

Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Tony Hetherington, Head of High Hazards, Energy and Public Safety at WorkSafe New Zealand, exempt **L'Oreal New Zealand Limited** from compliance with regulation 11.30 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the dangerous goods store ('the new flammable liquids store') that is attached to the distribution warehouse of unit 8, 9 Manu Street, Favona, Auckland ('the site').

I do so having had regard to the prescribed requirements in regulation 11.40 of the HS Regulations; and being satisfied that the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the proposed exemption, and that the exemption is not inconsistent with the purpose of the Act; and subject to the following conditions—

- (1) L'Oreal must maintain both the existing and the new flammable liquids stores so they meet the requirements of a type C store in regulation 11.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
- (2) L'Oreal must upgrade the new flammable liquids store to meet the applicable requirements of NFPA 11:2016 including the installation of a high-expansion foam system; and
- (3) L'Oreal must maintain both high-expansion foam systems in the existing flammable liquids store and the new flammable liquids store in accordance with NFPA11:2016; and
- (4) L'Oreal must limit the quantity of class 3 substances in the new flammable liquids store to no more than 20,000 litres; and
- (5) L'Oreal must not store any products in the new flammable liquids store for which the high expansion foam is not a suitable extinguishing medium; and
- (6) For the purposes of condition 5 there must be a clearly visible sign indicating which products must not be stored in the new flammable liquids store; and

- (7) L'Oreal must ensure there is an egress route from the warehouse that avoids the vicinity of the flammable stores and this must be incorporated into the emergency response plan; and
- (8) L'Oreal must ensure the hydrogen gas concentration in the battery charging room is maintained below 1% v/v; and
- (9) L'Oreal must maintain the battery charging room and the area on top of the battery charging room roof (apart from the charging room roof, fork hoists and necessary equipment for charging fork hoists) so they are free of combustible materials; and
- (10) L'Oreal must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the new flammable liquids store; and
- (11) A copy of this exemption must be held at the site; and
- (12) L'Oreal must maintain the site layout in accordance with the site plan "Additions and alterations Unit 8 Manu St for L'Oreal" drawing "Floor plan" Sheet "A04"; and
- (13) L'Oreal must not store any flammable liquids within the new flammable liquids store until all the conditions 1 to 12 are met.

This exemption takes effect on 01 October 2019 and expires on 01 October 2024 unless it is replaced sooner or revoked.

Signed at Wellington this 27th day of Sept 2019



Tony Hetherington
Head of High Hazards, Energy and Public Safety
WorkSafe New Zealand