Draft for consultation

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Health and Safety at Work (Hazardous Substances—Certified Handler Compliance Certification) Performance Standard 2018

This performance standard is issued under regulation 6.43 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 by the WorkSafe New Zealand, after being satisfied that appropriate consultation has been carried out under regulation 6.44 of those Regulations.

Contents

Performance standard

1 Title

This is the Health and Safety at Work (Hazardous Substances—Certified Handler Compliance Certification) Performance Standard 2018.

2 Commencement

This performance standard comes into force on 1 Month 2018.

Part 1
Preliminary provisions

3 Purpose

The purpose of this performance standard is to set out the information and process requirements that a compliance certifier must comply with when issuing or renewing a certified handler compliance certificate.

4 Interpretation

(1) In this performance standard, unless the context otherwise requires,—

Act means the Health and Safety at Work Act 2015

agrichemical means a class 6.1A or 6.1B substance or mixture that is an agricultural compound, veterinary medicine, detergent or sanitiser used in an agricultural context as defined in NZS 8409—2004

applicant means a person applying for a certified handler compliance certificate

article means a manufactured thing containing, incorporating, or including any hazardous substance with explosive properties

bulk means, in relation to the transportation of class 1 or 6 substances, a quantity of a class 1 or 6 substance that—

(a) is required by the Regulations to be under the personal control of a certified handler; and
(b) exceeds—
    (i) 50 kg calculated in accordance with regulation 10(6) of the Regulations, if the substance is a class 1 substance in the form of a solid:
    (ii) 50 kg, if the substance is a class 6 substance in the form of a solid:
    (iii) 50 m^3 calculated in accordance with regulation 10(5)(a) of the Regulations, if the class 1 or 6 substance is a gas that is not in liquefied form:
    (iv) 50 kg (net weight), if the class 1 or 6 substance is a gas in liquefied form:
    (v) 50 L, if the class 1 or 6 substance is in the form of a liquid

competency requirements means the competency requirements for certified handlers specified in regulation 4.3 of the Regulations

compliance certifier means a person who is authorised by WorkSafe to issue compliance certificates under regulation 6.8 of the Regulations

construction—

(a) means work in connection with the alteration, construction, erection, installation, renewal or repair of a building, structure or infrastructure; and
(b) includes—
    (i) rock stabilisation work near roads or the maintenance of roads:
    (ii) footing and trenching for the installation of power poles; but
(c) does not include—
    (i) underwater work; or
    (ii) construction in any mine, quarry or tunnel; or
    (iii) demolition; or
    (iv) electrical supply and transmission work

demolition—

(a) includes the use of explosives for the destruction of a building (including a multi-level building) or other structure; but
(b) does not include underwater work

electrical supply and transmission work means the use of explosives in electrical supply and transmission work (for example, electrical supply and transmission work that involves welding, crimping or circuit breakers)

EPA means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

EPA notice means a notice issued in the Gazette by the EPA under Part 6 of the HSNO Act or under any other provision of the HSNO Act that applies section 76C of that Act

explosive means a class 1 substance, including an article

explosives detection work means the use of explosives to train animals or calibrate electronic and technical equipment for the detection of explosives

Globally Harmonised System of Classification and Labelling of Chemicals means the international standard for the classification, identification and labelling of chemicals, first adopted by the United Nations in December 2002

Hazardous Substances (Classification) Notice 2017 means the Hazardous Substances (Classification) Notice 2017 issued by the EPA under Part 6 of the HSNO Act

Hazardous Substances (Disposal) Notice 2017 means the Hazardous Substances (Disposal) Notice 2017 issued by the EPA under Part 6 of the HSNO Act

HSNO Act means the Hazardous Substances and New Organisms Act 1996

land operations—

(a) means the use of explosives for agricultural and conservation work; and
(b) includes activities such as fencing and track work; but
(c) does not include underwater work

level 1 display means a pyrotechnic display up to a maximum height of 60 m that involves firing any of the following articles containing a class 1.3G, 1.4G, or 1.4S hazardous substance (a **level 1 article**):

(a) a multi shot cake or mine (pre-loaded, chain-fused shells in non-reusable mortars) with a maximum internal diameter of 30 mm:
(b) a fountain with a maximum internal diameter of 75 mm:
(c) a mine with a maximum internal diameter of 75 mm:
(d) a single shot comet with a maximum internal diameter of 50 mm:
(e) a roman candle with a maximum internal diameter of 30 mm:
(f) any set piece made with lances or sparklers:
(g) a cracker chain:
(h) a catherine wheel:
(i) a fall:
(j) a streamer or confetti mine:
(k) a flare:
(l) an electrical igniter

level 2 display—

(a) means a pyrotechnic display up to a maximum height of 60 m that involves firing any of the following articles containing a class 1.3G, 1.4G, or 1.4S hazardous substance (a **level 2 article**):

(i) a multi shot cake or mine with a maximum internal diameter of more than 30 mm:

(ii) a fountain with a maximum internal diameter of more than 75 mm:

(iii) a mine with a maximum internal diameter of more than 75 mm:

(iv) a single shot comet with a maximum internal diameter of more than 50 mm:

(v) a roman candle with a maximum internal diameter of more than 30 mm:

(vi) other ground effect products:

(vii) a star or aerial shell with a maximum diameter of 125 mm; and

(b) may include the firing of a level 1 display article

level 3 display—

(a) means a pyrotechnic display up to a maximum height of more than 60 m that involves firing any of the following articles containing a class 1.1G, 1.2G, 1.3G, 1.4G or 1.4S hazardous substance:

(i) an aerial shell with a maximum diameter of 300 mm:

(ii) an aerial shell with a maximum diameter of more than 300 mm, as specified by the compliance certifier; and

(b) may include the firing of a level 1 article or a level 2 article or both

life cycle, in relation to a substance, means the time for which the substance is in existence from (and including) its manufacture or importation to its disposal

life cycle phase means, in relation to the particular phases of the life cycle of a hazardous substance or combination of hazardous substances, its manufacture, storage, transport, use or disposal

manufacture—

(a) means the making of a hazardous substance; and
(b) includes the mining or extraction of any hazardous substance; and
(c) in relation to a class 1 substance,—

