

Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Tony Hetherington, Head of High Hazards at WorkSafe New Zealand, exempt New Zealand Pharmaceuticals Limited from compliance with regulations 11.36 and 11.37 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the building type where class 3.1 flammable liquids are to be used or held, the maximum quantity of flammable liquids in a workroom and the separation distance to protected places of its biochem facility at 68 Weld Street, Palmerston North. I do so –

- being satisfied that:
 - a. the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
 - b. the exemption is not inconsistent with the purpose of the Act; and
 - c. an additional exit and means of escape from the biochem building has already been provided; and
 - d. the exemption conditions will minimise the likelihood of a fire; and
 - e. a fire suppression system will be provided.

This exemption takes effect on **29 May 2019** and expires on **29 May 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 27th day of May 2019



Tony Hetherington
Head of High Hazards, Energy and Public Safety
WorkSafe New Zealand

Appendix 1

Exemption Conditions

The application to grant an exemption has been decided as follows:

The exemption is granted to New Zealand Pharmaceuticals Limited by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015. It applies to the biochem facility at 68 Weld Road, Linton, Palmerston North labelled "BIOCHEM" in applicant's drawing number 01B059, revision C, As Built, and dated 31 October 2016; and shown in the level plans in the applicant's drawing numbers 36B000/0, 36B000/2, 36B000/3, 36B000/4, 36B000/5 revision E dated 31 May 2018, and 36B000/1 revision D dated 5 July 2016. The biochem facility is hereby exempt from the requirements of building type, separation distances and quantities of class 3 substances under regulations 11.36 and 11.37 of the Health and Safety at Work (Hazardous Substances) Regulations 2017, upon completion of the following works by New Zealand Pharmaceuticals Limited:

1. Installation of a type 4 automatic fire and smoke detection system for the building suitable for hazardous areas that triggers a site-wide alarm or evacuation as necessary so the occupants in other buildings on the site are alerted to a potential fire situation.
2. Installation of an external stairway with access from Deck 4 in the southern end of the biochem facility as described in the R. J. Nelligan & Associates Ltd report *Partial fire report for section 33 variation to HSNO regulations* (27 July 2017).
3. Installation of photo luminescent lighting strips and exit signs to direct occupants of the biochem facility to the external stairway.
4. Installation of weirs and isolating valves on the two floor drains where they discharge from the biochem facility.
5. Smoke separation of the north and south ends of the biochem facility by installation of self-closing doors and their surrounds.

And subject to the following conditions, New Zealand Pharmaceuticals Limited must:

1. Install isolating valves in liquid transfer pipes from process vessel 36T12 or any replacement for it in the biochem facility **within 1 year of the date of this exemption taking effect.**
2. Complete construction of the bunds separating the two processing areas, including the eastern side of the northern end of the biochem facility. Each secondary containment system must be able to contain at least 110% of the maximum volume held in the largest process vessel within each of the respective processing areas. In addition, the bunds must have the capacity to hold the quantity of foam needed to provide a foam blanket as described in point 13 below for the two processing areas. These bunds must be operational **within 12 months of the date of this exemption taking effect.**
3. Update the standard operating procedures to include the reference to weirs and isolating valves **within 1 year of the date of this exemption taking effect.**
4. Ensure that non-operational vehicles are not parked within 15 metres of the biochem

- facility. Signage must be erected to advise of this no parking requirement.
5. Ensure that no ethanol is stored within the biochem facility.
 6. Ensure that no class 3.1A substances are stored within the biochem facility.
 7. Ensure that the valves are normally closed on the two floor drains where they discharge from the biochem facility.
 8. Ensure that the self-closing doors to smoke-separate the north and south ends of the biochem facility are normally kept closed.
 9. Ensure that no flammable or combustible material (including pallets and packaging) are stacked within 5 metres of the biochem facility.
 10. Have in place equipment and procedures to detect untoward releases of flammable solvent vapours (i.e. 20% LEL of methanol) **within 18 months of the date of this exemption taking effect.**
 11. Have procedures in place, and that are tested, for evacuation of personnel **at the same date** as point 10 above.
 12. Update the site emergency response plan as these exemption conditions are completed and test the emergency response plan.
 13. Install **within 2 years from the date of this exemption taking effect** a foam suppression system in the biochem facility to provide a blanket over the secondary containment system.
 14. Ensure that staff can egress the biochem amenities building as labelled "BIOCHEM AMENITIES" in the applicant's drawing number 01B059, revision C, As Built, and dated 31 October 2016, via another exit facing away from the biochem facility in the event of fire in the biochem facility **within 18 months from the date of this exemption taking effect.**
 15. Maintain the layout of the biochem facility as shown in the applicant's drawing numbers 36B000/0, 36B000/2, 36B000/3, 36B000/4, 36B000/5 revision E dated 31 May 2018, and 36B000/1 revision D dated 5 July 2016.
 16. Provide a copy of this decision to any compliance certifier engaged to issue a location compliance certificate for 68 Weld Street, Linton, Palmerston North.
 17. Provide a copy of this decision to the Chief Fire Officer at the local Fire and Emergency New Zealand station.
 18. Hold a copy of this exemption document on-site.