Consultation on Hazardous Substances Safe Work Instruments Response Form

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| Responses close: **5 pm on Friday 8 September 2017** Email to: Regulatory.Frameworks@worksafe.govt.nzOR send by post to: Consultation on Hazardous Substances Safe Work InstrumentsWorkSafe New Zealand PO Box 165, WELLINGTON 6140 Attention: Regulatory Frameworks Please put **Consultation on Hazardous Substances Safe Work Instruments** in the subject line  |

## Submission on: Health and Safety at Work (Hazardous Substances­­-reduced secondary containment for certain above-ground stationary tanks) Safe Work Instrument 2017

Please use this response form to record your feedback.

If you are mailing your submission please add your contact details in the space provided. If you are emailing back this document, please add an email signature or similar with your contact information.

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| Name of responder (or contact for joint response): |  |
| Organisation name (and position if on behalf of an organisation): |  |
| Postal address: |  |
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| Telephone number: |  |
| Email:  |  |
| Do you currently use **HSNO COP 24 Above Ground Stationary Tanks with Integral Secondary Containment** to help ensure you are compliant under the HSNO regime? |  |

[ ]  I wish to keep my contact details confidential

WorkSafe New Zealand will manage any personal information you supply in accordance with the Privacy Act 1993. If your response is made publicly available, your contact details will be removed only if you have indicated this as your preference in the tick box above.

WorkSafe New Zealand may post your response on its website: [www.worksafe.govt.nz](http://www.worksafe.govt.nz)
We may make your response available if answering a request under the Official Information Act 1982.

WorkSafe advises that the proposed safe work instrument reduces secondary containment capacity requirements for certain stationary tanks holding specified quantities of class 3.1 flammable substances. PCBUs need to be aware that secondary containment requirements imposed by the HSW Hazardous Substances regulations do not apply to class 9 substances. The proposed safe work instrument therefore does not reduce secondary containment capacity requirements for tanks containing them. Class 9 substances are instead regulated by the EPA under the HSNO Act and relevant secondary containment requirements are provided for in the Hazardous Substances (Hazardous Property Controls) Notice 2017. The requirement for secondary containment is set at a lower threshold for class 9 substances by the Notice, meaning that for a tank holding a substance that is both a class 3.1 and a class 9 substance, secondary containment will be required for lower quantities of the substance than is the case for other class 3.1 flammable substances.

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| **General comments** |
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| **Specific questions on the draft Health and Safety at Work (Hazardous Substances­­-Reduced Secondary Containment for Certain Above-Ground Stationary Tanks)Safe Work Instrument 2017** |

Does the proposed safe work instrument incorporate existing requirements provided in HSNO COP 24 clearly for you to comply with?

Do you have any comment on the standards proposed to be incorporated by reference into the safe work instrument?

**Interpretation**

Double skin tank –impact protected, clause (c) specifies the requirements for completing a crash test. As specified it is a physical test. WorkSafe would like to know whether reliance can be placed on a design analysis.

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| **Schedule** WorkSafe is interested in hearing of suggested alternatives to what is specified in the Schedule. |