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ERMA NEW ZEALAND

HAZARDOUS SUBSTANCES (VERTEBRATE TOXIC AGENTS) TRANSFER NOTICE 2004

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004

Pursuant to section 160A of the Hazardous Substances and New Organisms Act 1996 (in this notice referred to as **the Act**), the Environmental Risk Management Authority gives the following notice.

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1 Title

This notice is the Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004.

2 Commencement

This notice comes into force on 1 November 2004.

3 Interpretation

In this notice, unless the context otherwise requires—

ACVM means the Agricultural Compounds and Veterinary Medicines Group of the New Zealand Food Safety Authority

aerial application means application from an aircraft

aircraft has the meaning given to it by section 2 of the Civil Aviation Act 1990

application, in relation to a hazardous substance described in Schedule 1, means dropping, spreading, spraying, laying as bait, dusting, sprinkling, wiping, placing, or pouring the substance on ground or vegetation, and **apply** has a corresponding meaning

contained ground-based application means application of a hazardous substance—

- (a) in a bait station, or bait bag, or other container that is fixed to an object; or
- (b) so that it is contained in some other way, such as in a pipe or burrow

ground-based application, means application from the ground, and includes contained ground-based application

variation code, in relation to a hazardous substance, means a number set out in the column entitled “variation codes” opposite its description in Schedule 1.

4 Deemed assessment and approval

- (1) On the commencement of this notice, the substances described in Schedule 1 (vertebrate toxic agents) are no longer subject to the provisions of Parts XI to XVI of the Act.
- (2) Each hazardous substance described in Schedule 1 (vertebrate toxic agents) is deemed to have been assessed and approved by the Authority under section 29 of the Act.

5 Deemed hazard classification

Each hazardous substance described in Schedule 1 is deemed to have the hazard classifications specified in the column entitled “hazard classifications” opposite its description in Schedule 1.

6 Application of controls and changes to controls

- (1) The controls that apply to the hazardous substances described in Schedule 1 are as follows:
 - (a) the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, with the changes indicated in Schedule 2:
 - (b) the Hazardous Substances (Packaging) Regulations 2001, with the changes indicated in Schedule 2:
 - (c) the Hazardous Substances (Disposal) Regulations 2001, with the changes indicated in Schedule 2:
 - (d) the Hazardous Substances (Tracking) Regulations 2001, with the changes indicated in Schedule 2:
 - (e) the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:
 - (f) the Hazardous Substances (Emergency Management) Regulations 2001, with the changes indicated in Schedule 2:

- (g) the Hazardous Substances (Identification) Regulations 2001, with the changes indicated in Schedule 2:
 - (h) the Hazardous Substances (Tank Wagon and Transportable Containers) Regulations 2004:
 - (i) the controls for stationary container systems set out in Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (*Gazette*, 2004, No 35, p 767), as amended by the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) (Amendment) Transfer Notice 2004 (*Gazette*, 2004, No 128, p 3133), with the changes indicated in Schedule 2.
- (2) Subclause (1)(i) applies despite clause 1(1) of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (*Gazette*, 2004, No 35, p 767).

7 Other obligations and restrictions

The obligations and restrictions specified in Schedule 3 (new controls for vertebrate toxic agents) and Schedule 4 (transitional controls) are imposed as controls under section 160B of the Act applying to the hazardous substances described in Schedule 1.

8 Tolerable exposure limits and environmental exposure limits

- (1) Under regulation 24(1) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, the Authority sets as tolerable exposure limits for each hazardous substance listed in column 1 of the table in clause 1 of Schedule 5 the values specified in relation to the substance in column 2 of that table.
- (2) Under regulation 33(1) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, the Authority sets as environmental exposure limits for each hazardous substance listed in column 1 of the table in clause 2 of Schedule 5 the values specified in relation to the substance in column 2 of that table.

9 Workplace exposure standards

- (1) Under regulation 29(2) of the Hazardous Substance (Classes 6, 8, and 9 Controls) Regulations 2001, the Authority adopts as a workplace exposure standard in relation to each hazardous substance described in Schedule 1, and each component of each hazardous substance described in that Schedule, the value or values specified in the document described in subclause (2) relating to that hazardous substance, or component, if any.
- (2) The document referred to in subclause (1) is the document entitled “Workplace Exposure Standards”, published by the Occupational Safety and Health Service, Department of Labour, January 2002, ISBN 0-477-03660-0.

