolerable exposure limit

Regulation 27 of the principal regulations is amended by revoking subclause (2).

8 Vertebrate poisons

Regulation 28 of the principal regulations is amended by revoking subclause (6), and substituting the following subclause:

- (6) Regulation 9 does not apply to a substance after it has been applied or laid in accordance with this regulation.

9 Workplace exposure standard

- (1) Regulation 29 of the principal regulations is amended by revoking subclause (3), and substituting the following subclause:
 - (3) A workplace exposure standard applies to every place of work.

- (2) Regulation 29(4) of the principal regulations is amended by omitting the words “If a workplace exposure standard applies to a place of work, the person in charge of the place of work”, and substituting the words “The person in charge of a place of work”.

10 Environmental exposure limits for substances

Regulation 32 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) The environmental exposure limits for classes 9.1 and 9.2 substances are,—
- (a) in the case of a class 9.1 substance, 0.1 micrograms of substance per litre of water;
 - (b) in the case of a class 9.2 substance, 1 microgram of substance per kilogram of dry weight of soil.

11 Application area

Regulation 46 of the principal regulations is amended by inserting, after the words “in relation to a substance”, the words “designed for biocidal action”.

12 Certain restrictions not to apply in application area

Regulation 47 of the principal regulations is amended by revoking paragraph (b), and substituting the following paragraph:

- (b) regulation 9 does not apply to the substance after it has been applied or laid in the area.

13 Application rate for substance within application area

Regulation 48(2) of the principal regulations is amended by omitting the words “must be expressed as a quantity of the substance for each unit of area, and”.

14 Use of ecotoxic substances as bait

Regulation 51 of the principal regulations is amended by adding the following paragraphs:

- (d) bait size;
- (e) degree of palatability.

15 New Schedule 2 substituted

The principal regulations are amended by revoking Schedule 2, and substituting the Schedule 2 set out in the Schedule to these regulations.

Schedule

New Schedule 2 substituted

Schedule 2				
Maximum quantities per package of certain class 6, 8, and 9 substances permitted on passenger service vehicles				
Hazard classification	Gas (aggregate water capacity in mL)	Liquid (L)	Solid (kg)	r 10
6.1B		120	0.1	0.5
6.1C		120	1	3
6.1D or 6.1E		120	10	10
6.3A		120	1	3
6.3B		120	10	10
6.4A		120	1	3
6.5A or 6.5B		120	0.1	0.5
8.2B		120	0.5	1
8.2C		120	1	2
8.3A		120	1	2

Diane Morcom,
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 come into force on the 28th day after the date of their notification in the *Gazette*, amend the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, by—

- removing the requirement in regulation 5(1) and (2) for written records of all applications of certain classes 6 and 8 substances, and limiting the requirement for written records to those substances applied for a biocidal purpose. Records are no longer required for discharges of those substances (regulation 3):
- expanding the requirement in regulation 8(1) for the wearing of protective clothing to apply to handlers of a wider group of class 6 substances (regulation 4):
- extending the provisions of regulation 9 to permit a person who is not an approved handler to handle class 9 substances if the substance is in a sealed package. In those circumstances, it is not necessary for an approved handler to be present, or to provide guidance or assistance (regulation 5):
- limiting the scope of regulation 10 by removing references to certain class 6 substances and all class 9 substances (regulation 6):

- correcting and clarifying the scope and content of regulations 27 to 29, 32, 46 to 48, and 51 (regulations 7 to 14):
- substituting a new Schedule 2, which reflects the reduced scope of new regulation 10(1) (regulation 15).

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 August 2004.

Eprint notes

1 *General*

This is an eprint of the Hazardous Substances (Classes 6, 8, and 9 Controls) Amendment Regulations 2004 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233): regulation 4(1)