

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), WorkSafe New Zealand exempts the following class of persons from compliance with regulation 14.38(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017:

Every PCBU with management or control of quarantine or pre-shipment fumigation using methyl bromide on a ship berthed at Berth MP1 inside the Northport Marsden Wharf Security Area and within 100 metres of a landside public access area adjacent to Berth MP1

WorkSafe New Zealand does so—

- being satisfied that:
 - the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
 - the exemption is not inconsistent with the purpose of the Act; and
- subject to the following conditions:
 - Each hold on the ship must be located at least 50 metres from the landside public access area
 - Each hold that is positioned less than 100 metres from the public access area must be vented sequentially, that is, one at a time
 - No other hold on the ship may be vented concurrently with a hold that is less than 100 metres from the public access area
 - Monitoring at the boundary of the 50 metre buffer zone must be undertaken in accordance with the Environmental Risk Management Decision HRC08002
 - The quantity of methyl bromide applied to each of the holds that are within 100 metres of the landside public access area must be less than 1000 kilograms

This exemption takes effect on 1 December 2017 and expires on 1 December 2022 unless it is sooner replaced or revoked.

Signed at Wellington this 26th day of October 2017

For and on behalf of WorkSafe New Zealand:


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Professor Gregor Coster CNZM

Chair, WorkSafe New Zealand Board