



4 August 2020

Consultations – Harmonized System
Environmental Protection Authority
Private Bag 63002
WELLINGTON 6140

Email: HSnotices@EPA.govt.nz

Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council (NZFGC) wishes to present on the *Implementation of GHS 7: Implications for hazardous substance approvals and group standards – Consultation Document 2 June 2020*.

NZFGC agrees to the publication of the submission with the signature below redacted.

Yours sincerely

Katherine Rich
Chief Executive



***Implementation of GHS 7: Implications for
hazardous substance approvals and group
standards – Consultation document
2 June 2020***

**Submission by the New Zealand Food & Grocery
Council**

4 August 2020

NEW ZEALAND FOOD & GROCERY COUNCIL

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the *Implementation of GHS 7: Implications for hazardous substance approvals and group standards – Consultation Document 2 June 2020*.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$40 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$34 billion in export revenue from exports to 195 countries – representing 65% of total good and services exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 45% of total manufacturing income. Our members directly or indirectly employ more than 493,000 people – one in five of the workforce.

OVERARCHING COMMENTS

3. NZFGC remains supportive of the move to GHS 7 as stated in our submission to the first consultation earlier in 2020. We were pleased to see a number of the proposals that presented as particularly problematic for our members are now not proceeding. There are a number that remain:
 - Proposal 2 – Proposed “fate” of individual approvals – We agree that any proposed changes to approvals otherwise allocated by EPA to a different group standard should be documented but we do not agree that an approval, already allocated to be covered by a group standard by the EPA, needs further recording of the relevant section of the allocation spreadsheet as evidence that the group standard requirement has been met. This seems an unnecessary administrative burden for industry.
 - Proposal 3 – Proposed changes to group standards – We found it very difficult to identify the bulk of group standards with even something simple like name changes in titles without going to all 42 pages of the group standards in Appendix 5. As it transpired, we do not have issues with the title changes but a summary could certainly have helped.
 - Proposal 4 – Update controls on substances approved before 1 Dec 2017 to take account of Health & Safety Reforms – As with Proposal 2, we found the spreadsheet in Appendix 7 impenetrable and did not pursue this for comments on proposed amendments.
 - Proposal 5 – Amend the Hazardous Property Controls Notice – NZFGC agrees with the proposal to no longer require signage for terrestrial ecotoxicity hazards but notes this only affects 59 of the thousands of approved agrichemicals. The threshold for signage is not risk based and another unnecessary cost burden on industry while ever signage is still required for all other terrestrial ecotoxicity products that have “any physical hazards at all”.

DETAILED COMMENTS

4. NZFGC remains supportive of the move to GHS 7 as stated in our submission to the first consultation earlier in 2020. We are pleased to see a number of the proposals that presented as particularly problematic for our members are now not proceeding. Some remain and we focus on these in the balance of the submission.

Proposal 1 – Proposed GHS classifications for all individual approvals

5. This proposal remains unchanged – that a new notice be issued that assigns GHS 7 classifications to all individual hazardous substances approved or reassessed before 1 January 2020, including those that are planned for revocation.

Question 1: Do you have any comments regarding any proposed GHS 7 classification assigned to any individual hazardous substance approval?

Note: Comments sought only on the mapping of existing HSNO classifications to GHS 7 classifications (not evaluation of new data that may change the existing classification).

6. We have no comments on the GHS 7 classification assigned to individual hazardous substance approvals.

Proposal 2 – Proposed “fate” of individual approvals

7. This proposal sets out the general direction for individual substance approvals to be either revoked, reissued or updated. As at January 2020, a total of 9,073 individual approvals had been issued of which 3,445 are to be retained. This leaves 5,628 approvals to be revoked on the basis that they are covered by group standards, class 4 or 5 substances with hazard classifications that fit the scope of class 4 or 5 group standards and many pesticides and veterinary medicines active ingredients that fit the scope of the Group Standard *Active Ingredients for the Manufacture of agricultural Compounds*.
8. EPA listed the affected approvals in a Classifications and Fates spreadsheet in Appendix 6.

Question 2: Do you have any comments regarding our proposal to revoke any specific individual approval? If so provide the name and approval number of the relevant substance and described your comments.

9. We have not been advised of issues with the proposed revocations.
10. Substance approvals to be retained fall primarily into 7 groups: high hazard classification substances such as all class 1 substances, some class 4 and 5 substance approvals, pesticide formulations, veterinary medicines formulations (two groups), active ingredients used in the manufacture of agricultural compounds, vertebrate toxic agents and fumigants. Additionally there are some others of significant regulatory interest.
11. All these are listed in Appendix 6 of the consultation. Revoked approvals have been allocated to group standards but importers and manufacturers can self-assign approvals set to be revoked to another group standard so long as the rationale is documented. If substances allocated by EPA to a group standard the spreadsheet becomes the document for self-assessment.

Question 3: Do you have any comments regarding our proposal to retain any specific individual approval?