10 Methods of release, colours, and bait size

- (1) Under regulation 51(a) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 the Authority specifies in relation to each hazardous substance listed in column 1 of the table in clause 1 of Schedule 6 the colours specified in column 3 of that table, if any.

- (2) Under regulation 51(b) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 the Authority specifies in relation to each hazardous substance listed in column 1 of the table in clause 1 of Schedule 6 the method or methods of release specified in column 2 of that table.
- (3) Under regulation 51(d) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 the Authority specifies in relation to soluble concentrate containing 34 g/litre pindone as the sodium salt mixed with carrots or cooked oats as bait in accordance with clause 1 of Schedule 3 the bait size specified in clause 2 of Schedule 6.
- (4) No person may apply, or release, or colour a hazardous substance specified in Schedule 6 other than in accordance with that Schedule.
- (5) Soluble concentrate containing 34 g/litre pindone as the sodium salt mixed with carrots or cooked oats as bait in accordance with clause 1 of Schedule 3 must not be applied unless the bait complies with the bait size requirements set out in clause 2 of Schedule 6.

Schedule 1

List of substances (vertebrate toxic agents) to be transferred

Explanatory note to list of substances (vertebrate toxic agents) to be transferred: This note is not part of the notice, but is intended to assist in understanding its application:

This notice transfers the substances (vertebrate toxic agents) specified below. It does not transfer substances containing sodium fluoroacetate.

Substance	Hazard Classifications	Variation Codes
Powder containing 970 g/kg 3-chloro-p-toluidine hydrochloride	6.1C, 6.5B, 6.8B, 8.2C, 8.3A, 9.1A, 9.2D, 9.3A	1, 4, 5, 10
Treated seed containing 22 – 25 g/kg alpha-chloralose	6.1D, 6.9B, 9.3C	3, 5, 8
Paste containing 25 g/kg alpha-chloralose	6.1D, 6.9B, 9.3C	3, 5, 8
Bait containing 0.02 g/kg brodifacoum	6.9B, 9.1D	3, 6
Bait containing 0.05 g/kg brodifacoum	6.1E, 6.9B, 9.1D	3, 6
Bait containing 0.05 g/kg – 0.1 g/kg bromadiolone	6.9B, 9.1D	3, 6
Bait containing 8 g/kg cholecalciferol	6.1E, 6.8B, 6.9B, 9.1D	3, 6
Bait containing 0.375 – 0.5 g/kg coumatetralyl	6.9B, 9.1D	3, 6
Powder containing 7.4 g/kg coumatetralyl	6.1E, 6.4A, 6.9B, 9.1D	3, 6
Bait containing 0.05 g/kg diphacinone	6.9B, 9.1D	3, 6
Paste containing 0.3 g/kg diphacinone	6.9B, 9.1D	3, 6
Bait containing 0.05 g/kg flocoumafen	6.1D, 6.9B, 9.3C	3, 8
Bait containing 0.25 – 0.5 g/kg pindone	6.9B, 9.1D	3, 6
Soluble concentrate containing 34 g/litre pindone as the sodium salt	6.1C, 6.4A, 6.9B, 9.1B, 9.3A	1, 3, 9
Encapsulated paste containing 500 g/kg potassium cyanide	6.1B, 6.3B, 6.4A, 6.5B, 6.8B, 6.9A, 9.1A, 9.2A, 9.3A, 9.4A	1, 4, 7
Encapsulated pellet containing 800 g/kg potassium cyanide	6.1B, 6.3B, 6.4A, 6.5B, 6.8B, 6.9A, 9.1A, 9.2A, 9.3A, 9.4A	1, 4, 7
Paste containing 500 – 600 g/kg sodium cyanide	6.1A, 6.3B, 6.4A, 6.5B, 6.8B, 6.9A, 9.1A, 9.2A, 9.3A, 9.4A	1, 4, 7
Paste containing 4.5 – 5 g/kg yellow phosphorus	6.1D, 6.3B, 9.1A, 9.3C	1, 2, 4, 7, 8
Paste containing 9.5 – 10 g/kg yellow phosphorus	6.1D, 6.3A, 6.4A, 6.9A, 9.1A, 9.3B	1, 2, 4, 7

Schedule 2

Changes to controls relating to vertebrate toxic agents

**Control – Hazardous
Substances (Classes 6, 8,
and 9 Controls)
Regulations 2001**

Changes to Controls

Regulation 9

The regulations apply to soluble concentrate containing 34 g/litre pindone as the sodium salt mixed with food bait in accordance with clause 1 of Schedule 3 as if this regulation were omitted.

