SUPPLEMENT TO

New Zealand Gazette

OF THURSDAY, 3 JUNE 2004

WELLINGTON: FRIDAY, 4 JUNE 2004 — ISSUE NO. 65

ERMA NEW ZEALAND

HAZARDOUS SUBSTANCES (TIMBER PRESERVATIVES, ANTISAPSTAINS, AND ANTIFOULING PAINTS) TRANSFER NOTICE 2004

PURSUANT TO THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Timber Preservatives, Antisapstains, and Antifouling Paints) 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 (Timber Preservatives, Antisapstains, and Antifouling Paints) Transfer Notice 2004.

2 Commencement

This notice comes into force on 1 July 2004.

3 Interpretation

In this notice, **variation code**, in relation to a hazardous substance, means a number set out in the column entitled "variation code(s)" opposite the description of the substance in Schedule 1.

4 Deemed assessment and approval

(1) On the commencement of this notice, the hazardous substances described in Schedule 1 (timber preservatives, antisapstains, and antifouling paints), are no longer subject to the provisions of Parts XI to XVI of the Act.

(2) Each hazardous substance described in Table 1 (timber preservatives and antisapstains) of Schedule 1 is deemed to have been assessed and approved by the Authority under section 29 of the Act for use in the treatment of timber.

(3) Each hazardous substance described in Table 2 (antifouling paints) of Schedule 1 is deemed to have been assessed and approved by the Authority under section 29 of the Act for use as an antifouling paint to prevent, by the slow release of biocides, the build up of aquatic organisms on the hulls of vessels or other surfaces in contact with water.

5 Deemed hazard classification

Each hazardous substance described in Schedule 1 (timber preservatives, antisapstains, and antifouling paints) is deemed to have the hazard classifications specified 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 (timber preservatives, antisapstains, and antifouling paints) are as follows:

(a) The Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001:

(b) The Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, with the changes indicated in Schedule 2:

(c) The Hazardous Substances (Tracking) Regulations 2001, with the changes indicated in Schedule 2:

(d) The Hazardous Substances (Disposal) Regulations 2001:

(e) The Hazardous Substances (Packaging) Regulations 2001, with the changes indicated in Schedule 2:

(f) The Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:

(g) The Hazardous Substances (Emergency Management) Regulations 2001, with the changes indicated in Schedule 2:

(h) The Hazardous Substances (Identification) Regulations 2001:

(i) The Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004:

(j) 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), with the changes indicated in Schedule 2:

(k) The controls for the adverse effects of unintended ignition of class 2 and class 3.1 hazardous substances set out in Schedule 10 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (*Gazette*, 2004, No. 35, p 767), with the changes indicated in Schedule 2.

(2) Subclause (1)(j) 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).

(3) Subclause (1)(k) applies despite clause 1 of Schedule 10 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 (prohibitions on alternative uses of timber preservatives, antisapstains, and antifouling paints) and Schedule 4 (transitional controls) are imposed under section 160B of the Act as controls applying to the hazardous substances described in Schedule 1.

8 Workplace exposure standards set for substances transferred

(1) Under regulation 29(2) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, the Authority adopts as a workplace exposure standard in relation to each hazardous substance listed in Schedule 1, the value specified in the documents described in subclause (2) relating to that hazardous substance, 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.

Schedule 1

List of substances (timber preservatives, antisapstains, and antifouling paints) to be transferred

Substances listed in Table 1 and Table 2 are listed alphabetically by active. Substances containing a single active are listed first, followed by dual actives, triple actives, and so on.