(i) includes—

(A) making an explosive; and

(B) adapting an explosive to make any other explosive; and

(C) dividing up an article into component parts; and

(D) breaking up or unmaking an article; and

(E) remaking or altering or repairing an article; and

(F) separating or picking out defective or damaged proportions of an article; and

(G) assembling, inspecting, or packaging an explosive; but

(ii) does not include combining the elements necessary for an explosive charge (for example, the detonator, booster and explosive):

(d) in relation to a vertebrate toxic agent includes the making of the active ingredient

mechanical and engineering processes,—

(a) means the use of explosives in manufacturing and industrial processes; and
(b) includes mechanical engineering processes (for example, explosive forming, explosive cutting and explosive welding)

national security activities and operations means the handling of explosives in a national security context

oil and gas industry work—

(a) means the use of explosives in the oil and gas industry including underwater; but
(b) does not include seismic surveys and exploration

other class 6 substance means a class 6 substance that is not a fumigant, agrichemical or vertebrate toxic agent

practical experience means,—

(a) for a level 1 display or a level 2 display, experience of the following gained under the direct supervision of a certified handler who holds a certificate of competency to carry out a level 2 display or level 3 display:

(i) in the case of a level 1 display—

(A) participation in at least four outdoor pyrotechnic displays that are level 1 displays; and

(B) the full planning, organisation, and supervision of at least one outdoor pyrotechnic display that is a level 1 display:

(ii) in the case of a level 2 display—

(A) participation in at least four outdoor pyrotechnic displays that are level 2 displays; and

(B) the full planning, organisation, and supervision of at least two outdoor pyrotechnic displays that are level 2 displays:

(b) for a level 3 display, participation in at least four outdoor pyrotechnic displays that are level 3 displays under the direct supervision of a certified handler who holds a certificate of competency to carry out a level 3 display

pyrotechnical work—

(a) means detonating or deflagrating explosives to produce some or all of the following effects:

(i) heat:

(ii) light:

(iii) colour:

(iv) smoke:

(v) sound:

(vi) throwing and breaking for entertainment under controlled circumstances (for example, throwing a car upside down, creating a rocket simulation or tearing a building to pieces); and

(b) includes—

(i) an indoor pyrotechnic display; and

(ii) an outdoor pyrotechnic display; and

(iii) special effects for film or television production; and

(iv) special effects for public events such as air shows and spectacular occasions

quarrying means a quarrying operation

Regulations means the Health and Safety at Work (Hazardous Substances) Regulations 2017

research means the systematic investigation and study of explosive substances or involving explosive substances such as that done in an education or research facility

seismic surveys and exploration—

(a) means the use of explosives in geophysical surveys, including exploration for voids, oil, natural gas, coal, minerals, and rock; and
(b) includes—

(i) exploration for oil and natural gas; and

(ii) underwater seismic activities

snow avalanche control means the use of explosives to control snow avalanche risk involving methods such as hand charging, avalauncher and heli-bombing

storage—

(a) means the safekeeping of a hazardous substance in a depositary; and
(b) includes the basic handling of the hazardous substance, for example, when doing a stocktake; and
(c) in relation to a class 1 substance, includes—

(i) the storage of small quantities of explosives under lock and key; and

(ii) the storage of larger quantities of explosives in certified magazines and readily movable containers; and

(iii) the storage of retail fireworks; and

(iv) the handling of explosives at workplaces done in association with the storage of explosives and blasting operations

surface mining means a mining operation carried out above ground

transport—

(a) means the moving of hazardous substances from one workplace to another by road, rail, water or air; and
(b) includes transfer operations where hazardous substances are transferred from one mode of transport to another (for example, at a port)

tunnelling means a tunnelling operation

underground mining—coal means a mining operation carried out underground for the extraction of coal

underground mining—metalliferous means a mining operation for the extraction of minerals

underwater work means the specialist use of explosives underwater and in waterways (for example, for the purposes of bridge demolition or channel opening), including on buoys, rafts, ships and wrecks, and in respect of obstructions to navigation

use—

(a) means the act or practice of employing or handling hazardous substances; and
(b) in relation to a class 1 substance, includes—
    (i) setting up explosive charges; and
    (ii) firing explosive charges; and
    (iii) detonating explosive charges; and
    (iv) deflagrating explosive charges; and
    (v) rendering safe a misfired explosive; and
    (vi) field repair or field modification of pyrotechnics; and
(c) in relation to agrichemicals, includes the mixing of agrichemicals to obtain solutions for application or dispersion; and
(d) in relation to vertebrate toxic agents, includes the mixing of vertebrate toxic agents with bait material

work with propellants—

(a) means the production of an explosive article or material that normally functions by deflagration and is used for propulsion purposes; and
(b) includes—
    (i) the use of propellants to propel a projectile or missile or to do other work through the rapid expansion of high pressure gas; and
    (ii) the manufacture of ammunition, where an explosive (for example, black powder, smokeless powders or pyrodex) is used to propel a projectile; but
    (iii) does not include pyrotechnical work

(2) Any term or expression that is defined in the Act, the Regulations, or a relevant safe work instrument and used, but not defined, in this performance standard has the same meaning as in the Act, the Regulations or the relevant safe work instrument.

Part 2
Assessing applicant for certified handler compliance certificate

5 Evidence required to demonstrate competency

(1) Before deciding whether or not an applicant meets the competency requirements specified in regulation 4.3 of the Regulations, a compliance certifier must—

(a) verify the full legal name of the applicant by sighting the applicant's birth certificate, name change certificate, passport or a certified copy of one of these documents; and

(b) verify that every document provided for the purpose of demonstrating compliance with the competency requirements relates to the applicant; and

(c) in accordance with this performance standard, carry out the inquiries, inspections, assessments, and examinations necessary to verify that the competency requirements have been met for the life cycle phase of each hazardous substance and workplace in respect of which the applicant is to be a certified handler.

