

Consolidated EPA Notice

Under the Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Labelling) Notice 2017

EPA CONSOLIDATION 30 April 2021

Objective of notice

This notice prescribes requirements relating to labelling of hazardous substances.

This notice uses the hazard classification system set out in the Hazardous Substances (Hazard Classification) Notice 2020.

Note: this consolidated statement of objective takes account of the objective statements in the original notice, and in the subsequent amendment notice.

History of Hazardous Substances (Labelling) Notice 2017

The Hazardous Substances (Labelling) Notice 2017 came into force on 1 December 2017. It now incorporates the following amendment.

Amendment	Effective date
Amendment 1	30 April 2021

Summary of amendments

Amendment 1	Clauses amended
Hazardous Substances (Amendments and Revocations) Notice 2020	Clauses 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, Part C, Schedule

Hazardous Substances (Labelling) Notice 2017

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Part A: General

1. Title

This is the Hazardous Substances (Labelling) Notice 2017.

2. Commencement

This consolidated notice is effective as at 30 April 2021.

3. Application

- (1) This notice applies to manufacturers, importers, and suppliers of hazardous substances.
- (2) This notice does not apply in relation to—
 - (a) substances required for the motive power or control of a vehicle, aircraft, or ship, that are contained in the fuel system, electrical system, or control system of the vehicle, aircraft, or ship; or
 - (b) any fuel gas supplied or used in a gas distribution system, gas appliance, or gas installation (as these terms are defined in the [Gas Act 1992](#)), when subject to the Gas Act 1992; or
 - (c) any fuel gas transported through transmission pipelines when subject to the [Health and Safety in Employment \(Pipelines\) Regulations 1999](#); or
 - (d) hazardous substances to which [clause 5](#) applies.
- (3) The provisions of this notice apply subject to—
 - (a) any variation of these requirements made in accordance with sections [77](#) or [77A](#) of the Act; and
 - (b) the provisions of a relevant group standard as applied in accordance with [section 96E](#) of the Act.

4. Definitions

- (1) In this notice, unless the context otherwise requires—

Act means the [Hazardous Substances and New Organisms Act 1996](#)

aerosol dispenser has the same meaning as in [regulation 15.1](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017

agrichemical means a substance used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed, for the purposes of—

- (a) managing or eradicating pests, including vertebrate pests; or
- (b) maintaining, promoting, or regulating plant or animal health, productivity, performance or reproduction; or

(c) enhancing the effectiveness of an agrichemical used for the treatment of plants or animals; or

(d) mitigating environmental, sustainability, or climate change impacts; and

for the avoidance of doubt:

(a) includes any veterinary medicine, pesticide adjuvant, fertiliser, plant growth regulator, fumigant or domestic pesticide, and

(b) excludes any timber treatment chemical, antistain chemical and antifouling paint.

Australian Code for the Transport of Explosives by Road and Rail means the [publication of that name](#) published by the Australian Workplace Relations Ministers' Council 2009, 3rd Edition

container, in relation to hazardous substance, means anything in or by which a hazardous substance is wholly or partly encased, covered, enclosed, contained, or packed

combination packaging means a combination of packaging for transport purposes consisting of inner packaging secured in outer packaging

correctly labelled means correctly labelled in accordance with [clause 6](#)

dangerous good means a substance that is listed by name as a dangerous good or is able to be assigned to a dangerous goods class in conformity with a relevant international instrument

dangerous goods class means groupings, numbered from 1 to 9, into which dangerous goods are assigned on the basis of a common single or most significant hazard, as specified in a relevant international instrument, and a reference to a dangerous goods class includes all divisions of that class

expert means—

(a) a member of a scientific committee set up by an international, national, or professional scientific body to review scientific data; or

(b) a person considered by his or her scientific peers to be an expert in the relevant field of scientific study

firework has the same meaning as in the [Hazardous Substances \(Fireworks\) Regulations 2001](#)

fuel gas has the same meaning as in the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)