New regulation 9A

The regulations apply to each hazardous substance described in Schedule 1 with variation code 1 as if the following were inserted after regulation 9

**9A Exception to approved handler requirement for
transportation of packaged substances**

- (1) Regulation 9 is deemed to be complied with if—
- (a) in the case of a hazardous substance being transported on land—
 - (i) in the case of a substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with the approved safety system for the time being approved under section 6D of the Transport Services Licensing Act 1989; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance has a current dangerous goods endorsement on his or her driver licence; and
 - (iii) in all cases, Land Transport Rule: Dangerous Goods 1999 (Rule 45001) is complied with; or
 - (b) in the case of a hazardous substance being transported by sea, one of the following is complied with:
 - (i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A):
 - (ii) International Maritime Dangerous Goods Code; or
 - (c) in the case of a hazardous substance being transported by air, Part 92 of the Civil Aviation Rules is complied with.

- (2) Subclause (1)(a)—
- (a) does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
 - (b) despite paragraph (a), does apply to an intermediate bulk container that complies with chapter 6.5 of the UN Model Regulations.
- (3) Subclause (1)(c)—
- (a) applies to pilots, aircrew, and airline ground personnel loading and managing hazardous substances within an aerodrome; but
 - (b) does not apply to the handling of a hazardous substance in any place that is not within an aerodrome.
- (4) In this regulation, **UN Model Regulations** means the 13th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2003 by the United Nations.

Regulation 10

The regulations apply to each hazardous substance in Schedule 1 with variation code 2 as if this regulation were omitted and the following substituted:

10 Carriage on passenger service vehicles

- (1) A person must not carry a hazardous substance on a passenger service vehicle unless—
- (a) the substance is in a sealed package; and
 - (b) the quantity of the substance in the package is not more than 0.5 kg.
- (2) In this regulation, **passenger service vehicle** has the same meaning as in the Transport Services Licensing Act 1989.

Regulation 28

This regulation applies to each hazardous substance described in Schedule 1 with variation code 3 as if subclauses (1) and (2) were omitted and the following substituted:

- (1) This regulation applies to a hazardous substance that is laid outdoors in a place to which members of the public ordinarily have access by a person lawfully allowed to do so as part of bait to inhibit reproduction, inhibit growth, or cause death, in terrestrial vertebrates.
- (2) A person in charge of the substance must ensure that signs are erected at every normal point of entry to the place where the substance is to be applied or laid before the substance is applied or laid.

Regulation 28

This regulation applies to each hazardous substance described in Schedule 1 with variation code 4 as if subclause (2) were omitted and the following substituted:

- (2) A person in charge of the substance must ensure that signs are erected at every normal point of entry to the place where the substance is to be applied or laid before the substance is applied or laid.

Regulation 28

This regulation applies to each hazardous substance described in Schedule 1 as if subclause (3)(d) were omitted and the following substituted:

- (d) comply with regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, except that regulation 35 applies as follows:
 - (i) in relation to the information required to be included on the signs by paragraphs (a) and (c), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 2 metres; and
 - (ii) in relation to the information required to be included on the signs by paragraph (b), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 10 metres.

Regulation 28

This regulation applies to each hazardous substance described in Schedule 1 as if subclauses (4) and (5) were omitted and the following substituted:

- (4) The signs must remain until—
 - (a) if the substance contains alpha-chloralose, the substance has been retrieved from the place, or has disintegrated, or is otherwise no longer present at the place; or
 - (b) if the substance contains brodifacoum,—