12. We agree that any proposed changes to approvals otherwise allocated by EPA to a different group standard should be documented.

13. We do not agree that an approval already allocated to be covered by a group standard by the EPA needs further recording of the relevant section of the allocation spreadsheet as evidence that the group standard requirement has been met. This seems an unnecessary administrative burden.

Proposal 3 – Proposed changes to group standards

14. This proposal sets out the proposals for changes to 208 group standards to apply GHS 7 classification.

Question 4: Do you have any comments regarding the list of proposed GHS 7 classifications included in the scope of any group standard?

15. We note the key changes are to replace the HSNO classifications with GHS 7, change the name of a range of group standards that have HSNO references in their name and several more specific changes especially related to adding classifications of specific group standards.

Question 5: Do you have any comments regarding the name changes of any group standard?

16. We found it difficult to identify the bulk of group standards with the name changes in titles without going to all 42 pages of the group standards in Appendix 5. A summary could certainly have helped. Nonetheless we do not have issues with the title changes.

Question 6: Do you have any comments regarding the proposed changes to the definitions in any group standard?

17. Again, checking the 208 group standards to identify those with definitional changes has been very frustrating. We have not so far identified any issues.

Question 7: Do you have any comments regarding the proposal to add aerosol Category 3 as a mandatory primary hazard to the 'non-flammable aerosol' group standards?

18. We have not been advised of any issues with the proposed change.

Question 8: Do you have any comments regarding the proposed amendment to the "Gases Under Pressure Mixtures" group standards to clarify that these group standards apply to "gases under pressure" as defined in the Act?

19. We have not been advised of any issues with the proposed changes.

Question 9: Do you have any comments regarding the proposal to add the classifications "hazardous to soil organisms", "hazardous to terrestrial vertebrates" and "hazardous to terrestrial invertebrates" to the list of permitted subsidiary hazards in selected group standards?

20. The consultation document listed the group standards affected by the above proposed amendments (four specific group standards and three groups of group standards p37). We have not identified issues with the proposals for these group standards.

Question 10: Do you have any comments regarding the proposal to add the classification “designed for biocidal action” to the list of permitted subsidiary hazards in selected group standards?

21. The consultation document listed the group standards affected by the above proposed amendment (three specific group standards and one group of group standards p37). We have not identified issues with the proposals for these group standards.

Question 11: Do you have any comments regarding the proposal to add metallic corrosive Category 1 as an optional primary hazard in corrosive group standards?

22. Not applicable.

Question 12: Do you have any comments regarding the proposal to add the sales restriction clause back into “Gas Under Pressure Mixtures (Toxic [6.1], Flammable, Corrosive) Group Standard 2017 (HSR002539)?

23. Not applicable.

Question 13: Do you have any comments regarding the proposal to correct the cross-referencing error in clause 1(3) in Schedule 1 of the Dental Products (Subsidiary Hazard) Group Standard 2017 (HSR002558)?

24. Not applicable.

Question 14: Do you have any comments regarding the proposed changes to the three veterinary medicine group standards regarding the consistent use of the term “veterinary medicine active ingredient”, and the proposed change to the wording of clause 8 in HSR100758 and HSR100759?

25. Not applicable.

Question 15: Do you have any other comments regarding any of the proposed changes to any of the group standards?

26. We have no other comments on the proposed changes to any of the group standards.

Proposal 4 – Update controls on substances approved before 1 Dec 2017 to take account of Health & Safety Reforms

27. This proposal sets out the changes proposed as a result of the passage in 2015 of the *Health and Safety at Work Act 2015*. Many workplace controls transferred out of EPA and HSNO. However, controls listed in approval documents remained unchanged for substances approved before 1 December 2017. EPA proposes that 5,623 individual approvals are to be revoked as their approval is essentially redundant. Of these, 3,312

are to be reissued without HSNO workplace and related controls but retaining HSNO s77 or 77A control variations as relevant.

Question 16: Do you have any comments regarding the controls mapping spreadsheet?

28. We found the spreadsheet in Appendix 7 impenetrable and therefore have no comments on the proposed amendments.

Proposal 5 – Amend the Hazardous Property Controls Notice

29. This proposal is to amend the Hazardous Property Controls Notice to remove signage requirements for agrichemicals on the basis of their terrestrial ecotoxicity hazards.

Question 17: Do you agree with our proposal to amend the Hazardous Property Controls Notice to no longer require signage for agrichemicals on the basis of their terrestrial ecotoxicity hazards?

30. NZFGC agrees with the proposal to no longer require signage for terrestrial ecotoxicity hazards but notes this only affects 59 of the thousands of approved agrichemicals. We are disappointed that signage is still required for all other terrestrial ecotoxicity products that have “any physical hazards at all” which seems a very low threshold. The threshold should be reviewed so that it can be risk-based and instead of just 59 exemptions from signage aim for some thousands. This is an unnecessary cost on industry.