

The Test Certifier Update, a monthly 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 at: www.worksafe.govt.nz

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WELCOME

Richard Steel, Acting General Manager, High Hazards and Technical Support Services

Welcome to the first edition of WorkSafe New Zealand's Test Certifier Update. This is a relaunch and rebranded version of the Update that was successfully published for many years by the Environmental Protection Authority (EPA).

The Update, which WorkSafe expects to publish on a regular monthly basis, is intended specifically for test certifiers. It will include a variety of hazardous substance technical articles as well as articles on matters that are likely to be of general interest to test certifiers. Clearly over the coming 12 months a key focus will be on the regulatory reform.

You can find more information on the reforms from our website at: <http://www.business.govt.nz/worksafe/about/reform>

You can also subscribe to specific updates at: <http://www.business.govt.nz/worksafe/about/subscribe>

As well as the Test Certifier Update published by WorkSafe, the EPA publishes the Hazardous Substance Update (see <http://www.epa.govt.nz/publications-resources/publications/newsletters/hs-update/Pages/default.aspx>). These are quite separate publications, with different target audiences.

The HS Update will provide you with information on the regulatory reforms and changes to the HSNO Act as they relate to the EPA, notification of substance applications and reassessments, as well as other work of the EPA.

It has been just on 5 months since certain hazardous substance functions were transferred from the EPA to WorkSafe and a new Certification, Approvals and Registration (CAR) team established within WorkSafe. Our activity is increasing (as evidenced by this Update) and you will find we will become progressively more visible in the future, including through test certifier workshops currently planned. You will find further information about the workshops later in this edition of the Update.

Your input into the Update will be important to ensure it meets your needs. If you have any feedback, including specific topics that you would like to see covered, please email us at: hsinfo@worksafe.govt.nz

NOTIFICATION OF NEW HAZARDOUS SUBSTANCES LOCATION

An updated and rebranded form for notifying WorkSafe of the commissioning of a new hazardous substance location or transit depot is available on our website at:

<http://www.business.govt.nz/worksafe/notifications-forms/hsno-activities-certification-qualifications-licensing/documents/hsl-notification-worksafe.doc>

The completed form should be sent to our centralised Response Team at:

The Registrar, WorkSafe NZ, Response Team,
PO Box 105146, Auckland or

Email: healthsafety.notification@worksafe.govt.nz

Previous versions of this notification form (published by the EPA) gave differing receipt addresses, including sending to the local WorkSafe (then Department of Labour) office. If you have an earlier version saved on your computer or business IT network, please delete it and replace it with the latest version. Notification must not be made to the local WorkSafe office.

EMERGENCY VENTS

We have become aware that tanks have been placed in service (having been installed and certified) that lack the emergency vents as specified in Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.



It is essential that certifiers of stationary container systems pay specific attention to the vents. This includes those certifiers who are approved for installation of tanks – it is **not** sufficient to assume that vent sizes were verified in the design of the tank as they may not have been.

In order to confirm the vents meet the prescribed minimum sizes, it is necessary for certifiers to understand clauses 9 and 10 of Schedule 8, as well as the clauses of AS 1940 that are referred to. The verification of vent sizes is part of the verification process when certifying a stationary tank and this highlights the importance of certification.

CYLINDERS: REGISTER UPDATE

At the 2014 CTLA conference, WorkSafe undertook to initiate work on improving the registers used routinely by periodic testers.

Progress has been made as follows:

- > The gas cylinder register has been updated for all pre-commissioning certificates received prior to 30 November 2014.
- > A register of UN cylinders and an updated register of manufacturer's marks are available on the WorkSafe website.

We are continuing to work on the Register of Special Cylinders and the other registers as per our commitment at the CLTA conference. All registers can be found on our website at:

<http://www.business.govt.nz/worksafe/information-guidance/hsno-equipment-csl-registers/compressed-gas-cylinders-1>

FIRE EXTINGUISHER PERIODIC TEST PRESSURE

Section 8.8.4 of the Guide to Gas Cylinders sets provisions for the testing of low pressure fire extinguishers. At the CLTA conference, it was pointed out that the existing wording is confusing and the following alternative put forward:

"The Periodic test pressure should be:

1. *The marked Periodic test pressure, or in the absence of this*
2. *1.5 times the working pressure, and*
3. *In all cases, a minimum of 2000kPa.*

If the word 'Periodic' is not specified for test pressure, items 2 & 3 are to be used."

Until such time as the Guide is updated, periodic testers should follow the above specification.

The Guide to gas Cylinders is available on the WorkSafe website at:

<http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/hsno/guidance-docs-epa/guide-to-gas-cylinders-2013-502kb-pdf>

TEST CERTIFIER WORKSHOPS

WorkSafe will be continuing the practice of the EPA by holding dedicated workshops for test certifiers. The first such workshop was held last November for certifiers approved for vertebrate toxic agents.

In the coming months, we will be holding workshops for dangerous goods and scheduled toxic substances. These will be held in Auckland, Wellington and Christchurch. A key focus is expected to be the new hazardous substances regulations that are currently being drafted, including

the changes that are being made to test certification. However, because Government has still to make final decisions on the regulations, we cannot be specific about the dates at this stage. Hopefully, they will be held sometime in April or May.

