

Reprint
as at 1 December 2017



Hazardous Substances (Exempt Laboratories) Regulations 2001 (SR 2001/115)

Hazardous Substances (Exempt Laboratories) Regulations 2001: revoked, on 1 December 2017, by regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of May 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 140(1)(g) 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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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Regulations

1 Title

These regulations are the Hazardous Substances (Exempt Laboratories) Regulations 2001.

2 Commencement

These regulations come into force on 2 July 2001.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Hazardous Substances and New Organisms Act 1996

approved hazardous substance—

- (a) means a substance for which an approval to import or manufacture for release, or to import into containment or to manufacture in containment, has been issued by the Authority under the Act; and
- (b) includes a hazardous substance approved under section 48 of the Act for release or use in an emergency

emergency response plan means an emergency response plan referred to in regulation 16

laboratory manager means a person designated under regulation 13(1) as a manager of a laboratory or of part of a laboratory

requirements for disposal, in relation to a hazardous substance, means the relevant controls prescribed by the Hazardous Substances (Disposal) Regulations 2001, subject to any variation for the time being in force under section 77 of the Act

small container—

- (a) means a container in which a hazardous substance is being held before or during use in a laboratory in quantities typically used for that purpose; and
- (b) includes any laboratory equipment in which any hazardous substance remains after that use

sodium fluoroacetate—

- (a) means any quantity of sodium fluoroacetate (Chemical Abstracts Service (CAS) registry number 62-74-8); but
- (b) excludes any formulated substances containing sodium fluoroacetate.

Regulation 3 **sodium fluoroacetate**: inserted, on 12 March 2015, by regulation 4 of the Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45).

4 Application

These regulations apply, for the purposes of section 33 of the Act, to every laboratory in which any small-scale use of hazardous substances in research and development, or teaching, occurs.

Laboratory design requirements

5 Parts of laboratory to be impervious to hazardous substances

All parts of a laboratory that could come into contact with a hazardous substance, either in the course of normal use of the substance or as a result of spillage, must either—

- (a) be made of a material that is not capable of absorbing or retaining the substance; or
- (b) be treated and finished to that level of imperviousness; or

- (c) while those parts come into contact with the substance, be covered by a disposable material that is capable of absorbing or retaining the substance.

6 Design of laboratory in which approved hazardous substances used

- (1) If an approved hazardous substance is used or is available for use in a laboratory, the laboratory must be designed and operated so as to prevent the substance from escaping from the laboratory and entering the environment.
- (2) Subclause (1) does not apply if—
 - (a) the laboratory has a system for the disposal of hazardous substances; and
 - (b) that system is designed and operated so as to meet the requirements for disposal of the hazardous substance.

7 Design of laboratory in which unapproved hazardous substances used

- (1) If a hazardous substance that is not an approved hazardous substance is used or available for use in a laboratory, the laboratory must be designed and operated so as to prevent the substance from escaping from the laboratory and entering the environment.
- (2) The design of the laboratory must include the provision of storage arrangements for the substance.
- (3) Those design, operational, and storage arrangements must remain in place until—
 - (a) the substance becomes an approved hazardous substance; or
 - (b) the substance is treated so that it is no longer a hazardous substance; or
 - (c) the substance is lawfully exported from New Zealand.

8 Entry to laboratories

- (1) All entrances to a laboratory to which regulation 6 or regulation 7 applies must be clearly marked by signs that—
 - (a) warn that only authorised persons are permitted inside the laboratory; and
 - (b) meet the requirements for comprehensibility and clarity of signage specified in Part 3 of the Hazardous Substances (Identification) Regulations 2001.
- (2) At all times when a laboratory is not supervised by a laboratory manager or by any other person nominated by a laboratory manager to be in charge in his or her absence, the laboratory must be secured so that a person can only enter the laboratory by using a tool, a key, or any other device used to operate a lock.
- (3) In this regulation,—
authorised person, in relation to a laboratory,—

- (a) means a person (**person A**) who, in the normal course of his or her work, research and development, or teaching, is required to enter the laboratory; and
- (b) includes any other person under person A's direct supervision while person A is present in the laboratory

entrance, in relation to a laboratory, means a door, gate, or passage that is a point of entry into the laboratory.

Recording of hazardous substances

9 Recording of hazardous substances in laboratory

- (1) An accurate record must be kept of the quantities of the following hazardous substances in a laboratory:
 - (a) all approved hazardous substances that would, if they were outside the laboratory, be subject to tracking under the Hazardous Substances (Tracking) Regulations 2001; and
 - (b) all substances that are likely to be hazardous substances and that are not approved hazardous substances.
- (2) That record must be kept for not less than 12 months after the substance is consumed or removed from the laboratory.

