



## Reform of Hazardous Substances Management under the HSNO Act – Proposals for EPA Notices for Classification, Labelling, Safety Data Sheets and Packaging

Please submit your comments to [hsnotices@epa.govt.nz](mailto:hsnotices@epa.govt.nz) on this form in Word document format

<b>Submission on</b>	Proposals for Classification, Labelling, Safety Data Sheets and Packaging Notices
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- I would like my submission (or specified parts of my submission) to be kept confidential, and attach my reasons for this consideration by the EPA.
- I would like my submission reported anonymously (i.e. without my name attached) by the EPA.

## Proposals and submission form

The EPA is seeking your views as interested parties on the proposals presented in the consultation document *Reform of Hazardous Substances Management under the HSNO Act: Proposals for EPA Notices for Classification, Labelling, SDS and Packaging*.

The consultation document presents a number of proposals and poses a series of questions to help you frame your comments. Your feedback is important as it will enable the EPA to make more informed decisions on the content of the proposed notices. Please take this opportunity to have your say.

**Please use this form to submit your written comments and send it to [hsnotices@epa.govt.nz](mailto:hsnotices@epa.govt.nz) (in Word document format) no later than 5.00 p.m. 20 February 2015.**

The submission form brings together all of the proposals and questions asked throughout the consultation document in table format. Page references are provided to help you locate the relevant discussion as necessary.

There are many proposals and questions in Chapters 2 to 5 of the consultation document. Please focus on the ones that are relevant to you and don't feel that you should answer them all.

We suggest all readers go through the general information in Chapter 1 of the consultation document, as it is relevant to all of the new notices proposed and provides useful background and overall rationale.

When providing your comments, please provide your rationale and any information about the relative costs and benefits (financial or otherwise), and any other impacts of these proposals on businesses, workers or other stakeholders. This information will help us more fully understand the effects the notices would have if introduced as proposed.

**Please submit your comments to [hsnotices@epa.govt.nz](mailto:hsnotices@epa.govt.nz) (in Word document format) no later than 5.00 p.m. 20 February 2015.**

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
<b>CHAPTER 2 EPA Classification Notice</b>			
Classification proposal 1	The EPA Classification Notice will incorporate relevant sections of the GHS document (fifth revised edition, 2013 - <a href="http://www.unece.org/trans/danger/publi/ghs/ghs_rev05/05file_s_e.html">http://www.unece.org/trans/danger/publi/ghs/ghs_rev05/05file_s_e.html</a> ) by reference, rather than reproduce material from the GHS.	31	
Classification proposal 2	The EPA Classification Notice will refer directly to the GHS classification categories and will not use the current HSNO classification framework and numbering system. Guidance material will retain references to the current HSNO classification categories to show the links between the two systems.	33	Would this potentially create uncertainty in the local market?
Classification proposal 3	The classification criteria for mixtures contained in the GHS will be incorporated into the EPA Notice by reference. Where optional concentration limits are provided in the GHS, it is proposed that the values given in Table 2 in the consultation document will be included in the Notice.	34	
Classification proposal 3a	<i>Class 1, Explosives, Unstable Explosives</i> [GHS Chapter 2.1] Adopt the new GHS classification category for Unstable Explosives, by incorporation of the GHS category by reference.	37	
Classification proposal 3b	<i>Class 2.1.1, Flammable Gases</i> [GHS Chapter 2.2] Adopt the two GHS classification categories, as these are aligned with the corresponding HSNO categories, by incorporation of the GHS criteria by reference [HSNO - 2.1.1A flammable gases: high hazard (GHS – flammable gases: Category 1) and HSNO – 2.1.1B flammable gases: medium hazard (GHS – flammable gases: Category 2)].	37	