GHS means the [Globally Harmonised System of Classification and Labelling of Chemicals, 7th revised edition, 2017](#), published by the United Nations

hazard statement means a statement assigned in the [GHS](#) to a hazard class and category describing the nature of the hazards of a hazardous substance including, if appropriate, the degree of hazard

importer has the same meaning as in the [Customs and Excise Act 1996](#)

label means a group of written, printed, pictorial, or graphic information elements (including label elements) concerning a hazardous substance, that is affixed to, printed on, or attached to the primary container of a hazardous substance, or to the outside of the packaging of a hazardous substance

label elements has the same meaning as in [clause 13](#)

manufacture, in relation to a hazardous substance—

- (a) means make, prepare, produce, label, or pack (including packing into a container) the hazardous substance; and
- (b) includes repacking or relabelling the hazardous substance

packaging means one or more containers in which a substance may be encased, covered, enclosed, contained or packed, and any other components or materials necessary for the containers to perform their containment and other safety functions

PCBU has the same meaning as in the [Health and Safety at Work Act 2015](#)

pictogram means a graphical composition that includes a symbol plus other graphic elements, and is assigned in the [GHS](#) or the [UN Model Regulations](#) to a hazard class, division, or category

precautionary statement means a phrase relating to a hazardous substance that describes measures that should be taken to prevent or minimise adverse effects that may result from exposure to, or improper storage or handling of, the hazardous substance

primary container means a container that is in direct contact with the hazardous substance that it contains

primary pack means a container in which a hazardous substance and its primary container is or is intended to be presented for supply, but does not include outer packaging in which the substance is packed for the purpose of transport

product identifier means the name or number used to identify a product on a label or in a safety data sheet

proper shipping name, in relation to a hazardous substance that is a dangerous good means the name given as the proper shipping name for a substance in a relevant international instrument; and if that name includes the words “Not Otherwise Specified” or the letters N.O.S, or if required under special provisions, that name as supplemented with the technical name of the goods:

relevant international instrument means—

- (a) the [UN Model Regulations](#); or
- (b) the International Maritime Dangerous Goods Code 2018; or
- (c) the Technical Instructions for Safe Transport of Dangerous Goods by Air of the International Civil Aviation Organisation 2019-20; or
- (d) the Dangerous Goods Regulations of the International Air Transport Association 61st Edition, 2019

relevant transport rule means—

- (a) in relation to transport by land, the [Land Transport Rule 45001: Dangerous Goods 2005](#) (made under the [Land Transport Act 1998](#)); or

- (b) in relation to transport by sea, the [Maritime Rule Part 24A: Carriage of Cargoes — Dangerous Goods](#) (made under [Part 4 of the Maritime Transport Act 1994](#)); or
- (c) in relation to transport by air, the [Civil Aviation Rule Part 92: Carriage of Dangerous Goods](#) (made under [Part 3 of the Civil Aviation Act 1990](#))

signal word means the word “danger” or “warning”, as prescribed by the [GHS](#), used on a label or in a safety data sheet to indicate the relative severity level of a hazard, and to alert a reader to a potential hazard

single packaging means a primary container that is used to transport a hazardous substance without additional packaging around it

supply, in relation to a hazardous substance, includes supply (or resupply) by way of gift, sale or exchange; and occurs on the passing of possession

unique identifier means an identifier that uniquely identifies each package of a hazardous substance that has been manufactured, imported, or supplied

UN Model Regulations means the [21st revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, 2019](#), published by the United Nations

UN number means the identification number assigned to dangerous goods by the United Nations Sub-committee of Experts on the Transport of Dangerous Goods as published in a relevant international instrument

veterinary medicine has the same meaning as in the [Agricultural Compounds and Veterinary Medicines Act 1997](#)

worker has the same meaning as in the [Health and Safety at Work Act 2015](#)

workplace has the same meaning as in the [Health and Safety at Work Act 2015](#)

- (2) Any term or expression that is defined in the [Act](#) and used, but not defined, in this notice has the same meaning as in the [Act](#).
- (3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) [Notice 2020](#) and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) [Notice 2020](#).
- (4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) [Notice 2020](#).