- (i) in the case of contained ground-based application of the substance, 12 months after the substance has been retrieved from the place or is otherwise no longer present at the place; or
- (ii) in the case of aerial application of the substance in accordance with Schedule 3 and Schedule 6 of this notice, 12 months after the last application of the substance; or
- (c) if the substance contains bromadiolone or flocoumafen, 12 months after the substance has been retrieved from the place or is otherwise no longer present at the place; or
- (d) if the substance contains coumatetralyl or diphacinone,—
 - (i) 2 months after the substance has been retrieved from the place; or
 - (ii) if the substance is not retrieved, 8 months after the last application of the substance; or
- (e) if the substance contains cholecalciferol,—
 - (i) if the substance is contained in a biodegradable bait bag, when the substance is no longer toxic, but not less than 4 months after the last application of the substance; or
 - (ii) in the case of other contained ground-based application of the substance, 3 months after the substance is retrieved from the place or is otherwise no longer present at the place; or
- (f) if the substance contains pindone,—
 - (i) in the case of ground-based application of the substance,—
 - (A) 2 months after the substance has been retrieved from the place; or
 - (B) if the substance is not retrieved, 8 months after the last application of the substance; or
 - (ii) in the case of aerial application of the substance in accordance with Schedule 3 and Schedule 6 of this notice, 8 months after the last application of the substance; or
- (g) if the substance contains yellow phosphorus or 3-chloro-p-toluidine hydrochloride,—

- (i) when the substance is retrieved from the place; or
 - (ii) when all bait containing the substance disintegrates or is destroyed, but no less than 1 month after the last application of the substance; or
- (h) in the case of paste containing sodium cyanide, when the substance has been retrieved from the place, or has disintegrated, or has been destroyed, or is no longer toxic, but not less than 2 months after the last application of the substance; or
- (i) in the case of encapsulated paste containing potassium cyanide, when the substance has been retrieved from the place, or has disintegrated, or has been destroyed, or is no longer toxic, but not less than 4 months after the last application of the substance; or
- (j) in the case of encapsulated pellet containing potassium cyanide,—
- (i) if the substance is contained in a biodegradable bait bag, when the substance is no longer toxic, but not less than 4 months after the last application of the substance; or
 - (ii) in the case of other contained ground-based application, 2 months after the substance has been retrieved from the place.
- (5) Signs must be removed at the later of—
- (a) when they are no longer required to remain under subclause (4); or
 - (b) in the case of signs that include information to which a legal obligation applies that requires the signs to remain in place for a longer period of time, the expiry of that longer period of time.

Regulation 32

The regulations apply to each hazardous substance described in Schedule 1 as if this regulation were omitted.

Regulation 48

This regulation applies to each hazardous substance described in Schedule 1 as if subclause (1) were omitted and the following substituted:

- (1) The Authority may set an application rate for a substance that is designed for biocidal action if an environmental exposure limit has been set for the substance.

Regulation 50 The regulations apply to each hazardous substance described in Schedule 1 with variation code 5 as if this regulation were omitted.

Regulation 51 This regulation applies to each hazardous substance described in Schedule 1 with variation code 6 as if the substance is a class 9.3 hazardous substance.

**Control – Hazardous
Substances (Packaging)
Regulations 2001**

Changes to Controls

Regulations 9 and 19 These regulations apply to each hazardous substance described in Schedule 1 with variation code 2 as if the substance is a class 6.1B hazardous substance but is not a class 6.1D hazardous substance.

**Control – Hazardous
Substances (Disposal)
Regulations 2001**

Changes to Controls

Regulations 11, 13, and 14 These regulations apply to each hazardous substance described in Schedule 1 with variation code 2 as if the substance is a class 6.1B hazardous substance but is not a class 6.1D hazardous substance.

**Control – Hazardous
Substances (Tracking)
Regulations 2001**

Changes to Controls

Regulations 4 to 6 The regulations apply to soluble concentrate containing 34 g/litre pindone as the sodium salt mixed with food bait in accordance with clause 1 of Schedule 3 as if these regulations were omitted.

Schedule 2, new clause 2A Schedule 2 of these regulations applies to each hazardous substance described in Schedule 1 with variation code 7 as if the following clause were inserted after clause 2:

2A The unique identifier for the container that contains the tracked substance.

Schedule 2, clause 5 This clause applies to each hazardous substance described in Schedule 1 with variation code 7 as if the following were inserted after subclause (a):

(aa) the unique identifier for the container that contains the substance.

Schedule 2, clause 6 This clause applies to each hazardous substance described in Schedule 1 with variation code 7 as if the following were inserted after subclause (d):

(e) the unique identifier for the container that contained the substance.

