Autumn 2010



Poison: can we ignore it?

NZ INSTITUTE OF HAZARDOUS SUBSTANCES MANAGEMENT

F

L

A S H

PO

N

USEFUL ORGANISATIONAL CONTACTS

NZ Institute of Hazardous Substances Management

www.nzihsm.org.nz

The official home of professionals committed to the safe management of hazardous substances and dangerous goods.

The NZIHSM is a 'not for profit' industry association specialising in improving safety, health and (site) environmental performance, particularly the safe management of hazardous substances in the community.

NZ Chemical Industry Council

www.nzcic.org.nz

The NZCIC works closely with Government and industry partners to successfully implement the Hazardous Substances legislation. This is achieved by implementing and promoting Responsible Care[™], the international SH&E protection initiative practised by the chemical industry in more than 53 countries worldwide.

The NZIHSM works alongside the NZCIC to enhance professional knowledge and capability.

ERMANZ

www.ermanz.govt.nz

Extensive information on working with hazardous substances.

Ministry for the Environment

www.mfe.govt.nz

The Ministry administer the HSNO Act, and provides policy, publications, technical reports and consultation documents

Department of Building and Housing

www.dbh.govt.nz

The Government agency that maintains the Building Act and the Building Code.

Local Government NZ

www.lgnz.co.nz/lg-sector/maps/

Local Authorities have responsibility for policing building controls. Some local authorities are contracted to Department of Labour to provide enforcement of the Hazardous Substances legislation.

If you know of other agencies which could be useful to members, please let us know at office@nzihsm.org.nz.

Should Class 6 to 9 be included in Location Test Certificates?

During a recent NZIHSM seminar, the subject of why are we ignoring poisons was raised by a number of our members? We asked members for contributions regarding this issue and some are presented in this issue of *Flashpoint* and we thank members for the lively debate and contributions.

While it was a positive move forward for the HSNO Act 1996 to recognise ALL of the hazardous properties of a substance under the single legislation, it does seem strange that certifiers can possibly ignore poisons, corrosives and eco-toxins and 'non-compliances' thereof, when they are issuing 'Hazardous Substance Location Certificates'.

Members' opinions addressing this issue were canvassed in a short online survey. Overall members believed that if Class 6-9 are to be adequately controlled, they should be included in the HS certification regime. However, one contributor did note that rural operators should not be 'caught up' in the regime where they only carry small amounts of agrichems and I am sure we can all agree with this sentiment.

Also included in this issue are a variety of articles providing both critiques and credits for the HSNO regime. While some of them do not concur with NZIHSM beliefs, it is uplifting to get the differing views towards delivering an optional solution to our shared goal.

In addition, details on the successful NZIHSM seminar held in Wellington last month, and an update of our latest committee meeting, are also included in this publication.

Thank you to all concerned for your contribution and have a great month!



President John Hickey



Any progress on HSNO regime?	2
HSNO easy! Says who?	5
Elegant solution = dumbing down of HSNO	7
Heater safety campaign	9
Methyl bromide submissions closed	10
Short seminar session	10
POISON: can we ignore it ?	11
NZIHSM committee meeting	12



Flashpoint is the official journal of the NZ Institute of Hazardous Substances Management.

Editorial material does not necessarily reflect the views and opinions of the Institute.

Managing editor: Anthony Lealand anthony@firework.co.nz President NZIHSM: John Hickey john@abstel.com 0800 854 444

Editorial managers: Ross and Sue Miller kotuku.media@xtra.co.nz Phone: 04 233 1842

Copyright: Nothing in this publication may be reproduced by any means without the express permission of the editor.

Spectro Print admin@spectro.co.nz 0800 500 744

Institute national administration:					
President:	john@abstel.com				
	0800 854 444				
Secretary:	linda@accreditation.co.nz				
Administrator:	joanna@nzcic.org.nz 04 499 4311				
offico@nzihsm.org.nz					

Any progress on HSNO regime?

by Bruce Evans

A year ago our president asked in his editorial, "Are we seeing any progress with the HSNO Regime?" It's nearing a decade since the HSNO regulations came out and seven years since the transitional period of grace ended — time enough for action one would have thought.