Proposal/Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Classification proposal 3c	<p><i>Class 2.1.1, Flammable Gases – Chemically Unstable Gases [GHS Chapter 2.2]</i> Adopt the two GHS categories of chemically unstable gases by incorporation of the GHS criteria by reference.</p>	38	
Classification proposal 3d	<p><i>Class 2.1.2, Flammable Aerosols [GHS Chapter 2.3]</i> Replace the single HSNO classification category for flammable aerosols with the two current GHS categories, by incorporation of the GHS criteria by reference.</p>	38	
Classification proposal 3e	<p><i>Class 2, Aerosols – non-flammable [GHS Chapter 2.3]</i> Adopt the GHS category of non-flammable aerosols into the HSNO classification framework by incorporation of the GHS criteria by reference.</p>	38	
Classification proposal 3f	<p><i>Class 2, Gases under pressure [GHS Chapter 2.5]</i> Adopt the four GHS/UN Transport of Dangerous Goods categories for gases under pressure, by incorporation of the GHS criteria by reference.</p>	39	
Classification proposal 3g	<p><i>Class 3.2, Liquid Desensitised Explosives</i> <i>Class 4.1.3, Solid Desensitised Explosives</i> (a) Retain the HSNO classifications for liquid and solid desensitised explosives (b) Update the criteria to reflect the UN Model Regulations 18<sup>th</sup> Revised Edition (2013).</p>	40	
Classification proposal 3h	<p><i>Class 4.2A, Pyrophoric Liquids and Solids [GHS Chapters 2.9 and 2.10]</i> Adopt the GHS categories for pyrophoric liquids and solids, as these are aligned with the corresponding HSNO categories, by incorporating the corresponding GHS criteria</p>	40	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Classification proposal 3i	<p>for these categories by reference.</p> <p><i>Class 5.1.1, Oxidising substances (liquids or solids)</i> [GHS Chapters 2.13 and 2.14]</p> <p>Adopt the GHS categories for oxidising liquids and solids, as these are aligned with the corresponding HSNO categories, by incorporating the corresponding GHS criteria for these categories by reference.</p>	41	
Classification proposal 3j	<p><i>Class 6.1, Acute Toxicity</i> [GHS Chapter 3.1]</p> <p>(a) <i>route of exposure</i></p> <p>Amend the approach to classification of acutely toxic substances so that classification of each applicable route of exposure is identified and all classifications are assigned, rather than just the most hazardous.</p> <p>This will be achieved by incorporating the corresponding GHS criteria for these categories by reference.</p> <p>The provisions of Classification regulation 9(3) will not be retained in the EPA Classification Notice.</p>	41	
Classification proposal 3k	<p><i>Class 6.1, Acute Toxicity</i> [GHS Chapter 3.1]</p> <p>(b) <i>Category 6.1E [GHS category 5]</i></p> <p>Adopt GHS acute toxicity category 5 (HSNO 6.1E) in the HSNO classification framework <u>but</u> clarify that it only applies to the classification of domestic and consumer chemicals (and not workplace chemicals).</p>	42	
Classification proposal 3l	<p><i>Class 8.2/6.3, Skin Corrosion/ Irritation</i> [GHS Chapter 3.2]</p> <p>Adopt GHS skin corrosion categories 1A, 1B and 1C (HSNO 8.2A, B, C) and GHS skin irritation categories 2 and 3 (HSNO 6.3A and B) by incorporating the corresponding GHS criteria</p>	43	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Classification proposal 3m	<p>for these categories by reference.</p> <p><i>Class 6.3, Skin Irritation</i> [GHS Chapter 3.2, category 3] Clarify that GHS mild irritation category 3 (HSNO 6.3B) only applies to the classification of domestic and consumer chemicals (and not workplace chemicals).</p> <p><i>Class 8.3/6.4, Eye Corrosion/ Irritation</i> [GHS Chapter 3.3] Adopt GHS severe eye damage category 1 (HSNO 8.3A) and GHS eye irritation category 2 (HSNO 6.4A) by incorporating the corresponding GHS criteria for these categories by reference.</p>	43	
Classification proposal 3n	<p><i>Class 6.4, Eye Irritation</i> [GHS Chapter 3.3, category 2] Retain the current HSNO approach to classifying reversible irritation effects on the eye through a single classification category (GHS eye irritation category 2/HSNO 6.4A), ie do not adopt the option provided in the GHS to split this classification into 2 subcategories representing serious (2A) and mild reversible eye irritants (2B).</p> <p><i>Class 6.5, Respiratory and Skin Sensitisation</i> [GHS Chapter 3.4] Adopt the single GHS categories for respiratory sensitisation effects (GHS category 1/HSNO 6.5A) and skin sensitisation effects (GHS category 1/HSNO 6.5B) by incorporating the GHS criteria, including the allowance for sub-categorisation for the classification of mixtures, by reference.</p> <p>It is proposed to follow the approach of the Australian WHS regulations for concentration cut-offs for the classification of mixtures; that is: 1% except for mixture components classified</p>	43	
Classification proposal 3o	<p><i>Class 6.5, Respiratory and Skin Sensitisation</i> [GHS Chapter 3.4] Adopt the single GHS categories for respiratory sensitisation effects (GHS category 1/HSNO 6.5A) and skin sensitisation effects (GHS category 1/HSNO 6.5B) by incorporating the GHS criteria, including the allowance for sub-categorisation for the classification of mixtures, by reference.</p> <p>It is proposed to follow the approach of the Australian WHS regulations for concentration cut-offs for the classification of mixtures; that is: 1% except for mixture components classified</p>	44	We particularly support measures which provide certainty to the regulatory obligation.