Table 1

Timber preservatives and antisapstains

Substance	Hazard classification(s)	Variation code(s)
Soluble concentrate containing 245 g/litre **benzalkonium chloride**, 87 g/litre boric acid and 23 g/litre iodocarb	6.1D, 6.5A, 6.5B, 6.8B, 6.9A, 8.2C, 8.3A, 9.1A, 9.3C	1, 3
Soluble concentrate containing 389 g/litre **benzalkonium chloride**, 21.5 g/litre chlorothalonil and 65.5 g/litre prochloraz	6.1C, 6.5A, 6.5B, 6.7B, 6.8A, 6.9B, 8.2C, 8.3A, 9.1A, 9.2D, 9.3B	2
Emulsifiable concentrate containing 148.8 g/litre **benzalkonium chloride**, 28.3 g/litre fenpropimorph and 14.6 g/litre octhilinone	3.1D, 6.1C, 6.5A, 6.5B, 6.8B, 6.9B, 8.2C, 8.3A, 9.1A, 9.2D, 9.3B	2
Soluble concentrate containing 500 g/litre **benzalkonium chloride**, 50 g/litre guazatine and 50 g/litre iodocarb	6.1C, 6.5A, 6.5B, 6.7B, 6.9A, 8.2C, 8.3A, 9.1A, 9.3B	2
Soluble concentrate containing 500 g/litre **benzalkonium chloride**, 50 g/litre guazatine and 50 g/litre propiconazole	6.1C, 6.5A, 6.5B, 6.7B, 6.9A, 8.2C, 8.3A, 9.1A, 9.3B	2
Soluble concentrate containing 500 g/litre **benzalkonium chloride**, 50 g/litre iodocarb and 50 g/litre propiconazole	6.1D, 6.5A, 6.5B, 6.9B, 8.2C, 8.3A, 9.1A, 9.3B	1, 3
Soluble concentrate containing 524 g/litre **benzalkonium chloride**, 65.6 g/litre methylene bisthiocyanate and 13 g/litre octhilinone	3.1D, 6.1A, 6.5A, 6.5B, 6.8A, 6.9B, 8.2B, 8.3A, 9.1A, 9.3B	2
Soluble concentrate containing 466 g/litre **benzalkonium chloride** and 7 g/litre permethrin	6.1D, 6.5A, 6.5B, 8.2B, 8.3A, 9.1A, 9.3B, 9.4B	1, 3
Soluble concentrate containing 12 – 13 g/litre **benzalkonium chloride** and 246 – 528 g/litre sodium borate	6.1D, 6.3A, 6.4A, 6.5A, 6.5B, 6.8B, 6.9A, 9.1B, 9.3C	
Ready to use liquid containing 22 g/litre **benzalkonium chloride** and 109 g/litre sodium borate	6.4A, 6.5A, 6.5B, 6.8B, 6.9A, 9.1B	
Emulsifiable concentrate containing 292 g/litre copper carbonate, 64 g/litre **boric acid** and 6.4 g/litre tebuconazole	6.1B, 6.5A, 6.5B, 6.8A, 6.9A, 8.2C, 8.3A, 9.1C, 9.2D, 9.3B, 9.4C	

