



APPROVAL

Summary

Substance	Ablative A Antifouling Range
Application type	To reissue an approval for a hazardous substance under clause 4 of Schedule 7 of the Hazardous Substances and New Organisms Act 1996 ("the Act")
Considered by	The Chief Executive ¹ of the Environmental Protection Authority ("the EPA")
Decision	Approved for reissue
Date of reissue	30 April 2021
Approval code	HSR000035
Hazard classification	Flammable liquid Category 3, Acute oral toxicity Category 4, Skin irritation Category 2, Serious eye damage Category 1, Skin sensitisation Category 1, Reproductive toxicity Category 2, Specific target organ toxicity (repeated exposure) Category 2, Hazardous to the aquatic environment acute Category 1, Hazardous to the aquatic environment chronic Category 1

¹ The Chief Executive of the EPA has made the decision on this application under delegated authority in accordance with section 19 of the Act

Decision

- 1.1. Pursuant to clause 4 of Schedule 7 of the Act, I have considered this approval to reissue.
- 1.2. I have considered the matters raised in sections 4 to 8 of the Act but, given the nature of the reissue is administrative, there are no further considerations required in order to achieve the purpose of the Act.
- 1.3. I consider it appropriate to reissue approval HSR000035 with the controls set out in the Appendix in accordance with clause 4 of Schedule 7 of the Act. Therefore the reissued approval is now made under section 29 of the Act, in accordance with clause 4(5) of Schedule 7, and Schedule 7 no longer applies to the reissued approval. Given the hazard classification system comes into effect from 30 April 2021, this decision will have effect from that date.
- 1.4. The transitional provisions of the Labelling Notice, Safety Data Sheets Notice and Packaging Notice apply to this reissued approval for the transitional period which begins on the date of reissue and ends on 30 April 2025.



Signed by:

Date: 16 April 2021

Dr Allan L Freeth
Chief Executive, EPA

Appendix: Controls applying to HSR000035

Note: This substance will cease to be approved from 1 July 2023

Hazardous substances and new organisms (HSNO) default controls

Control code	EPA Notice	Notice / Part description
LAB	Labelling Notice 2017	Requirements for labelling of hazardous substances
PKG	Packaging Notice 2017	Requirements for packaging of hazardous substances
SDS	Safety Data Sheets Notice 2017	Requirements for safety data sheets for hazardous substances
DIS	Disposal Notice 2017	Requirements for disposing hazardous substances
HPC1	Hazardous Property Controls Notice 2017 Part 1	Preliminary provisions
HPC3	Hazardous Property Controls Notice 2017 Part 3	Requirements for hazardous substances in a place other than a workplace
HPC4A	Hazardous Property Controls Notice 2017 Part 4A	Substances that are hazardous to the environment: Site and storage controls
HPC4B	Hazardous Property Controls Notice 2017 Part 4B	Use of substances that are hazardous to the environment
HPC4C	Hazardous Property Controls Notice 2017 Part 4C	Qualifications required for application of substances that are hazardous to the environment

HSNO additional controls and modifications to controls

Control Description	Varied / Additional Control	Control
LAB	Variation to Labelling Notice	<p>(1) The label for this substance must include the following statements (or similar):</p> <p>(a) When applying this substance by spraying, you must sufficiently enclose the area to ensure that the substance is not deposited on off-target sites and has no adverse effects on bystanders; and</p> <p>(b) You must ensure that waste generated from maintenance activities does not enter the environment.</p> <p>(2) A person must not supply this substance to any other person unless the substance label shows the information required by (1).</p>
Antifouling paints - collection of substances from maintenance activities	Additional control	<p>(1) Any person who removes any antifouling paint coating from the hull of a boat must ensure that waste containing antifouling paint residue is collected.</p> <p>(2) All collected waste, as referred to in subclause (1), must be disposed of in accordance with the Disposal Notice.</p>
Antifouling paints – personal protective equipment requirements outside of workplaces	Additional control	Where this substance is applied in a place other than a workplace, any person who handles the substance must use protective clothing or equipment that is designed, constructed, and operated to ensure that the person does not come into contact with or inhale the substance.