5. When notice does not apply to hazardous substances

- (1) This notice does not apply to a hazardous substance while it is being transported in accordance with any applicable requirements of a relevant transport rule.
- (2) This notice does not apply to a hazardous substance that has been packaged for the purpose of export if it complies with any labelling or marking requirements—
 - (a) that would apply under a relevant transport rule if the substance were being transported; and
 - (b) as required by the law of the country of destination.
- (3) This notice does not apply to an imported hazardous substance for a reasonable time after its arrival in New Zealand to the extent required to complete any necessary and reasonable steps to comply with this notice if—
 - (a) it complies with any labelling and marking requirements that would apply under a relevant transport rule if the substance were being transported; and
 - (b) it has been imported into New Zealand and remains contained within the packaging in which it is imported and has reached the import destination stated in its import documentation and remains at that destination.
- (4) This notice does not apply while the hazardous substance is in a workplace if regulation [2.1](#), [2.3](#), or [2.4](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 applies.

Part B: Labelling requirements

6. Correct labelling

A hazardous substance is correctly labelled if it is packed in a container that is labelled in accordance with this Part.

7. Manufacturers and importers to ensure hazardous substance correctly labelled

The importer or manufacturer of a hazardous substance must ensure that the substance is correctly labelled as soon as practicable after importing or manufacturing the substance.

8. Suppliers to ensure hazardous substance correctly labelled

- (1) A person must not supply a hazardous substance to another person if the substance is not correctly labelled.
- (2) Subclause (1) does not apply if a person, other than a PCBU or worker, lawfully supplies a waste hazardous substance for collection to a public or commercial waste collection service.
- (3) For the avoidance of doubt, nothing in this clause limits any requirement for a PCBU to label waste in accordance with the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#).

9. Attributes of label

- (1) The label required by this notice must be durable.
- (2) All information required by this notice to be provided on the label must be—
 - (a) in English; and
 - (b) easily read by a person with normal eyesight; and
 - (c) able to be readily comprehended.
- (3) Where reasonably practicable, the label must be affixed to or printed on the primary container and, if there is one, the primary pack.
- (4) Where it is not possible to fit all the information onto a label that is affixed to or printed on the primary container or, if applicable, the primary pack, the label must be securely attached to the primary container or primary pack (for example, by way of fold-out labels, multilayer booklets, or tie-on tags) in a manner that withstands the normal stresses and strains of handling.

10. Representations on label

Information provided on the label must not include any statement, expression, trade name, or description that—

- (a) is false or misleading in relation to the safety of the substance or any of its ingredients; or
- (b) misrepresents the composition of the substance; or
- (c) misrepresents any property of the substance, such as information that suggests it has a hazard classification that it does not have.

11. Requirement for product identifier

The label of a hazardous substance must include a product identifier that—

- (a) clearly identifies the hazardous substance (which may include its common name, chemical name, or registered trade name); and
- (b) in a case in which a safety data sheet is required to be obtained or provided by an importer or manufacturer under the Hazardous Substances (Safety Data Sheets) [Notice 2017](#), is the same as the product identifier in the safety data sheet.

12. Requirement for contact and emergency contact details

- (1) The label for a hazardous substance must include enough information to enable the New Zealand importer or manufacturer to be contacted in person or by telephone, however, the name and details of the overseas supplier can be provided in place of the New Zealand importer if—
 - (a) the substance is imported from overseas directly into a workplace for use rather than supply; or
 - (b) the substance is imported by an individual exclusively for that individual's personal use.

