

# The new regulations for hazardous substances

**T**HE HAZARDOUS Substances and New Organisms Act (HSNO) was enacted in 1996 and has ramifications for everybody in the world of horticulture, agriculture, forestry, research organisations, retailing, importing, manufacturing and transport who handle or use chemical products, including agrichemicals.

The Act brought a number of previous Acts under the one piece of legislation.

Some of the repealed previous Acts included the Explosives Act 1957, Dangerous Goods Act 1974, Toxic Substances Act 1979, and Pesticides Act 1979.

The principles of HSNO were initiated in Europe under the name Global Harmonisation Systems but New Zealand is the first country in the world to give effect to these principles. The Environmental Risk Management Authority of New Zealand (ERMA) was formed to administer the Act.

The main purpose of the Act is to protect the environment and the community from the adverse effects of hazardous substances and new organisms.

It aims to safeguard the life-supporting capacity of our air, water and ecosystems.

In essence, it was introduced to provide a robust legislative framework to safeguard environmental and human health.

With pesticides having been transferred from the Pesticides Act to the HSNO Act, we have no option but to abide by the Act and its numerous regulations.

It will mean many restrictions on what we can do with our sprays, who applies them, what we apply, when we apply and how we apply them.

Under the new Act there are huge penalties if we get it wrong. The maximum penalty is 3 months im-

*The maximum penalty for breaching the HSNO regulations is three months imprisonment and/or \$500,000 and \$50,000 per day for a continued offence*

prisonment and/or \$500,000 and \$50,000 per day for a continued offence.

OSH is currently training more enforcement officers who will be familiar with HSNO compliance issues and be able to gather evidence

## – what they mean for the horticulture industry

for taking people to task in non-compliance situations.

This can include issuing infringement notices (instant fines) and compliance orders.

Compliance / enforcement officers also have the power to enter properties for search or survey purposes. However, as long as things are done correctly, there should not be a problem.

Theoretically a user could be fined three times — under HSNO, the Resource Management Act 1991 and OSH regulations.

### What is a 'hazardous substance'?

Hazardous substances are defined as those with one or more hazardous properties. They may be eco-toxic (affecting the environment) or flammable, kill beneficial organisms as well as pests, or are toxic to human beings.

Hazardous substances are grouped into six different classes: Class 1 – explosion hazard; Class 2, 3 and 4 – flammability; Class 5 – capacity to oxidise; Class 6 – toxicity; Class 8 – corrosiveness; and Class 9 – eco-toxicity.

A product may also have a subclass, eg, a Class 6 toxic substance with a rating of 9 (ie 6.9a) would be one which affects humans very seriously.

It may be cancer-causing, affecting reproductive organs, liver, lungs, or kidneys.

'Eco-toxicity' is a term we have not had to consider before with agrichemical use, except for label recommendations in relation to potential environmental effects (e.g. fish toxicity). However a substance's propensity to harm the environment is a major consideration with HSNO.

### Approved handlers

The horticultural industry needs to get up to speed very quickly because on 1 January 2005, regulations come into effect about who

*Alistair Waters of IPM Services Ltd and Grow and Spray Ways Ltd recently addressed 50 or so mainly nursery operators on the background and implications for the horticultural industry*



can buy, transport, sell, store, use and dispose of certain agrichemicals.

This means that persons handling certain substances (e.g. Atrazine, Buster, Goal XL, Simazine, Preeglone, Reglone, Kocide, Manzate, Bravo720, Trophy etc) will be operating illegally unless they have first obtained what's called an 'Approved Handler' certificate.

Also, some hazardous substances (tracked chemicals) will not be able to be purchased or used unless the supplier has proof that the purchaser is an Approved Handler and has a 'location test certificate', if needed, (previously called a dangerous goods licence). Some examples are Bravo720SC, Hi-Cane, Lorsban50EC, Preeglone, Reglone, Tamaron, Thiodan, Namacur and Folidol M50.

*of the Hazardous Substances and New Organisms Act at a NGIA/Lyndale-organised meeting held at the Auckland Botanic Gardens in. This is an edited version of that address.*



Anyone purchasing, using, transporting or disposing of pesticides on the Approved Handler pesticides list is affected.

There are two lists of pesticides – those requiring 'tracking', and those requiring only Approved Handlers. These 2 lists are posted on the Environmental Risk Management Authority (ERMA) website ([www.erma.govt.nz](http://www.erma.govt.nz)).

The following people are affected:

People with less than 2 years consecutive experience since 1999 must become full Approved Handlers by 1 January 2005.

People in control of products which are:

(i) applied in a wide dispersive manner (i.e. via motorised equipment)

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*Alistair Waters - as long as things are done properly, there shouldn't be a problem*

*The new Act will mean many new restrictions on what can be done with sprays and pesticides, and specify how they should be handled*

proved Handler' certificate and 'Location Test Certificate' (if needed).

The Test Certifier must be satisfied that you have adequate HSNO knowledge, substance knowledge, and practical experience before issuing you with a certificate.

You may need to ensure that you have at least one Approved Handler on your property for your agrichemical handling requirements. The Approved Handler must be available on hand in case of an incident or emergency and is responsible for all emergency management and safety procedures.

### Label changes

The old labels 'poison', 'dangerous poison' and 'caution' are being replaced by a new world-wide standard system and new pictograms – 'flammable liquid', 'ecotoxic', 'target organ', 'caution', 'corrosive to metal', 'corrosive to skin' and 'toxic'.

Some products could have three or four pictograms on their labels.

Chemical manufacturers and suppliers have two years to change their labels with the correct classification and identification.

As well as agrichemicals, many in the nursery industry are sure to store petrol and/or diesel on their site, and there are limits on how

much, how (eg, above or below ground), and where these substances are stored.

### Conclusion

HSNO and its implications need careful and urgent attention by our industry.

There remain some issues to be resolved with ERMA and HSNO regulations, but one thing is for sure — HSNO is here and it's here to stay, so if you are handling or using agrichemicals in any way, be sure that you are appropriately trained and aware of your responsibilities.

Growsafe training (Introductory Certificate or Applied Certificate), ensures that you have received up-to-date training in the safe, responsible and effective use of agrichemicals, and your certificate is good for 5 years. Many regional councils are also now requiring these certificates to be held by agrichemical operators.

Grow and Spray Ways Ltd hold Growsafe courses and Approved Handler (HSNO knowledge) courses throughout the country.

If you are unsure of the next step or need information or advice about becoming an approved handler, phone Grow and Spray at 0800 248324.

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