As well as the regulations, we will discuss aspects of certification of stationary containers. If there are any specific topics that you would like to have covered, please let us know via: hsinfo@worksafe.govt.nz

2014/15 TEST CERTIFIER AUDITS



Worksafe is continuing the annual test certifier audit programme previously run by the EPA. In the next 6 months we will be auditing:

- > location test certificates for classes 1-5 substances
- > stationary containers

- > tank wagons (design, pre-commissioning and in-service test)
- > cylinders (design, pre-commissioning and import clearance).

There will be no approved handler audits this financial year.

For classes 2-5 location test certificates, test certifiers have been contacted and most have provided information to the auditor. If you hold approvals in the other areas and haven't been audited recently, you can expect a call soon.

We will also be following up on any outstanding issues from the 2013/2014 audits so please make sure you have implemented any actions from these audits.

CSLS FOR STUDENTS

Worksafe New Zealand has recently reviewed the area of student applications for Controlled Substance Licences (CSLs). This was also discussed at the Test Certifiers (Vertebrate Toxic Agents) workshop in November 2014. The following approach will be applied by Worksafe when considering CSL applications from students.

One of the criteria for applying for a CSL is that the person requires possession of the controlled substance to carry out his or her work. The technical guide *'Decisions on Controlled Substance Licences'*, developed by the EPA and currently used by WorkSafe, provides guidance on how to verify a legitimate work related purpose for possessing a controlled substance. CSL applicants can either:

- i. make a Statutory Declaration that they have a legitimate work need, or
- ii. have their work need verified by a Test Certifier.

The statutory declaration route was developed primarily to cater for the self-employed (eg contractors) and for people who undertake pest control on their own land (eg farmers).

This following information provides guidance on what is required from students to verify their work need when making an application for a CSL.

TERTIARY STUDENTS

1. Tertiary students who require a CSL as part of their course studies (degree/ diploma etc) for the purposes of gaining practical experience in the field cannot use the Statutory Declaration for confirming their work need. Instead they must use the 'Verification by a Test Certifier' route as per the Technical Guide, and this must include evidence in relation to their course content of the need for a CSL eg a statement from the tertiary institute that **as part of their mandatory course requirements, the student spends time working independently in the field with VTAs or explosives.**
2. Subject to all other requirements for a CSL being met, if WorkSafe approves the issuing of a CSL, this will be issued for one year only, not the normal 5 years. If the student subsequently seeks to renew the CSL at the end of that period, and provided the requirements for a CSL continue to be met, a CSL will be issued for 5 years from the date of the original application (with the expiry date aligning with the expiry date of their approved handler test certificate). There will be no further charge by WorkSafe for this renewal.
3. When renewing as per (2) above, the student must provide evidence of:
 - ii. their current address; and

- iii. their history of use of the controlled substance over the previous 12 months. This evidence is most effectively provided by submitting their tracking records to WorkSafe. It is recommended students use the tracking template (VTAs) prepared by the National Possum Control Agencies (NPCA). This template and accompanying guidance is available in the NPCA publication Tracking: Minimum Requirements for Tracking Vertebrate Toxic Agents (February 2010), available at:

http://www.npca.org.nz/images/stories/NPCA/PDF/b8_tracking_201002.pdf

If the tracking records are retained by the organisation they are working for, then a copy of those records will be satisfactory or alternatively a statement from the organisation that the student has undertaken pest control work using VTAs or work using explosives, giving the dates on which this occurred.

4. At the time of renewal, if the student's tracking records/statement from the organisation they have worked for shows that they have been using controlled substances over the previous 12 months, then a statutory declaration for renewal should be sufficient as proof of work.

SECONDARY SCHOOL STUDENTS

The points above for tertiary students are also applicable to applications received from secondary school students, provided that it is accompanied with the following additional information:

1. The student must provide a letter from their parents to advise that they are aware of and support their child being in possession of a vertebrate poison for pest control and hence support their application for a CSL. If poisoning work is to be undertaken on their parents land, the letter must also state this.
2. Where poisoning work is to be undertaken on other land (ie other privately owned or public land), the application must include a letter from the landowner (eg farmer, DOC, Regional Council) stating that the person is authorised to undertake pest eradication work on their land.

For questions or further information on the new requirements for CSL applications from students, please contact hsinfo@worksafe.govt.nz

UPDATE TO HAZARDOUS SUBSTANCES WEBSITE AND HSNO CALCULATOR

The hazardous substances calculator, launched by the EPA in 2013, was designed as a simple tool for small businesses. It covers eight of the HSNO controls:

- > approved handler
- > location test certification
- > fire extinguishers
- > hazardous atmosphere zones
- > emergency response plans
- > secondary containment
- > signage
- > PPE

As part of the transfer of hazardous substance functions from the EPA, WorkSafe is now responsible for the maintenance of the hazardous substance website and the HSNO calculator.

Since the website and calculator were launched we have received positive feedback, especially from SMEs. It is important to note that the calculator and toolbox are not meant to replace the expertise of the test certifiers but to indicate to businesses that have more high risk sites the need to engage a test certifier.

