

# Technical Compliance Consultants (NZ) Limited

Hazardous Substance Training – Compliance Certifiers – Regulatory Affairs Consultants

## ...Compliance News... Compliance News...

### A WORD FROM THE DIRECTOR:

**Hi everyone!**

Some of you may have noticed that TCC NZ has gone through some changes on our website.

We're currently looking at updating how we present ourselves online and have made some inroads into it.

We're not completely happy with the result as of yet, so bear with us as we press on to find what works best.

- Geoffrey Meikle

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## Regulatory Change Overview

HSWA and its first phase of supporting regulations came into force in April 2016. Hazardous Substances, while mainly being a 'lift and shift' from HSNO, turned out to be a much bigger task than the regulators realised.

After a lengthy consultation period, WorkSafe released the finalised HSW (Hazardous Substances) regulations on the 26th of June, 2017.

Most of the regulations mirrored the requirements that existed under the HSNO regulations, but several elements were either written in with more definitive requirements or changed dramatically.

The following **significant changes** to regulations were made:

**Approved Handlers** have been replaced by **Certified Handlers** and now companies must be able to *prove that all their workers have received adequate training* around Hazardous Substances.



Safety Data Sheets, Signs, Labelling, and Emergency Preparation remain as important as they have been in the past, but now WorkSafe want these to have more focus.

One element that wasn't a specific requirement before was a **Hazardous Substance Inventory**. WorkSafe will now require a company to keep a track of the types and quantities of hazardous substances within the workplace, which now also includes any **Hazardous Waste** a company may produce as part of its operations.

Workplaces will need to segregate and appropriately label their waste, paying attention to hazards and risks it may pose to all workers before it is collected.

This part of the regulations **doesn't come into effect until midway through 2019** so companies have the opportunity to minimise and/or manage their waste effectively.

Each of these changes will require some discussion so for now we'll go over the arguably **major key changes** in the following articles before covering Safety Data Sheets, Signs, Labelling, Waste, and Emergency Preparation in our **next** newsletter, *November Special Issue #2*, coming out in the next couple of weeks.

This should get you up with the play before **these requirements come into force on December 1st**.

### New subordinate legislation types

WorkSafe NZ has introduced **Safe Work Instruments (SWIs)** as a way of further defining requirements for certain industries, processes, or technical matters that may change frequently.

Many HSNO COPs will become SWIs, which will allow for updates and ensuring that certain industries are looked after.

However, they will never supercede what is in the Hazardous Substance Regulations (only add to or modify certain aspects for those specific situations) and they will become mandatory, unlike current HSNO COP which have no legal compulsion.

The EPA also released their new tertiary legislative process called **EPA Notices**. They work in much the same way as the old Transfer Notices, but allow for a more central, defined, and flexible process to ensure everything goes as EPA requires.

It will also allow for EPA to change (perhaps fundamentally at times) current requirements without needing to seek ministerial approval.

Currently, these manage requirements for SDSs, Labelling, Packaging, and controls for outside of the workplace.

## The Hazardous Substance Inventory

Here at TCC, we have long since asked our clients to have and maintain a **Hazardous Substance Inventory** so that we can more accurately assess their workplace and assist them with their compliance issues.

Under HSNO, it was never a legal requirement – only a common sense *suggestion*.

When bringing over the regulations from HSNO, Worksafe determined that a **PCBU must maintain an up-to-date inventory** of hazardous substances that are to be used, handled, manufactured or stored at their workplace.

This Inventory must, at minimum, include the following information for each hazardous substance on site:

- The product (or chemical) **name**,
- The **maximum quantity** likely to be at the workplace,
- The specific **storage location** including any storage or segregation requirements, and
- The current **Safety Data Sheet**.

*The product/chemical name should also include the UN number, if available.*

The inventory must also include any **Hazardous Waste**, which will need:

- An **identifier** that describes the hazardous nature of the waste as *closely as possible* as a priority identifier (such as 'Flammable waste', or 'chlorinated solvent waste'),
- The **maximum quantity** of waste likely to be stored, and
- Its **location** and any specific storage or segregation requirements.

To make the inventory more usable, there should also be allowance for the addition of the **HSNO classification**. This is not a requirement from the regulations currently but it allows for your workplace to see how your total quantities for specific classifications are tracking, so you can identify when you may exceed new compliance requirements.

There are **exceptions** to the inventory: You do not need to go through all the above

detail for **consumer products** that are used in minor quantities and in a way similar to household use. Similarly for **Transit Depots**, you do not need anything more than name and quantity for your stored hazardous substances considered to be goods in transit.

Finally, the Hazardous Substance inventory needs to be **readily accessible** to any emergency service workers, both during an emergency and after an evacuation, or to any compliance certifier or health and safety inspector.

This can be in either hard copy or electronic (or both), as long as it is accessible without difficulty.

The current **HSNO Calculator**, which was part of the *Hazardous Substances Toolbox*, is currently being updated by WorkSafe to reflect their requirements more closely. If you have made an inventory using this tool, it will still be acceptable come next year.

In the end, if you're unsure where you're at with your compliance, the inventory is your best place to start!

## Hazardous Property Controls

The EPA notice that covers environmental concerns and controls for substances outside the workplace is the Hazardous Substances (Hazardous Property Controls) Notice 2017. The part of the notice that affects business is ensuring that hazardous substances are stored and used in a manner that protects the environment.

Effectively, it refers to the Health and Safety at Work (Hazardous Substances) regulations and mentions that when considering labelling, SDS's, stationary container systems, emergency response plans and signage, you must consider the Ecotoxic classifications as well and proceed accordingly.