Handling and storage of hazardous substances

10 Handling and storage of approved hazardous substances

- (1) A laboratory manager must ensure that any approved hazardous substance is handled and stored in the laboratory in the way in which a substance with the same hazard classification must be managed under the applicable provisions of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 and the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001.
- (2) However, subclause (1) does not require compliance with any provision of those regulations requiring that a substance be under the control of an approved handler.
- (3) If an approved hazardous substance is being used in a laboratory, or is being held in small containers in a laboratory and is available for use, the following information must be provided:
 - (a) the identity of the substance; and
 - (b) if the hazardous substance is diluted with a non-hazardous substance, the concentration of any hazardous substance present; and
 - (c) a warning of the hazardous properties of the substance if the substance is classified, under the Hazardous Substances (Classification) Regulations 2001, as—
 - (i) subclass 1.1, 1.2, 1.3, or 1.4; or

- (ii) hazard classification 3.1A, 3.2A, 4.1.2A, 4.1.2B, 4.1.3A, 4.2A, 4.3A, 5.1.1A, 5.1.2A, 5.2A, 5.2B, 6.1A, 6.1B, 6.1C, 8.2A, 8.3A, 9.1A, 9.2A, 9.3A, or 9.4A.
- (4) The information referred to in subclause (3) must be available so that a person inside the laboratory is able to access the information within 10 seconds.
- (5) The information referred to in subclause (3) must meet the requirements for comprehensibility, durability, and clarity set out in Part 1 of the Hazardous Substances (Identification) Regulations 2001.

11 Handling and storage of unapproved hazardous substances

- (1) A laboratory manager must ensure that a substance that is likely to be hazardous and is not an approved hazardous substance is handled and stored in the way in which a similar quantity of an approved hazardous substance with similar hazardous properties and equivalent degrees of hazard must be handled and stored under the applicable provisions of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 and the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001.
- (2) In managing a hazardous substance that is not an approved hazardous substance, a laboratory manager must have regard to—
 - (a) the hazardous properties of all products that are likely to result from a reaction used to form the substance; and
 - (b) any known physical or chemical properties of—
 - (i) the substance; or
 - (ii) any of the compounds, elements, or chemical functional groups that make up the substance; and
 - (c) any known hazardous properties of substances that have a similar chemical structure; and
 - (d) if the substance is a mixture, any known or likely interactions between the compounds, elements, or chemical functional groups that make up the mixture; and
 - (e) if the substance was imported from another jurisdiction, any information about the substance available from that jurisdiction.
- (3) If a hazardous substance that is not an approved hazardous substance is being used in a laboratory, or is in small containers in a laboratory and is available for use, the following information must be provided:
 - (a) the identity of the substance; and
 - (b) if available, information about any hazardous property of the substance; and
 - (c) if available, an indication of the precautions that should be taken when handling the substance.

- (4) The information referred to in subclause (3) must be available so that a person inside the laboratory is able to access the information within 10 seconds.
- (5) The information referred to in subclause (3) must meet the requirements for comprehensibility, durability, and clarity set out in Part 1 of the Hazardous Substances (Identification) Regulations 2001.

12 Specification of containers used to hold hazardous substances

A small container in a laboratory used for holding a hazardous substance must,—

- (a) when closed, be able to contain the hazardous substance within the range of temperatures in which that container will be used; and
- (b) be resistant to the hazardous substance so that any chemical reaction that may occur between the substance and the container will not release a hazardous substance; and
- (c) prevent entry by any organism capable of transporting the substance out of the laboratory.

Personnel requirements for laboratories

13 Laboratory manager

- (1) At least 1 person must be designated as a laboratory manager for a laboratory.
- (2) A laboratory manager—
 - (a) may be designated as the manager of all or a specified part of the laboratory; and
 - (b) is in charge of—
 - (i) the laboratory or specified part of the laboratory; and
 - (ii) all hazardous substances contained within the laboratory or part of the laboratory; and
 - (c) may nominate any other person to be in charge in his or her absence.
- (3) If more than 1 person is designated as a laboratory manager under subclause (1), the terms and conditions of the designation must—
 - (a) be recorded in writing; and
 - (b) ensure that, at any given time, only 1 person is in charge of the laboratory or part of the laboratory, and of all hazardous substances contained within the laboratory or part of the laboratory.

