

HSNO and hazardous substances (Part 2)



Last issue covered the basics of what HSNO is and how it works in relation to hazardous substances. This article looks in more depth at some key components of the HSNO Act.

What is a test certifier?

A test certifier is a person approved by the Environmental Risk Management Authority (ERMA) to issue certificates in their area of expertise. Test certifiers are able to approve locations where substances are held, certify people to be approved substance handlers, approve fillers (for gases) and approve storage and processing tanks.

What is an approved handler?

An approved handler is a person with knowledge and experience in handling certain substances, who has been certified by a test certifier as being competent to do so. The approved handler is also responsible for training others on site to safely handle those substances. Under the old Poisons License, responsible people were nominated to assume overall responsibility for certain highly toxic substances, and an approved handler is a similar concept. The role of the approved handler is to make certain that hazardous substances are handled safely, and that they do not cause harm to people, or damage to the environment.

When is an approved handler needed?

An approved handler is needed if you use or have on site more than a certain quantity of one or more highly hazardous substances. For example, flammable liquids with 3.1A classification require an approved handler for any quantity, those with 3.1B

classification require a handler for quantities over 250 litres, if in containers of more than 5 litres, or 500 litres if in containers of less than 5L, and flammable liquids with 3.1C or 3.1D classifications do not require approved handlers because they are less flammable. A full list of classifications and trigger quantities can be found in the Hazardous Substances (Class 1-5 Controls) Regulations and the Hazardous Substances (Class 6, 8 and 9 Controls) Regulations.

Do I need an approved handler on site all the time?

An approved handler does not have to be present if the substances are locked away where others cannot access them. However, any time the substances are being used, the approved handler must be available.

Is the approved handler the only one who can handle the substances?

The approved handler is able to delegate handling authority to other staff, as long as he/she has provided them with full training and is available to assist when the substance is being used. In a manufacturing plant, the production supervisor might be an approved handler, but other factory workers would carry out the manufacturing processes. The production supervisor would be on site, however, to offer assistance if required.

What does it mean to have an approved handler available?

In most cases the approved handler would need to be on site – especially if dealing with highly flammable, highly corrosive

and/or highly toxic substances. In some instances it may be sufficient for the approved handler to be readily contactable – by telephone, for instance – without actually having to be on site. This is the case for unmanned 24-hour petrol stations, where the approved handler's contact details are on display.

How do I become an approved handler?

Only a test certifier with approval to issue approved handler certificates can certify you as being competent. To become an approved handler, certificated for 5 years, there are two essential components.

- **Component 1** - You must have knowledge of the HSNO Act and Regulations, including the role and obligations of approved handlers, an understanding of substance classifications and controls, and knowledge of penalties and liabilities under the act. A number of organisations provide approved handler training - see the ERMA website for details.
- **Component 2** - You must have practical handling knowledge and expertise for the substances in question. Many test certifiers ask for an

attestation form to be completed by the applicant. This form contains all the applicant's personal and work contact details. Applicants must also supply information on the substances they are using, the life cycle phases they are involved with, and how many years experience they have. Any other training certificates to do with handling substances, such as training provided by suppliers and the certificate from the above training course, should also be provided.

Sometimes a test certifier will ask an applicant's supervisor or manager to countersign the form, to verify that they have received on-the-job training, or question an applicant to ascertain competency. Once the test certifier is satisfied that the applicant is competent an approved handler certificate will be issued.

Most approved handlers will only have experience handling one or two substances within a classification range, and their certification will show this. If a person only has experience handling LPG and acetylene, the certificate would list these particular substances and not 2.1.1 flammable gases, as that would approve them for all flammable gases.

LINKS

Want to know more?

- For a list of test certifiers, go to the ERMA website at www.ermanz.govt.nz and choose the Hazardous Substances tab in the middle of the screen. Select Test Certifiers from the drop down menu.
- For a list of approved handler trainers, click on Compliance in the left hand menu, scroll down to General publications and information and click on Approved handler training providers.
- Details of when a location certificate and/or approved handler are required is in the HSNO Regulations, at www.legislation.govt.nz Click on Statutory Regulations and select from the alphabetical menu.

What is a location certificate?

Location certificates essentially replace dangerous goods licenses. A location certificate certifies that your site is suitable for handling, storing and/or using the hazardous substances you hold.

When issuing a location certificate, a test certifier does not assess all the HSNO requirements that your substances trigger – only those that are necessary to meet the location certificate requirements specified in the Hazardous Substances (Class 1-5 Controls) Regulations.

When do I need a location certificate?

Only hazardous substances of classes 1 to 5 require location certificates. Whether you need one will depend on the classifications and quantities of substances you have on site, and whether they are being stored or used. A list of the classifications and quantities that require a location certificate is in the Hazardous Substances (Class 1-5 Controls) Regulations.

So what does the test certifier check?

Generally speaking the test certifier checks that, where you have established a hazardous substance location:

- the local authorities know of it. (The local authority is usually the Department of Labour)
- you have approved handlers if required,
- your staff are trained to handle the substances safely,
- you are controlling access to the hazardous substance location,
- you are preventing unintended ignition of any flammables,
- you are prepared to deal with

- any emergency involving the hazardous substances,
- you have appropriate signage and documentation.

How do I find a test certifier?

The ERMA website (see box) has a register of test certifiers. There are some 150 on this register; but test certifiers have different approvals. Some can only issue certificates for approved handlers for certain stages of a substance's life cycle and others can only issue location certificates for certain classifications – eg, where class 2.1.1 and 3.1 are present. Others have approvals covering a wide range of classifications for both location certificates and approved handlers.

How much will it cost me to engage a test certifier?

It will depend on the nature of the work and – especially for locations – how ready you are for certification. Many companies are not aware of their requirements under HSNO and need a lot of consultation before they are ready for a site inspection. This adds to the overall cost of the certificate. Also, some companies have non-compliances that need to be put right before a certificate can be issued. In general, location certificates for large sites with multiple hazardous substance locations will cost more than small sites with one hazardous substance location.

Test certifiers can be held liable if an incident occurs involving a person or a site that they have certified. They therefore need to spend considerable time keeping up-to-date with changes to the regulations and are required to hold insurance. All this is factored into their charges.

How does HSNO impact on other legislation?

Many of the requirements under HSNO are also requirements under other legislation. For example, the Health & Safety in Employment Act requires hazards – including hazardous substances – to be identified and handled in a safe manner. This means providing staff training,

documentation, and personal protective equipment.

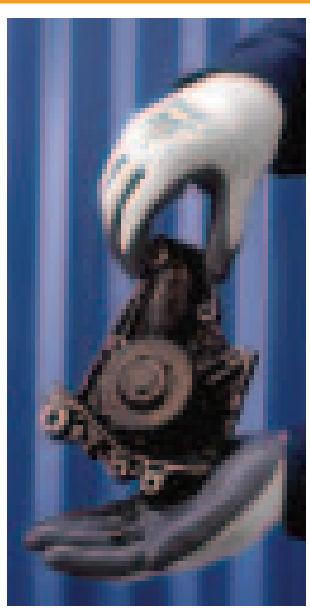
The Electricity Act requires electrical components within hazardous atmosphere zones to be certified, by a suitably qualified person, as being intrinsically safe.


The Resource Management Act requires that operations involving hazardous substances do not have a detrimental effect on the environment. ■

This article is intended to provide only a broad overview of its topic. Our thanks to Simonne Moses and Patrick Seaman of Impac Solutions.

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