## New Training Requirements for Hazardous Substances

The biggest and arguably most important change is the **information, instruction, training and supervision** requirements, along with the sweeping alteration to the Approved Handler scheme.

As you may know, a company that met the trigger quantity for a particular Hazardous Class would require one or more Approved Handlers to be on-site to ensure the proper management of that substance.

Now, under the new **Certified Handler** regime, you only need to have a Certified Handler on staff if you deal with any substance that requires a Controlled Substance License, such as explosives, vertebrate toxic agents or fumigants, or **any Hazardous Substance with a 6.1A or 6.1B classification** (highly toxic).

All the previous classifications, such as flammability or oxidising, that required an Approved Handler now **no longer require** that certification.

What has replaced that is now a need for the company (or PCBU) to ensure **ALL** their workers that directly deal with a hazardous substance must have had appropriate training, instruction, information and time spent under supervision so that the **worker is fully aware of and understands the risks** and requirements for handling, using, storing, and/or manufacturing these substances safely.

Effectively, what once was the practical training side of the Approved Handler is now the expected level all workers must be able to achieve. The biggest question to arise in recent months is the

validity of current Approved Handler certificates. It was assumed that following the 1<sup>st</sup> of December, any current Approved Handler certificate would prove the training and instruction for a specific individual up until the expiry of that certificate.

After discussions with WorkSafe, it now appears that is **no longer the case**.

Current Approved Handler certificates that cover a controlled substance or a substance with a 6.1A/B classification will be deemed to be Certified Handler certificates until their expiry, but for the other classifications the certificate is deemed at best to be *"a step toward demonstrating the training of the individual"*.

WorkSafe expects the PCBU to be able to demonstrate that all their workers have received enough training to cover all the requirements set out in Part 4

Regulation 4.5 of the *Health and Safety at Work (Hazardous Substances) Regulations*.

Such training will need to cover the physiochemical and health **hazards**; the **procedures** for the safe use, handling, manufacture, storage, and disposal; practice in the **safe use of PPE** and plant equipment; their **obligations under the regulations**; and any **actions the worker should take in an emergency** involving the use of hazardous substances.

Most companies who have relied on the Approved Handler certification to cover their requirements for training and instruction will soon have nothing left to show compliance, which begs the question for everyone:

*"Where do we go from here?"*

That's where TCC NZ can step in and help.

## Compliance and workplace training with TCC

TCC (NZ) Ltd will continue to offer our wide range of services for our clients that require assistance with **Safety Data Sheet** re-authoring, **labelling reviews**, **signage**, **regulatory registration** assistance, **policy/procedure** writing, and other **technical or scientific advice** around hazardous substances.

For our clients who will still be requiring certification, we will be continuing ahead with our new and improved **Certified Handler Assessment** course (both full and refresher courses) from December 1<sup>st</sup> 2017.

For everyone else, starting a little later in the New Year after we come back from our annual closedown (Jan 8<sup>th</sup> 2018), we will be offering our Chemical Handling Awareness Training (CHAT) courses. It is currently going through its final development phase and should be ready soon.

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see how else we can help!**

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***New Logo and Newsletter***

*What do you guys think of the new logo?*

*Our Director likes the look of it, but if you have a strong opinion on it, let us know!*

*In addition to our website, our newsletter should be getting a makeover in the next couple of months.*

*The issues for the rest of this year will be in this current format but the issues after should be much more modern.*

*We apologise for the text-heavy issues, but there's a lot of detail to get through before the year is done!*

**Compliance and workplace training with TCC - Cont.**

The **CHAT course** is made up of modules, covering content such as Legislative Understanding, Chemical Handling Fundamentals, Class and Hazards, and On Site Procedures. Whether you're a Health and Safety representative, manager, or a worker, we can tailor a course for you that will cover what you need to know and keep it relevant to the work that you do.

**Legislative Understanding** will cover the detail of the Act and its regulations, as well as the relevant EPA Notices so you can be kept abreast of the obligations and consequences for yourself and the PCBU.

**Chemical Handling Fundamentals** covers the basics of what everyone who deals with Hazardous Substances should know: Recognition of label and sign elements, how to read and extract information from a safety data sheet, the uses of Personal Protective Equipment, and the safe practices to keep hazards in check.

**Class and Hazards** would focus specifically on the specific chemicals and the hazard classification of the chemicals they will be handling in their work day-to-day, covering the hazards each one represents, the appropriate exposure prevention for each, and how to respond to an emergency that involves them.

**On-Site Procedures** is the newest module we are working on and arguably the most important. It requires a bit more collaboration between us and your workplace so we can get a feeling for your procedures and mould our course to them – if your procedures need a little work beforehand, this would be the perfect time to help. We'll be able to find out how well the attendees know the procedures and walk them through the how and the why so they can work safely.

In the future, we will be offering **refresher courses** along with follow-up assessments for the supervisor or H&S manager to see how much information has been retained by the attendees. There will also be **distance learning options** for those of you outside of Auckland who aren't able to absorb the cost of having a presenter come to you to run our course.

While we don't have a set price just yet, you can be sure we will keep our course *competitive and fair* so you can get your guys back to work with the peace of mind that they are more aware of what they need to do to keep themselves and their colleagues safe.

Finally, TCC is looking for interest in a new **Seminar** to be run starting from February: **"A Fresh Start: Awareness of the new regulations and what they mean for business."** Like the Legislative Understanding part of our CHAT course, the Seminar would go over the new regulations and legislative documents from EPA and WorkSafe, providing an overview on what business needs to be aware of. We're currently looking at no more than half a day in run-time and aiming for a cost no greater than \$75+GST per seat.

If you're interested, fill in the form that came with this newsletter and let us know!