**Control – Hazardous
Substances (Emergency
Management) Regulations
2001**

Changes to Controls

Regulations 6, 12, and 14

These regulations apply to each hazardous substance described in Schedule 1 with variation code 2 as if the substance is a class 6.1B hazardous substance but is not a class 6.1D hazardous substance.

**Control – Hazardous
Substances (Identification)
Regulations 2001**

Changes to Controls

Regulations 14, 37, and 38

These regulations apply to each hazardous substance described in Schedule 1 with variation code 2 as if the substance is a class 6.1B hazardous substance but is not a class 6.1D hazardous substance.

Regulation 20

This regulation applies to each hazardous substance described in Schedule 1 with variation code 6 as if the substance is a class 9.3B hazardous substance.

Regulations 29 to 31, 37,
38, 51, and 52

These regulations apply to each hazardous substance described in Schedule 1 with variation code 6 as if the substance is a class 9.3B hazardous substance but is not a class 9.1D hazardous substance.

Regulation 41

This regulation applies to each hazardous substance described in Schedule 1 with variation code 8 as if the substance is a class 9.3B hazardous substance but is not a class 9.3C hazardous substance.

**Control – Schedule 8 of the
Hazardous Substances
(Dangerous Goods and
Scheduled Toxic
Substances) Transfer Notice
2004 (*Gazette*, 2004, No 35,
p 767)**

Changes to Controls

Clause 1

This clause applies to each hazardous substance described in Schedule 1 with variation code 9 as if the words “Schedules 1 and 2” in subclause (1) were omitted and the following substituted:

Schedule 1 of the Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004

Clause 100

This clause applies to each hazardous substance described in Schedule 1 with variation code 9 as if subclause (1) were omitted and the following substituted:

- (1) In this Part, **existing stationary container system** means a stationary container system to which this Schedule applies that, immediately before 1 November 2004,—

- (a) was being used to contain a substance described in Schedule 1 of the Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004; or
- (b) was designed to be used to contain a substance described in that Schedule, and construction of the stationary container system to that design had commenced.

Schedule 3

New controls for vertebrate toxic agents

Contents

- 1 Mixing of pindone soluble concentrate
- 2 Packaging of substances containing sodium cyanide, potassium cyanide, or yellow phosphorus for sale for vertebrate pest control
- 3 Permissions required for application or use of certain substances
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Mixing of pindone and food bait

1 **Mixing of pindone soluble concentrate**

Soluble concentrate containing 34 g/litre pindone as the sodium salt may be mixed with or applied to food bait only if,—

- (a) the food bait is carrots or cooked oats; and
- (b) after the mixing or application,—
 - (i) the amount of pindone in the food bait does not exceed 0.2 g of pindone per kilogram on average for each batch of food bait; and
 - (ii) the food bait complies with the bait size requirements specified in clause 2 of Schedule 6 of this notice.

Packaging requirements for certain substances

2 **Packaging of substances containing sodium cyanide, potassium cyanide, or yellow phosphorus for sale for vertebrate pest control**

- (1) No person may pack a hazardous substance described in Schedule 1 with variation code 7 for sale for vertebrate pest control unless the package is marked with a unique identifier.
- (2) The unique identifier marked on the container must comply with regulation 35 and regulation 36 of the Hazardous Substance (Identification) Regulations 2001.
- (3) For the purposes of regulation 35(3)(c) of those regulations, the unique identifier is a secondary identifier.
- (4) In this clause **package** means the smallest package in which the relevant substance is sold.

*Permissions and licences***3 Permissions required for application or use of certain substances**

- (1) No person may apply or otherwise use a hazardous substance described in Schedule 1 on land administered or managed by the Department of Conservation unless the person first obtains a permission under section 95A of the Act from the Authority.
- (2) No person may apply or otherwise use a hazardous substance described in Schedule 1 with variation code 4 in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created if the substance is applied or used unless the person first obtains a permission under section 95A of the Act from the Authority.

4 Licences required for possession of certain substances

- (1) No person may possess a hazardous substance described in Schedule 1 with variation code 4 unless the person has a licence under section 95B of the Act from the Authority that is obtained before the person takes possession of the substance.
- (2) Despite subclause (1), a person who does not have a licence may possess a hazardous substance with variation code 4 if—
 - (a) the person is under the immediate supervision of a person who has a licence in accordance with this clause; or
 - (b) the person is deemed to comply with Regulation 9 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 by regulation 9A of those regulations (as inserted by Schedule 2 of this notice).

