

The Test Certifier Update, is a WorkSafe newsletter to support test certifiers by providing information, guidance and updates on hazardous substances and test certification.

The Update is also available to other interested parties on the WorkSafe New Zealand website: [www.worksafe.govt.nz](http://www.worksafe.govt.nz)

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## HAZARDOUS SUBSTANCES REGULATIONS – UPDATE

The implementation of the draft Health and Safety at Work (Hazardous Substances) Regulations 2016 is still underway. Some of the current developments are shown below:

### HEALTH AND SAFETY AT WORK (HAZARDOUS SUBSTANCES) REGULATIONS

1. The draft Health and Safety at Work Hazardous Substances Regulations continue to be drafted and are anticipated to go live mid-2017.
2. MBIE has introduced some initial improvements to lift risk management

when working with hazardous substances. For example, the requirement to have an inventory and the clear expectation that PCBUs must provide every worker who uses, handles, stores or manufactures hazardous substances with information, instruction and training. Together they place the expectation on all those working with hazardous substances to know what substances they are working with, how to work with the substance appropriately and how to manage the risk posed by those substances.

3. WorkSafe engages regularly with MBIE on the development of the Regulations to ensure that the regime can be implemented effectively.
4. WorkSafe has a dedicated Hazardous Substances Implementation project team tasked with ensuring both WorkSafe and industry are prepared for day one of the regulations. Implementation activities include inspector training, guidance and information, ICT, internal policies and procedures, and external communications.
5. The project team is also identifying the information needs of industry to ensure they are informed of their compliance obligations prior to the regulations going live.
6. WorkSafe is also working very closely with the EPA to ensure both regimes (Hazardous Substances and New Organisms Act 1996 and Health and Safety at Work Act 2015) complement each other and to ensure streamlined processes are in place where the agencies intersect.

#### TEST CERTIFICATION

7. The draft Hazardous Substances Regulations offer WorkSafe a number of tools to improve the way compliance (test) certifiers are authorised and monitored.
8. The test certifier performance regime will be boosted by the introduction of mandatory audits to occur at least once every four years, and the condition that performance standards are set by WorkSafe for test certifiers to comply with. The first performance standard to be developed will be for location test certificates. This will be available for general submissions when the Regulations are enacted, but before they are implemented. To progress the development of the standard WorkSafe will set-up a reference group of interested parties.

The reference group will include test certifiers, WorkSafe inspectors and subject matter experts, as well as staff from the Certifications, Approvals and Registrations team. The reference group will help guide the development of the standard, and test certifier input will help to ensure that the practical realities of site verification are a prime consideration.

9. WorkSafe will also continue to work closely with test certifiers to increase consistency across the regime and ensure its expectations are clearly understood.

#### WORKSAFE CAPABILITY

10. WorkSafe is continuing to build its hazardous substances capability within the inspectorate. By mid-2017 all inspectors will be warranted under the Health and Safety at Work Hazardous Substances Regulations, as well as having responsibility for enforcing ecotoxic and disposal controls under HSNO.
11. WorkSafe has established six Assessment Inspector Hazardous Substances roles to foster on-the-job knowledge and capability building, as well as to ensure more technical support is available to the inspectorate when higher risk sites need to be addressed by WorkSafe.

The six new hazardous substances inspectors, along with their locations are:

ASSESSMENT INSPECTOR HAZARDOUS SUBSTANCES	REGION
Madan Chugh	Auckland
Fiona Adam	Hamilton
Anne Parker	Napier
Susan Barrett	Wellington
Peter Verwey	Dunedin
Lyn Osmers	Christchurch

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# INSPECTORATE ENGAGEMENT WITH TEST CERTIFIERS

WorkSafe has developed a Practice Note outlining the process that inspectors will follow where they disagree with a test certifier's certification. The essence of the Practice Note is given below:

When inspectors have concerns with the issuing of a test certificate they should:

1. Take steps to confirm their assessment is correct by discussing the circumstances with a specialist in the Technical Programmes and Support team, or the CAR team.
2. Contact the test certifier and discuss the areas of concern with the view to reaching an agreement.

3. Ask for information and evidence from the test certifier that supported their decision (eg photographs of the location at the time of issuing a location test certificate).
4. Only where inspectors are sure of their grounds and cannot reach consensus with the test certifier should they approach the PCBU and require compliance.
5. Only where an inspector believes that a serious health or safety risk exists at a site that requires immediate action, should the non-compliance be raised immediately with the PCBU prior to engaging with the test certifier.

A copy of the Practice Note will be sent to test certifiers at the end of October.

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# NOTIFICATION OF OUTDOOR PYROTECHNIC DISPLAY

Fireworks season will soon be upon us and we would like to take the opportunity to remind test certifiers and operators of pyrotechnic displays of the requirement to notify WorkSafe.

Clause 39 of the [Hazardous Substances \(Classes 1 to 5 Controls\) Regulations 2001](#) requires the person-in-charge of an outdoor pyrotechnic display to notify WorkSafe at least three working days before the first firing occurs. The information that must be provided to WorkSafe for notifying of a pyrotechnic display is the:

- > display's location
- > date and time of the display
- > number of firings
- > name and contact details of the person-in-charge
- > name and contact details of the approved handler

The notification should be sent by email, with the subject heading *Notification of Outdoor Pyrotechnic Display* to: [healthsafety.notification@worksafe.govt.nz](mailto:healthsafety.notification@worksafe.govt.nz)

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In the past some test certifiers have used or accepted the use of the Notification of Particular Hazardous Work form as a means of meeting the notification requirement of clause 39. This form is not applicable for notifying WorkSafe of an outdoor pyrotechnic display, as it is not the most efficient process for receiving a prompt response from the local area assessment inspector. Furthermore, the format of the form does not readily accommodate the information requirements of clause 39.

