

Public consultation

*HAZARDOUS SUBSTANCES
SAFE WORK INSTRUMENTS*

June 2019



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Removing hazardous substances tracking requirements for petrol-methanol blends containing up to 15% methanol by volume.

Purpose

WorkSafe is seeking your feedback on a proposal to remove the hazardous substances tracking requirements for petrol-methanol blends containing up to 15% methanol by volume.

The tracking requirements may be removed by amending the *Health and Safety at Work (Hazardous Substances – Additional Substances that Do Not Require Tracking) Safe Work Instrument 2018* (Additional Substance that Do Not Require Tracking SWI).

The submissions deadline is **5 pm on Friday 12 July 2019**.

What is a safe work instrument?

Safe work instruments (SWIs) are a new tool in the *Health and Safety at Work Act 2015* (HSWA), they are a type of subordinate instrument (sometimes called tertiary legislation). SWIs only have legal effect where specifically referred to in relevant regulations.

SWIs can be used for many purposes, including setting additional or modified workplace controls for hazardous substances approved or reassessed by the Environmental Protection Authority (EPA).

Consultation for safe work instruments

SWIs are developed by WorkSafe and approved by the Minister for Workplace Relations and Safety. The Minister must not approve a SWI unless he is satisfied that appropriate people and organisations have been consulted.

Further information about SWIs can be found on the WorkSafe website: worksafe.govt.nz

How to have your say

Have your say by considering the proposal in this document and the proposed SWI amendments, and completing the submission form. If you have any questions during public consultation please contact WorkSafe: regulatory.frameworks@worksafe.govt.nz

Your submission may be made public

Once you make your submission, anyone can ask for it under the Official Information Act 1982. If you have any queries about how the information in your submission is dealt with, please contact WorkSafe: regulatory.frameworks@worksafe.govt.nz

Further information is available at: www.legislation.govt.nz

What happens next

Once the consultation period has ended, we will consider the submissions and amend the *Additional Substance that Do Not Require Tracking SWI*, in light of the feedback we receive. We will provide a summary of the submissions on our website. Once the SWI has been drafted, it will be presented to the Minister for approval.

Petrol-methanol blends containing up to 15% methanol by volume

In December 2018, the EPA approved Petrol-methanol blends containing up to 15% methanol by volume for import and manufacture in New Zealand. The approval code is HSR101325.

What are petrol-methanol blends containing up to 15% methanol by volume?

Petrol-methanol blends containing up to 15% methanol by volume are fuels made by blending the primary components petrol and methanol. Other co-formulates commonly used in petrol are also added. These fuels contain between 79.1 and 97.6 % petrol, and 1.1 to 16.5 % methanol.

Petrol-methanol blends containing up to 15% methanol by volume are intended to be used in a similar way to other primarily petrol fuels. They can be used as fuel for on and off-road vehicles and commercial and recreational craft/boats. Other non-vehicle uses could include:

- small machinery such as motor mowers
- stationary engines such as generators
- cleaning agents
- fire accelerants.

The non-vehicle use of petrol-methanol containing up to 15% methanol by volume blends is expected to be a very minor segment of the total fuel use.

The Engine Fuel Specifications Regulations 2011 allow for petrol-methanol blends of up to three percent methanol to be sold by retail sale¹. These products are intended to be sold by wholesale to companies for use in fleet vehicles. They may also be sold to the public at service stations.

Petrol-methanol blends with more than three percent methanol cannot only be sold by non-retail sale. Petrol methanol blends with more than three percent methanol will be used in vehicles trails.

Petrol-methanol blends containing up to 15% methanol by volume and hazardous substances tracking requirements

Petrol, the primary component in Petrol-methanol blends containing up to 15% methanol by volume, is a class 3.1A substance.

¹ Retail sale is a sale to an end user who has no written supply agreement or written contract with the supplier in respect of the sale.

Part 19 of the HS Regulations sets out the requirements for tracked substances. Substances that require tracking are described in Tables 1 and 2 of Schedule 26. Class 3.1A substances are included in Table 1.

The requirements for tracked substances include:

- recording information about the location and movement of a tracked substance at each stage of its lifecycle
- retaining records
- ensuring that a competent person will take responsibility for the tracked substance when it is transferred to another workplace.

The tracking requirements for petrol-methanol blends up to 15% methanol prevent this fuel from being sold to the public.

Health and Safety at Work (Hazardous Substances – Additional Substances that Do Not Require Tracking) Safe Work Instrument 2018

Substances that do not require tracking are described in Table 3 of Schedule 26. Under Regulation 19.3 a SWI may add a hazardous substance to Table 3 of Schedule 26.

In 2018, WorkSafe created the *Additional Substance that Do Not Require Tracking SWI* to add substances to Table 3 Schedule 26 of the HS Regulations so they don't require tracking.

The *Additional Substances that Do Not Require Tracking SWI* may be amended to include Petrol-methanol blends containing up to 15% methanol by volume, HSNO approval number HSR101325. If the proposed amendment is made, Petrol-methanol blends containing up to 15% methanol by volume will not require tracking.

Advantages and disadvantages of the amending the Additional Substance that Do Not Require Tracking safe work instrument

Petrol-methanol blends containing up to 15% methanol by volume are subject to the tracking provisions in the HS Regulations. This means they are subject to a disproportionately more restrictive regulatory regime than other similar fuel products that do not require tracking. The tracking requirements prevent these products being sold to the public or wholesale markets.

The benefits of making petrol-methanol blends containing up to 15% methanol by volume available to the public include more consumer choice and greater market competition. These fuels may be cleaner burning and more efficient.

Petrol-methanol blends containing up to 15% methanol by volume have similar risks to other primarily petrol fuels. The risks of removing the tracking provisions are low. The HS Regulations place a number of controls on petrol products including requirements to:

- establish a hazardous substance location (where quantity exceeds 50 L), including establishing hazardous areas
- prepare an emergency plan (where applicable)
- install and maintain signage.

Service stations and other businesses that store and dispense petrol (not tracked) are familiar with these controls and the risks associated with petrol products.

Implementation

The *Health and Safety at Work (Hazardous Substance – Additional Substances that Do Not Require Tracking) Safe Work Instrument Amendments 2019* will be submitted to the Minister for Workplace Relations and Safety for the Minister's consideration.

The amendments will take effect 28 days after the *Health and Safety at Work (Hazardous Substance – Additional Substances that Do Not Require Tracking) Safe Work Instrument Amendments 2019* is notified in the New Zealand Gazette. This is planned for October 2019.

As required by section 227 of HSWA, we will make the amended SWI available free of charge on our website. We will inform submitters when it is published.

You can also obtain a hard copy of SWIs from WorkSafe; depending on the quantity requested there may be a reasonable charge.

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