Substance	Hazard classification(s)	Variation code(s)
Soluble concentrate containing 86 g/litre **boric acid**, 50.5 g/litre fenpropimorph and 24.8 g/litre propiconazole	6.1D, 6.8B, 6.9B, 8.2C, 8.3A, 9.1A, 9.2D, 9.3B	1, 3
Soluble concentrate containing 270 g/litre **boric acid**, 225 g/litre sodium borate and 1.1 g/litre octhilinone	6.1E, 6.3A, 6.4A, 6.5B, 6.8B, 9.1B	
Soluble concentrate containing 270 g/litre **boric acid**, 225 g/litre sodium borate and 0.1 g/litre octhilinone	6.1E, 6.3B, 6.4A, 6.8B, 9.1D	
Soluble concentrate containing 200 g/litre **boric acid** and 240 g/litre sodium borate	6.3B, 6.4A, 6.8B, 9.1D	
Suspension concentrate containing 113 g/litre **carbendazim**, 53.2 g/litre 2-(diiodomethylsulfonyl)-toluene and 39.8 g/litre didecyl dimethyl ammonium bromide	6.1D, 6.3A, 6.4A, 6.5B, 6.6A, 6.8A, 6.9B, 9.1A, 9.2C, 9.3C	1, 3
Suspension concentrate containing 29.9 g/litre **carbendazim** and 53.6 g/litre 4,5-dichloro-2-octyl-3(2H)-isothiazolone	6.3A, 6.4A, 6.5B, 6.6A, 6.8A, 6.9B, 9.1A, 9.2C	1, 3
Emulsifiable concentrate containing 40 g/litre **carbendazim** and 50 g/litre chlorothalonil	3.1D, 6.1B, 6.3A, 6.5B, 6.6A, 6.7B, 6.8A, 6.9A, 8.3A, 9.1A, 9.2C, 9.3C	2
Suspension concentrate containing 100 – 250 g/litre **carbendazim** and 250 – 450 g/litre chlorothalonil (Substance A)	6.1B, 6.3B, 6.4A, 6.5B, 6.6A, 6.7B, 6.8A, 6.9A, 9.1A, 9.2B, 9.3B	2
Soluble concentrate containing 100 g/litre **carbendazim**, 22.6 g/litre cupric oxide and 82.4 g/litre 8-hydroquinoline	6.1D, 6.6A, 6.8A, 6.9B, 8.1A, 8.2C, 8.3A, 9.1A, 9.2C, 9.3C	1, 3
Soluble concentrate containing 80 g/litre **carbendazim** and 100 g/litre dodine	6.1B, 6.3B, 6.5A, 6.5B, 6.6A, 6.8A, 6.9B, 8.3A, 9.1A, 9.2C, 9.3C	2
Suspension concentrate containing 125 g/litre **carbendazim** and 375 g/litre fenpropimorph	6.6A, 6.8A, 6.9B, 8.2C, 8.3A, 9.1A, 9.2C	1, 3
Emulsifiable concentrate containing 36 g/litre **carbendazim**, 20 – 21 g/litre iodocarb and 460 g/litre sodium orthophenylphenate	6.1D, 6.3A, 6.5B, 6.6A, 6.8A, 6.9A, 8.1A, 8.3A, 9.1A, 9.2B, 9.3C	1, 3
Suspension concentrate containing 75 g/litre **carbendazim** and 75 g/litre oxine-copper (Substance A)	3.1D, 6.1D, 6.5A, 6.6A, 6.8A, 6.9A, 8.2B, 8.3A, 9.1A, 9.2C, 9.3B	1, 3
Suspension concentrate containing 75 g/litre **carbendazim** and 75 g/litre oxine-copper (Substance B)	6.1D, 6.5A, 6.5B, 6.6A, 6.8A, 6.9B, 9.1A, 9.2C, 9.3C	1, 3
Emulsifiable concentrate containing 75 g/litre **carbendazim**, 75 g/litre oxine-copper and 30 g/litre permethrin	3.1D, 6.1D, 6.5A, 6.5B, 6.6A, 6.8A, 6.9A, 8.2B, 8.3A, 9.1A, 9.2C, 9.3B, 9.4A	1, 3

Substance	Hazard classification(s)	Variation code(s)
Suspension concentrate containing 130 g/litre **carbendazim** and 100 g/litre prochloraz	6.3A, 6.4A, 6.6A, 6.8A, 6.9B, 9.1B, 9.2C	
Emulsifiable concentrate containing 36 g/litre **carbendazim** and 460 g/litre sodium orthophenylphenate	3.1D, 6.1D, 6.3A, 6.6A, 6.8A, 6.9B, 8.1A, 8.3A, 9.1A, 9.2B, 9.3B	1, 3
Soluble concentrate containing 212 g/litre or 221 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.2C, 8.3A, 9.1A, 9.2C, 9.3A, 9.4C	2
Soluble concentrate containing 214 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.2C, 8.3A, 9.1A, 9.2B, 9.3A, 9.4C	2
Soluble concentrate containing 220 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2C, 8.3A, 9.1A, 9.2C, 9.3B, 9.4C	2
Soluble concentrate containing 367 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2C, 9.3A, 9.4C	2
Soluble concentrate containing 407 g/litre, or 657 g/litre, or 687 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2B, 9.3B, 9.4C	2
Soluble concentrate containing 600 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.2C, 8.3A, 9.1A, 9.2B, 9.3B, 9.4C	2
Soluble concentrate containing 635 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2B, 9.3A, 9.4B	2
Soluble concentrate containing 650 g/litre **CCA** (Substance A)	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2B, 9.3B, 9.4B	2
Soluble concentrate containing 650 g/litre **CCA** (Substance B)	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2B, 9.3A	2
Soluble concentrate containing 674 g/litre **CCA**	6.1B, 6.5A, 6.5B, 6.6A, 6.7A, 6.8A, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2B, 9.3A, 9.4C	2
Soluble concentrate containing 142 g/litre **5-chloro-2-methyl-4-isothiazolin-3-one** and 43 g/litre 2-methyl-4-isothiazolin-3-one	6.1C, 6.5B, 8.2B, 8.3A, 9.1A, 9.3B	2
Emulsifiable concentrate containing 0.6 g/litre **5-chloro-2-methyl-4-isothiazolin-3-one**, 311.1 g/litre didecyl dimethyl ammonium chloride, 36.5 g/litre iodocarb and 0.2 g/litre 2-methyl-4-isothiazolin-3-one	3.1C, 6.1C, 6.5B, 6.8B, 6.9A, 8.2B, 8.3A, 9.1A, 9.3B	2