- (2) A 24 hour freephone emergency contact phone number from which information about the substance can be obtained in an emergency must appear on the label of substances in the following hazard classes:
- (a) explosives:
 - (b) oxidising liquids:
 - (c) oxidising solids:
 - (d) organic peroxides:
 - (e) acute toxicity:
 - (f) skin corrosion/irritation:
 - (g) serious eye damage/eye irritation:
 - (h) respiratory or skin sensitisation.

13. Label elements for hazardous substances

- (1) For each hazard classification of a hazardous substance, a label for the substance must—
- (a) include the pictogram, signal word, hazard statements, and precautionary statements (**label elements**) prescribed in the [GHS](#); and
 - (b) comply with the prescribed measures in the [GHS](#) in relation to—
 - (i) precedence of hazard information (in cases where a substance has more than one hazard classification); and
 - (ii) arrangements for presenting the label elements.
- (2) A precautionary statement that has minor differences in the way that it is expressed must be treated as complying with subclause (1)(a) if the minor differences do not affect its obvious meaning.

14. Label elements for desensitised explosives *[Revoked]*

15. Other information

- (1) Where not otherwise included in hazard statements or precautionary statements required by [clause 13](#), the label must also include—
- (a) any information about other hazards relevant to the hazardous substance; and
 - (b) first aid and emergency procedures related to those other hazards.
- (2) In the case of a substance that is likely over time to become more hazardous, or develop additional hazardous properties, or become a hazardous substance of a different hazard class, the label must include—
- (a) a description of each likely change; and
 - (b) the date by which it is likely to occur.

16. Disposal method information

- (1) The label of a hazardous substance must identify one or more appropriate and achievable disposal methods for the hazardous substance.
- (2) The disposal method must be consistent with the Hazardous Substances (Disposal) [Notice](#) 2017 and the [Act](#).
- (3) The label may also specify disposal methods that must be avoided.

17. Labels for mixtures containing toxic or corrosive ingredients

- (1) This clause applies to hazardous substances that are mixtures and that include an ingredient that is in a hazard class or has a hazard classification set out in [Table 1](#).
- (2) Where an ingredient is present at or above the concentration cut-off level shown in column 2 of [Table 1](#), the information on the label must include the common or chemical name of the ingredient and its concentration in the mixture.
- (3) Where subclause (2) requires the common or chemical name of an ingredient to be identified on the label, a generic name may be used to identify—
 - (a) a group of ingredients if—
 - (i) the ingredients are part of a complex mixture; and
 - (ii) the ingredients have not been individually identified; and
 - (iii) the name applies to the group; or
 - (b) any ingredient that has any of the following hazard classifications if disclosure of the ingredient would amount to disclosure of confidential information:
 - (i) acute toxicity Category 4 (oral, dermal or inhalation):
 - (ii) specific target organ toxicity – single exposure Category 3:
 - (iii) aspiration hazard Category 1.
- (4) For the purpose of subclause (3), any generic name must identify the key chemical entities and functional groups in the ingredients that contribute to their hazard classifications.
- (5) Where the concentration of an ingredient is required to be included on the label, the concentration may be stated as a range only if—
 - (a) disclosure of the concentration would amount to disclosure of confidential information; and
 - (b) the range does not cause the substance to be classified differently.
- (6) In this clause, **confidential information** means information that includes any of the following:
 - (a) trade secrets:
 - (b) information with a commercial value that would, or would be likely to, be diminished by disclosure.

Table 1. Concentration cut-off levels for identification of ingredients on a label

Column 1 Hazard class or hazard classification of ingredient	Column 2 Concentration cut-off level $\geq\%$
acute toxicity	The value is the concentration that triggers classification independently of any other ingredient.
skin corrosion Category 1A, Category 1B, and Category 1C	5 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.
serious eye damage Category 1	3 An ingredient will only need to be identified on a label if it independently exceeds this cut-off level.
respiratory sensitisation Category 1	1.0 (or for gas 0.2) Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
skin sensitisation Category 1	1.0 Where a sensitiser elicits a response at levels below this cut-off concentration, the cut-off value is the level at which a response is elicited.
germ cell mutagenicity Category 1	0.1
germ cell mutagenicity Category 2	1.0
carcinogenicity Category 1	0.1
carcinogenicity Category 2	1.0
reproductive toxicity Category 1	0.3
reproductive toxicity Category 2	3.0
effects on or via lactation	0.3
specific target organ toxicity – single exposure Category 1	1.0
specific target organ toxicity – single exposure Category 2	10