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Classification proposal 3q	<p>as strong sensitizers (category 1A) where 0.1% will apply.</p> <p><i>Class 6.6, Mutagens; Class 6.7, Carcinogens; Class 6.8, Reproductive and Developmental Toxicants</i> [GHS Chapters 3.5, 3.6, 3.7]</p> <p>Retain the current HSNO approach to classifying known or presumed human mutagens, carcinogens, and reproductive toxicants through single categories (currently 6.6A, 6.7A, 6.8A, respectively) by incorporating the GHS criteria for the respective categories 1 by reference.</p> <p>Retain the additional GHS developmental toxicity category for effects 'on or via lactation' (HSNO 6.8C), and incorporate the GHS criteria for this by reference.</p> <p>It is proposed to follow the approach of the Australian WHS and EU CLP regulations for concentration cut-offs for the classification of mixtures; that is: 1.0% for mixture components classified as category 2 carcinogens, 0.3% for category 1 reproductive toxicants and for lactation effects and 3.0% for category 2 reproductive toxicants.</p>	45	
Classification proposal 3r	<p><i>Class 6.9, Specific Target Organ Toxicity</i> [GHS Chapters 3.8, 3.9]</p> <p>Adopt the GHS approach to separately classifying substances for target organ toxicity effects arising from single exposure (GHS Chapter 3.8) and from repeated exposure (GHS Chapter 3.9), by incorporating the GHS criteria by reference.</p> <p>Adopt the additional GHS classification category for transient target organ effects covering narcotic effects and respiratory tract irritation.</p> <p>It is proposed to follow the approach of the Australian WHS regulations for concentration cut-offs for the classification of mixtures; that is: 10% for ingredients classified as either</p>	47	<p>We support in principle measures that align New Zealand manufacturing with Australian requirements in light of the CER relationship.</p>

