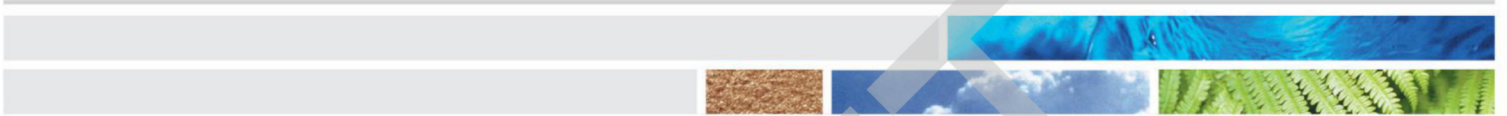




Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# Fertilisers (Acutely Toxic) Group Standard 2020 - HSR002572



DRAFT

## **GROUP STANDARD**

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

# Fertilisers (Acutely Toxic) Group Standard 2020

Pursuant to section 96B of the Hazardous Substances and New Organisms Act 1996 (the Act), the Environmental Protection Authority issues this Group Standard.

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## 1. Name of Group Standard

Fertilisers (Acutely Toxic) Group Standard 2020

### *HSNO Approval Number*

The HSNO Approval Number for this Group Standard is HSR002572.

## 2. Commencement

This Group Standard comes into force on 30 April 2021.

## 3. Interpretation

- (1) In this Group Standard, unless the context otherwise requires, words and phrases shall have the meanings given to them in Schedule 2. Any words or phrases that are used but not defined in this Group Standard but that are defined in the Act have the same meaning as in the Act.
- (2) In this Group Standard, reference to a hazard classification means a reference to the specified hazard classification as set out in the Hazardous Substances (Hazard Classification) Notice 2020.

## 4. Scope of Group Standard

### *Substances covered by Group Standard*

- (1) This Group Standard applies to hazardous substances under section 96B(2)(a), (b) and (c) of the Act.
- (2) This Group Standard applies to solid or liquid substances that are imported or manufactured for use as a fertiliser.
- (3) A substance referred to in subclause (2) must have one or more of the following hazard classifications:
  - (a) acute oral toxicity Category 3:
  - (b) acute dermal toxicity Category 3:
  - (c) acute inhalation toxicity Category 3.
- (4) In addition to the hazard classifications referred to in subclause (3), a substance may have one or more of the following (but only the following) hazard classifications:
  - (a) acute oral toxicity Category 4:
  - (b) acute dermal toxicity Category 4:
  - (c) acute inhalation toxicity Category 4:
  - (d) skin irritation Category 2:
  - (e) serious eye damage Category 1:
  - (f) eye irritation Category 2:
  - (g) respiratory sensitisation Category 1:
  - (h) skin sensitisation Category 1:
  - (i) germ cell mutagenicity Category 1 or Category 2:
  - (j) reproductive toxicity Category 1 or Category 2:
  - (k) effects on or via lactation:

- (l) specific target organ toxicity – single exposure Category 1, Category 2 or Category 3:
- (m) specific target organ toxicity – repeated exposure Category 1 or Category 2:
- (n) aspiration hazard Category 1:
- (o) hazardous to the aquatic environment acute Category 1:
- (p) hazardous to the aquatic environment chronic Category 1, Category 2, Category 3 or Category 4:
- (q) hazardous to soil organisms:
- (r) hazardous to terrestrial vertebrates:
- (s) hazardous to terrestrial invertebrates.

*Substances excluded from Group Standard*

- (5) This Group Standard excludes any substance if it contains—
  - (a) asbestos; or
  - (b) a chemical that:
    - (i) is a persistent organic pollutant within the definition in section 2 of the Act; or
    - (ii) exhibits the characteristics of a persistent organic pollutant as set out in paragraph 1 of Annex D to Schedule 1AA of the Act.
- (6) This Group Standard excludes any substance that contains a chemical that is a mutagen or reproductive toxicant that is not listed on the Inventory of Chemicals, unless—
  - (a) the new mutagen or reproductive toxicant is used to completely replace an existing mutagen or reproductive toxicant in the substance; and
  - (b) the new mutagen or reproductive toxicant has a lower hazard classification than the existing mutagen or reproductive toxicant.
- (7) This Group Standard excludes any substance that is a hazardous chemical not listed on the Inventory of Chemicals.
- (8) For the purposes of subclause (7), “chemical” means any element or compound in its natural state or obtained by any production process, including any impurities and any additive necessary to preserve the stability of the chemical but excluding any solvent which may be separated without affecting the stability of the chemical or changing its composition.

## **5. Conditions of Group Standard**

The conditions that specify the obligations and restrictions for substances covered by this Group Standard are set out in Schedule 1.

**Advisory Note:** In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the Health and Safety at Work Act 2015.

## Schedule 1: Conditions of Group Standard

### Part 1 - Compliance with EPA Notices

#### 1. Labelling and advertising

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Labelling) Notice 2017.

#### 2. Safety data sheets

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Safety Data Sheets) Notice 2017.

#### 3. Packaging

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Packaging) Notice 2017.

#### 4. Disposal

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Disposal) Notice 2017.