Column 1 Hazard class or hazard classification of ingredient	Column 2 Concentration cut-off level \geq %
specific target organ toxicity – single exposure Category 3	The value is the concentration of the ingredient at or above which, in the opinion of an expert, there is data indicating evidence that the mixture causes narcotic effects or respiratory tract irritation in humans. The GHS default value is 20%.
specific target organ toxicity – repeated exposure Category 1	1.0
specific target organ toxicity – repeated exposure Category 2	10
aspiration hazard Category 1	10 The mixture must meet the viscosity criteria for classification as aspiration hazard Category 1. The identification requirement also applies if the mixture separates into two or more layers, one of which contains \geq 10% of ingredients classified as aspiration hazard Category 1, and it meets the viscosity criteria for classification as aspiration hazard Category 1.

18. Additional label statements required on label of consumer products

- (1) This clause applies to a hazardous substance that is a consumer product, other than a firework.
- (2) The label must include the following statement—
“Read label before use”
- (3) If a hazardous substance is in a hazard class or has a hazard classification listed in subclause (4), the label must include the following statements—
 - (a) “Keep out of reach of children”:
 - (b) “If medical advice is needed, have the product container or label at hand”.
- (4) For the purpose of subclause (3), the hazard classes and hazard classifications are:
 - (a) acute toxicity:
 - (b) skin corrosion Category 1A, Category 1B and Category 1C:
 - (c) serious eye damage Category 1:
 - (d) respiratory or skin sensitisation:
 - (e) germ cell mutagenicity:

- (f) carcinogenicity:
 - (g) reproductive toxicity:
 - (h) specific target organ toxicity – single exposure:
 - (i) specific target organ toxicity – repeated exposure:
 - (j) aspiration hazard Category 1.
- (5) The label for a hazardous substance that is in the hazard class aerosols must include the following statements, or equivalent statements with only minor differences that do not affect their obvious meaning:
- “Keep out of reach of children”:
- “Beware: Deliberately sniffing or inhaling concentrated contents can be harmful or fatal”.
- (6) In this clause, **consumer product** means a hazardous substance that is packed or repacked primarily for use by a household consumer or for use in an office and—
- (a) if packed or repacked primarily for use by a household consumer, is packed in a way and in a quantity in which it is intended to be used by the household consumer; and
 - (b) if packed or repacked primarily for use in an office, is packed in a way and in a quantity in which it is intended to be used for office use.

19. Label information required for agrichemicals that are hazardous to the terrestrial environment

The label for an agrichemical that is in the hazard class hazardous to the terrestrial environment must include the following information—

- (a) an indication of its type of hazard;
- (b) an indication of the circumstances in which it may be hazardous to the terrestrial environment;
- (c) an indication of the kind and extent of the harm it is likely to cause to the terrestrial environment; and
- (d) an indication of the steps to be taken to prevent harm to the terrestrial environment.

20. Label statements required for agrichemicals that are hazardous to the aquatic environment

- (1) This clause applies to an agrichemical that is in the hazard class hazardous to the aquatic environment, unless it is a fertiliser, veterinary medicine, vertebrate toxic agent or fumigant.
- (2) The label must include the following statements (or words to this effect)—
 - “Do not apply directly into or onto water”.
 - “Take all reasonable steps to ensure that the substance does not cause any significant adverse effects to the environment beyond the application area.”

- (3) The label statements required by this clause are in addition to any [GHS](#) hazard information required for the substance.