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
	category 1 or 2 target organ toxicants to classify the mixture as category 1 or 2 respectively, and for a category 1 ingredient at a concentration between 1.0% and 10% to classify a mixture as category 2.		
Classification proposal 3s	<p><i>Aspiration Hazard [GHS Chapter 3.10]</i></p> <p>Adopt GHS category 1, chemicals known to cause human aspiration toxicity hazards or to be regarded as if they cause human aspiration toxicity hazard, by incorporating the GHS classification criteria by reference.</p> <p>Do not adopt GHS Category 2 for aspiration hazard. This position would be reviewed following confirmation of the position on GHS implementation in the public health sector in Australia, the US and Canada.</p>	48	
Classification proposal 3t	<p><i>Class 9.1, Hazardous to the Aquatic Environment [GHS Chapter 4.1]</i></p> <p>For substances hazardous to the aquatic environment, adopt the GHS categories Acute 1 and Chronic 1 – 4, which match to existing HSNO categories 9.1A-D, by incorporating the GHS classification criteria by reference.</p> <p>Do not incorporate the GHS Acute 2 and Acute 3 categories, so that the HSNO system becomes aligned with the EU CLP adoption of the GHS.</p> <p>Incorporate the GHS requirement to assign M-factors to substances classified as GHS Acute 1 and/or Chronic 1, by reference.</p>	50	
Classification proposal 3u	<p><i>Class 9.1D, Biocidal action criterion</i></p> <p>The non-GHS criterion 'designed for biocidal action' in classification category HSNO 9.1D will be combined with the categories for substances hazardous to the terrestrial</p>	51	



Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Classification proposal 3v	<p>environment (see proposal 3v below).</p> <p><i>Classes 9.2, 9.3 and 9.4, Hazardous to the Terrestrial Environment</i></p> <p>Replace the current HSNO classification categories and criteria under sub-classes 9.2, 9.3 and 9.4 (for classification of substances hazardous to the soil environment, terrestrial vertebrates and terrestrial invertebrates respectively), with a classification category for substances designed for biocidal action that are hazardous to the terrestrial environment.</p> <p>This will provide for appropriate risk assessment of pesticidal compounds only and the classification criteria will not be applied to chemicals generally.</p>	51	
Classification proposal 3w	<p><i>Hazardous to the Ozone Layer [GHS Chapter 4.2]</i></p> <p>Adopt the GHS category for substances hazardous to the ozone layer (GHS Rev.5, 2013) by incorporation of the GHS criteria by reference.</p>	53	We assume that this is consistent with New Zealand's obligations under the Stockholm Convention?
Classification proposal 4	<p>Do you agree with the proposals (3a – 3w) outlined above applying the GHS hazard classification system to the HSNO Act?</p>	53	
Classification proposal 5	<p>The EPA Notice will provide a transition period of two years to implement the new classification criteria for existing substances. During this period, the existing criteria in regulations will be retained together with the new classification criteria in the Notice. This period will allow GHS implementation activities overseas to be reflected in New Zealand.</p>	54	We have no reason to assume that a two year transition period is not sufficient but presume that you will take advice from other submitters where this timeframe may be questioned?
Classification proposal 6	<p>The EPA will use the new classification criteria from the date of the enactment of the Classification Notice for applications</p>	54	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Classification question 1	<p>for approval of new substances under the HSNO Act.</p> <p>Do you consider that any of the classification proposals will increase or decrease compliance costs, and if so by how much?</p>	54	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
<b>CHAPTER 3 EPA Notice for Labelling</b>			
Labelling proposal 1	All hazardous substances for use in a workplace must comply with the GHS labelling requirements, ie they will require the pictogram(s), signal word, hazard statements(s) and precautionary statement(s) relevant to their classifications. Substances designed for biocidal action will also require additional labelling for any terrestrial ecotoxicity hazards.	59	
Labelling proposal 2	Labels for consumer products must comply with the GHS labelling requirements. Substances scheduled under the Australian SUSMP may comply with the labelling requirements of that Standard. In all cases, consumer products designed for biocidal action (eg home-use pesticides) will also require labelling for any ecotoxicity hazards.	59	
Labelling proposal 3	For consumer products classified for acute toxicity (6.1), aspiration hazard, respiratory sensitisation (6.5A), skin sensitisation (6.5B), germ cell mutagenicity (6.6), carcinogenicity (6.7), reproductive toxicity (6.8), specific target organ toxicity (6.9), corrosive to the skin (8.2) or corrosive to the eyes (8.3), the label must have the following precautionary statements: <ul style="list-style-type: none"> <li>• "Keep out of reach of children" and</li> <li>• "If medical advice is needed, have product container or label at hand".</li> </ul>	61	
Labelling proposal 4	The name and contact details of the New Zealand importer, manufacturer or supplier must be provided on the product label. However, for substances imported from overseas directly into a workplace for use (ie not for re-sale or supply), or directly by a member of the public for personal use (ie not for re-sale or supply), the name and contact	63	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Labelling proposal 5	<p>details of the overseas supplier can be provided on the label (in English) rather than the name of the New Zealand importer.</p> <p>The name and concentration of certain toxic (class 6) or corrosive (class 8) components must be provided on the label when present above the concentration cut-off levels as specified in Table 4 in section 3.5 of the consultation document.</p>	64	
Labelling proposal 6	<p>For packages of 125 mL or 125 g or less, the label does not need to provide:</p> <ul style="list-style-type: none"> <li>• hazard or precautionary statements for: <ul style="list-style-type: none"> <li>○ Gases under pressure</li> <li>○ Flammable liquids of category 2 or 3 (HSNO 3.1B, 3.1C)</li> <li>○ Flammable solids of category 1 or 2 (HSNO 4.1.1A, 4.1.1B)</li> <li>○ Self-reactive substances or mixtures Types C to F (HSNO 4.1.2C - 4.1.2F)</li> <li>○ Self-heating substances or mixtures of category 2 (HSNO 4.2C)</li> <li>○ Substances and mixtures which, in contact with water, emit flammable gases of categories 1, 2 or 3 (HSNO 4.3A - 4.3C)</li> <li>○ Oxidising gases of category 1 (HSNO 5.1.2A)</li> <li>○ Oxidising liquids of category 2 or 3 (HSNO 5.1.1B, 5.1.1C)</li> <li>○ Oxidising solids of category 2 or 3 (HSNO 5.1.1B, 5.1.1C)</li> <li>○ Organic peroxides Types C to F (HSNO 5.2C – 5.2F)</li> </ul> </li> </ul>	67	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
	<ul style="list-style-type: none"> <li>○ Acute toxicity of category 4, if the substances or mixtures are not supplied to the general public (HSNO 6.1D)</li> <li>○ Skin irritation of category 2 (HSNO 6.3A)</li> <li>○ Eye irritation of category 2 (HSNO 6.4A)</li> <li>○ Specific target organ toxicity — single exposure of category 2 or 3, if the substance or mixture is not supplied to the general public (HSNO 6.9B)</li> <li>○ Specific target organ toxicity — repeated exposure of category 2, if the substance or mixture is not supplied to the general public (HSNO 6.9B)</li> <li>○ Hazardous to the aquatic environment — acute category 1 (HSNO 9.1A)</li> <li>○ Hazardous to the aquatic environment — chronic category 1 or 2 (HSNO 9.1A, 9.1B).</li> <li>● precautionary statements for: <ul style="list-style-type: none"> <li>○ Flammable gases of category 2 (HSNO 2.2.1B)</li> <li>○ Reproductive toxicity effects on or via lactation (HSNO 6.8C)</li> <li>○ Hazardous to the aquatic environment chronic category 3 or 4 (HSNO 9.1C, 9.1D).</li> </ul> </li> <li>● pictogram, signal word, hazard and precautionary statements for substances corrosive to metals (HSNO 8.1A).</li> </ul> <p>Substances scheduled under the Australian SUSMP will be able to be labelled in accordance with the provisions contained within that Standard.</p>		
Labelling proposal 7	A number of other labelling variations are proposed (listed below). Most of these variations currently exist under either HSNO regulations or group standards.	71	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Labelling proposal 8	<ul style="list-style-type: none"> <li>• explosives</li> <li>• aerosol containers</li> <li>• substances manufactured for export only</li> <li>• substances in multiple packages</li> <li>• substances packaged for transport</li> <li>• consumer products when scheduled in the Australian SUSMP.</li> </ul> <p>These variations are explained in more detail in section 3.5 of the consultation document.</p> <p>In specific instances, additional label statements may be required for substances as a result of the risk assessment undertaken at the time of the substance approval, eg vertebrate toxic agents, retail fireworks.</p>	71	Yes.
Labelling question 1	<p>Should all consumer product aerosols carry the following precautionary statements?</p> <ul style="list-style-type: none"> <li>• "Keep out of reach of children"</li> <li>• "BEWARE: Deliberately sniffing or inhaling</li> </ul>	79	No. These labels should be applied where the risk exists.

