

# Summary of submissions

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**HEALTH AND SAFETY AT WORK  
(HAZARDOUS SUBSTANCES – REQUIREMENTS  
FOR APPROVING A TYPE OF BURNER)  
SAFE WORK INSTRUMENT 2025**

December 2025



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

**WORKSAFE**  
Mahi Haumarū Aotearoa

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Purpose

This document summarises the submissions made on a proposed safe work instrument (SWI) for burners and WorkSafe New Zealand’s response to the feedback.

Background

The Health and Safety at Work (Hazardous Substances – Requirements for Approving a Type of Burner) Safe Work Instrument 2025 (the Burner SWI) sets requirements for burners by specifying five standards for the purposes of regulation 17.67(5)(j) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations). A person conducting a business or undertaking (PCBU) must ensure that a burner is not used unless it is a type of burner approved and recorded by WorkSafe New Zealand (WorkSafe). WorkSafe may approve a type of burner that complies either with the standards listed in regulation 17.67(5)(a)-(i) of the Regulations, or with requirements in a relevant SWI.

WorkSafe consulted on the proposal to develop the Burner SWI between 26 August 2024 and 20 September 2024.

The [Burner SWI](#) commenced on 30 June 2025 and is published on WorkSafe’s website.

Consultation

WorkSafe consulted on the proposed Burner SWI with its social partners (BusinessNZ and the Council of Trade Unions), selected key stakeholders in the burner industry, government agencies, and stakeholders listed on WorkSafe’s consultation databases. A link to the consultation was shared on WorkSafe’s LinkedIn social media channel. A public notice with details about the proposed SWI was also published on our website.

WorkSafe received four submissions on the Burner SWI proposal from industry.

No changes were made to the Burner SWI following consultation.

Summary of submissions

Comments regarding proposed standards

WORKSAFE RESPONSE	
AS 1375–2023: Industrial fuel-fired appliances	
This standard is suitable for use with almost all New Zealand burner installations and reflects local conditions and risks.	WorkSafe noted this support.
BS EN 267:2020: Forced draught burners for liquid fuels	
This is the ideal standard for packaged burner units.	WorkSafe noted this support.
If the burner was fitted to a boiler, approval for the installation would also need to adhere to the Approved Code of Practice for the Design, Safe Operation, Maintenance and Servicing of Boilers, 2004 (the Boiler Code).	<p>The requirements in the Boiler Code relate to the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999 and are outside the scope of this consultation.</p> <p>The Burner SWI sets requirements for burners by specifying five standards for the purposes of regulation 17.67(5)(j) of the Regulations.</p>

WORKSAFE RESPONSE	
This standard applies to burners using liquid fuel. 'EN 676 – Forced draught burners for gaseous fuels' should also be included in the SWI.	As the Burner SWI relates to legislation addressing burners using liquid fuel, the request to include EN 676 is outside the scope of the consultation.  The legislation does not apply to gas-fuelled burners. Gas-fuelled burners are covered under the Gas (Safety and Measurement) Regulations 2010.
The cost of standards affects accessibility. (See <i>General/additional comments</i> below.)	WorkSafe noted this concern.
<b>NFPA 86–2019: Standard for ovens and furnaces</b>	
The 2019 version of this standard should be removed from the SWI, as it has been superseded.	The 2019 version of the standard is still relevant, as burners manufactured to that standard may still be in circulation.
Concerned that this standard comes from the US legislative framework. (See <i>General/additional comments</i> below.)	WorkSafe approves burners designed to accepted standards. NFPA 86-2019 is an internationally accepted standard.
The cost of standards affects accessibility. (See <i>General/additional comments</i> below.)	WorkSafe noted this concern.
<b>NFPA 86–2023: Standard for ovens and furnaces</b>	
This is an all-embracing and comprehensive standard that is appropriate for the application and includes references to other standards.	WorkSafe noted this support.
As this is a US standard it does not mention AS 5601, the standard that covers gas installations if the burner is gas-fired.	The Burner SWI relates to legislation addressing burners using liquid fuel.  The legislation does not apply to gas-fuelled burners, which are outside the scope of this consultation. Gas-fuelled burners are covered under the Gas (Safety and Measurement) Regulations 2010.
Concerned that this standard comes from the US legislative framework. (See <i>General/additional comments</i> below.)	WorkSafe approves burners designed to accepted standards. NFPA 86–2023 is an internationally accepted standard.
The cost of standards affects accessibility. (See <i>General/additional comments</i> below.)	WorkSafe noted this concern.
<b>UL 296A:2018 (3rd Edition): Standard for waste oil-burning air-heating appliances</b>	
Concerned that this standard comes from the US legislative framework. (See <i>General/additional comments</i> below.)	WorkSafe approves burners designed to accepted standards. UL 296A:2018 (3rd Edition) is an internationally accepted standard. (See <i>General/additional comments</i> below.)
The cost of standards affects accessibility. (See <i>General/additional comments</i> below.)	WorkSafe noted this concern.
UL standards generally have good global support and compatibility.	WorkSafe noted this support.

## General/additional comments

WORKSAFE RESPONSE	
<b>US Standards</b>	
<p>One submitter commented that:</p> <ul style="list-style-type: none"> <li>- three of the standards come from the US legislative framework, which has industrial compliance issues integrating with the ISO/IEC compliant world</li> <li>- what is allowed to enter our market comes from a legislative framework which may have compatibility issues with our own</li> <li>- accepting many different standards allows market competition at the expense of legislative clarity and ease of governance.</li> </ul>	<p>WorkSafe approves burners designed to internationally accepted standards. The Burner SWI includes a range of standards to ensure that New Zealand businesses have access to safe burners that meet their operational needs.</p> <p>WorkSafe receives many applications for burners that were manufactured in the USA and imported into New Zealand. The Burner SWI includes NFPA and UL standards to ensure that burners manufactured in the USA can be approved if they comply with the relevant standards.</p> <p>PCBUs applying for WorkSafe burner approval can choose to show compliance with any of the standards listed in Regulation 17.67(5) or the Burner SWI, as long as they comply with at least one.</p>
<b>Guidance</b>	
<p>The SWI should provide clear, concise guidance on the application and interpretation of the standards to local conditions, engineering units, and so on.</p>	<p>A SWI is secondary legislation that supports or complements regulations, rather than guidance. The comment has been passed to the appropriate team for consideration.</p>
<b>Cost of standards</b>	
<p>The cost of standards affects accessibility. Standards are expensive and should be publicly accessible.</p>	<p>WorkSafe noted the point about cost and accessibility.</p> <p>Standards New Zealand charges for access to New Zealand standards. Due to copyright law, WorkSafe is not able to make standards available free of charge.</p>



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[worksafe.govt.nz](http://worksafe.govt.nz)



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