

DRAFT FOR CONSULTATION



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Health and Safety at Work (Hazardous Substances—Certified Handler of Class 6 Substances Compliance Certification) Amendment Performance Standard 2022

This performance standard is issued under regulation 6.43 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 by WorkSafe New Zealand, after being satisfied that appropriate consultation has been carried out under regulation 6.44 of those Regulations.

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Performance standard

1 Title

This is the Health and Safety at Work (Hazardous Substances—Certified Handler of Class 6 Substances Compliance Certification) Amendment Performance Standard 2022.

2 Commencement

This performance standard comes into force on .

3 Principal performance standard

This performance standard amends the Health and Safety at Work (Hazardous Substances—Certified Handler of Class 6 Substances Compliance Certification) Performance Standard 2019.

4 Clause 4 amended (Interpretation)

- (1) In clause 4(1) amend the definition of **agricultural**, paragraph (d), by deleting “as defined in NZS 8409—2004”.
- (2) In clause 4(1) insert in its appropriate alphabetical order:
“**agricultural context** includes any activity involving the management of land and water resources in the production of animals or plant crops up until the point of slaughter or harvest”

5 Clause 5 amended (Evidence required to demonstrate competency)

In clause 5(1)(a) insert “, marriage certificate” after “passport”.

6 Clause 12 amended (Scope of certification)

- (1) Replace clause 12(3)(a) (including the example) with:
“(a) in relation to the name and classification of an agricultural,—
 - (i) if the substance is classified as a class 6.1A substance—
 - (A) the chemical name of the active ingredient used as the agricultural;
and
 - (B) the classification 6.1A:
 - (ii) if the substance is classified as a class 6.1B substance—
 - (A) the word ‘Agriculturals’; and
 - (B) the classification 6.1B:”
- (2) In clause 12(2) replace “(5)” with “(5D)”.
- (3) After clause 12(5) insert:
“(5A) In the case of a class 6 substance other than an agricultural, a fumigant, or a vertebrate toxic agent, where the substances are kept at a bulk commercial storage or transit depot, instead of the name of the substance, the compliance certifier may record—

- (a) the description “acutely toxic substances”; and
- (b) the classifications 6.1A and 6.1B.

(5B) Subclause (5A) only applies if the applicant is seeking certification for the life cycle phase storage and/or transport only.

(5C) In the case of a class 6 substance other than an agrichemical, a fumigant, or a vertebrate toxic agent, where the substances are stored or used at a dedicated waste disposal site, instead of the name of the substance, the compliance certifier may record—

- (a) the description “acutely toxic substances”; and
- (b) the classifications 6.1A and 6.1B.

(5D) Subclause (5C) only applies if the applicant is seeking certification for the life cycle phase storage and/or disposal only.”

7 Clause 13 amended (Other information to be recorded)

In clause 13(2) delete paragraph (b) and paragraph (c) (including the example).

8 Schedule 1 amended (Additional provisions: verifying competency requirements for certified handler of agrichemicals)

(1) In Schedule 1, clause 3(d), replace “aid.” with “aid; and”.

(2) In Schedule 1, after clause 3(d), insert:

“(e) safe handling techniques and processes for the manufacture of the substance, where applicable.”

9 Schedule 2 amended (Additional provisions: verifying competency requirements for certified handler of fumigants)

(1) In Schedule 2, clause 3(j), replace “limits.” with “limits; and”.

(2) In Schedule 2, after clause 3(j), insert:

“(k) safe handling techniques and processes for the manufacture of the substance, where applicable.”

10 Schedule 3 amended (Additional provisions: verifying competency requirements for certified handler of vertebrate toxic agents)

(1) In Schedule 3, clause 3(e), replace “applicable.” with “applicable; and”.

(2) In Schedule 3, after clause 3(e), insert:

“(f) safe handling techniques and processes for the manufacture of the substance, where applicable.”

11 Schedule 4 amended (Additional provisions: verifying competency requirements for certified handler of other class 6 hazardous substances)

(1) In Schedule 3, clause 3(f), replace “substance.” with “substance; and”.

(2) In Schedule 3, after clause 3(f), insert:

“(g) safe handling techniques and processes for the manufacture of the substance,
where applicable.”

Made at Wellington on .

Phil Parkes
Chief Executive
WorkSafe New Zealand

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