(2) If the qualifications and documents submitted by the applicant are not sufficient to enable the compliance certifier to assess the knowledge and practical skills of the applicant, the compliance certifier must—

(a) conduct a written or oral test of the applicant; and

(b) ensure that the written or oral test—

(i) covers the full breadth of controls regarding the management of the hazardous substances or class of substances for which the applicant is requiring certification; and

(ii) tests the knowledge and practical skills of the applicant; and

(iii) requires the applicant to independently demonstrate his or her knowledge and practical skills; and

(iv) does not guide the applicant to the correct answer.

(3) If the compliance certifier wishes to take into account an assessment by another person of the applicant's knowledge and practical skills, the compliance certifier must—

(a) be satisfied with the method used for the assessment by that other person; and

(b) review and be satisfied with the results of that assessment.

(4) For the purposes of subclause (1)(c), a compliance certifier may in relation to a competency requirement accept a written record obtained in a country other than New Zealand, including an authorisation issued by an authority in that other country, if the compliance certifier is satisfied the record demonstrates that the applicant's knowledge and practical skill is of the standard required by the Regulations.

(5) If a compliance certifier has any doubt about the knowledge and practical skills of an applicant then the compliance certifier must refuse to issue the applicant a certified handler compliance certificate.

(6) A compliance certifier may give an applicant the opportunity to submit further information demonstrating that the applicant meets the relevant competency requirements before making a decision to refuse to issue a certified handler compliance certificate.

Subpart 1—Verify competency requirements are met

6 Classifications, properties, and adverse effects

(1) For the purposes of regulation 4.3(1)(a) of the Regulations, a compliance certifier must verify that the applicant knows and is able to describe the hazard classifications, properties, and adverse effects of those hazardous substances for which he or she is to be a certified handler.

(2) The verification required under subclause (1) includes, in particular, verifying that the applicant knows and is able to describe—

(a) the hazard classification numbering system, including class, sub-class and categories; and

(b) the following specific matters:

(i) in the case of a compliance certificate as a certified handler of class 1 hazardous substances, the matters set out in clause 1 of Schedule 1:

(ii) in the case of a compliance certificate as a certified handler of agrichemicals, the matters set out in clause 1 of Schedule 2:

(iii) in the case of a compliance certificate as a certified handler of fumigants, the matters set out in clause 1 of Schedule 3:

(iv) in the case of a compliance certificate as a certified handler of vertebrate toxic agents, the matters set out in clause 1 of Schedule 4:

(v) in the case of a compliance certificate as a certified handler of other class 6 substances, the matters set out in clause 1 of Schedule 5.

7 Legislative requirements

(1) For the purposes of regulation 4.3(1)(b), (c), and (g) of the Regulations, a compliance certifier must verify that the applicant, in relation to the hazardous substances for which he or she is to be a certified handler, knows and is able to describe—

(a) the requirements imposed by the Regulations; and

(b) the requirements imposed by the HSNO Act; and

(c) any variations of requirements, alternative means of compliance with requirements, or additional requirements specified in a relevant safe work instrument.

(2) The verification required under subclause (1) includes, in particular, verifying that the applicant knows and is able to describe—

(a) controlled substance licence requirements relating to the hazardous substances, if applicable; and

(b) tracking requirements for the hazardous substances (through all relevant life cycle phases), including record keeping requirements; and

(c) record keeping requirements relating to the use of the hazardous substances (for example, explosives log books and spray diaries); and

(d) documentation and information requirements (for example, requirements related to labelling and safety data sheets); and

(e) personal protective equipment requirements; and

(f) controls relating to equipment and locations under the personal control of a certified handler, if applicable; and

(g) requirements related to the segregation of incompatible substances and materials; and

(h) requirements relating to certified handler activities imposed by any hazardous substances notice issued by the EPA, if applicable; and

(i) requirements applying to the hazardous substances under relevant safe work instruments, if applicable; and

(j) the prescribed exposure standards applying to the hazardous substances, if applicable; and

(k) packaging requirements, if applicable; and

(l) the following specific matters—

(i) in the case of a compliance certificate as a certified handler of class 1 hazardous substances, the matters set out in clause 2 of Schedule 1:

(ii) in the case of a compliance certificate as a certified handler of agrichemicals, the matters set out in clause 2 of Schedule 2:

(iii) in the case of a compliance certificate as a certified handler of fumigants, the matters set out in clause 2 of Schedule 3:

(iv) in the case of a compliance certificate as a certified handler of vertebrate toxic agents, the matters set out in clause 2 of Schedule 4.

8 Safe handling and use

(1) For the purposes of regulation 4.3(1)(e), (f), and (2)(a) of the Regulations, a compliance certifier must verify that the applicant, in relation to the hazardous substances for which he or she is to be a certified handler,—

(a) knows and is able to describe—

(i) the precautions required to prevent injury or illness to any person at the workplace caused by any of those substances; and

(ii) the procedures to adopt in an emergency involving those substances; and

(b) knows and demonstrates a working knowledge of, the procedures and plant (including personal protective equipment) necessary to manage those hazardous substances at the workplace for which the applicant is to be a certified handler.

(2) The verification required under subclause (1) includes, in particular, verifying that the applicant knows and is able to describe—

(a) the appropriate risk management process to be followed, including the hierarchy of controls, as specified in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016; and

(b) the correct use of personal protective equipment; and

(c) the requirement to control adverse effects; and

(d) if the Regulations require an emergency response plan at the workplace for which the applicant is to be a certified handler, the provisions of that plan including any emergency procedures and response measures; and

(e) if the Regulations do not require an emergency response plan at the workplace for which the applicant is to be a certified handler, the specific site plan for the workplace, the list of actions to be carried out and the key personnel to contact in case of an emergency; and

(f) first aid measures; and

(g) precautions and safety considerations for the hazardous substances; and

(h) the following specific matters—

(i) in the case of a compliance certificate as a certified handler of class 1 hazardous substances, the matters set out in clause 3 of Schedule 1:

(ii) in the case of a compliance certificate as a certified handler of agrichemicals, the matters set out in clause 3 of Schedule 2:

(iii) in the case of a compliance certificate as a certified handler of fumigants, the matters set out in clause 3 of Schedule 3:

(iv) in the case of a compliance certificate as a certified handler of vertebrate toxic agents, the matters set out in clause 3 of Schedule 4:

(v) in the case of a compliance certificate as a certified handler of other class 6 substances, the matters set out in clause 2 of Schedule 5.