An example format for email notification of an outdoor pyrotechnic display is below:

**To:** healthsafety.notification@worksafe.govt.nz

**Subject:** Outdoor Pyrotechnic Display Notification – Lambton Harbour, Wellington

Dear WorkSafe New Zealand,  
Please accept this email as notification of an outdoor pyrotechnic display at:

**Location:** Lambton Harbour, Wellington

**Date:** 31 December 2016

**Time:** 9.00 pm approximately

**Firings:** 80 x 3", 44 x 4", 28 x 5" Star Shells, 65 x 100 mm Star Mines,  
25 x MultiShots, 3 x Fountains

**Person-in-Charge:** Chris Cringle. Contact: 04 756 3423 or chris.cringles@gmail.com

**Approved Handler:** Bob Jones

**Contact:** 021 564 8973, AHPyro005427

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## CHANGES TO THE ENFORCEMENT OF RETAIL FIREWORKS

A recent amendment to the provisions of the Hazardous Substances and New Organisms Act 1996 transfers the functions for the enforcement of the sale of retail fireworks to the Commissioner of Police. WorkSafe is currently responsible for the enforcement of retail fireworks in a place of work.

These provisions will come into force no later than 1 January 2018.

Clause 37(2) of the [Hazardous Substances and New Organisms Amendment Act 2015](#) states:

(2) After section 97(1)(d), insert:

(da) in relation to the retail sale of fireworks, the Commissioner of Police must ensure that any restrictions and prohibitions imposed under this Act are enforced:

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## ELGAS EASYGAS DOWNUNDER LPG CYLINDERS

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Elgas has begun offering 90Kg LPG cylinder systems for residential and commercial applications, which are to be installed below ground. A number of test certifiers have already issued location test certificates for the installation of below-ground LPG cylinders.

The Elgas DownUnder cylinders are enclosed in a specially designed canister which sits below ground level and is sealed with a protective cap.

The cylinders are permanently connected to the properties gas pipework and are filled insitu via an LPG delivery tanker.

These cylinders must still comply with the requirements of the hazardous substances legislation, and a location test certificate is required where the quantity of LPG exceeds 100 kg.

Test certifiers are advised to review the Elgas EasyGas DownUnder [installation manual](#)



before certifying sites containing these LPG installations. Further details of the Elgas EasyGas DownUnder system is available here:

[www.elgas.co.nz/for-home/underground-lpg-storage-easygas-downunder](http://www.elgas.co.nz/for-home/underground-lpg-storage-easygas-downunder)

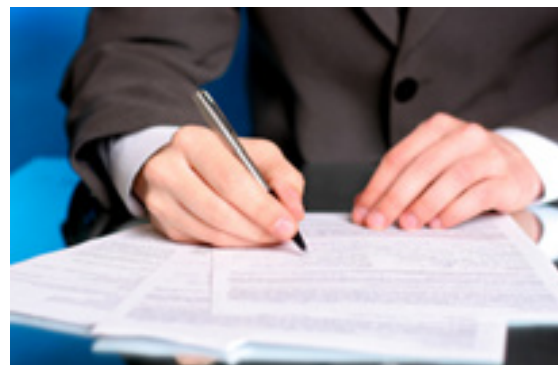
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## SIGNATURES ON TEST CERTIFICATES

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Test certifiers are reminded that when issuing a test certificate, a full signature, either written or electronic, must be recorded on the test certificate. Test certificates are legal documents confirming that legislative requirements and criteria have been met, and the presence of the test certifier's full signature is confirmation of this. Simply using an italicised font type does not meet signature requirements.



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# EPA CONSULTATION ON PROPOSED CHANGES TO HAZARDOUS SUBSTANCES

The Environmental Protection Authority (EPA) is seeking submissions on three consultation papers.

The papers set out proposed changes to the rules on the way hazardous substances are managed.

These changes are part of the Government's wider initiative to improve workplace health and safety. More detailed information about the changes is available on EPA's website [here](#).

The three consultation papers relate to:

- > [Classification, labelling, safety data sheets and packaging of hazardous substances](#)
- > [Forms and information required in hazardous substance applications](#)
- > [Import certificates for explosives.](#)

These changes are an important part of ongoing health and safety reforms and EPA is inviting people to have their say in shaping the way hazardous substances are managed.

Submissions close at 5 pm on 14 October 2016. Visit EPA's [website](#) to find out more.

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## GOODBYE TO A TEST CERTIFIER – BRUCE EVANS



WorkSafe would like to recognise the work of test certifier Bruce Evans who is retiring. Bruce is a 40-year veteran of the chemical industry, and health

and safety management. Bruce, who operated out of the Nelson-based HSNO consultancy Evatech, was first approved as a test certifier in September 2006 (TST000011). Since then, he has issued thousands of test certificates under the HSNO regime, including approved handler, locations and stationary container systems.

Bruce penned articles for trade magazine AgriBusiness News and also contributed to a number of early ERMA guidance documents on farming.

We wish Bruce all the best with his new, time-rich lifestyle.

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