Last October the calculator <http://www.hazardoussubstances.govt.nz/hsno-calculator#> was updated to include all HSNO approved substances with the exception of class 1 explosives. That is, the calculator can now provide controls information on over 200 group standards and 9,000 individually approved substances, including all of the substances in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 and the Hazardous Substances (Chemicals) Transfer Notice 2006, as well as all individually approved agrichemicals.



With an approval number, the substance name (unfortunately not always the trade name) or the name of the group standard all approved substances can now be added to an inventory generated by the calculator. This can be problematic if the safety data sheet does not have the approval number or name of the group standard on it. Non-hazardous substances are not included as they don't require an approval and therefore cannot be added to an inventory.

A number of changes have also been made to the layout, including showing the HSNO classification of the substance in the substance drop-down window.

To date the guidance material <http://www.hazardoussubstances.govt.nz/guide> has not been updated so it still says that the calculator is not designed for agrichemicals and refers to the common substances listed in the workbook. Currently we have no timeframe for updating the guidance material.

If you find any errors in the results or have any suggestions for future development please let us know by emailing hsinfo@worksafe.govt.nz

HOW TO ISSUE A THREE YEAR LOCATION TEST CERTIFICATE

The Hazardous Substances (Classes 1 to 5 Controls) Regulations provides for the Authority (delegated to WorkSafe) to consider a request for the validity period for a location test certificate to be up to 36 months based on criteria in regulation 7.

The CAR team has been asked to provide advice on the best way to record the longer validity period in the test certificate register when such an approval is issued.

It is assumed that a location test certificate for a 12 month period will have already been issued and entered into the register. This is referred to as the 'original certificate'. The recommended procedure is therefore as follows:

1. Create a new test certificate in the database (from the template). Note you must not use the "renew certificate" workflow.
2. Enter a new certificate number. Use the "issue date" used on the original certificate, and enter the revised 3 year expiry date. Enter the number of the original certificate in the "previous certificate" field as a reference.
3. In the "Special Conditions" field of the database, enter the following note:
 "this certificate replaces test certificate number *<original certificate number>* based on the decision by WorkSafe NZ *<EXTNxxxx>* to specify a time limit up to 36 months for which the test certificate is valid".

4. *EXTNxxxx* is the approval number given on the approval document issued by WorkSafe.
5. Print off and issue the new certificate. When you send it to your client, notify them to discard the old certificate.
6. Revoke the original certificate in the register using the "revoke" workflow.
7. In the "reason for revocation" field, enter a note to state that:
 "this certificate is revoked based on the decision by WorkSafe NZ *<EXTNxxxx>* to specify a time limit up to 36 months for which the test certificate is valid. Therefore a new test certificate *<number>* has been issued".

Note that this **does not apply** to a location test certificate issued for LPG which can be issued by a test certifier for three years without the need for WorkSafe approval.

If you encounter problems with this procedure please contact Dick Burgess dick.burgess@worksafe.govt.nz

CONSULTATION ON CODES OF PRACTICE

HSNOCOP66

An application has been made to WorkSafe New Zealand for approval of the Code of Practice HSNOCOP 66 Compressed Gas Cylinder to DOT-SP 12098.

This code has been developed by the New Zealand Defence Forces and sets out a means of compliance with the requirements of Regulation 10(c) of the Hazardous Substances (Compressed Gases) Regulations 2004 for the manufacture and use of cylinders. It nominates the standard DOT-SP 12098 for the design and construction of seamless steel compressed gas cylinders for use in a re-breather unit.

Submissions are sought in respect of this code of practice.

Written submissions can be made by mail or email to:

Code of Practice Submission
Certification, Approvals and Registrations
WorkSafe New Zealand
PO Box 165
Wellington 6140

hsinfo@worksafe.govt.nz

Submissions close on 13 February 2015

A copy of the code can be inspected at the Wellington Office of WorkSafe New Zealand Level 6, 86 Customhouse Quay. It is also available on the WorkSafe web site www.worksafe.govt.nz. Go to "About us" on the menu bar and then "consultation".

HSNOCOP67

An application has been made to WorkSafe New Zealand for approval of the Code of Practice HSNOCOP 67 Portable containers for petrol - Complying with ASTM F-852-08.

This application sets out a means of compliance with regulation 11 of the Hazardous Substances (Packaging) Regulations 2001. It nominates the 2008 edition of the standard ASTM F-852 for the design and construction of portable containers with a maximum capacity of 25 litres for fuels. This standard is a later edition of the 1999 edition specified in the HSNO legislation.

Submissions are sought in respect of this proposed code of practice.

Written submissions can be made by mail or email to:

Code of Practice Submission
Certification, Approvals and Registrations
WorkSafe New Zealand
PO Box 165
Wellington 6140

hsinfo@worksafe.govt.nz

Submissions close on 13 February 2015.

A copy of the code can be inspected at the Wellington Office of WorkSafe New Zealand Level 6, 86 Customhouse Quay. It is also available on the WorkSafe web site www.worksafe.govt.nz. Go to "About us" on the menu bar and then "Consultation".