*Application of substances***5 Restriction on aerial application of certain substances**

No person may apply, or engage another person to apply, a hazardous substance described in Schedule 1 with variation code 10 by aerial application unless—

- (a) the person has a permission or permissions (as the case may be) granted in accordance with clause 3; and
- (b) a copy of each permission is supplied to the pilot of the aircraft.

6 Requirements for aircraft carrying out aerial application

- (1) An aircraft that is carrying out an aerial application must not, when flying to or from the area where the hazardous substance is applied, fly over a—
 - (a) place specified (if any) in a permission granted in relation to the substance in accordance with clause 3 as being a place over which such an aircraft must not fly; or
 - (b) public drinking water supply; or
 - (c) waterway that is less than 100 metres upstream of a point of extraction from a water source for a drinking water supply (not being a water supply exclusively for stock).

- (2) Every aircraft that has carried out an aerial application, and all equipment used in connection with the aerial application, must be decontaminated before the aircraft or equipment is—
 - (a) used for another purpose; or
 - (b) removed from a place from which the application operation has been carried out.
- (3) When an aerial application being carried out on a day has ceased for that day, the loading area, and any area where the substance is stored in preparation for loading the substance on to or into the aircraft, must be—
 - (a) decontaminated; or
 - (b) fenced so that—
 - (i) people do not inadvertently enter the area; and
 - (ii) stock cannot gain access to the area.
- (4) An area that is fenced in accordance with subclause (3)(b) must have signs erected at the perimeter of the fence in accordance with subclause (5).
- (5) The signs referred to in subclause (4) must—
 - (a) state that people and stock should stay out of the area until the signs, and any fence around the area, have been removed; and
 - (b) identify the person responsible for the place, and provide sufficient information to enable the person to be contacted during normal business hours; and
 - (c) identify the substance and state that it is toxic to human beings and ecotoxic to other vertebrates; and
 - (d) comply with regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, except that regulation 35 applies as follows:
 - (i) in relation to the information required to be included on the signs by paragraphs (a) and (b), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 2 metres; and
 - (ii) in relation to the information required to be included on the signs by paragraph (c), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 10 metres.
- (6) The signs and the fence required by this clause must remain in place until the place is decontaminated.

7 Lost, spilt, or unintended application of certain substances

If a hazardous substance described in Schedule 1 with variation code 4 is applied other than in the intended application area, or is lost or spilt, the person who is in possession of the substance at the time that it was misapplied, lost, or spilt must report the nature and quantity of the substance within 24 hours of the substance being misapplied, lost, or spilt to—

- (a) if a permission was granted in accordance with clause 3 to apply or otherwise use the substance, the person who granted the permission; and
- (b) the officer in charge of the nearest police station to which the person has access; and
- (c) the nearest Medical Officer of Health or the Medical Officer of Health in whose region the substance was misapplied, lost, or spilt; and
- (d) each owner or occupier of land on which the substance may have been misapplied, lost, or spilt; and
- (e) the person on whose behalf the substance is being applied.

8 Unauthorised persons to stay clear of application area of certain substances

- (1) A person who is not lawfully assisting in the application or use of a hazardous substance described in Schedule 1 with variation code 4 must not remain in the vicinity of the application or use of the substance (as the case may be).
- (2) An enforcement officer may order a person who contravenes subclause (1) to immediately leave the area in which the substance is being applied or used.

Schedule 4

Transitional controls

Contents

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-

1 Purpose of Schedule

- (1) The purpose of this Schedule is to provide for a transitional period to allow persons dealing with hazardous substances to which this notice applies to comply with the Act, and controls under the Act, in relation to those hazardous substances.
- (2) This Schedule achieves the purpose described in subclause (1) by—
 - (a) providing that, for a period of 6 months from the commencement of this notice, a person may comply with the obligations and restrictions that applied to those substances immediately before the commencement of this notice, as if this notice (other than this Schedule) had not been given; and
 - (b) providing for obligations and restrictions that apply after the expiry of that 6 month period to progressively impose the requirements of the Act, and controls under the Act, in relation to those substances.