The figures supplied by MFE back up what everybody knows; compliance uptake is incredibly slow. Approximately 5000 location test certificates are recorded on the ERMA database from an estimated 15,000 that should have been issued to industry. Guestimates fluctuate widely but most I talk to reckon that HSNO compliance is only 10-30% of those storing and handling hazardous substances.

I estimate that HSNO compliance is even lower when you consider the situation we have got ourselves into with the very large numbers of business units that utilise Class 6–9 substances. For reasons best know only to MFE, back in the HSNO law-drafting era of the 1990's this group of substances was mysteriously excluded from needing operating licences as they used to under the previous legislation.

The old DG and poisons legislation was far from perfect

and many can remember the ease with which licences turned up in the mail and the extremely variable and cursory annual checks that DoL, TA's, MoH and hospital boards, etc, made to the approximately 17,000 DG and poison licence holders. At least the old system, in its imperfect fashion, used to provide some sort of annual check on those with Class 6-8 substances.

Lumped in

We didn't have Class 9 prior to 2001 and maybe that's when the omission from the annual check process came about, as a whole lot of new regulations needed to be drafted by MFE to cover the new hazard of Class 9 and it's high requirement for environmental protection. For whatever reasons, the new Class 9 got lumped with the class 6-8 substances previously administered by the Ministry of Health.

The new HSNO Class 6-9 Regulations came out in 2001 with no requirement for an annual audit of premises handling significant quantities of highly toxic, corrosive and ecotoxic substances.

We all know that handlers of these products are expected to know and understand the HSNO Regulations and that they are expected to comply irrespective of their view of their complexity or not. Simon Buckland, ERMA's compliance co-ordination manager argued in *Flashpoint* that compliance is straightforward and that it is a myth that HSNO is complex.

He also said it is vital we pay more attention to the harm that can occur from chemicals and we either commit to safe management, or not.



A refrigeration site that doesn't need a LTC because ammonia circulating internally does not trigger a LTC. However, note the drum of Class 5 and all the Class 6 and 8 scattered around the refrigeration room. Clearly a site that needs a major tidy up, but likely to be HSNO compliant, until all the Class 6-8 is caught up in a LTC process.

I believe some industry sectors are not committed enough to safely managing class 6-9's because there is no obvious or financial reason to do so. There is also no obvious enforcement presence, which breeds an unhealthy contempt for compliance.

Say what you like, but the compulsion factor provided by the need for an annual audit process for Class 1-5's has resulted in some degree of compliance. It has to be remembered that the low level of Class 3 compliance may have even been worse had it not been for the mail campaign carried out by ERMA to holders of old DG Licences.

What would have been the level of Class 3 transition from an expired DG Licence to current location test certificate had it not been for ERMA's series of mailed reminders?

Evidence would suggest that compliance is very low even for those Class 1-5 substances that do require annual audits in the shape of LTCs. One can only guess that it must be even lower for the Class 6-9's where no such audit requirement exists, unless you believe in the good nature of Kiwis to voluntarily adopt HSNO into the company's dayto-day activity.

To the best of my knowledge there has not been the equivalent amount of reminders sent to holders of the old poisons licences. I still get asked about the status of poisons licences gathering dust on the wall and long since expired.

Less compliance

I argue that there are now less compliance checks and audits for Class 6-8's under HSNO than there was under the old legislative regimes. There is more law now, but is it actually in-place and being checked on? I think not.

Incorporating Class 6-9 property controls with existing Class 1-5 controls will surely increase the awareness factor and make for a more viable test certifier regime by providing economies of scale returns. It is more often than not that a test certifier is confronted with Class 6-9 issues in carrying out Class 1-5 LTC work.

