



Hazardous Substances (Packaging) Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of August 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 76(1)(a) 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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Regulations

1 Title

- (1) These regulations are the Hazardous Substances (Packaging) Amendment Regulations 2004.
- (2) In these regulations, the Hazardous Substances (Packaging) Regulations 2001¹ are called “the principal regulations”.

¹ SR 2001/118

2 Commencement

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

3 Interpretation

Regulation 3 of the principal regulations is amended by inserting, in its appropriate alphabetical order, the following definition:

“**large packaging** means packaging consisting of an outer packaging that contains articles or inner packaging, and that—

- “(a) is designed for mechanical handling; and
- “(b) can contain a net mass of contents of more than 400 kg or has a capacity of more than 450 L; but
- “(c) has a volume of 3 m³ or less”.

4 Application of regulations

- (1) Regulation 4(1) of the principal regulations is amended—
 - (a) by inserting, after the words “These regulations”, the words “(except Part 2A)”:
 - (b) by omitting from paragraph (b) the word “has”, and substituting the words “can contain”.
- (2) Regulation 4 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) Part 2A of these regulations applies to an item of large packaging other than—

- “(a) a tank, a tank wagon, or a transportable container, as those terms are defined in regulation 3 of the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; or

“(b) a stationary container system, a stationary tank, or a tank, as those terms are defined in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.”

- (3) Regulation 4 of the principal regulations is amended by omitting from subclauses (3) and (4) the expression “subclause (1)”, and substituting in each case the words “subclauses (1) and (1A)”.

5 Compatibility

Regulation 8(1)(a) of the principal regulations is amended by omitting the word “; and”, and substituting the word “; or”.

6 New Part 2A inserted

The principal regulations are amended by inserting, after Part 2, the following Part:

“Part 2A

“Packaging requirements for large packaging

“9A Application of this Part

This Part applies to large packaging.

“9B Requirements for large packaging

Large packaging may be used to contain hazardous substances in New Zealand if it has been constructed, marked, and tested as a large package as provided in Chapter 6.6 of the 13th revised edition of the UN Recommendations on the Transport of Dangerous Goods Model Regulations, published in 2003 by the United Nations (New York and Geneva).”

7 Packaging requirements for explosive substances (class 1)

Regulation 10(4) of the principal regulations is amended by omitting the words “after being exposed to a cigarette lighter flame held 50 mm from the packaging”, and substituting the words “after being held in the flame of a cigarette lighter”.

8 Packaging requirements for toxic substances (class 6)

- (1) Regulation 19(1)(b) of the principal regulations is amended by omitting the expression “, 6.6A, 6.7A, 6.8A, or 6.9A”.

- (2) Regulation 19(1)(c) of the principal regulations is amended by omitting the expression “6.5B, 6.6B, 6.7B, 6.8B, 6.8C, or 6.9B”, and substituting the expression “6.6A, 6.7A, 6.8A, or 6.9A”.

9 Packaging requirements for eco-toxic substances (class 9)

Regulation 21 of the principal regulations is amended by omitting the expression “class 9”, and substituting the words “classes 9.1A and 9.1B”.

10 New Schedule 5 substituted

The principal regulations are amended by revoking Schedule 5, and substituting the Schedule 5 set out in the Schedule of these regulations.

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**Schedule
New Schedule 5 substituted**

r 9

**Schedule 5
Hazard classifications of substances that may be
packed in packaging that meets requirements of
regulation 9**

Hazard classification	Form	Maximum quantity per unit of packaging
3.1B	liquid	1.0 L
3.1C	liquid	5.0 L
3.1D	liquid	Up to limit allowed by regulation 4
4.1.1A and 4.2B	solid	0.5 kg
4.1.1B and 4.2C	solid	3.0 kg
4.3B	liquid or solid	0.5 L or 0.5 kg
4.3C	liquid or solid	1.0 L or 1.0 kg
5.1.1B	liquid or solid	0.5 L or 0.5 kg
5.1.1C	liquid or solid	1.0 L or 1.0 kg
5.2B and 5.2C not requiring temperature control under Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	25.0 ml or 0.1 kg
5.2D, 5.2E, and 5.2F not requiring temperature control under Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	125.0 ml or 0.5 kg

Schedule 5—continued

Hazard classification	Form	Maximum quantity per unit of packaging
6.1B	liquid or solid	0.1 L or 0.5 kg
6.1C, 6.5A, 6.6A, 6.7A, 6.8A, and 6.9A	liquid or solid	1.0 L or 3.0 kg
6.1D, 6.3A, 6.3B, 6.4A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, and 6.9B	liquid or solid	Up to limit allowed by regulation 4
8.1A, 8.2C, and 8.3A	liquid or solid	1.0 L or 2.0 kg
8.2B	liquid or solid	0.5 L or 1.0 kg
9.1A and 9.1B	liquid or solid	5.0 L or 5.0 kg
9.1C, 9.1D, 9.2A, 9.2B, 9.2C, 9.2D, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B, and 9.4C	liquid or solid	Up to limit allowed by regulation 4

(All liquid volumes measured at 20°C.)

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 (Packaging) Regulations 2001 by—

- correcting an error in regulation 8(1). The amendment clarifies that paragraphs (a) and (b) are alternative, rather than cumulative, provisions (*regulation 5*):
- providing for the use of large packaging to contain hazardous substances. The packaging must be constructed, marked, and tested as provided in Chapter 6.6 of the 13th revised edition of the UN Recommendations on the Transport of Dangerous Goods Model Regulations (*regulation 6*):
- clarifying the requirements of the flame resistance test applicable to packaging for fireworks, set out in regulation 10(4). The existing test did not make clear that the packaging must be held in the flame (*regulation 7*):

- reducing the packaging requirements of certain groups of class 6 substances, to reflect the fact that the current requirements of regulation 19(1)(b) and (c) exceed international standards. The amendments mean that the requirements will now accord with the relevant international standards (*regulation 8*):
- reducing the scope of regulation 21, so that it applies only to class 9.1A and class 9.1B substances. This reflects the fact that the current requirements of regulation 21 exceed international standards. The requirements will now accord with the relevant international standards (*regulation 9*):
- substituting a *new Schedule 5*, which reflects the changes made to the packaging requirements by the amendments to regulations 19 and 21 (*regulation 10, Schedule*).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 August 2004.

These regulations are administered in the Ministry for the Environment.