Control Description	Varied / Additional Control	Control
Antifouling paints – controlled work area and signage requirements outside of workplaces	Additional control	<p>Where this substance is applied in a place other than a workplace:</p> <p>Controlled work area</p> <p>(1) Any person applying the substance must ensure that application of the substance is carried out in a controlled work area.</p> <p>(2) The controlled work area, as referred to in subclause (1) is a designated area in which antifouling paints are applied, using a method and located such that off-target deposition of the substance, including onto bystanders, is avoided by taking all practicable steps.</p> <p>(3) Any person applying the substance in a controlled work area must avoid off-target deposition of the substance. To avoid doubt, this requirement includes avoiding off-target deposition of the substance onto persons outside of, but within the immediate vicinity of, the controlled work area.</p> <p>Signage</p> <p>(4) Any person applying the substance must ensure that signs are placed at every point of entrance into the controlled work area. Signs must be posted from the start of application, until the end of the application.</p> <p>(5) Signs erected in accordance with subclause (4) must—</p> <p>(a) warn that an application is being carried out using a substance that is toxic to humans;</p> <p>(b) identify the person in charge of the application;</p> <p>(c) state that entry into the controlled work area is not permitted unless personal protective equipment (PPE) is worn by the person entering the controlled work area; and</p> <p>(d) be easily read by a person with normal eyesight, and be able to be easily comprehended.</p> <p>(6) The conditions of (4) and (5) do not apply when the substance is applied using non-dispersive methods.</p>
Other: Tolerable Exposure Limits (TEL)	Additional control	<p>A TEL_{air} has been set for thiram. The TEL value is 0.002 mg/m³.</p> <p>A TEL_{air} has been set for xylene. The TEL value is 0.87 mg/m³.</p> <p>A TEL_{water} has been set for xylene. The TEL value is 0.6 mg/L.</p>
Other: Environmental Exposure Limits (EEL)	Additional control	<p>An EEL_{freshwater} has been set for copper. The EEL value is 1.4 µg/L.</p> <p>An EEL_{marine} has been set for copper. The EEL value is 1.3 µg/L.</p> <p>An EEL_{freshwater} has been set for zinc. The EEL value is 8 µg/L.</p> <p>An EEL_{marine} has been set for zinc. The EEL value is 15 µg/L.</p>

Control Description	Varied / Additional Control	Control
Information - additional information requirements	Additional control	<p>The following information shall be provided with this substance:</p> <ul style="list-style-type: none"> an information sheet providing guidelines on the application, use and removal of antifoulants in a manner that reduces the risks to the environment. an 0800 helpline number should be available at all times for boat owners to obtain relevant information with respect to environmental management relating to the application, use and removal of antifoulants.

Health and safety at work (HSW) requirements

Advisory Note: These requirements are not set for the substance under this approval but apply in their own right under the HSW (Hazardous Substances) Regulations 2017 according to the classification of the substance. They are listed here for information purposes only.

Control code	Regulation Part	Description
HSW1	Part 1	Application
HSW2	Part 2	Labelling, signage, safety data sheets, and packaging
HSW3	Part 3	General duties relating to risk management
HSW4	Part 4	Certified handlers and supervision and training of workers
HSW5	Part 5	Emergency management
HSW8	Part 8	Controls applying to all class 1 to 5 substances
HSW10	Part 10	Class 2, 3, and 4 substances
HSW11	Part 11	Controls relating to adverse effects of unintended ignition of class 2 and 3.1 substances
HSW13	Part 13	Class 6 and 8 substances
HSW16	Part 16	Tank wagons and transportable containers
HSW17	Part 17	Stationary container systems