9 Information, training, and instruction

(1) For the purposes of regulation 4.3(2)(b) of the Regulations, a compliance certifier must verify that the applicant has received information, training, and instruction in accordance with regulation 4.5 of the Regulations.

(2) The verification required under subclause (1) includes, in particular—

(a) inspecting the record of training and instruction under regulation 4.5(5)(a) of the Regulations; and

(b) verifying that the record of training and instruction demonstrates sufficient compliance with regulation 4.5 of the Regulations and regulation 9 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016; and

(c) verifying that the record of training and instruction demonstrates the applicant has received training and instruction in the relevant emergency procedures and response measures that are specific to the hazardous substance and workplace in respect of which the applicant has applied to be a certified handler; and

(d) in the case of a compliance certificate as a certified handler of a class 1 hazardous substance, verifying the specific matters set out in clause 4 of Schedule 1.

Subpart 2—Renewing and changing scope of certified handler compliance certificate

10 Applications to renew

(1) Before renewing a certified handler compliance certificate, a compliance certifier must verify—

(a) the matters referred to in clause 5(1)(a) and (b); and

(b) the matters referred to in clauses 6 to 9, as applicable; and

(c) that the applicant continues to meet all of the competency requirements in regulation 4.3 of the Regulations.

(2) For the purposes of subclause (1)(b), the compliance certifier may do one or more of the following:

(a) administer an oral test:

(b) administer a written test:

(c) sight relevant evidence.

(3) For the purposes of subclause (1)(c), the compliance certifier may not rely solely on the fact that an applicant has previously held a certified handler compliance certificate.

11 Requests to change scope

(1) This clause applies to a request made by the holder of a current certified handler compliance certificate for one or more of the following changes (**a requested change of scope**):

(a) the addition of a substance or class of substance or life cycle phase to the certificate; or

(b) a change to the activities encompassed by a life cycle phase, or to the type and level of a pyrotechnic display, specified in the certificate.

(2) A compliance certifier who receives a requested change of scope—

(a) is not permitted by the Regulations to vary the certified handler compliance certificate that has been issued to incorporate the requested change; but

(b) may, if the compliance certifier is satisfied that the holder meets the relevant competency requirements for the requested change of scope, either:

(i) issue a certified handler compliance certificate that applies only in respect of the requested change of scope; or

(ii) renew the current certified handler compliance certificate in accordance with clause 10 and incorporate the requested change of scope.

Part 3
Certification and record-keeping requirements

Subpart 1—Information to be recorded in certified handler compliance certificate

12 Scope of certification

(1) A compliance certifier must ensure that a certified handler compliance certificate specifies the scope of the certification in accordance with subclauses (2) to (8) and the applicant's knowledge and practical skills.

(2) A compliance certifier must record in a certified handler compliance certificate the name and classification or classifications of each hazardous substance or combination of hazardous substances—

(a) in respect of which the compliance certifier is satisfied the applicant meets the relevant competency requirements; and

(b) in accordance with,—

(i) in the case of a class 1 substance, clause 5 of Schedule 1:

(ii) in the case of an agrichemical, clause 4 of Schedule 2:

(iii) in the case of a fumigant, clause 4 of Schedule 3:

(iv) in the case of a vertebrate toxic agent, clause 4 of Schedule 4:

(v) in the case of other class 6 substances, clause 3 of Schedule 5.

Example

Hazardous substance and class

Agrichemicals - 6.1A, 6.1B.

Example

Hazardous substance and class

Sodium cyanide – 6.1A

Sodium fluroacetate – 6.1A

Microencapsulated zinc phosphide (MZP) paste – 6.1B

(3) A compliance certifier should not record a commercial product or trade name in a certified handler compliance certificate.

(4) A compliance certifier must record in a certified handler compliance certificate the particular life cycle phase or phases of each hazardous substance, combination of hazardous substances, or class of hazardous substance—

(a) to which the certificate applies; and

(b) in respect of which the compliance certifier is satisfied the applicant meets the relevant competency requirements.

Example

Hazardous substance and classes **Life cycle phases**

Potassium cyanide – 6.1B	Manufacture, Use, Storage
Yellow phosphorous – 6.1D	Use, Storage

Example

Hazardous substance and classes	**Life cycle phases**
Explosives – class 1	Transport

(5) When recording the life cycle phase or phases in a certified handler compliance certificate for a class 1 substance under subclause (4), the compliance certifier must also record the following details in the certificate:

(a) in the case of the use life cycle phase,—

(i) the field of work in which the certified handler is to use the substance, which must be one or more of the following:

(A) construction:

(B) demolition:

(C) electrical supply and transmission work:

(D) explosives detection work:

(E) land operations:

(F) mechanical and engineering processes:

(G) national security activities and operations:

(H) oil and gas industry work:

(I) pyrotechnical work:

(J) quarrying:

(K) research:

(L) seismic surveys and exploration:

(M) snow avalanche control:

(N) surface mining:

(O) tunnelling:

(P) underground mining—coal:

(Q) underground mining— metalliferous:

(R) underwater work:

(S) work with propellants; and

(ii) how the substance is to be used, if the applicant has only demonstrated knowledge and practical skills in using the substance in that particular way (for example, using an avalauncher in a snow avalanche control application):

(b) in the case of the manufacture life cycle phase, the type of manufacture involved:

(c) in the case of the storage life cycle phase, that the phase involves the storage of the substance for distribution, if applicable:

(d) in the case of the transport life cycle phase, that the phase involves—

(i) the transportation of the substance in bulk quantities, if applicable:

(ii) the transfer of the substance in the hours of darkness, if applicable.

Example

Details of certification

Use of 1.1B, 1.1D and 1.4S substances for snow avalanche control

Example

Details of certification

For manufacture: Repair and replacement of lift charges on aerial shells

Example

Details of certification

For use: Detonation or deflagration of explosives in the hours of darkness

(6) When recording the life cycle phase or phases in a certified handler compliance certificate for a class 6 substance under subclause (4), the compliance certifier must, in the case of the use life cycle phase, also record how the substance is to be used, if the applicant has only demonstrated knowledge and practical skills in using a substance in that particular way.