In my normal day-to-day test

certifier work, I often come across examples of highly significant quantities of Class 6-9 products not being controlled safely because the site management believes the absence of Class 1-5s exonerates them from HSNO. Just as common is the number of cases where very low quantities of Class 3 held in the laboratory trigger a need for a series of actions in and around the laboratory, but no further controls are perceived to be required anywhere else on site.

A case in point is a therapeutics manufacturer who has 50 litres of ethanol under excellent HSNO control in the lab, but refuses to install secondary containment around many hundreds of litres of Class 8.1A-8.2B corrosive stored on the same site, but some distance away from the lab. The site management, in spite of being told in writing that it needs to meet the HSNO regulations

A common sight: drums of class 8 in a good position to end up in the drain nearby. There is easily1000 litres here, but no sign of containment. HSNO threshold, 1000 litres. No LTC required.





Some good examples of HSNO compliant storage: note the forkliftfriendly bund, drain valve and signage. All this class 6 and 8 product does not require a LTC in its own right

for Class 8 as well as Class 3, says the Class 8 storage issues do not impact on their current LTC.

More common are the operators who drop the stocking levels of Class 3 to levels just below the HSNO threshold levels, to avoid needing a LTC. However, on the same site they may have many thousands of litres of Class 6 and 8 products stored in violation of HSNO controls.

Common practice

It is common practice to come across tonnes of highly toxic products like tech grade cyanide and selenium, along with drums of Class 8 acids, being stored in areas where no secondary containment or emergency management controls exist. But because there are no Class 1-5 substances on site in quantities above the HSNO thresholds, there is no trigger for a location certificate and the services of a test certifier are no longer required. There are countless businesses like electroplaters, powder coaters, souvenir manufacturers, etc, who have cyanide baths alongside acid baths. One would think it seems reasonable for them to require a LTC.

While there are many who do not want the trained eye of a test certifier looking at their Class 6-9 management, there are some who engage me on the basis that I will be better able to assess their HSNO compliance than their own staff. A fresh set of eyes coming from a different perspective on a regular once a year audit seems to be what they want.

I even had one pro-active rural retailer who had an existing location certificate driven by Class 3s for his headquarters site, who asked me to assess a brand new site in another part of the country. He became disappointed with me and the HSNO regulations when I couldn't find enough Class 3 on the new site to warrant making a case for another location test certificate. The retailer wanted to demonstrate pro-activeness to his new customers in his new location and really wanted a LTC to demonstrate that.

I found it difficult to explain that the 20,000 litres of Class 6-9 products (some toxic tracked ones) in his new store didn't need some sort of certificate while his HQ site needed one for a few hundred litres of Class 3. Can readers of this magazine rationalise the arguments for and against some sort of compliance check for Class 6-9 substances and make their opinions known to NZISM and MFE.

The Ministry for the Environment called for submissions on improving the HSNO Act in 2008. They have reported to the Minister on their proposals, as I have. What do you think needs to happen before President John's question is answered?

Are we seeing any progress with the HSNO regime?

Bruce Evans is the principal of Evatech Ltd in Nelson. bruce@ evatech. co.nz



www.nzihsm.org.nz

HSNO easy ! Says who ?

by Pete Roche

HSNO has now been with us for over 10 years and you would expect people out there to get things right, particularly the 'experts'.

This can be achieved through advice from identified HSNO advisors, use of a test certifier, talking with your local enforcement officer or contacting ERMA direct. Well, that being the case, why are there so many issues with the way HSNO is being managed?

A couple of years ago I used a well-known billboard advertisement during a number of presentations for NZ Standards with the rollout of the NZS 5433, HB 76 and HB 77 handbooks. At one particular presentation I got lambasted for putting it up and was told in no uncertain terms that HSNO is easy to understand. That may be correct to those who wrote the regulations, those that are privy to changes behind the scenes that we are not.

Saying that, though, HSNO has a lot going for it. It has certainly got a lot of people more aware of what is hazardous and not.

Issues

To show where I am coming from, here are a number of recent issues I have been involved in, issues that I know others have come across as well.

