

Ministry of Business, Innovation and Employment  
PO Box 1473  
Wellington 6140

To the Health and Safety and Work Regulations team,

**Regarding: The Health and Safety at Work (Hazardous Substances) Regulations 2016 consultation**

Thank you for the opportunity to comment on Health and Safety at Work (Hazardous Substances) Regulations 2016. Water New Zealand is a peak industry body representing water and wastewater operators, and companies and professionals in New Zealand supplying treatment chemicals to those operators. A number of our members use chemicals in the treatment of water and wastewater that are covered by the draft regulations.

In general we note that it is important for regulations to strike an appropriate balance between managing risks to public safety and overall compliance costs. In the case of water and wastewater treatment, compliance costs are directly born by rate payers in the community. Specific comments related to training and records keeping are outlined below.

Training requirements

Training requirements outlined in section 4.3 and listed below will have implications for water and wastewater treatment operators. As an industry association Water New Zealand maintains strong links with water industry training associations. We would welcome ongoing engagement to ensure the development of new training programs to meet these requirements is fit for purpose.

Record keeping requirements

Section 13.4 outlines the following new record keeping requirements which, as currently stated, will apply to water and wastewater treatment operators.

*13.4 Duty of PCBU of certain class 6 and 8 substances to keep record of application*

*(1) A PCBU with management or control of a class 6.1A, 6.1B, 6.1C, 6.6A, 6.7A, 6.8A, 6.9A, 8.2A, or 8.2B substance applied for the purpose of causing biocidal action must ensure that a written record of each application of the substance is kept if the application is in a place where—*

- (a) members of the public may lawfully be present; or*
- (b) the substance is likely to enter air or water and leave the place.*

Chlorine is classified as a class 6.1A substance and regularly applied to cause biocidal action through its addition to potable water supplies at water treatment facilities. It follows that the use of chlorine in water treatment will therefore trigger clause 13.4. We believe this is not the intent of the clause and an exception should be added to exempt water treatment facilities from this record keeping

requirement. Such a requirement would place an impracticable and costly compliance burden on water treatment operators.

If the clause is maintained we suggest that the following record storage requirements and associated penalties outlined in 13 (5) be removed for water treatment facilities:

*13.5 (2) A record must be kept for not less than 3 years after the date on which the substance that the record relates to is applied or discharged. (3) A PCBU who contravenes subclause (1) or (2) commits an offence and is liable on conviction, — (a) for an individual, to a fine not exceeding \$2,000: (b) for any other person, to a fine not exceeding \$10,000.*

This clause is likely to prove too onerous for small water treatment operators to manage and the associated financial penalties will no doubt stretch small water supply scheme operators already struggling to meet existing costs.

Please contact me if you have any further enquiries related to this submission.

Kind Regards,



Lesley Smith , Technical Co-ordinator, Water New Zealand  
Greenock House | Level 12, 39 The Terrace  
PO Box 1316 | Wellington 6140  
Tel: +64 4 472 8925 | Mob: +64 21 076 1964