21. Label statements required for agrichemicals that are hazardous to terrestrial vertebrates which are coated on seeds

- (1) This clause applies to an agrichemical if it—
- (a) has been coated on a seed; and
 - (b) has the hazard classification hazardous to terrestrial vertebrates.
- (2) The label for the seeds must include the following statements (or words to this effect)—
- (a) “Ensure any seeds are not accessible to birds”
 - (b) “Not to be used for human or animal consumption”

22. Label statement required for agrichemicals in granular form that are hazardous to terrestrial vertebrates

- (1) This clause applies to an agrichemical unless it is a fertiliser or veterinary medicine if it—
- (a) is in granular form; and
 - (b) has the hazard classification hazardous to terrestrial vertebrates.
- (2) The label for the granules must include the following statement (or words to this effect)—
- “Ensure any granules are not accessible to birds”.

23. Label statement required for agrichemicals used as vertebrate bait

- (1) This clause applies to an agrichemical if it—
- (a) is to be used as bait, or as part of bait, for vertebrate species; and
 - (b) has the hazard classification hazardous to terrestrial vertebrates.
- (2) The label must include any use restrictions, with a statement to the effect that use must be in accordance with the restrictions.
- (3) In this clause use restrictions means methods of release, and repellents or attractants to be used with the substance, specified by the Authority in accordance with clause 56(1) of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017.

24. Label statement required for agrichemicals that are hazardous to terrestrial invertebrates

- (1) This clause applies to an agrichemical if it—
- (a) is used in a form that non-target invertebrate pollinators are likely to be exposed to either during, or after, it is applied to a plant; and
 - (b) has the hazard classification hazardous to terrestrial invertebrates.

- (2) The label must include the following statement (or words to this effect)—
- “Do not apply substance to plants if—
- (a) Bees are foraging; or
 - (b) The plants are in flower or part flower, and are likely to be visited by non-target invertebrate pollinators (including bees)”
- (3) If the Authority has specified a period for the purposes of clause 58(2)(b)(ii)(B) of the Hazardous Substances (Hazard Property Controls) [Notice](#), the label must include the following additional label statement (or words to this effect)—
- “Do not apply the substance to a plant if the plant is likely to flower within ‘x’ days”
- (4) For the purposes of subclause (3), ‘x’ must be replaced by the number of days specified by the Authority.

25. Application restrictions and buffer zone label statements required for agrichemicals

- (1) The label for an agrichemical must include the following information:
- (a) any application restrictions, with a statement to the effect that the restrictions must be complied with; and
 - (b) any buffer zone distances set by the Authority in accordance with clause 51 of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017, with a statement to the effect that the substance must not be applied using the relevant application method within the buffer zone distance.

- (2) In this clause—

application restriction means any of the following matters, set by the Authority in accordance with clause 50(1) of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017:

- (a) application rate;
- (b) application interval;
- (c) application frequency; and

relevant application method means the application method for which the buffer zone has been set.

26. Label on substances used as vertebrate toxic agent

The labels on each package for the following substances must be labelled with a unique identifier, where those substances are intended to be used as vertebrate toxic agents:

- (a) sodium fluoroacetate (1080):
- (b) sodium cyanide:
- (c) potassium cyanide:
- (d) yellow phosphorus:

- (e) microencapsulated zinc phosphide (MZP):
- (f) para-aminopropiophenone (PAPP):
- (g) sodium nitrite.

27. Explosives

- (1) The label for a substance in the hazard class explosives (class 1) must—
 - (a) include a 24 hour emergency contact number in accordance with [clause 12](#); and
 - (b) for fireworks, include a description of the principal effects of the firework and a warning related to use; and
 - (c) if it has been approved for use in underground mining operations where flammable atmospheres are present, include an identifier that the Authority has approved for that purpose.
- (2) Subject to subclause (1), this notice does not apply to substances in the hazard class explosives (class 1) if the label for the substance—
 - (a) is in English; and
 - (b) complies with the [Australian Code for the Transport of Explosives by Road and Rail](#); and
 - (c) includes the proper shipping name and UN number; and
 - (d) for substances other than articles, includes, if applicable, the [GHS](#) hazard pictograms, hazard statement and precautionary statements that are consistent with the correct classification of the substance in relation to health hazards.