First - an enforcement

officer inspects a supermarket and tells the manager all their pesticides have to come off the shelves unless the business complies with the regulations. Asked why, the response is, "They don't have a tracking register for the 200ml bottles of ABC chemicals they sell".

The enforcement officer stated that chemicals, if sold to the home gardener, do not require tracking and approved handler certification, but if they sell the chemicals to a commercial applicator, then they do. He suggested a commercial applicator could be the like of a contract lawn-mower or any landscaper. The checkout operator should be asking each customer who buys one of the bottles if they are a home garden or a commercial applicator.

The store manager explained that it was the company's understanding that the commercial tracking only applied to quantities greater than one litre. The enforcement officer's response was, "No. They could buy 6 x 200ml and that makes it 1.2 litres, so it didn't apply."

The enforcement officer was incorrect as the substances were packed in sizes that did not break the tracking threshold quantity and was unaware that you do not aggregate the bottles.

Second – another enforcement officer visits a

major building warehouse and tells the manager that he cannot store Class 3 flammables next to Class 8 corrosives. Well! This got the manager really worried as if that was the case, then all stores in the national chain, along with every other retailer, would need to do major stock relocation.

The enforcement officer was incorrect. Classes 3, 6.1 and 8 are compatible and there are no segregation issues.

This is not a pick-on-theenforcement-officer article. I will now refer to a recent seminar I attended that was given by a HSNO advisor.

During the presentation the advisor identified, both with his slides and speech, that Class 7 radioactives are a hazardous substance under HSNO.

We should all know this is not correct as Class 7 does not meet any of the six intrinsic properties. In actual fact, Class 7 is administered through different legislation.

Also, the presenter kept referring to OSH enforcement officers.

We should all know by now that there is no such beast as OSH; it has changed to Workplace Safety Group. This occurred a number of years ago.

You can make your own mind up. "HSNO is easy to understand – Says who?" If these people can't get it right, how is industry getting on?

Food for thought !

Pete Roche is a test certifier and the principal of Hazknow Ltd.



ABSTEL-GLYDE HAZARDOUS AREA DESIGN ENGINEERS

....

٥.

in + m

1 ab trail

PROFESSIONAL Design Engineers
 Industrial and Commercial Design

- Hiddstria and Commercial Design
 Draughting and Architectural Detailing
 Process/Mechanical Instrumentation
 Civil Structural Electrical Engineering
 Environmental, Fumes and Waste Treatment
 Hazardous Area Installations

- Warehouse, Food and Distributions Design
- Manufacturing and Operations Design
 The Professional with a Sensible Fee
 FREE ASSESSMENT and Quality Guaranteed

www.abstel.com 0800 854 444 PO Box 76 -383, Auckland PO Box 10 -134, Wellington Po Box 8871, Christchurch

legislation

Elegant solution = dumbing down of HSNO

by Barry Dyer

Discerning *Flashpoint* readers are aware of major issues frustrating industry efforts to successfully implement the HSNO legislation. They may not know the ad-hoc infrastructure struggling to support this demanding upgrade in chemical management faces further controversy and uncertainty.

Chemical suppliers, together with NZIHSM professionals, strive to lead by example in helping to ensure safe and healthy workplaces. Frustratingly, 'officialdom' maintains only they know how to achieve widespread compliance with HSNO. ERMA New Zealand recently pronounced the level of compliance with HSNO at a 'disappointing 5-10%' of businesses inspected. NZCIC site assessments suggest even this is a generous 'guesstimate'. Suffice to say, HSNO compliance remains unacceptably low. A recent meeting of HSNO enforcement agencies discussing how to overcome this lamentable situation, suggested test certification requirements are too demanding, implying test certification standards, and presumably the expertise required of test certifiers, should be lowered.

Simplistic elegance appealing

The simplistic elegance of this proposal is instantly appealing – except, of course, to those most involved! Less demanding hazard management means lower performance requirements, resulting in easier compliance, and reduced compliance costs. This, in turn, would presumably reduce the need for competent test certifiers. This strategy would encourage further diluting of compliance standards to match the abilities of increasingly impotent test certifiers, thereby easing the 'compliance burden' on employers, and perhaps eventually dispensing with the need for any enforcement activity at all?