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
	concentrated contents can be harmful or fatal"		
Labelling question 2	Do you consider that labels should include other information, for example HSNO approval number, or use restrictions?	80	Labels should be as specific as required to the risk, as is reasonable.
Labelling proposal 9	A two-year transition period is proposed for substances approved prior to the commencement date of the Labelling Notice. Substances approved after the commencement date of the Notice will need to comply with the Notice immediately.	80	We have no reason to assume that a two year transition period is not sufficient but presume that you will take advice from other submitters where this timeframe may be questioned?
Labelling question 3	Do you consider that any of the labelling proposals will increase or decrease compliance costs and if so, by how much?	81	

Proposal/Question#	Proposal/Question	Pg#	Your comments/notes and rationale
<b>CHAPTER 4 EPA Notice for Safety Data Sheets</b>			
SDS proposal 1	Suppliers providing any quantity of a hazardous substance to a workplace for the first time must provide a SDS for that substance.	84	
SDS question 1	Do you think it should be a legal requirement for importers, manufacturers and suppliers to provide the SDS for any hazardous substance to anyone (including members of the public) who requests one, not just the person in charge of a workplace where the substance is being stored or used?	84	The obligation to supply SDS should not lend itself to vexatious or frivolous misuse.
SDS proposal 2	SDS must be amended whenever necessary to ensure that the information is correct and current, and reviewed at least every 5 years.	85	
SDS proposal 3	All safety data sheets must be in 16-header format, consistent with GHS requirements.	87	
SDS proposal 4	The name and contact details of the New Zealand importer, manufacturer or supplier must be provided in Section 1 of the SDS. However, for substances imported from overseas directly into a workplace for use (ie not for re-sale or supply), the name and contact details of the overseas supplier can be provided in place of the New Zealand importer. However, a New Zealand 24-hour emergency phone number must be provided Section 1.	88	
SDS proposal 5	The GHS classification must be provided in Section 2 of the SDS. Note that hazard information, including GHS signal word, hazard statement(s) and precautionary statement(s) are also required in this section.	89	
SDS proposal 6	For mixtures, components with toxic (class 6), corrosive (class 8) or ecotoxic (class 9) hazards must be identified in	89	



Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
	<p>Section 3 of the SDS when present above their concentration cut-off levels (refer Table 6 in the consultation document).</p> <p><b>Specific questions to consider:</b></p> <ul style="list-style-type: none"> <li>• do you agree with the proposal to require identification of components with toxic (class 6), corrosive (class 8) or ecotoxic (class 9) hazards?</li> <li>• do you agree with the concentration cut-offs given in Table 6 in the consultation document?</li> <li>• do you agree with the provisions relating to use of generic names and concentration ranges (refer section 4.5 in the consultation document)?</li> </ul>		
SDS proposal 7	More detail will be required in Section 8 of the SDS than is currently required (refer Section 4.5 in the consultation document for wording).	91	
SDS proposal 8	More detail will be required in Section 15 of the SDS than is currently required (refer Section 4.5 in the consultation document for wording).	92	
SDS proposal 9	A two-year transition period is proposed for substances approved prior to the commencement date of the SDS Notice. Substances approved after the commencement date of the Notice will need to comply with the Notice immediately.	98	We have no reason to assume that a two year transition period is not sufficient but presume that you will take advice from other submitters where this timeframe may be questioned?
SDS question 2	Do you consider that any of the SDS proposals will increase or decrease compliance costs and if so, by how much?	98	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
<b>CHAPTER 5 EPA Notice for Packaging</b>			
Packaging proposal 1	UN PGIII will not be required for classifications of respiratory sensitisation (6.5A), germ cell mutagenicity category 1 (6.6A), carcinogenicity category 1 (6.7A), reproductive toxicity category 1 (6.8A), specific target organ systemic toxicity category 1 (6.9A) or serious eye damage category 1 (8.3A).	102	
<b>Proposed definition of CRP</b>	Packaging designed or constructed to be significantly difficult for children aged under five years to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and is not difficult for normal adults to use properly.		
Packaging proposal 2	Compliance will be by reference to standards such as: for recyclable packages, Australian Standard AS 1928-2007 <i>Child resistant packaging – Requirements and testing procedures for reclosable packages</i> (ISO 8317:2003); for non-reclosable packages, BS EN 862:2005- <i>Packaging-Child resistant packaging-Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products</i> , or Australian Standard AS 1928-2001 <i>Child-resistant packages</i> .	103	What other standards may apply here? The reference to "such as" makes interpretation more difficult.
Packaging proposal 3	CRP will be required for packages/containers of all consumer products with a capacity of 5 L or 5 kg or less that contain:  <ul style="list-style-type: none"> <li>• any substance classified for: <ul style="list-style-type: none"> <li>○ acute toxicity category 1* (6.1A*)</li> <li>○ acute toxicity category 2* (6.1B*)</li> <li>○ acute toxicity category 3 (6.1C)</li> <li>○ acute toxicity category 4 (6.1D)</li> </ul> </li> </ul>	103	

Proposal/  
Question#

Proposal/Question

Pg# Your comments/notes and rationale

- aspiration hazard
- respiratory sensitisation (6.5A)
- germ cell mutagenicity category 1\* (6.6A\*)
- carcinogenicity category 1\* (6.7A\*)
- reproductive toxicity category 1\* (6.8A\*)
- specific target organ toxicity category 1 (6.9A)
- skin corrosion category 1A\* (8.2A\*)
- skin corrosion category 1B (8.2B)
- skin corrosion category 1C (8.2C)
- serious eye damage category 1 (8.3A).
- any substance listed in Part 2, paragraph 25, of the Australian SUSMP.

Note 1: This provision will not apply to substances sold or supplied to a place of work to which children do not have access.

Note 2. Derogations from this requirement, consistent with those provided in Annex II of the EU CLP and Part 2 of the Australian SUSMP, will be included in the Notice.

Note 3. Substances with classifications marked \* will generally be restricted from sale to the general public through the substance approval under HSNO.

Specific questions to consider:

- do you agree with the proposed list of classifications requiring CRP, especially with respect to respiratory sensitisation (6.5A), and serious eye damage category 1 (8.3A) both of which do not require CRP in the EU? [Note that currently, 8.3A triggers CRP in both the HSNO Packaging Regulations and the group standards, but 6.5A does not].

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
Packing proposal 4	<p>do you agree that CRP should be required for any substance listed in Part 2, paragraph 25, of the Australian SUSMP?</p> <p>do you agree with the proposed capacity limit of 5 L or 5 kg?</p> <p>do you agree that the Notice should include derogations from the CRP requirements that are consistent with those provided in Annex II of the EU CLP and Part 2 of the Australian SUSMP?</p> <p><b>Proposed definition of tactile warning</b> Embossed surface impressions on the primary container of a hazardous substance that are:</p> <ul style="list-style-type: none"> <li>• readily recognisable by touch to provide a tactile warning of danger to blind and visually handicapped persons, and</li> <li>• conform with the requirements of EN ISO Standard 11683:1997 – <i>Packaging-Tactile warnings of dangerous substances</i> or Australian Standard AS 2216-1997 <i>Packaging for poisonous substances</i>.</li> </ul>	106	
Packing proposal 5	<p>Containers of consumer products of any capacity holding liquid hazardous substances with the following classifications must have a tactile warning or be permanently identified as containing a hazardous substance:</p> <ul style="list-style-type: none"> <li>• acute toxicity category 1* (6.1A*)</li> <li>• acute toxicity category 2* (6.1B*)</li> <li>• acute toxicity category 3 (6.1C)</li> <li>• acute toxicity category 4 (6.1D)</li> <li>• aspiration hazard</li> <li>• respiratory sensitisation (6.5A)</li> </ul>	106	