Example

Details of certification

Use of 6.1A and 6.1B substances with a handheld sprayer

Example

Details of certification

Use of 6.1A and 6.1B substances with a vehicle mounted boom sprayer

(7) A compliance certifier must record in a certified handler compliance certificate the workplace or workplaces at which the applicant is to be a certified handler, if applicable.

Example

This certificate applies only to workplaces under the management or control of the Department of Conservation.

(8) In the case of an applicant who wishes to carry out pyrotechnic displays, the compliance certifier—

(a) must record the type and level of display that reflects the knowledge and practical experience of the applicant with pyrotechnics, in accordance with clause 13; and

(b) may record the type and level of display in the certified handler compliance certificate or in the appropriate certificate of competency for a pyrotechnic display referred to in regulations 9.31(1) and 9.36(1)(a) of the Regulations.

(9) A compliance certifier may incorporate an appropriate certificate of competency for a pyrotechnic display in the certified handler compliance certificate.

13 Recording type and level of a pyrotechnic display

When recording the type and level of a pyrotechnic display in a certified handler compliance certificate or a certificate of competency, a compliance certifier,—

(a) must specify that the certificate applies to a level 1 display, level 2 display, level 3 display or indoor display, according to the certified handler's competence and practical experience; and

(b) in case of a level 3 display, may endorse the certified handler compliance certificate or certificate of competency as applying to a display at a specialist workplace (for example, a rooftop, a barge, a bridge, a pier, a moving vessel, a moving vehicle, or an aircraft).

Examples

For Use: Level 1 outdoor display pyrotechnics only.

For Use: Level 2 outdoor display pyrotechnics only.

For Use: Level 3 outdoor display pyrotechnics only.

For Use: Indoor pyrotechnics displays only.

14 Other information to be recorded

(1) A compliance certifier must ensure that the following information is recorded in a compliance certificate:

(a) that the compliance certificate is issued under regulations 4.1 and 6.23 of the Regulations:

Example

Compliance Certificate as a Certified Handler

This certificate is issued in accordance with regulations 4.1 and 6.23 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

This compliance certificate certifies that the handler has met the relevant requirements for the substances and life cycle phases specified below.

(b) the provisions of the Regulations for the purposes of which the certificate is issued:

Example

This certificate is issued for the purposes of regulation 9.3 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

(c) a unique certificate number on the compliance certificate:

Example of original certificate number

000498-CHC4987

Example 1 of renewed certificate number

000498-CHC4987A

Example 2 of renewed certificate number

000498-CHC13415

(d) the certified handler's full legal name:

Example

Josephine Harriet Alana Bloggs

(e) the full residential address of the certified handler as at the date of issue, provided that:

(i) if the certified handler has a street address, the street number, street name, suburb, town or city, and country must be included; and

(ii) if the certified handler does not have a street address, for example, the certified handler is living in a rural location, the compliance certifier may record a PO Box or Private Bag number, town or city, and country:

(f) the certified handler's work telephone number or work email address or both, if available:

(g) the date of issue:

(h) the date the compliance certificate comes into force:

(i) the date of expiry:

(j) the full name and authorisation number of the compliance certifier, as specified in the certifier's document of authorisation issued by WorkSafe:

(k) the handwritten signature or electronic signature of the compliance certifier.

(2) For the purposes of—

(a) subclause (1)(g), the date of issue of the compliance certificate must be the date the compliance certifier verified that the applicant met the relevant competency requirements in accordance with regulation 4.3 of the Regulations; and

(b) subclause (1)(h), the date the compliance certificate comes into force—

(i) may be the same as the date of issue; and

(ii) must not be earlier than the date of issue; but

(iii) may be later than the date of issue by up to 40 working days; and

(c) subclause (1)(i), the date of expiry must be exactly 5 calendar years from the date of issue; and

Example

Date of issue:	3 December 2018
Date compliance certificate comes into force:	14 December 2018
Date of expiry:	3 December 2023

(d) subclause (1)(k), the handwritten signature or electronic signature of the compliance certifier must be the compliance certifier's usual signature and not an abbreviated form or their initials (for example, if a compliance certifier usually signs his or her name as ‘David Smith’, that form of words must be used, not ‘Dave Smith’ or ‘DS’).

(3) A compliance certifier must not vary a certified handler compliance certificate that has been issued, except to correct a minor error (for example, where the compliance certifier has decided the applicant meets the competency requirements for a particular substance or life cycle phase but accidentally records a different substance or life cycle phase on the certificate).

Subpart 2—Records

15 Records management

(1) A compliance certifier must make a record of all information viewed as part of the verification and assessment process and retain copies of all relevant documents, including documents identifying the full legal name of the applicant.

(2) The records must provide sufficient rationale to justify the decision to issue or not to issue a compliance certificate.

(3) If a compliance certifier conducts a written or oral test, the following information must be recorded,—

(a) date and time of the test; and

(b) name of the applicant; and

(c) subject areas covered; and

(d) assessment of the answers.

Cls 6(2)(b)(i), 7(2)(l)(i), 8(2)(h)(i), 9(2)(d), and 12(2)(b)(i)

Schedule 1
Additional provisions: class 1 hazardous substances

Part 1
Verifying competency requirements

1 Classification, properties, and adverse effects

The specific matters in respect of which a compliance certifier must verify competency in relation to the hazard classification, properties and adverse effects of class 1 substances are:

(a) the types and classifications of explosives in the applicant's field of work, including their subsidiary properties, such as toxicity; and

(b) knowledge of adverse effects, such as projectiles, blast effects including vibration and air-blast, and temperature effects; and

(c) if the transport phase involves the transportation of bulk quantities of the substance, knowledge of the Globally Harmonised System of Classification and Labelling of Chemicals.