Substance	Hazard classification(s)	Variation code(s)
Emulsifiable concentrate containing 0.65 g/litre **5-chloro-2-methyl-4-isothiazolin-3-one**, 600 g/litre didecyl dimethyl ammonium chloride, 70 g/litre iodocarb and 0.18 g/litre 2-methyl-4-isothiazolin-3-one	3.1C, 6.1C, 6.5B, 6.8B, 6.9B, 8.2B, 8.3A, 9.1A, 9.3B	2
Suspension concentrate containing 500 g/litre **chlorothalonil**	6.1B, 6.3B, 6.4A, 6.5B, 6.7B, 6.9A, 9.1A, 9.2B, 9.3B	2
Suspension concentrate containing 165 g/litre **chlorothalonil** and 167 g/litre thiocyanic acid, methylene ester	6.1B, 6.5B, 6.7B, 6.8B, 6.9A, 8.1A, 8.2B, 8.3A, 9.1A, 9.2C, 9.3B	2
Soluble concentrate containing 90.24 g/litre copper as **copper ammonium carbonate** and 56.4 g/litre didecyl dimethyl ammonium chloride	6.1D, 6.5B, 6.9B, 8.1A, 8.2B, 8.3A, 9.1A, 9.3C	1, 3
Oil miscible liquid containing 240 g/litre tributyltin naphthenate, 11.5 g/litre permethrin and 4.7 g/litre **dichlofluanid**	3.1C, 6.1B, 6.3A, 6.4A, 6.5A, 6.5B, 6.9A, 9.1A, 9.2B, 9.3C, 9.4B	2
Emulsifiable concentrate containing 240 g/litre **didecyl dimethyl ammonium chloride** and 48 g/litre propiconazole	3.1C, 6.1B, 6.5B, 6.9B, 8.1A, 8.2C, 8.3A, 9.1B, 9.3B	2
Emulsifiable concentrate containing 603 g/litre **didecyl dimethyl ammonium chloride** and 71 g/litre iodocarb (Substance A)	3.1C, 6.1C, 6.5B, 6.7B, 6.9B, 8.2B, 8.3A, 9.1A, 9.3B	2
Emulsifiable concentrate containing 603 g/litre **didecyl dimethyl ammonium chloride** and 71 g/litre iodocarb (Substance B)	3.1C, 6.1C, 6.5B, 6.9B, 8.2B, 8.3A, 9.1A, 9.3B	2
Emulsifiable concentrate containing 8.65 g/litre tebuconazole and 465 g/litre **didecyl dimethyl ammonium chloride**	3.1C, 6.1C, 6.5B, 8.2B, 8.3A, 9.1A, 9.3B	2
Emulsifiable concentrate containing 330 g/litre of **iodocarb**	6.1C, 6.3B, 6.4A, 6.5B, 6.9B, 9.1A	2
Emulsifiable concentrate containing 40 g/litre **iodocarb** and 120 g/litre orthophenyl phenol	3.1D, 6.1D, 6.3A, 6.5B, 6.9B, 8.3A, 9.1A, 9.2B, 9.3C	1, 3
Emulsifiable concentrate containing 199 g/litre triadimefon, 100 g/litre **iodocarb** and 15 g/litre permethrin	3.1D, 6.1C, 6.3B, 6.4A, 6.5A, 6.5B, 6.8A, 6.9A, 9.1A, 9.3C, 9.4B	2
Oil miscible liquid containing 230 g/litre tributyltin naphthenate, 11 g/litre permethrin and 13.2 g/litre **iodocarb**	3.1C, 6.1B, 6.3A, 6.4A, 6.5A, 6.5B, 6.9A, 9.1A, 9.2A, 9.3B, 9.4B	2
Suspension concentrate containing 100 g/litre **methylene bis thiocyanate**	6.1A, 6.5B, 6.8B, 6.9B, 8.2B, 8.3A, 9.1A, 9.3C	2
Emulsifiable concentrate containing 240 g/litre **octhilinone**	6.1C, 6.5B, 8.2C, 8.3A, 9.1A, 9.3C	2