Proposal/ Question#	Proposal/Question	Pg# Your comments/notes and rationale
	<ul style="list-style-type: none"> <li>• germ cell mutagenicity category 1* (6.6A*)</li> <li>• germ cell mutagenicity category 2 (6.6B)</li> <li>• carcinogenicity category 1* (6.7A*)</li> <li>• carcinogenicity category 2 (6.7B)</li> <li>• reproductive toxicity category 1* (6.8A*)</li> <li>• reproductive toxicity category 2 (6.8B)</li> <li>• specific target organ toxicity category 1 (6.9A)</li> <li>• skin corrosion category 1A* (8.2A*)</li> <li>• skin corrosion category 1B (8.2B)</li> <li>• skin corrosion category 1C (8.2C).</li> </ul> <p>Note 1: This provision will not apply to substances sold or supplied to a place of work to which children do not have access.</p> <p>Note 2. Derogations from this requirement, consistent with those provided in Annex II of the EU CLP (aerosols and gas cylinders) and Part 2 of the Australian SUSMP (eg essentials oils in a container with a restricted flow insert and CRP), will be included in the Notice. A derogation will also be provided for class 1 substances (explosives), particularly smokeless powders.</p> <p>Note 3: Substances with classifications marked * will generally be restricted from sale to the general public through the substance approval under HSNO.</p> <p><b>Specific questions to consider:</b></p> <ul style="list-style-type: none"> <li>• do you agree that substances with this list of proposed classifications must have a tactile warning or be permanently identified as containing a hazardous substance?</li> <li>• do you agree that this requirement should be relevant to liquids only?</li> </ul>	

Proposal/ Question#	Proposal/Question	Pg#	Your comments/notes and rationale
	<ul style="list-style-type: none"> <li>do you agree that where a container triggers the requirement for tactile warning/permanent identification, this requirement is applicable to all packages, regardless of capacity?</li> <li>do you agree that the Notice should include derogations from the requirement for tactile warning/permanent identification consistent with those provided in the EU CLP regulation and Australian SUSMP?</li> </ul>		
Packaging proposal 6	<p>No person may supply any hazardous substance to the general public if the packaging has:</p> <ul style="list-style-type: none"> <li>a shape and/or design likely to attract or arouse the active curiosity of children, or to mislead consumers</li> <li>a presentation and/or design that may mislead consumers into believing that the package contains human or animal foodstuffs or medicinal products.</li> </ul>	109	
Packaging proposal 7	<p>That the EPA be designated the national competent authority in respect of Chapter 6.1 of the UN Model Regulations, and issue certificates under section 82 of the HSNO Act to certify that packaging manufactured in New Zealand is compliant with the UN Model Regulations.</p>	111	
Packaging proposal 8	<p>A two-year transition period is proposed for substances approved prior to the commencement date of the Packaging Notice. Substances approved after the commencement date of the Notice will need to comply with the Notice immediately.</p>	116	<p>We have no reason to assume that a two year transition period is not sufficient but presume that you will take advice from other submitters where this timeframe may be questioned?</p>
Packaging question 1	<p>Do you consider that any of the packaging proposals will increase or decrease compliance costs and if so, by how much?</p>	116	

Proposal/  
Question#

Pg# Your comments/notes and rationale

**Any other comments**

Overall we are happy with the general tenure of this Reform. As noted in your opening notes we have not attempted to answer each and every proposal/question, rather we have made a comment where we have identified an issue, or point for consideration.

We would welcome the opportunity for further input into the process where appropriate.

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