2 Persons may comply with Act and controls at any time

Except as specifically provided in this Schedule, this Schedule does not prevent a person from complying with the Act, and controls under the Act, as if this Schedule did not exist.

3 Schedule does not apply to substance in stationary container system

Nothing in this Schedule applies to a stationary container system to which Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (*Gazette*, 2004, No 35 p 767) applies by virtue of clause 6(1)(i) of this notice.

4 Compliance with obligations and restrictions as at 31 October 2004 for transitional period

- (1) A person complies with the Act in relation to a hazardous substance to which this notice applies, if the person complies with all obligations and restrictions that were in force in relation to the hazardous substance as at the close of 31 October 2004.
- (2) This clause is subject to any other provision of this Schedule.
- (3) This clause expires with the close of 30 April 2005.

5 Transitional provisions for licences

- (1) This clause applies to every licence granted or deemed to be granted for the purposes of section 178 of the Act that is in force immediately before the close of 31 October 2004.
- (2) Every licence to which this clause applies continues in force for the purposes of this Schedule.
- (3) On and from 1 May 2005 every licence to which this clause applies is deemed to be a licence granted under section 95B of the Act as required by clause 4 of Schedule 3.
- (4) A licence deemed to be granted under subclause (3) authorises the holder to possess hazardous substances to which the licence relates.
- (5) A licence deemed to be granted under subclause (3) expires—
 - (a) if an application is made in accordance with clause 6, on the date that the application is granted or declined; or
 - (b) if an application is not made in accordance with clause 6, at the close of the month in which the application is required by that clause to be made.

6 Application for licence

- (1) The holder of a licence to which clause 5 applies must apply for a licence under section 95B of the Act as required by clause 4 of Schedule 3.
- (2) An application under subclause (1)—
 - (a) may be made at any time before the close of 31 October 2005; but
 - (b) if it has not been made by that date, must be made during and before the close of the month specified in column 1 of the following table opposite the first letter (or first 2 letters, as the case may be) of the surname of the person specified on the licence referred to in clause 5(1) as the holder of the licence, in column 2 of the table:

Column 1	Column 2
Month	First letter(s) of name
November 2005	A, B
December 2005	Ca to Ck
February 2006	Cl to Cz
April 2006	D, E, F
June 2006	G, H
August 2006	I, J, K, L
October 2006	M
November 2006	N, O, P

January 2007	Q, R, S
March 2007	T, U, V
April 2007	W, X, Y, Z, Other

7 Packaging

- (1) Packaging of a hazardous substance to which this notice applies is not required to comply with the Hazardous Substances (Packaging) Regulations 2001 if it complies with the requirements for packaging that applied to the hazardous substance at the close of 31 October 2004.
- (2) This clause expires with the close of 31 October 2006.

8 Identification, documentation, and signage

- (1) A person is not required to comply with the regulations specified in subclause (2) in relation to a hazardous substance to which this notice applies if the person complies with the requirement for identification, documentation, and signage in relation to that substance that applied to the hazardous substance at the close of 31 October 2004.
- (2) The regulations are—
 - (a) the Hazardous Substances (Identification) Regulations 2001; and
 - (b) regulations 11 to 14 of the Hazardous Substances (Disposal) Regulations 2001; and
 - (c) regulations 6 to 16, 18 to 20, and 42 of the Hazardous Substances (Emergency Management) Regulations 2001.
- (3) This clause expires with the close of 31 October 2006.

9 Emergency management response plans

- (1) A person in charge of a place where a hazardous substance to which this notice applies is present is not required to comply with regulations 25 to 34 of the Hazardous Substances (Emergency Management) Regulations 2001 if that person complies with the requirements for emergency management response plans that applied in relation to the substance at the close of 31 October 2004.
- (2) This clause expires with the close of 31 October 2005.

Schedule 5

Clause 8

Tolerable exposure limits and environmental exposure limits

Contents

- 1 Tolerable exposure limits
2 Environmental exposure limits
-

1 Tolerable exposure limits

The following table specifies tolerable exposure limits set for the substances specified in column 1. These limits are for each substance specified in column 2 when it is a component of the substance or substances specified opposite it in column 1.