Substance	Hazard classification(s)	Variation code(s)
Emulsifiable concentrate containing 350 g/litre **octhilinone**	6.1C, 6.4A, 6.5B, 6.8B, 8.2C, 9.1A, 9.3C	2
Emulsifiable concentrate containing 35 g/litre **octhilinone** and 75 g/litre oxine-copper	6.1C, 6.5A, 6.5B, 6.8A, 8.2C, 8.3A, 9.1A, 9.3C	2
Soluble concentrate containing 40 g/litre **oxine-copper** (Substance A)	6.1D, 6.3A, 6.5A, 8.1A, 8.3A, 9.1A, 9.3C	1, 3
Soluble concentrate containing 40 g/litre **oxine-copper** (Substance B)	6.1D, 6.5A, 6.5B, 8.1A, 8.2C, 8.3A, 9.1A, 9.2D, 9.3C	1, 3
Soluble concentrate containing 40 g/litre **oxine-copper** (Substance C)	6.1D, 6.5A, 6.5B, 6.8A, 6.9B, 8.1A, 8.2C, 8.3A, 9.1A, 9.3C	1, 3
Soluble concentrate containing 40 g/litre **oxine-copper**. Also contains 128 g/litre ethylene glycol	6.1D, 6.5A, 8.1A, 8.2C, 8.3A, 9.1A, 9.3C	1, 3
Soluble concentrate containing 59 g/litre **oxine-copper**	3.1C, 6.1D, 6.5A, 8.1A, 8.2C, 8.3A, 9.1A, 9.3C	1, 3
Soluble concentrate containing 100 g/litre **oxine-copper**	6.1D, 6.5A, 8.1A, 8.2C, 8.3A, 9.1A, 9.3C	1, 3
Oil miscible liquid containing 2.2 g/litre **permethrin**	3.1C, 6.1E, 6.3B, 9.1A, 9.4B	1, 3
Oil miscible liquid containing 11 g/litre **permethrin**	3.1C, 6.1E, 6.3B, 6.5A, 6.5B, 6.9B, 9.1A, 9.4B,	1, 3
Oil miscible liquid containing 77 g/litre **permethrin**	3.1D, 6.1D, 6.3B, 6.4A, 6.5A, 6.5B, 6.9B, 9.1A, 9.3C, 9.4A	1, 3
Oil miscible liquid containing 558 g/litre **permethrin**	3.1C, 6.1D, 6.3B, 6.4A, 6.5A, 6.5B, 6.9B, 9.1A, 9.3B, 9.4A	1, 3
Oil miscible liquid containing 886 g/litre tributyltin naphthenate and 50 g/litre **permethrin**	3.1C, 6.1B, 6.3A, 6.4A, 6.5A, 6.5B, 6.9A, 9.1A, 9.2A, 9.3B, 9.4A	2
Emulsifiable concentrate containing 100 g/litre **propiconazole**	3.1D, 6.3B, 6.4A, 6.9B, 9.1A	1, 3
Emulsifiable concentrate containing 279 g/litre **propiconazole** and 279 g/litre tebuconazole	3.1D, 6.1D, 6.3A, 6.4A, 6.5B, 6.8A, 6.9B, 9.1A, 9.3C	1, 3
Liquid containing 333 g/litre of **sodium borate**	6.4A, 6.8B, 9.1D	
Water soluble powder containing 980 – 998 g/kg **sodium borate**	6.1E, 6.4A, 6.8B, 9.1D	
Solid rod containing 1000 g/kg of **sodium borate**	6.1E, 6.4A, 6.8B, 9.1D	
Solid rod containing 582 g/kg **sodium borate** and 243 g/kg sodium fluoride	6.1C, 6.3A, 6.4A, 6.6B, 6.8B, 6.9A, 9.3B	

Substance	Hazard classification(s)	Variation code(s)
Soluble concentrate containing 248 g/litre **sodium orthophenylphenate**	6.3A, 6.5B, 6.6B, 6.7B, 6.9B, 8.3A, 9.1B	
Gel containing 165 g/litre **2-(thiocyanomethylthio) benzothiazole**	6.1B, 6.5B, 6.9B, 8.2C, 8.3A, 9.1A, 9.3C	2
Emulsifiable concentrate containing 324 g/litre **2-(thiocyanomethylthio) benzothiazole**	3.1C, 6.1A, 6.5B, 6.9B, 8.2C, 8.3A, 9.1A, 9.3C	2
Emulsifiable concentrate containing 333 g/litre **2-(thiocyanomethylthio) benzothiazole**	6.1A, 6.5B, 6.9B, 8.2C, 8.3A, 9.1A, 9.3C	2
Oil miscible liquid containing 125 g/litre **tributyltin oxide**	3.1C, 6.1B, 6.3A, 6.4A, 6.8B, 6.9A, 9.1A, 9.2B, 9.3B	2
Oil miscible liquid containing 600 g/litre **tributyltin oxide**	3.1C, 6.1B, 6.3A, 6.4A, 6.8B, 6.9A, 9.1A, 9.2A, 9.3A	2