28. Application of notice to aspiration hazard Category 1 substances

- (1) This notice does not apply to a substance with the hazard classification aspiration hazard Category 1 contained in an aerosol dispenser or in a container fitted with a sealed spray attachment.
- (2) Nothing in this clause limits the application of this notice to a substance with the hazard classification aspiration hazard Category 1 if it has a hazard classification that is additional to aspiration hazard.

29. Combination packaging

If a hazardous substance is packaged in combination packaging and some or all of the information on the label is obscured by outer packaging, the outer packaging must—

- (a) have a label that has the pictograms, signal word, and hazard statements required by [clause 13](#); or
- (b) bear the labelling or marking that would be required by a relevant transport rule if the goods were transported by land, sea, or air.

30. Alternative UN pictogram for dangerous goods in single packaging

- (1) This clause applies for the purposes of [clause 13](#) if—
 - (a) a hazardous substance that is a dangerous good is packaged in single packaging for the purpose of transport; and
 - (b) the hazard pictograms required by this notice relate to a hazard for which a relevant transport rule also requires hazard information.
- (2) A hazard pictogram prescribed by the [UN Model Regulations](#) may be used in place of a pictogram prescribed by the [GHS](#) or this notice.

31. Alternative compliance for importers and manufacturers

- (1) An importer or manufacturer must be treated as complying with [clause 7](#), as it relates to clauses [9\(3\)](#) and [\(4\)](#), [13](#) to [18](#), and [29](#) if, at the time the relevant requirement applies, the importer or manufacturer meets any labelling requirements under the law that would have applied if the substance were for supply in a specified jurisdiction that is nominated by the importer or manufacturer in accordance with this clause.
- (2) An importer or manufacturer who seeks to rely on this clause must—
 - (a) apply the law of the specified jurisdiction according to the reasonably expected circumstances of supply in New Zealand (for example, supply to consumers or to workplaces); and
 - (b) before importing or manufacturing the substance, establish a record that states the importer or manufacturer's intention to rely on this clause in relation to a particular substance and a relevant jurisdiction that is nominated in the record.
- (3) The importer or manufacturer may nominate a specified jurisdiction by referring directly to the jurisdiction, or by referring to a particular legal instrument in the relevant jurisdiction that has legal force at the relevant time.
- (4) The record must show the dates of each entry and be kept for at least 2 years after the end of the period during which the importer or manufacturer makes the hazardous substance available for supply.
- (5) In this clause **specified jurisdiction** means:
 - (a) the European Union; or
 - (b) the Commonwealth of Australia, including any state or territory of Australia; or
 - (c) Canada, including any province or territory of Canada; or
 - (d) the United States, including any state.
- (6) Nothing in this clause applies to an agrichemical in relation to any label requirement that arises because it is in the hazard class hazardous to the aquatic environment.

32. Alternative compliance for suppliers

A supplier who is subject to a duty to ensure that a hazardous substance is correctly labelled must be treated as complying with [clause 8](#), as it relates to clauses [9\(3\)](#) and [\(4\)](#), [13](#) to [18](#), and [29](#), if, at the time of supply, the hazardous substance is labelled by an importer or manufacturer in accordance with [clause 31](#).