2 Legislative controls

(1) The specific matters in respect of which a compliance certifier must verify competency in relation to legislative controls for class 1 substances are:

(a) general requirements applying to the location of class 1 substances, including requirements related to hazardous substance locations, designated use zones, designated transfer zones and transport requirements, where applicable; and

(b) the requirement to hold a controlled substance licence, including the circumstances in which an exception for transporting class 1 substances applies; and

(c) controls regarding impact or pressure shock; and

(d) controls regarding spark energy; and

(e) controls regarding heat and fire; and

(f) controls regarding static electricity in relation to equipment; and

(g) controls regarding stray electrical currents; and

(h) controls regarding electromagnetic radiation; and

(i) the requirement to reduce the likelihood of unintended initiation; and

(j) the requirement to control the adverse effects of unintended initiation; and

(k) signage requirements; and

(l) environmental effects and control zone requirements covered under the HSNO Act; and

(m) the requirement to secure class 1 substances; and

(n) the matters specified in subclauses (2) to (6), to the extent they apply.

Manufacturing phase

(2) In the case of the manufacturing phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the requirement for lightning interceptors.

Storage phase

(3) In the case of the storage phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) the requirement to keep an accurate inventory; and

(b) requirements regarding the compliance certification of magazines and readily movable containers; and

(c) requirements to establish a hazardous substance location and obtain compliance certification for it, if the class 1 substances exceed the prescribed thresholds; and

(d) the requirement for lightning interceptors; and

(e) if the storage phase involves the storage of the substance for the purpose of distribution,—

(i) requirements regarding distribution of class 1 substances or articles; and

(ii) safe isolation distances; and

(iii) construction and maintenance requirements of magazines or readily movable containers.

Transport phase

(4) In the case of the transport phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) substance specific controls for road transport; and

(b) requirements to be met during interruptions of transportation; and

(c) restrictions on activities that may be carried out while transporting explosives; and

(d) requirements applying to the personnel involved in transportation, including where prescribed threshold quantities are exceeded, as applicable; and

(e) controls regarding fire extinguishers; and

(f) requirements regarding designated transfer zones; and

(g) the time limitations applying when certain substances are kept in a designated transfer zone; and

(h) if the transport phase involves oil and gas industry work or seismic surveys and exploration,—

(i) the requirements of Part 24A of the Maritime Rules (Carriage of cargoes—dangerous goods), if applicable; and

(ii) the requirements that apply when transferring a class 1 substance from one mode of transport to another; and

(iii) obligations related to multi-modal transportation of class 1 substances.

Use phase

(5) In the case of the use phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) packaging requirements for class 1 substances; and

(b) requirements to prevent unintended initiation; and

(c) the compliance certification requirements related to the detonation or deflagration of explosives in the hours of darkness, if applicable; and

(d) the duty to control adverse effects; and

(e) notification requirements relating to the detonation or deflagration of explosives; and

(f) designated use zone requirements; and

(g) requirements for signage and warnings in relation to designated use zones; and

(h) if the use phase involves explosives detection work,—

(i) requirements regarding compliance certification of magazines and readily moveable containers; and

(ii) requirements to establish a hazardous substance location and obtain compliance certification, if class 1 substances exceed the prescribed thresholds; and

(iii) requirements for lightning interceptors; and

(i) if the use phase involves pyrotechnical work,—

(i) signage requirements for fireworks; and

(ii) discharge and exclusion zone requirements.

Disposal phase

(6) In the case of the disposal phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the requirements applying under the Hazardous Substances (Disposal) Notice 2017.

3 Safe handling and use

(1) The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling and use of class 1 substances are:

(a) the correct use of explosives in respect of each field in which the certified handler is permitted to work; and

(b) precautions and safety considerations for minimizing the risk from adverse effects including projectiles, blast effects, and temperature effects; and

(c) the matters specified in subclauses (2) to (6), to the extent they apply.

Manufacturing phase

(2) In the case of the manufacturing phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) how to inspect ingredients in the manufacture of class 1 substances and articles; and

(b) material handling techniques; and

(c) requirements relating to the equipment used in the manufacture of class 1 substances or articles.

Storage phase

(3) In the case of the storage phase of the life cycle of a class 1 substance for the purposes of distribution, the compliance certifier must verify competency in relation to the following matters:

(a) the process of loading a magazine; and

(b) requirements regarding the maintenance and housekeeping of magazines and readily movable containers; and

(c) if the storage phase involves the storage of the substance for the purpose of distribution, requirements regarding safe storage of class 1 substances or articles.

Transport phase

(4) In the case of the transport phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) restrictions regarding the safe load limits of vehicles; and

(b) requirements relating to placarding a vehicle or load containing explosives; and

(c) general procedures for road transport under Parts 8 and 9 of the Regulations and the Land Transport (Dangerous Goods) Rule 2005; and

(d) if the transport phase involves the transportation of bulk quantities of class 1 substances,—

(i) the use of risk categories of various class 1 substances and articles; and

(ii) compatibility groups; and

(iii) determination of division identification of mixed loads of explosives; and

(iv) determine load segregation of class 1 substances; and

(v) requirements of a hazardous substance location; and

(vi) requirements of a designated transfer zone; and

(vii) requirements of a load plan and load limits; and

(viii) requirements of a container or vehicle packing certificate or both; and

(ix) vehicle separation requirements; and

(x) vehicle stopping requirements.

Use phase

(5) In the case of the use phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to the following matters:

(a) managing the risk to health and safety of an explosive charge misfiring, including the actions to be taken to ensure that both the site and the misfired explosive are made safe; and

(b) the appropriate procedures related to the detonation or deflagration of explosives in the hours of darkness, if applicable; and

(c) if the use phase involves construction, demolition, land operations work, quarrying, surface mining, tunnelling, underground coal mining, or underground metalliferous mining,—

(i) determining factors influencing blasting layout; and

(ii) determining blast design; and

(iii) designing shot loading and firing; and

(iv) containing the site prior to blasting; and

(v) carrying out blasting operations; and

(vi) documentation of processes, procedures, and blast records; and

(vii) testing for gas in an underground extraction site, if applicable; and

(viii) evaluating and describing methods of dispersing gas in an underground extraction site, if applicable; and