14 Skill and knowledge requirements for laboratory managers

A person designated as a laboratory manager must have—

- (a) technical knowledge of the physical and chemical properties of all substances managed or used in the laboratory, including the likely hazardous

- properties of substances being synthesised, in order to prevent or manage the adverse effects of those substances; and
- (b) knowledge of—
 - (i) precautions for handling the hazardous substances managed or used in the laboratory; and
 - (ii) disposal of those substances in accordance with these regulations; and
 - (iii) the most recent version of any relevant code of practice approved by the Authority under section 78 of the Act; and
 - (c) any specific knowledge and skill requirements contained in the laboratory's emergency response plan; and
 - (d) the ability to demonstrate the correct operation and maintenance of equipment, including personal protective clothing and equipment, necessary to manage the substances in the laboratory throughout their life cycle.

15 Knowledge requirements for persons handling hazardous substances

A laboratory manager must ensure that every person handling a hazardous substance in the laboratory is provided with all of the following information before handling the substance:

- (a) procedures to prevent the contamination of any equipment, clothing, or part of the laboratory;
- (b) if the substance is an approved hazardous substance, procedures to ensure that persons in the laboratory are not exposed to more than the workplace exposure standard, as prescribed for that substance by the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001;
- (c) if the substance is not an approved hazardous substance, the method of management required under regulation 11;
- (d) disposal of the hazardous substance in accordance with these regulations;
- (e) the actions required under the laboratory's emergency response plan in the event of an accident or accidental exposure to the substance.

Emergency response plan requirements

16 Emergency response plan requirements

- (1) All laboratories, irrespective of the quantities of hazardous substances present, must have an emergency response plan that meets the requirements of Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001.

- (2) The emergency response plan may be part of any other planning for an emergency, whether required by the Act or any other Act, or be undertaken for any other reason.

Additional requirements relating to sodium fluoroacetate held in laboratory

Heading: inserted, on 12 March 2015, by regulation 5 of the Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45).

17 Additional recording and notification requirements

- (1) A laboratory manager must provide the Authority with the following information if, on the day on which this regulation comes into force, sodium fluoroacetate is held at the laboratory:
- (a) the name and address of the laboratory; and
 - (b) the laboratory manager's name; and
 - (c) the quantity of sodium fluoroacetate held at the laboratory; and
 - (d) for any quantity not manufactured at the laboratory, the supplier's name.
- (2) The information must be provided in writing no later than 20 working days after the day on which this regulation comes into force.
- (3) If, at any time in a calendar year, a laboratory holds, obtains, or manufactures sodium fluoroacetate, the laboratory manager must provide the Authority with the following information in respect of that year:
- (a) the name and address of the laboratory; and
 - (b) the laboratory manager's name; and
 - (c) the quantity or quantities of sodium fluoroacetate held, obtained, or manufactured; and
 - (d) for any quantity not manufactured at the laboratory, the supplier's name; and
 - (e) the purpose or purposes for which it was held, obtained, or manufactured; and
 - (f) if any quantity was transferred to another place,—
 - (i) how much was transferred; and
 - (ii) the address of the place; and
 - (iii) the identity of and position held by the person assuming responsibility for it at that place; and
 - (iv) the date on which the transfer occurred; and
 - (g) if any quantity was disposed of,—
 - (i) the quantity disposed of; and
 - (ii) how and where it was disposed of; and
 - (iii) the date on which it was disposed of.

- (4) The information must be provided in writing no later than 31 March of the following calendar year.
- (5) The first year in which the requirement in subclause (3) must be satisfied is the 2015 calendar year. However, the information is required only in relation to the period starting on the day on which this regulation comes into force and ending on 31 December.
- (6) To avoid doubt, subclause (3) applies even if the sodium fluoroacetate held by the laboratory was obtained or manufactured in a previous calendar year.

Regulation 17: inserted, on 12 March 2015, by regulation 5 of the Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45).

18 Additional storage requirements

A laboratory manager must ensure that any sodium fluoroacetate held in the laboratory is secured so that a person, when not dealing with the substance, can access it only by using a tool or key or any other device used to operate a lock.

Regulation 18: inserted, on 12 March 2015, by regulation 5 of the Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45).

19 Additional importation requirements

- (1) This regulation applies if a laboratory imports sodium fluoroacetate into New Zealand.
- (2) Before the sodium fluoroacetate is collected, the laboratory manager must—
 - (a) give the Authority written notice of—
 - (i) the supplier's name; and
 - (ii) the quantity to be collected; and
 - (iii) the name of the person collecting it; and
 - (b) obtain a signed certificate from the Authority confirming that the laboratory manager has complied with paragraph (a); and
 - (c) give the certificate to the New Zealand Customs Service together with written notice of the date on which and place from where the sodium fluoroacetate will be collected (or, alternatively, provide the documents electronically).

Regulation 19: inserted, on 12 March 2015, by regulation 5 of the Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45).

Martin Bell,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Hazardous Substances (Exempt Laboratories) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

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

Hazardous Substances (Exempt Laboratories) Amendment Regulations 2015 (LI 2015/45)