Column 1	Column 2
Substance	Component and tolerable exposure limit
Encapsulated paste containing 500 g/kg potassium cyanide Encapsulated pellet containing 800 g/kg potassium cyanide Paste containing 500 – 600 g/kg sodium cyanide	<u>Cyanide</u> TEL _{water} = 0.08 mg/litre TEL _{air} = 0.009 mg/m ³
Paste containing 4.5 – 5 g/kg yellow phosphorus Paste containing 9.5 – 10 g/kg yellow phosphorus	<u>Yellow phosphorus</u> TEL _{water} = 0.0001 mg/litre TEL _{air} = 0.000006 mg/m ³
Powder containing 970 g/kg 3-chloro-p-toluidine hydrochloride	<u>3-chloro-p-toluidine hydrochloride</u> TEL _{water} = 0.6 mg/litre TEL _{air} = 0.02 mg/m ³

2 Environmental exposure limits

The following table specifies environmental exposure limits set for the substances specified in column 1. These limits are for each substance specified in column 2 when it is a component of the substances specified opposite it in column 1.

Column 1	Column 2
Substance	Component and environmental exposure limit
Encapsulated paste containing 500 g/kg potassium cyanide Encapsulated pellet containing 800 g/kg potassium cyanide Paste containing 500 – 600 g/kg sodium cyanide	<u>Cyanide</u> EEL _{freshwater} = 18 µg/litre EEL _{marine} = 14 µg/litre

Powder containing 970 g/kg 3-chloro-p-toluidine hydrochloride	<u>3-chloro-p-toluidine hydrochloride</u> EEL _{freshwater} = 0.03 µg/litre EEL _{marine water} = 0.03 µg/litre EEL _{soil} = 1 µg/kg dry weight
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Schedule 6

Clause 10

Methods of release, colours, and bait size

Contents

- 1 Methods of release and colours
- 2 Bait size

1 Methods of release and colours

The following table specifies for each substance specified in column 1—

- (a) the method or methods of release specified in column 2 for the substance; and
- (b) a colour (if any) specified in column 3 for the substance.

Column 1	Column 2	Column 3
Substance	Method(s) of release	Colours
Powder containing 970 g/kg 3-chloro-p-toluidine hydrochloride	Hand-based application from an aircraft; or Ground-based application	
Treated seed containing 22 – 25 g/kg alpha-chloralose Paste containing 25 g/kg alpha-chloralose	Ground-based application	
Bait containing 0.05 g/kg brodifacoum Bait containing 0.05 g/kg – 0.1 g/kg bromadiolone Bait containing 8 g/kg cholecalciferol Paste containing 0.3 g/kg diphacinone Bait containing 0.05 g/kg flocoumafen Encapsulated pellet containing 800 g/kg potassium cyanide	Contained ground-based application	Blue; or Green
Bait containing 0.02 g/kg brodifacoum	If approved for aerial application by the ACVM under a code of practice, aerial application; or If the substance is applied by the Department of Conservation on offshore islands, aerial application; or Contained ground-based application	Blue; or Green
Bait containing 0.25 – 0.5 g/kg pindone Soluble concentrate containing 34 g/litre pindone mixed in accordance with clause 1 of Schedule 3	Ground-based application; or If the substance is applied by the Department of Conservation, or a regional council, or a unitary authority, aerial application	Blue; or Green

Paste containing 500 – 600 g/kg sodium cyanide Encapsulated paste containing 500 g/kg potassium cyanide Paste containing 9.5 – 10 g/kg yellow phosphorus Paste containing 4.5 – 5 g/kg yellow phosphorus Bait containing 0.375 – 0.5 g/kg coumatetralyl Powder containing 7.4 g/kg coumatetralyl Bait containing 0.05 g/kg diphacinone	Ground-based application	Blue; or Green
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2 Bait size

The bait size requirements for soluble concentrate containing 34 g/litre pindone as the sodium salt mixed with carrots or cooked oats as bait in accordance with clause 1 of Schedule 3 is as follows:

- (a) if the food bait is carrot,—
 - (i) no individual piece of carrot may have any dimension that is less than 16 mm; and
 - (ii) all chaff and carrot pieces that have any dimension less than 16 mm must be removed from the food bait.
- (b) if the food bait is cooked oats, the cooked oats must be the fat white variety and be dressed to remove all seeds and foreign matter.