Table 2

Antifouling paints

Substance	Hazard classification(s)	Variation code(s)
Antifouling paint containing 84 – 138 g/litre **chlorothalonil** and 517 – 690 g/litre cuprous oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.8B, 6.9B, 9.1A, 9.2C, 9.3B	
Antifouling paint containing 138 g/litre **chlorothalonil** and 722 g/litre cuprous oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.9B, 9.1A, 9.2C, 9.3B	
Antifouling paint containing 62 g/litre **chlorothalonil**, 518 g/litre cuprous oxide and 82 g/litre mancozeb	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.8A, 6.9B, 9.1A, 9.2C, 9.3B	
Antifouling paint containing 215 g/litre **copper thiocyanate** and 36 g/litre dichlofluanid	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.3C	
Antifouling paint containing 230 g/litre **copper thiocyanate** and 40 g/litre diuron	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.2A, 9.3C	
Antifouling paint containing 220 g/litre **copper thiocyanate** and 20 g/litre irgarol	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.9B, 9.1A, 9.3C	
Antifouling paint containing 290 g/**litre copper thiocyanate**, 220 g/litre zinc oxide and 55 g/litre zineb	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.8B, 6.8C, 6.9B, 9.1A, 9.3C	
Antifouling paint containing 195 g/litre **cuprous oxide**	6.1D, 6.4A, 6.9B, 9.1A, 9.3C	
Antifouling paint containing 245 g/litre **cuprous oxide**	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.3C	

Substance	Hazard classification(s)	Variation code(s)
Antifouling paint containing 521 g/litre **cuprous oxide**	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.8B, 6.8C, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 408 – 494 g/litre **cuprous oxide** and 34 – 42 g/litre dichlofluanid	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 450 – 849 g/litre **cuprous oxide** and 40 – 70 g/litre diuron	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.2A, 9.3B	
Antifouling paint containing 580 g/litre **cuprous oxide**, 65 g/litre diuron and 320 g/litre zinc oxide	3.1C, 6.1D, 6.4A, 6.8B, 6.9B, 9.1A, 9.2A, 9.3B	
Antifouling paint containing 760 g/litre **cuprous oxide**, 62 g/litre diuron and 165 g/litre zinc oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.2A, 9.3B	
Antifouling paint containing 570 g/litre **cuprous oxide** and 20 g/litre irgarol	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 750 g/litre **cuprous oxide**, 50 g/litre thiram and 260 g/litre zinc oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 754 g/litre **cuprous oxide** and 550 g/litre zinc oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.9B, 9.1A, 9.3B	
Antifouling Paint containing 780 g/litre **cuprous oxide** and 220 g/litre zinc oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.3B	
Antifouling Paint containing 840 g/litre **cuprous oxide** and 350 g/litre zinc oxide	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.7B, 6.8B, 6.8C, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 640 g/litre **cuprous oxide** and 60 g/litre zinc pyrithione	3.1C, 6.1D, 6.3B, 6.4A, 6.7B, 6.8B, 6.8C, 6.9B, 9.1A, 9.3B	
Antifouling paint containing 648 g/litre **cuprous oxide** and 70 g/litre zineb	3.1C, 6.1D, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.2D, 9.3B	
Antifouling paint prepared from:		
– 20 g/litre **diuron** (Part A), and	3.1C, 6.1E, 6.3B, 6.4A, 6.5B, 6.8B, 6.9B, 9.1A, 9.2B, 9.3C	
– 1000 g/kg **cuprous oxide** (Part B)	6.1D, 6.4A, 6.9B, 9.1A, 9.3B	

Schedule 2

Changes to controls relating to timber preservatives, antisapstains, and antifouling paints

Control – Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001	Changes to Controls
Regulation 9	The regulations apply to each hazardous substance in Table 1 of Schedule 1 with variation code 1, and each hazardous substance in Table 2 of that Schedule, as if regulation 9 were omitted.
Regulation 9	This regulation applies to each hazardous substance with variation code 2 as if each substance is not a class 9 hazardous substance.
New Regulation 9A	The regulations apply as if the following regulation were inserted immediately after Regulation 9: **9A Exception to approved handler requirement for transportation of packaged timber preservatives and antisapstains** (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 hazardous 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 32 — This regulation applies as if subclauses (1) and (2) were omitted.