It is obvious a diminishing pool of less capable experts would jeopardise compliance with the national performance standards reflected in legislation, best practice, and the test certificates required for sites, facilities and personnel. Accepting lesser performance criteria increases the risk of harming people and our environment.

This misguided concept is reflected in the proposed regulatory amendment authorising 'interim' test certificates for, as yet unidentified, compliance shortcomings. It is illustrative of the uneasy relationship between government and industry, which share the common goal of improving New Zealand's poor performance in respect of safe chemical management, but are not yet allowed to effectively collaborate as equals.

The one-sided HSNO compliance and enforcement

Safety Management Services

STAFF TRAINING:

- > ERMA Approved Handler Certificates
- > ERMA and ACVM Controlled Substances Licences
- > GROWSAFE® Supplier Training
- > National Certificate in Agrichemical Supply
- > "D" Endorsement and Land Transport
- Approved Handler Certificates
- > Premises / NZCIC "Prince" Storage Standards
- > Renewals of Approved Handler Certificates

PREMISES AND MANAGEMENT PLANS:

- > ERMA Location Test Certificates
- > Site Inspection & Plans
- > Develop Segregation Systems
 > Recommend Compliance Plans
- Audit Storage & Retail Sites
- Resource Consents

Bruce Evans 40 Years Industry Experience







EVATECH LIMITED Phone / Fax (03) 544 7266 Mobile 027 243 5905 Email: bruce@evatech.co.nz PO Box 3568, Richmond 7020, Nelson www.evatech.co.nz

lashpoint 7

legislation

debate (chemical suppliers still aren't invited) fails to acknowledge that only industry can ultimately make HSNO work. Most critically, the HSNO legislation fails to acknowledge the core principle which governs New Zealand's workplace health and safety performance applies to HSNO.

Basic principle

Most importantly, the HSNO legislation fails to acknowledge the basic principle of New Zealand's workplace health and safety legislation, namely that the employer is responsible for maintaining a safe and healthy workplace. This is particularly applicable to safely managing chemicals in compliance with both Health and Safety in Employment and the HSNO Acts.

The H&SE Act specifically requires employers to ensure employees are appropriately trained and equipped to safely manage the chemicals they supply, use and dispose of.

Hence HSNO is not new, simply a highly prescriptive and detailed extension of an existing legal responsibility. Logically therefore, HSNO implementation (compliance and enforcement) should be led by the Department of Labour Workplace Group, in close collaboration with industry.

Approaching HSNO's ninth birthday, there is still no HSNO implementation plan endorsed by government and industry. Nor is there the comprehensive infrastructure required to support implementation. Not promoting HSNO as an integral requirement of workplace health and safety legislation ensures the required leadership, together with the limited resources available,



Test certifiers on the job.

remain fragmented, divisive and less effective than they could be.

Basic problem

Test certification exemplifies the basic problem arising from not having a plan. The initial decision to transform the network of knowledgeable and competent dangerous goods inspectors, employed in local authorities, into self-employed HSNO test certifiers and enforcement officers without the necessary up-skilling and robust certification, disrespects the good ones and protects poor performers.

The largely unmanaged transition from DG to HSNO allowed valuable records to be lost and encouraged many talented individuals to prematurely pursue other interests.

Delays in producing national performance standards (Approved Codes of Practice) mean a profusion of compliance standards and inconsistent interpretations, further inhibiting compliance and enforcement. Arguably the most damaging obstacle is the continuing exclusion of chemical suppliers and test certifiers from inter-governmental agency deliberations seeking to substantially improve HSNO compliance.

Approved handlers are a timely case in point. Approximately 70,000 have been trained to widely varying standards to serve an estimated 120,000 businesses captured by HSNO. About 7000 approved handlers are presently being re-qualified without the benefit of a robust, industry recognised, standardised training and certification process.

