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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

HAZARDOUS SUBSTANCES (FUMIGANTS) (AMENDMENT) TRANSFER NOTICE 2006

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Fumigants) (Amendment) Transfer Notice 2006

Pursuant to section 160A of the Hazardous Substances and New Organisms Act 1996, the Environmental Risk Management Authority gives the following notice.

1 Title

- (1) This notice is the Hazardous Substances (Fumigants) (Amendment) Transfer Notice 2006.
- (2) In this notice, the Hazardous Substances (Fumigants) Transfer Notice 2004 (Supplement to the *New Zealand Gazette*, 29 October 2004, No. 140, page 3471, as amended by *New Zealand Gazette*, 28 April 2005, No. 73, page 1739) is called “the principal notice”.

2 Commencement

This notice comes into force on 1 July 2006.

3 Interpretation

In this notice, words and phrases have the meanings ascribed to them in the principal notice.

4 Changes to hazard classification

The hazard classification for the substance “Gas containing 20 g/kg phosphine” in Schedule 1 to the principal notice is amended by omitting “6.9A” and substituting “6.9B”.

5 Application of controls and changes to controls

The controls set out in Schedule 2 to the principal notice are amended in the manner indicated in Schedule 1 to this notice.

Schedule 1

Amendments to Schedule 2 to the principal notice

Control – Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

New regulation 56A

Repeal the change to controls inserting regulation 56A, and substitute the following:

New regulation 56A The regulations apply to each hazardous substance described in Schedule 1 as if the following regulation were inserted immediately after regulation 56:

56A Exception to approved handler requirement for transportation of packaged substances

- (1) Regulation 56 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 an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
 - (A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or
 - (B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 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 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 handling a hazardous substances within an aerodrome; but
 - (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.
- (4) In this regulation, **UN Model Regulations** means the 14th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2005 by the United Nations.

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

New regulation 9A

Repeal the change to controls inserting regulation 9A, and substitute the following:

New regulation 9A The regulations apply to each hazardous substance described in Schedule 1 as if the following regulation were inserted immediately 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 hazardous substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and
 - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
 - (A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule 45001/1: Dangerous Goods 2005, has a current dangerous goods endorsement on his or her drivers licence; or
 - (B) in every other case, the Land Transport Rule 45001/1: Dangerous Goods 2005 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 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 handling a hazardous substance within an aerodrome; but
 - (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.
- (4) In this regulation, **UN Model Regulations** means the 14th revised edition of the Recommendation on the Transport of Dangerous Goods Model Regulations, published in 2005 by the United Nations.