



Hazardous Substances (Identification) Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 1st day of March 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 76(1)(b) 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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Schedule
New Schedules 2 and 3 to
principal regulations

Regulations

1 Title

- (1) These regulations are the Hazardous Substances (Identification) Amendment Regulations 2004.
- (2) In these regulations, the Hazardous Substances (Identification) Regulations 2001¹ are called “the principal regulations”.
¹ SR 2001/124

2 Commencement

These regulations come into force on 26 March 2004.

3 Interpretation

- (1) Regulation 3 of the principal regulations is amended by revoking the definition of **category**, and substituting the following definition:
“**category** means a category under the classification system described in regulation 4 of the Hazardous Substances (Classification) Regulations 2001”.
- (2) Regulation 3 of the principal regulations is amended by inserting, after the definition of **category**, the following definition:
“**class** means a class under the classification system described in regulation 4 of the Hazardous Substances (Classification) Regulations 2001”.
- (3) Regulation 3 of the principal regulations is amended by revoking the definition of **hazard classification**, and substituting the following definition:
“**hazard classification** means a classification under the classification system described in regulation 4 of the Hazardous Substances (Classification) Regulations 2001”.
- (4) Regulation 3 of the principal regulations is amended by revoking the definition of **subclass**, and substituting the following definition:

“**subclass** means a subclass under the classification system described in regulation 4 of the Hazardous Substances (Classification) Regulations 2001”.

4 Exclusion for substances used for motive power or control of vehicle, aircraft, or ship

Regulation 4(1) of the principal regulations is amended by inserting, after the words “and is contained”, the word “in”.

5 Identification duties of suppliers

Regulation 6(b) of the principal regulations is amended by inserting, after the words “to a class”, the words “or subclass”.

6 Identification duties of persons in charge

Regulation 7(b) of the principal regulations is amended by inserting, after the words “to a class”, the words “or subclass”.

7 Secondary identifiers for all hazardous substances

Regulation 18(c) of the principal regulations is amended by inserting, after the words “of a different class”, the words “or subclass”.

8 Secondary identifiers for organic peroxides

Regulation 23(e) of the principal regulations is amended by omitting the expression “107”, and substituting the expression “110”.

9 Alternative information in certain cases

Regulation 29(1)(a) of the principal regulations is amended by omitting the words “regulation 8(1) or regulation 18”, and substituting the words “regulations 8 to 14 and regulations 19 to 25”.

10 Substances in multiple packaging

Regulation 30(2)(d) of the principal regulations is amended by inserting, after the words “the relevant class”, the words “or subclass”.

11 Documentation duties of suppliers

Regulation 37(b)(i) of the principal regulations is amended by omitting the expression “16 to 19”, and substituting the expression “39 to 48”.

12 Documentation duties of persons in charge of places of work

- (1) Regulation 38 of the principal regulations is amended by omitting the expression “3.1D, 5.2G, 6.1E, 6.3A, 6.4A, 9.1D, or 9.2D” wherever it occurs, and substituting in each case the expression “3.1D, 5.2G, 6.1E, 6.3A, 6.3B, 6.4A, 9.1D, or 9.2D”.
- (2) Regulation 38(2)(b) of the principal regulations is amended by omitting the words “hazard classification”, and substituting the words “class or subclass”.

13 General content requirements for documentation

Regulation 39(5) of the principal regulations is amended by omitting the expression “regulation 26(1)”, and substituting the expression “regulation 26”.

14 Signage requirements

Regulation 52(1)(c) of the principal regulations is revoked.

15 Advertising corrosive and toxic substances

Regulation 53 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- “(1) Subclause (2) applies to a substance if it is—
- “(a) a class 8.2 skin corrosive substance; or
 - “(b) a class 8.3 eye corrosive substance; or
 - “(c) a class 6.1 acutely toxic substance.”