Incidentally, approved HSNO codes of practice are distilled from appropriate legislation and best industry practice. They offer a unique protection from prosecution, yet are rarely mentioned in official publications, and not energetically promoted by the key enforcement agencies. Funding for HSNO remains inadequate and controversial, despite the pending amendment to the Health and Safety in Employment Act allowing the Employers' Levy to be used for HSNO purposes.

Nor does it seem likely the diminishing pool of competent

legislation

test certifiers will be readily replenished.

Fortunately, some industryled initiatives are making a difference. Department of Labour workplace inspectors, in concert with chemical suppliers, are increasingly able to provide clients with accurate and practical HSNO site compliance advice. This capability is welcomed by chemical suppliers, who are increasingly offering 'product stewardship' initiatives to customers in support of their products.

The NZCIC's CHEMSAFE® software enables a DoL workplace inspector to quickly and accurately evaluate site HSNO compliance requirements, providing the client with a comprehensive implementation checklist. Completing 2-3 accurate HSNO site assessments each day significantly increases DoL productivity, equating to deploying another 100 inspectors dispensing accurate compliance advice.

Better-prepared employers also enable test certifiers to focus their increasingly scarce expertise on their primary role, thereby saving employers time and money.

The NZCIC advocates the adoption of a two-tier approved handler category, the 'Super Handler' receiving additional training in emergency response management and identifying compliance requirements, to complement their extensive workplace experience.

They would be capable of conducting appropriate, in-house HSNO training and advising management of test certification requirements, further reducing dependence on test certifiers.

Responsible Care® companies such as ORICA Chemnet also provide extensive training for their customers, while

Heater safety campaign

A campaign encouraging the safe use of LPG cabinet heaters in homes this winter is underway.

LPG Association executive director Peter Gilbert says LPG cabinet heaters are used by more than 300,000 New Zealanders, and the message to every one of them is simple:

- Test your connections – check for leaks after connecting a cylinder.
- Keep your heater at least a metre away from anything flammable.
- Keep a window ajar by about 20mm for a normal sized window to help remove emissions and reduce condensation.

- Use your nose if you smell LPG, turn off your heater immediately and seek assistance.
- Get your heater and cylinder checked before winter.

Swing tags featuring a cartoon LPG cylinder and the five key safety rules will be attached to all cylinders sold or filled at retail stores and service stations this winter.

The campaign was developed by the LPG Association, with support from ERMA.

For more information, visit the LPGA website, www.lpga.org.nz.

rural retailers Farmlands and PGGWrightson help ensure customers are kept aware of HSNO compliance requirements.

Always in demand

Competent test certifiers will always be in demand, despite clients bemoaning the additional cost of importing them from around the country. Easing the advisory and usually unpaid workload on test certifiers by ensuring clients know their site test certification requirements and prepare before requesting a visit, is an obvious advantage of competent 'Super Approved Handlers'.

Free HSNO compliance advice from chemical suppliers, supported by an accurate, comprehensive, self-explanatory CHEMSAFE® checklist provided by your friendly local DoL inspector, is the obvious solution for most employers, particularly those responsible for SMEs.

Proud of track record

In summary, the chemical industry is justly proud of its track record in voluntary, industry-led management and self-policing. Responsible Care® companies internationally and locally, have an enviable reputation for superior safety, health and environmental performance.

Compliance with HSNO has generated a growing collection of 'HSNO compliance tools' comprising technical advice, codes of practice, specialised training, 24/7 emergency response service, and HSNO site compliance assessments.

Accepting HSNO is simply a

refinement of an employer's fundamental responsibility to maintain a safe and healthy workplace. It would help ensure the provision of leadership within the nine disparate enforcement agencies, enjoy the collaboration of industry, and maximise the limited resources available. Most of all, it would quickly improve compliance.

Test certifiers will be appalled at suggestions expediency dictates less stringent performance and compliance requirements, together with less competent professionals, thereby ensuring already minimal compliance standards are further compromised.