33. Advertising acutely toxic or corrosive substances

- (1) This clause applies to a hazardous substance if:
- (a) it is in any of the following hazard classes or has any of the following hazard classifications:
 - (i) acute toxicity:
 - (ii) skin corrosion Category 1A, 1B, 1C:
 - (iii) serious eye damage Category 1; and
 - (b) the substance is advertised to members of the public through any medium; and
 - (c) the likely audience is not provided with a reasonable opportunity to read and consider the information required to be on the product label before purchase of the substance.
- (2) The advertising must convey, in a readily understandable form that is appropriate for the advertising medium used,—
- (a) an indication that it is toxic or corrosive (as applicable); and
 - (b) a statement to the effect that children's access to the substance should be restricted.

Part C: Transitional provisions

34. Definitions for the purpose of this Part

In this Part—

2017 group standard means a group standard that was reissued in accordance with [Schedule 7](#) of the Act on or after 1 December 2017, including any amendments made to the group standard in accordance with [Part 6A](#) of the Act

2017 Notices mean the [EPA notices](#) that came into force on 1 December 2017

2020 group standard means a group standard that commences on 30 April 2021

approval includes—

- (a) an approval for a hazardous substance issued under [Part 5](#) of the Act; and
- (b) an approval for a hazardous substance or group of hazardous substances deemed to have been given under [section 29](#) by—
 - (i) [clause 4](#) of the Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003; or

- (ii) a notice issued under [section 160A](#) of the Act that is in force immediately before the commencement of this notice

pre 2017 group standard means a group standard that was in force prior to 1 December 2017, including any amendments made to the group standard in accordance with [Part 6A](#) of the Act

reassessed post 2017 approval means an approval that was granted after 1 December 2017 and that is reassessed on 30 April 2021 in accordance with [section 63C](#) of the Act

reassessed pre 2017 approval means an approval that was granted before 1 December 2017, was reissued in accordance with [Schedule 7](#) of the Act prior to 30 April 2021, and that is reassessed on 30 April 2021 in accordance with [section 63C](#) of the Act

reissued approval means an approval that was in force immediately before 1 December 2017 that is reissued in accordance with [Schedule 7](#) of the Act on or after 30 April 2021

transitional period means the period starting on 30 April 2021 and ending on 30 April 2025

35. Transitional requirements relating to reissued approvals

- (1) A person relying on a reissued approval may, during the transitional period, comply with the controls related to labelling according to the terms of—
 - (a) the reissued approval; or
 - (b) the approval that were in force immediately before 30 April 2021.
- (2) To the extent necessary to comply with subclause (1) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017 remain in force.

36. Transitional requirements relating to reassessed pre 2017 approvals

- (1) A person relying on a reassessed pre 2017 approval may, during the transitional period, comply with the controls related to labelling according to the terms of—
 - (a) the reassessed pre 2017 approval; or
 - (b) the approval that were in force immediately before 30 April 2021 despite any transitional period provided for in the approval.
- (2) To the extent necessary to comply with subclause (1) the following remain in force:
 - (a) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017; and
 - (b) any relevant 2017 [Notices](#) as issued on 1 December 2017.

37. Transitional requirements relating to reassessed post 2017 approvals

- (1) A person relying on a reassessed post 2017 approval may, during the transitional period, comply with the controls related to labelling according to the terms of—
 - (a) the reassessed post 2017 approval; or
 - (b) the approval that were in force immediately before 30 April 2021.

- (2) To the extent necessary to comply with subclause (1) any relevant 2017 [Notices](#) as issued on 1 December 2017 remain in force.

38. Transitional requirements relating to 2020 group standards

- (1) A person relying on a 2020 group standard may, during the transitional period, comply with the conditions relating to labelling according to the terms of:
 - (a) the 2020 group standard; or
 - (b) the equivalent 2017 group standard; or
 - (c) the equivalent pre 2017 group standard.
- (2) To the extent necessary to comply with subclause (1) the following remain in force:
 - (a) any relevant regulations that were in force under the [Act](#) immediately before 1 December 2017; and
 - (b) any relevant 2017 [Notices](#) as issued on 1 December 2017; and
 - (c) any relevant pre 2017 group standards in force immediately before 1 December 2017; and
 - (d) any relevant 2017 group standards.