16 New Schedules 2 and 3 substituted

The principal regulations are amended by revoking Schedules 2 and 3, and substituting the schedules set out in the Schedule of these regulations.

Schedule

New Schedules 2 and 3 to principal regulations

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Schedule 2

Quantities requiring documentation

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Hazard classification	Description	Quantity
The following class 1:	gas, liquid, or solid	5 kg (gross weight) per package
(a) airbag initiators and seatbelt pretensioners of classes 1.4G or 1.4S; and		
(b) cable cutters of class 1.4S (UN 0070); and		
(c) power device cartridges of class 1.4S (UN 0323); and		
(d) signal or shock tubes of class 1.4S (UN 0349); and		
(e) cassette degradation devices of class 1.4S (UN 0432); and		
(f) emergency flares and signalling devices of classes 1.3G, 1.4G, and 1.4S; and		
(g) model rocket motors of class 1.4G and 1.4S; and		
(h) igniting fuzes of class 1.4G (UN 0317); and		
(i) igniters of class 1.4S (UN 0454).		
The rest of class 1 except—	gas, liquid, or solid	any quantity
(a) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001; and		
(b) safety ammunition, including pre-primed cartridges and primers, of class 1.4S.		
2.1.1A	non-permanent gas	0.2 kg
	permanent gas	0.2 m ³
2.1.1B	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
2.1.2A	aerosol	1.0 L aggregate water capacity
3.1A	liquid	0.5 L
3.1B	liquid	1.0 L
3.1C	liquid	5.0 L
3.1D	liquid	50 L
3.2A, 3.2B, 3.2C	liquid	any quantity
4.1.1A	solid	0.5 kg
4.1.1B	solid	3.0 kg
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	liquid or solid	any quantity
4.1.3A, 4.1.3B, 4.1.3C	liquid or solid	any quantity
4.2A	liquid or solid	any quantity
4.2B	solid	0.5 kg
4.2C	solid	3.0 kg
4.3A	liquid or solid	any quantity

Schedule 2—continued

Hazard classification	Description	Quantity
4.3B	liquid	0.5 L
	solid	0.5 kg
4.3C	liquid	1.0 L
	solid	1.0 kg
5.1.1A	liquid or solid	any quantity
5.1.1B	liquid	0.5 L
	solid	0.5 kg
5.1.1C	liquid	1.0 L
	solid	1.0 kg
5.1.2A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
5.2A	liquid or solid	any quantity
5.2B, 5.2C, 5.2D, 5.2E, 5.2F—if substance needs temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	any quantity
5.2B, 5.2C—if substance does not need temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid	25 mL
	solid	0.1 kg
5.2D, 5.2E, 5.2F—if substance does not need temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid	125 mL
	solid	0.5 kg
5.2G	liquid	50 L
	solid	50 kg
6.1A, 6.1B	gas, liquid, or solid	any quantity
6.1C, 6.6A, 6.7A, 6.8A, 6.9A	non-permanent gas	0.1 kg
	permanent gas	0.1 m ³
	liquid	0.1 L
	solid	0.5 kg
6.1D, 6.5A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, 6.9B	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
	liquid	1.0 L
	solid	3.0 kg
6.1E, 6.3A, 6.3B, 6.4A	liquid	50 L
	solid	50 kg
8.2A	gas, liquid, or solid	any quantity
8.2B	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
	liquid	0.5 L
	solid	1.0 kg
8.1A, 8.2C, 8.3A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
	liquid	1.0 L
	solid	2.0 kg
9.1A, 9.1B, 9.1C, 9.2A, 9.2B, 9.2C, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B, 9.4C	liquid	5.0 L
	solid	5.0 kg
9.1D, 9.2D	liquid	50 L
	solid	50 kg

(All liquid volumes measured at 20°C)