The government focus is on increasing productivity and minimising regulations. Industry needs consistency and certainty. NZIHSM members and chemical suppliers are committed to helping the authorities successfully implement the demanding HSNO legislation.

We all aspire to superior workplace health and safety and environmental protection. We owe it to ourselves, our industry and its essential products and services, and we owe it to the community. Diluting and degrading performance and compliance standards simply increases risk, putting people, property and the environment in jeopardy.

Let the professionals get on and do what we do best.

Barry Dyer is Chief Executive of the NZ Chemical Industry Council.



BarryDyer@nzcic. org.nz

Methyl bromide submissions closed

More than 80 submissions were received from interested parties during the consultation phase of the Environmental Risk Management Authority's reassessment of the fumigant methyl bromide.

Submissions on the reassessment application opened in November 2009 and closed in late February 2010. A total of 87 submissions were received. Thirty-six submitters asked to speak at a hearing and it is anticipated two hearings will be held. Dates and venues have yet to be confirmed.

In the meantime, staff will review the submissions and prepare an update paper for the decision-making committee of the Authority to consider. This will include a summary of submissions and any further relevant information, as well as the staff's recommendation in light of submissions.

A final decision is expected to be mid to late 2010.

NZIHSM short seminar session



The latest NZIHSM short seminar session (pictured) was addressed by:

Geoff Mayes (ERMA compliance approvals manager) - "Developments in HSNO Regime"; John Hickey – chartered design engineer/test certifier, of Abstel Glyde - "HSNO design and certification in practice"; and Dougal Hamilton (project manager for Orica/Dulux Paints) - "Hazardous Substances in Industry". The feedback received from the seminar indicated that the presentations were well received by all concerned with John providing issues from a practicing designer/certifier view and Geoff from a legislation point of view.

But in particular, new father Dougal was exceptionally well received regarding the issues concerning the practical implementation of HSNO within industry.

office@nzihsm.org.nz

poison

POISON: can we ignore it ?

by John Hickey

Since its inception in 1996 and commencement of implementation in 2006, the Hazardous Substances and New Organisms Act still seems to receive some criticism along the lines that poisons are ignored and some noncompliant businesses are making little effort to comply.

While the HSNO Act is relatively new legislation in that the compliance requirements have only really been in force a little over four years, it would be of use to consider some hazardous substance incident data to determine if there are any obvious trends or areas that should receive further consideration.

At present there are three main certificates issued by test certifiers under the Act: Approved handler certificates for Class 1 to 9.

HAZARDOUS INCIDENTS REGISTER

HS Location Certificates: For Class 1 – 5. HS Stationary Containers: For Class 1 –9.

It is noticeable that while approved handler and stationary container certificates include for all hazardous substance classes but the HS location certificates can ignore Class 6-9. The reason for this apparent oversight appears to be historical – that the superceded dangerous goods licences only covered flammable compounds.

Incident register

While it appears that full reporting of some hazardous incidents has been intermittent, from media and ERMA sources we can generate an indicative incident table.

From this table there are a number of items that can be determined:

Number of incidents

It is interesting that the number of reported incidents appears to have risen significantly to approx 960 from the previous three year average of 230 reported incidents. This could mean that things have suddenly got worse but is more likely to represent an increase in monitoring of HS incidents over recent times. It would be fair to say that the reported incidents range between four to 20 per week.

Severity of incidents

Fortunately most HS incidents can be rapidly solved at source. However, it would appear that an average of 10% of all incidents have a moderate effect and serious injury to people and the environment including death.

Types of incident

In an ideal world, with close control of hazardous substances, it would be positive to see the numbers of hazardous substance incidents decreasing over time. However, the numbers reported do not show this and, in fact, show a significant increase in the past six months.