(ix) drilling and blasting operations in underground mines, if applicable; and

(d) if the use phase involves electrical supply and transmission,—

(i) determining factors influencing blasting activity; and

(ii) determining blast design; and

(iii) designing shot loading and firing; and

(iv) containing the site prior to blasting; and

(v) carrying out blasting operations; and

(vi) documentation of processes, procedures, and blast records; and

(vii) knowledge relevant to safe handling around high voltage sites; and

(e) if the use phase involves explosives detection work, requirements regarding house-keeping relating to the use of magazines and readily movable containers; and

(f) if the use phase involves mechanical and engineering processes,—

(i) determining factors influencing blasting activity; and

(ii) determining design requirements for explosives use; and

(iii) designing the application and firing plan; and

(iv) containing the site prior to detonation; and

(v) carrying out firing operations; and

(vi) documentation of processes, procedures, and used substances; and

(vii) knowledge relevant to safe handling involving mechanical and engineering processes; and

(g) if the use phase involves oil and gas industry work or seismic surveys and exploration,—

(i) understanding of factors influencing seismic or petroleum industry explosives placement design; and

(ii) ensuring designed layout and placement is compliant; and

(iii) competency with specialised loading techniques including use of specialised tools, where applicable; and

(iv) understanding of detonation requirements unique to seismic and petroleum industries; and

(v) containing the site prior to detonation; and

(vi) carrying out blasting operations; and

(vii) documentation of processes, procedures, and blast records; and

(viii) knowledge relevant to safe handling in a maritime environment, where applicable; and

(h) if the use phase involves work with propellants,—

(i) material handling techniques; and

(ii) determining factors influencing blasting layout; and

(iii) determining blast design; and

(iv) designing shot loading and firing; and

(v) containing site prior to blasting; and

(vi) carrying out blasting operations; and

(vii) documentation of processes, procedures and blast records; and

(i) if the use phase involves pyrotechnical work,—

(i) the fusing, rigging and safety preparations, firing process and clean-up of the required outdoor pyrotechnic displays, demonstrated through active involvement in these activities or proven equivalent work experience; and

(ii) systems for safe firing of a pyrotechnic display; and

(iii) dismantling fireworks; and

(iv) the security measures required at a site before and after a pyrotechnic display; and

(v) the factors that may influence the safety of a pyrotechnic display; and

(vi) handling the products and articles for the relevant level of display, demonstrated through training and display experience; and

(vii) firefighting systems and procedures; and

(viii) exclusion distances; and

(ix) the precautions necessary depending on the location at which a pyrotechnic display is carried out (for example, outdoors, on a pier, on a barge or other floating vessel or platform, on a moving vehicle, at a stadium, on a rooftop or other elevated position, or on an aircraft), as applicable; and

(j) if the use phase involves research,—

(i) determining factors influencing explosives selection and use for research goals; and

(ii) site containment; and

(iii) knowledge relevant to safe handling in a research environment; and

(k) if the use phase involves snow avalanche control,—

(i) determining factors influencing blasting activities; and

(ii) making fuses and priming; and

(iii) establishing the designated use zone; and

(iv) igniting and placing charges; and

(v) knowledge of industry and site procedures and equipment relating to snow blasting operations, for example, hand or case charging, avalauncher, helibombing, as appropriate; and

(vi) documentation of processes, procedures, and blast records; and

(vii) knowledge of the requirements for an avalanche control plan; and

(l) if the use phase involves underwater work,—

(i) determining factors influencing blasting layout; and

(ii) determining blast design; and

(iii) designing shot loading and firing; and

(iv) containing the site prior to blasting; and

(v) carrying out blasting operations; and

(vi) documentation of processes, procedures, and blast records; and

(vii) knowledge relevant to safe handling in a maritime environment, where applicable.

Disposal phase

(6) In the case of the disposal phase of the life cycle of a class 1 substance, the compliance certifier must verify competency in relation to material handling techniques in regards to recovery and disposal.

4 Information, training, and instruction

In the case of the use phase of the life cycle of a class 1 substance, the compliance certifier must verify in relation to the requirement for information, training, and instruction that—

(a) if the use phase involves snow avalanche control, the applicant has had training to operate in avalanche terrain within a snow safety programme; and

(b) if the use phase involves pyrotechnical work, the applicant has had—

(i) active involvement in fusing, rigging and safety preparations, firing process and clean-up of the relevant outdoor pyrotechnic display, or has equivalent work experience; and

(ii) training and display experience in handling the products and articles for the relevant level of pyrotechnic display.

Part 2
Information to be recorded in compliance certificate

5 Name and classification of class 1 hazardous substance to be recorded in certified handler compliance certificate

A compliance certifier must record in a certified handler compliance certificate for a class 1 hazardous substance or article—

(a) the word ‘Explosives’; and

(b) the relevant hazard classifications that trigger the requirement to hold a certified handler compliance certificate.

Example

Hazardous substance and classes	**Life cycle phases**
Explosives – Class 1.1G, 1.3G, 1.4G, 1.4S	Manufacture, Use, Storage

Example

Hazardous substance and classes	**Life cycle phases**
Explosives – Class 1.1C, 1.3C	Use, Storage

Cls 6(2)(b)(ii), 7(2)(l)(ii), 8(2)(h)(ii), and 12(2)(b)(ii)

Schedule 2
Additional provisions: agrichemicals

Part 1
Verifying competency requirements

1 Classification, properties, and adverse effects

The specific matters in respect of which a compliance certifier must verify competency in relation to the hazard classification, properties and adverse effects of agrichemicals are:

(a) the types and classifications of agrichemicals, including their subsidiary properties such as flammability; and

(b) if the transport phase involves the transportation of bulk quantities of the substance, knowledge of the Globally Harmonised System of Classification and Labelling of Chemicals.

2 Legislative controls

The specific matters in respect of which a compliance certifier must verify competency in relation to legislative controls for agrichemicals are:

(a) requirements regarding storage and transport of class 6 substances; and

(b) transport restrictions for pesticides; and

(c) signage requirements; and

(d) requirements for pesticides misapplied, lost, spilt or stolen; and

(e) requirements for disposal to an approved facility or by following the product label.

3 Safe handling and use

The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling and use of agrichemicals are:

(a) material handling and mixing techniques; and

(b) equipment handling techniques; and

(c) equipment calibration and maintenance, where applicable; and

(d) store inventory and threshold calculations for controls relating to storage; and

(e) understanding of the mode of action of the substances or class of substances, symptoms of poisoning and first aid.