Control – Hazardous Substances (Packaging) Regulations 2001

Changes to Controls

Regulation 19 — This regulation applies to the following hazardous substances as if each substance is not a class 6.1A hazardous substance:

Suspension concentrate containing 100 g/litre methylene bis thiocyanate

Soluble concentrate containing 524 g/litre benzalkonium chloride, 65.6 g/litre methylene bis thiocyanate, and 13 g/litre octhilinone

Emulsifiable concentrate containing 324 g/litre 2-(thiocyanomethylthio) benzothiazole

Emulsifiable concentrate containing 333 g/litre 2-(thiocyanomethylthio) benzothiazole

Regulation 19	This regulation applies to the following hazardous substances as if each substance is not a class 6.1B hazardous substance: Soluble concentrate containing 80 g/litre carbendazim and 100 g/litre dodine Emulsifiable concentrate containing 40 g/litre carbendazim and 50 g/litre chlorothalonil Suspension concentrate containing 100 – 250 g/litre carbendazim and 250 – 450 g/litre chlorothalonil (Substance A) Suspension concentrate containing 500 g/litre chlorothalonil Suspension concentrate containing 165 g/litre chlorothalonil and 167 g/litre thiocyanic acid, methylene ester Oil miscible liquid containing 240 g/litre tributyltin naphthenate, 11.5 g/litre permethrin and 4.7 g/litre dichlofluanid Emulsifiable concentrate containing 240 g/litre didecyl dimethyl ammonium chloride and 48 g/litre propiconazole Oil miscible liquid containing 230 g/litre tributyltin naphthenate, 11 g/litre permethrin and 13.2 g/litre iodocarb Oil miscible liquid containing 886 g/litre tributyltin naphthenate and 50 g/litre permethrin Gel containing 165 g/litre 2-(thiocyanomethylthio) benzothiazole
Control – Hazardous Substances (Tracking) Regulations 2001	**Changes to Controls**
Regulations 4 to 6	These regulations apply to each hazardous substance in Table 1 of Schedule 1 with variation code 3, and each hazardous substance in Table 2 of that Schedule, as if Regulations 4 to 6 were omitted.
Control – Hazardous Substances (Emergency Management) Regulations 2001	**Changes to Controls**
Regulation 36	This regulation applies as if the following subclauses were added after subclause (3): (4) For the purposes of this regulation and regulations 37 to 40, any hazardous substance contained in pipework that is installed and operated so as to manage any loss of containment in the pipework—

(a) is not to be taken into account in determining whether a place is required to have a secondary containment system; and

(b) is not required to be located in a secondary containment system.

(5) In this clause, **pipework**—

(a) means piping that—

(i) is connected to a stationary container; and

(ii) is used to transfer a hazardous substance into or out of the stationary container; and

(b) includes a process pipeline or a transfer line.

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 as if the words "Schedules 1 and 2" in subclause (1) were omitted and the following substituted:

Schedule 1 of the Hazardous Substances (Timber Preservatives, Antisapstains, and Antifouling Paints) Transfer Notice 2004.

Clause 100

This clause applies 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 July 2004—

(a) was being used to contain a substance described in Schedule 1 of the Hazardous Substances (Timber Preservatives, Antisapstains, and Antifouling Paints) 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.

Control – Schedule 10 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 as if the words "Schedule 1" were omitted and the following substituted: Schedule 1 of the Hazardous Substances (Timber Preservatives, Antisapstains, and Antifouling Paints) Transfer Notice 2004.
Clause 33	Subclause (1) applies as if the words "Subject to subclause (2)" were omitted. This clause applies as if subclause (2) were omitted.

Schedule 3

Prohibitions on alternative uses of timber preservatives, antisapstains, and antifouling paints

Contents

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1 Prohibition on alternative uses of timber preservatives and antisapstains

No person may use a hazardous substance described in Table 1 (timber preservatives and antisapstains) of Schedule 1 for any purpose other than for the treatment of timber.