Schedule 3

Quantities requiring signage

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Hazard classification	Description	Quantity
1	Fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001	1 000 kg (gross weight)
	Safety ammunition, including pre-primed cartridges and primers, of class 1.4S	10 000 kg (gross weight)
	Airbag initiators and seatbelt pretensioners of class 1.4G and 1.4S	5 000 kg (gross weight)
	Cable cutters of class 1.4S (UN 0070)	5 000 kg (gross weight)
	Power device cartridges of class 1.4S (UN 0323)	5 000 kg (gross weight)
	Signal or shock tubes of class 1.4S (UN 0349)	5 000 kg (gross weight)
	Cassette degradation devices of class 1.4S (UN 0432)	5 000 kg (gross weight)
	Propellants of class 1.1C (UN 0160) and 1.3C (UN 0161 and UN 0499), gun-powder of class 1.1D (UN 0027), and substances of classes 1.3G, 1.4G, and 1.4S not listed above	50 kg
	All remaining explosive hazardous classifications	any quantity
2.1.1A	non-permanent gas	250 kg
	permanent gas	100 m ³
2.1.1B	non-permanent gas	500 kg
	permanent gas	200 m ³
2.1.2A	aerosol	3 000 L aggregate water capacity
3.1A, 3.2A, 4.1.3A, 4.2A, 4.3A	liquid	50 L
	solid	50 kg
3.1B, 3.2B, 4.1.3B, 4.2B, 4.3B	liquid	250 L
	solid	250 kg
3.1C, 3.2C, 4.1.3C, 4.2C, 4.3C	liquid	1 000 L
	solid	1 000 kg
3.1D	liquid	10 000 L
4.1.1A	solid	250 kg
4.1.1B	solid	1 000 kg
4.1.2A, 4.1.2B	liquid	50 L
	solid	50 kg

Schedule 3—continued

Hazard classification	Description	Quantity
4.1.2C, 4.1.2D	liquid	250 L
	solid	250 kg
4.1.2E, 4.1.2F, 4.1.2G	liquid	1 000 L
	solid	1 000 kg
5.1.1A	liquid	50 L
	solid	50 kg
5.1.1B	liquid	500 L
	solid	500 kg
5.1.1C	liquid	1 000 L
	solid	1 000 kg
5.1.2A	non-permanent gas	250 kg
	permanent gas	500 m ³
5.2A, 5.2B	liquid	1 L
	solid	1 kg
5.2C, 5.2D, 5.2E, 5.2F	liquid	10 L
	solid	10 kg
6.1A	liquid	50 L
	solid	50 kg
6.1B	liquid	250 L
	solid	250 kg
6.1C	liquid	1 000 L
	solid	1 000 kg
6.1D	liquid	10 000 L
	solid	10 000 kg
6.1A, 6.1B, 6.1C	non-permanent gas	5 kg
	permanent gas	2.5 m ³
8.1A	liquid	1 000 L
	solid	1 000 kg
8.2A	non-permanent gas	5 kg
	permanent gas	2.5 m ³
	liquid	50 L
	solid	50 kg
8.2B	non-permanent gas	50 kg
	permanent gas	25 m ³
	liquid	250 L
	solid	250 kg
8.2C, 8.3A	liquid	1 000 L
	solid	1 000 kg
9.1A, 9.2A, 9.3A, 9.4A	liquid	100 L
	solid	100 kg
9.1B, 9.1C, 9.2B, 9.2C, 9.3B, 9.4B, 9.4C	liquid	1 000 L
	solid	1 000 kg
9.1D, 9.2D, 9.3C	liquid	10 000 L
	solid	10 000 kg

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 26 March 2004, amend the Hazardous Substances (Identification) Regulations 2001—

- to account for the transfer of dangerous goods from current regulatory regimes, or transitional regimes under the Hazardous Substances and New Organisms Act 1996, to permanent control under the Hazardous Substances and New Organisms Act 1996:
 - to correct cross-references and minor technical and drafting errors.
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These regulations are administered in the Ministry for the Environment.