This may be due to the comparative newness of the HSNO scheme, and that

Yearly Records							
		LEVEL INCIDENT			CLASS INCIDENT		
	Duration				1-5:	6-9: Poison	
Date	(Months)	1: Minor	2: Medium	3: High	Flammable	spillage	TOTAL INCIDENTS
July 06-June 07	12	217	18		81	154	235
July 06-June 07	12	257	19		80	196	276
July 08 - June 09	12	170	23		66	127	193
Total	36	644	60		227	477	704
%		91%	9%		32%	68%	
Past 6 month records							
July 09- Dec 09	6	423	49	7	102	377	479
%		88%	10%	1%	21%	79%	100%

NOTES

These Incident statistics are obtained from ERMA records and media reports and may not include all HS incidents in a period INCIDENT LEVEL

Lvl 1: Little discernable effect on people or the environment, minor effect on property or some social disruption, controls adequate

Lvl 2: Localised, short term, medium effect on people & environment, < 2 deaths, some disruption to surrounding area, controls adequate

Lvl 3: Significant longer term damage to people, or environment, one death, disruption to surrounding community, controls appear adequate



enforcement is starting to show results both in addressing HS issues and also in reporting results.

Poison versus fire

One trend of interest is that, on average, 70% of HS incidents involve spillages or loss of containment where it is often the Class 6-9 or poison properties of the hazardous substances that are of concern. This can be compared with only 30% of HS incidents where fire or flammable incidents are the prime concern.

However, it is noticeable that the flammable incidents often have the greatest immediate impact.

Perhaps this statistic does indicate that, as the highest causes of incident, the Class 6-9 hazardous substances should also be covered under the requirements of hazardous substance location certificates.

With reported hazardous substance incidents ranging between four and 20 per week, there is still a case for further HS substance education and Class 6-9 also included across all certification.

John Hickey is president of the NZIHSM.

john@engdesign.co.nz

industry

NZIHSM committee

meeting

The recent NZIHSM committee meeting covered the following items:

Flashpoint

NZIHSM has received positive feedback on the production of *Flashpoint* with special efforts from Anthony Lealand, Abstel and the Kotuku team. The suggestion that at least one article from each of the committee members was agreed. It was also suggested that an item detailing HSNO incidents would be a useful addition to the magazine.

General administration

The NZIHSM has again developed a stable financial position through the administrative support provided by secretary Linda and her volunteer team.

ERMA databases

A review of the ERMA-supplied databases will be sought by all

members of the committee to update these to a current level.

Class 6-9

The issue of whether Class 6-9 substances should be included in HS Location certificates has been raised and opinions shall be sought from members as to the relevance of this item.

NZIHSM short seminars

A NZIHSM seminar was held in Wellington after the committee meeting and the possibility of some NZIHSM seminar sessions in the combined August conference would also be canvassed.

Training NZQA

The possibility of a test certifier training standard under NZQA is being discussed by ERMA with a Hamilton-based training ITO. As the principal organisation for test certifiers, NZIHSM would like to be included in this discussion and Geoff Mayes will liaise and keep the NZIHSM committee informed.



The current NZIHSM executive is: from left – Geoff Mayes, Philip Tse, Peter Roche, John Hickey, Peter Keller, Kareema Yousif, Linda Amitrano, Colin Pullan.

office@nzihsm.org.nz



NZ Institute of Hazardous Substances Management (Inc)

MEMBERSHIP APPLICATION FORM

1.	Name:		
2.	Employment		
	Employer's Name:		
	LIC .		
	Position and Contact Details:		
	Position Held:		
	Full or Part Time:		
	Other Duties:		
	Or: Self-employed		
	Business Name:		
•	Defendent The Albert		
3.	Preferred mailing address:		
	Telephone (Bus.) (0)		
	Contacts (Res.) (0)		
	(Mob.) (02)		
	(Facsimile) (0)	CIN	
	E-Mail:		
	Website:		
4.	I have previously been a member of the Institute	Yes	No
	If NO: I am applying to be a	Member	Associate member
5.	Return to: Linda Amitrano		
	^c /o NZIHSM Secretary		
	PO Box 10-385		
	Wellington		
	Fnone: 04 802 4079 Fax: 04 384 4710		
	Email: office@nzihsm.org.nz		

www.nzihsm.org.nz office@nzihsm.org.nz