Part 2
Information to be recorded in compliance certificate

4 Name and classification of agrichemical to be recorded in certified handler compliance certificate

A compliance certifier must record in a certified handler compliance certificate for an agrichemical—

(a) the word ‘Agrichemicals’; and

(b) the classifications 6.1A and 6.1B.

Example

Hazardous substance and class

Agrichemicals – 6.1A, 6.1B

Cls 6(2)(b)(iii), 7(2)(l)(iii), 8(2)(h)(iii), and 12(2)(b)(iii)

Schedule 3
Additional provisions: fumigants

Part 1
Verifying competency requirements

1 Classification, properties, and adverse effects

The specific matters in respect of which a compliance certifier must verify competency in relation to the hazard classification, properties and adverse effects of fumigants are:

(a) the types and classifications of fumigants, including their subsidiary properties, such as corrosiveness; and

(b) if the transport phase involves the transportation of bulk quantities of the substance, knowledge of the Globally Harmonised System of Classification and Labelling of Chemicals.

2 Legislative controls

The specific matters in respect of which a compliance certifier must verify competency in relation to legislative controls for fumigants are:

(a) requirements regarding storage and transport of class 6 substances; and

(b) transport restrictions for fumigants; and

(c) signage requirements; and

(d) requirements for buffer zones, where applicable; and

(e) restrictions on methyl bromide, where applicable; and

(f) requirements for annual reporting, where applicable.

3 Safe handling and use

The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling and use of fumigants are:

(a) notification of fumigation application; and

(b) supervision of fumigation; and

(c) ventilation of fumigation area and safety of risk area; and

(d) operational requirements for fumigants; and

(e) material handling techniques; and

(f) equipment handling techniques; and

(g) equipment calibration and maintenance, where applicable; and

(h) understanding of the mode of action of the substances or classes of substance, symptoms of poisoning and first aid; and

(i) handling of leaking fumigant; and

(j) monitoring for compliance with exposure limits.

Part 2
Information to be recorded in compliance certificate

4 Name and classification of fumigant to be recorded in certified handler compliance certificate

A compliance certifier must record in a certified handler compliance certificate for a fumigant—

(a) the chemical name of the active ingredient used as the fumigant; and

(b) the class 6.1 classifications that trigger the requirement to hold a certified handler compliance certificate.

Example

Hazardous substance and classes

Methyl bromide – 6.1B

Chloropicrin – 6.1A

Magnesium phosphide – 6.1A

Phosphine – 6.1C

Cls 6(2)(b)(iv), 7(2)(l)(iv), 8(2)(h)(iv), and 12(2)(b)(iv)

Schedule 4
Additional provisions: vertebrate toxic agents

Part 1
Verifying competency requirements

1 Classification, properties, and adverse effects

The specific matters in respect of which a compliance certifier must verify competency in relation to the hazard classification, properties and adverse effects of vertebrate toxic agents are:

(a) the types and classifications of vertebrate toxic agents, including their subsidiary properties, such as flammability; and

(b) if the transport phase involves the transportation of bulk quantities of the substance, knowledge of the Globally Harmonised System of Classification and Labelling of Chemicals.

2 Legislative controls

The specific matters in respect of which a compliance certifier must verify competency in relation to legislative controls for vertebrate toxic agents are:

(a) requirements regarding storage and transport of class 6 substances; and

(b) transport restrictions for vertebrate toxic agents; and

(c) permissions and notification requirements for a vertebrate toxic agent application; and

(d) requirements regarding signage to be used when a vertebrate toxic agent is applied or laid outdoors; and

(e) requirements for pesticides misapplied, lost, spilt or stolen; and

(f) requirements for disposal to an approved facility or by following the product label.

3 Safe handling and use

The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling and use of vertebrate toxic agents are:

(a) pesticide exposure routes, pathways and risk management; and

(b) understanding of the mode of action for the substances, symptoms of poisoning and first aid; and

(c) material handling techniques for the correct use and disposal of vertebrate toxic agents; and

(d) procedures for securing the site; and

(e) knowledge of bait type and method of application.

Part 2
Information to be recorded in compliance certificate

4 Name and classification of vertebrate toxic agent to be recorded in certified handler compliance certificate

A compliance certifier must record in a certified handler compliance certificate for a vertebrate toxic agent—

(a) the chemical name of the active ingredient used within the vertebrate toxic agent; and

(b) the statement ‘For use as vertebrate toxic agent only’ as part of the scope of certification; and

(c) the class 6.1 classifications that trigger the requirement to hold a certified handler compliance certificate.

Cls 6(2)(b)(v), 7(2)(l)(v), 8(2)(h)(v), and 12(2)(b)(v)

Schedule 5
Additional provisions: other class 6 hazardous substances

Part 1
Verifying competency requirements

1 Classification, properties, and adverse effects

The specific matters in respect of which a compliance certifier must verify competency in relation to the hazard classification, properties and adverse effects of other class 6 substances are:

(a) the classifications of the substances, including their subsidiary properties, such as flammability; and

(b) if the transport phase involves the transportation of bulk quantities of the substance, knowledge of the Globally Harmonised System of Classification and Labelling of Chemicals.

2 Safe handling and use

The specific matters in respect of which a compliance certifier must verify competency in relation to the safe handling and use of other class 6 hazardous substances are:

(a) the symptoms of poisoning by the substances; and

(b) the exposure routes, pathways and risk management of the substances; and

(c) understanding of the mode of action of the substances and appropriate first aid to be applied in the event of poisoning by the substances; and

(d) material handling techniques for the correct use and disposal of the substances.

Part 2
Information to be recorded in compliance certificate

3 Name and classification of other class 6 hazardous substances to be recorded in certified handler compliance certificate

A compliance certifier must record in a certified handler compliance certificate for a class 6 substance that is not a fumigant, agrichemical or vertebrate toxic agent—

(a) the chemical name of the hazardous substance; and

(b) the class 6.1 classifications that trigger the requirement to hold a certified handler compliance certificate.

Made at Location on Day Month 2018.

Name
WorkSafe New Zealand

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