#### 5. Restrictions on supply, storage and use

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Hazardous Property Controls) Notice 2017.

### Part 2 - Notification to the Authority

#### 6. Inventory of Chemicals

- (1) When a substance is imported into, or manufactured in, New Zealand after 30 June 2006, the importer or manufacturer must ensure that all hazardous chemicals contained in the substance are listed on the Inventory of Chemicals.
- (2) If that substance contains a hazardous chemical that is not listed on the Inventory of Chemicals, then the importer or manufacturer of the substance must, at the time they first import or manufacture the substance, notify the Authority in writing of—
  - (a) the name of the substance; and
  - (b) the HSNO approval number and/or title of the group standard under which the substance is deemed to have been approved; and
  - (c) the name and CAS number of the chemical not listed on the Inventory of Chemicals that is present in the substance; and
  - (d) the concentration of that chemical in the substance; and
  - (e) the hazardous properties of the chemical, including the provision of the relevant hazard data used to assign the substance to the group standard; and
  - (f) the proposed use of the substance.
- (3) Subclause (2) applies subject to clause 4(6) - (8) of this Group Standard (Scope of Group Standard).

## Part 3 - Other Matters

### 7. Assigning a substance to a group standard

- (1) If an importer or manufacturer considers this Group Standard applies to the importation or manufacture of a substance, then the importer or manufacturer is responsible for assigning the substance to this Group Standard.
- (2) In order to assign the substance to this Group Standard, the importer or manufacturer must—
  - (a) ensure that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and
  - (b) keep a record of how it was determined the substance complies with clause 4 of this Group Standard.
- (3) The importer or manufacturer must—
  - (a) ensure that the record contains sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and
  - (b) have that record available for inspection.

## Schedule 2: Interpretation

**Act** means the Hazardous Substances and New Organisms Act 1996

**asbestos** has the same meaning as in regulation 3(1) of the Health and Safety at Work (Asbestos) Regulations 2016 but does not include substances that contain naturally occurring traces of asbestos

**CAS number** means Chemical Abstract Services Registry number

**condition** means any obligation or restriction imposed upon a substance by a group standard

**fertiliser** means—

- (a) any material (whether in solid or liquid form) which is described as or held out to be for or suitable for sustaining or increasing the growth, productivity or quality of plants or animals through the application of the following essential nutrients to plants or soils: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, sodium, as major nutrients or manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, selenium, as minor nutrients or additives; and
- (b) any other product which is considered to meet identified soil or plant nutrient deficiencies and is applied with this as the principal objective; and
- (c) the material shall be free from pathogens or any other agents which could effect disease and pest transmission

**GHS** has the same meaning as in the Hazardous Substances (Hazard Classification) Notice 2020

**Inventory of Chemicals** means an inventory kept and maintained by the Authority of chemicals known to be present in New Zealand

**mutagen** means a substance that is a mutagen within the meaning of the GHS

**reproductive toxicant** means a substance that is a reproductive toxicant within the meaning of the GHS

**substance** means any solid or liquid fertiliser or raw material used in the manufacture of a fertiliser, that is within the scope of clause 4 of this Group Standard (Scope of Group Standard)

**workplace** has the same meaning as in section 20 of the Health and Safety at Work Act 2015

## Explanatory note

*This note is not part of the group standard but is intended to provide guidance to users of the group standard.*

- (1) Under the Act, section 96E(3) provides that a hazardous substance to which section 96B (2)(a) applies is deemed to have been approved by the Authority under section 29.
- (2) All amendments made under section 96B to the Fertilisers (Toxic [6.1C]) Group Standard 2017 since it was first issued that were still in force before 30 April 2021 have been incorporated into this Group Standard.
- (3) In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the Health and Safety at Work Act 2015.
- (4) Each of the Labelling, Safety Data Sheets and Packaging Notices provide that a person relying on this Group Standard will have four years (until 30 April 2025) to comply with the relevant controls under those Notices. Within that time, a person must comply with one of the following:
  - (a) the relevant controls under the Labelling, Safety Data Sheets and Packaging Notices; or
  - (b) the equivalent conditions in the Fertilisers (Toxic [6.1C]) Group Standard 2017 in force immediately before 30 April 2021; or
  - (c) the equivalent conditions in the Fertilisers (Toxic [6.1C]) Group Standard 2006 in force immediately before 1 December 2017.

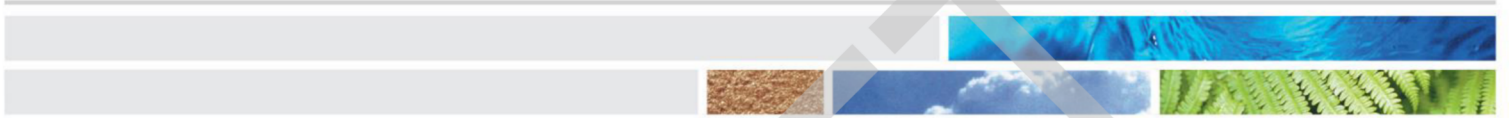
All other aspects of this Group Standard apply from 30 April 2021.





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