2 Prohibition on alternative uses of antifouling paints

No person may use a hazardous substance described in Table 2 (antifouling paints) of Schedule 1 for any purpose other than as an antifouling paint to prevent, by the slow release of biocides, the build up of aquatic organisms on the hulls of vessels or other surfaces in contact with water.

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 hazardous 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 hazardous 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 new locations or new substances at existing locations

Nothing in this Schedule applies to any of the following:

(a) a hazardous substance location that was not in use immediately before 1 July 2004:

(b) a hazardous substance at a hazardous substance location if the hazardous substance was not permitted to be stored at the location immediately before that date:

(c) 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(j) of this notice.

4 Compliance with obligations and restrictions as at 30 June 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 30 June 2004.

(2) This subclause is subject to any other provision of this Schedule.

(3) This clause expires with the close of 31 December 2004.

5 Transitional provision for hazardous substance locations

(1) This clause applies to every licence granted or deemed to be granted by the Authority under section 217 of the Act, and every provisional licence granted under section 218 of the Act, that is in force immediately before the close of 30 June 2004.

(2) Every licence to which this clause applies continues in force for the purposes of this Schedule.

(3) On and from 1 January 2005 every licence to which this clause applies is deemed, to the extent that it applies to a class 3.1C hazardous substance, to be a test certificate issued under Regulation 81 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.

(4) A test certificate referred to in subclause (3) expires—

(a) if the combined quantity of the substances specified in subclause (5) held at the hazardous substance location to which the test certificate relates is 50,000 litres or greater,—

(i) if the Authority approves an implementation plan under clause 6, on a date specified by the Authority when it approves the implementation plan; or

(ii) in every other case, at the close of 31 March 2005:

(b) if the combined quantity of the substances specified in subclause (5) held at the hazardous substance location to which the test certificate relates is less than 50,000 litres,—

(i) if an application is made in accordance with clause 6, on the date that the application is granted or declined; or

(ii) 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; or

(iii) if the Authority approves an implementation plan under clause 6, on a date specified by the Authority when it approves the implementation plan.

(5) The substances referred to in subclause (4) are —

(a) class 3.1C hazardous substances described in Schedule 1; and

(b) any petrol, aviation gasoline, racing gasoline, and class 3.1B and class 3.1C hazardous substances.

(6) A date specified by the Authority under subclause (4)(a)(i) or subclause (4)(b)(iii) must not be later than 30 June 2006.

(7) While a test certificate referred to in subclause (3) is in force, regulation 77(2) of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 does not apply to the hazardous substance location to which the test certificate relates.

6 Application for test certificate for hazardous substance location

(1) The holder of a test certificate referred to in clause 5(3) must apply to a test certifier for a test certificate of a type referred to in clause 5(3).

(2) An application under subclause (1) must be made 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, in the case of a natural person, or the name, in the case of any other 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 **Month**	**Column 2** **First letter(s) of name**
December 2004	A, B
February 2005	Ca to Ck
March 2005	Cl to Cz
June 2005	D, E, F
August 2005	G, H
October 2005	I, J, K, L
November 2005	M
January 2006	N, O, P
March 2006	Q, R, S
May 2006	T, U, V
June 2006	W, X, Y, Z, Other

(3) Subclauses (1) and (2) do not apply if, on the application of the holder of a test certificate, the Authority approves a plan setting out the times by which applications for test certificates for 1 or more hazardous substances locations referred to in the plan must be made.

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 30 June 2004.

(2) This clause expires with the close of 30 June 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 30 June 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 20 and 42 of the Hazardous Substances (Emergency Management) Regulations 2001.

(3) This clause expires with the close of 30 June 2006.

9 Fire extinguishers and 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 21 to 34 of the Hazardous Substances (Emergency Management) Regulations 2001 if that person complies with the requirements for fire extinguishers and emergency management response plans that applied in relation to the substance at the close of 30 June 2004.

(2) This clause expires with the close of 30 June 2005.

PUBLISHED BY THE
DEPARTMENT OF INTERNAL AFFAIRS
PRINTED BY WICKLIFFE LIMITED

THE DEPARTMENT OF INTERNAL AFFAIRS
Te Tari Taiwhenua

ISSN 0111-5650
Price $5.00 (inc. G.S.T.)