

NewsBrief

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Responsible Care®
OUR COMMITMENT TO SUSTAINABILITY



New Year, New Challenges

A wet and windy, yet promising start to the New Year and largely good news!

Kiwis are enjoying economic and political stability, with 2016 GDP growth of 3.5% and forecasts of 2.7 - 2.9% for the next few years.

Unemployment hovers around 5%, we have low inflation with official interest rates of 1.75% and rising government surpluses, the envy of most countries and no doubt reassuring in an election year.

The Year of the Rooster presents many challenges arising from increasing global and social unease and political apprehension. The UK's pending departure from the European Union may encourage other EU countries to also go it alone.

Elections looming in France, The Netherlands and Germany could result in major changes to the EU's future and subsequent influence in world affairs.



Responsible Care®
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Meanwhile, your association continues to serve your best interests by:

- Striving to preserve the integrity of our world-class chemical management regime by ensuring international and best practice performance standards are maintained and enhanced.
- Providing convenient 'one stop' compliance advice about New Zealand's complex and evolving chemical management requirements, together with the required cost-effective solutions.
- Facilitating and enabling compliance with evolving workplace chemical safety requirements, through our unique range of cost-effective 'compliance tools' such as our new asbestos courses and free workshops targeting SMEs to explain emerging obligations.
- Supporting Members' product stewardship initiatives to help their customers safely manage their chemical products in safe workplaces.
- Strengthening long-standing, mutually beneficial partnerships with like-minded organisations and key government agencies, particularly WorkSafe NZ, the EPA and the new Fire and Emergency NZ (FENZ) organization, which restructures the NZ Fire Service from 1 July 2017.
- Proactively participating in the global chemical industry's initiatives to improve chemical safety, particularly in emerging economies.
- Continuing to increase our membership and influence by adding value through our advocacy role as spokesperson for our industry and chemical safety.

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Hazardous Substances Regulations

Our Health and Safety at Work Act (HSWA) 2015 awaits completion of the contentious draft Hazardous Substances Regulations 2016, now expected at year's end.

Consultation with selected workplace health and safety experts, including Responsible Care NZ, endorsed the transition of the largely intact, updated chemical management regulations from the HSNO Act 1996 (Ministry for the Environment and the EPA) to the HSWA 2015 (WorkSafe NZ) (Phase I).

The advisory group identified key improvements required to strengthen the effectiveness of safely managing chemicals in the nation's workplaces, ranging from streamlining regulatory updating to quickly reflect changes in international performance standards, to confirming a comprehensive review of the faltering HSNO Test Certification regime (Phase II).

While the bulk of the performance requirements have been transferred from the HSNO Act 1996, important changes not endorsed by the chemical industry include the downgrading of several proven HSNO requirements which we believe will reduce the effectiveness of workplace health and safety and performance.

This includes the unanimous recommendation to retain mandatory Approved Handlers and recommendations to legislate for the provision of a manufacturers' original safety data sheet.

It is both disappointing and counter-productive that these and other industry recommendations to improve performance standards, facilitate compliance and strengthen enforcement, were not included in the subsequent Cabinet paper, nor previewed by the advisory group.

Excluding the major stakeholder's opinion on such far-reaching chemical safety standards undermines the government's commitment to collaborate to comprehensively address major workplace chemical safety issues as diverse as future enforcement capabilities, the arbitrary dilution of performance standards, fixing the fragile Test Certification regime, effective chemical training for emergency responders and successfully engaging with SME operators.

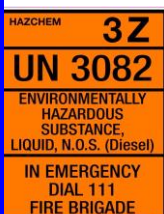


Road Shows Coming

A nation of primarily SMEs continues to struggle to not only identify their expanding workplace health and safety compliance obligations but also understand how best to achieve them. This is particularly true for chemical safety regulations and performance standards.

Your association is offering to again participate in government-led roadshows to explain workplace health and safety requirements, including chemicals, reflecting our comprehensive courses and 'compliance tools' such as the popular 24/7 CHEMCALL® emergency response advisory service.

Several years ago, a joint presentation team explaining HSNO requirements spoke to more than 5,000 participants in 26 locations country wide.



Diesel in the Spotlight

Diesel is classified as a **combustible** liquid, not a **flammable** liquid. In response to queries as to whether diesel fuel with a flashpoint above 60°C and stored or handled as a fuel should be classified a **hazardous area**, the draft EPA ruling is **NO**.

However:

- If the bulk fuel is being heated by other than solar radiation, or any process which may reduce the flashpoint below 60°C then hazardous areas need to be assessed.*
- The vapour space in a diesel tank previously containing **flammable** liquids or sharing a vent line with other tanks containing lower flashpoint fuel needs to be considered for hazardous area classification.*

*Explosive Atmospheres Part 10.1: Classification of Areas – Explosive Gas Atmospheres (IEC 60079-10-1 Ed.1.0 (2008) MOD (Ruling 1 to AS/NZS 60079.10.1) draft Nov 2016.



Fine for Misleading Labels

Pharmaceutical supplier Reckitt Benckiser NZ was fined \$1.08m for product labels which mislead consumers about the ability of four widely-used Nurofen pain relief products to target specific symptoms. Although they each contained ibuprofen, the four heavily promoted products were more expensive than regular Nurofen. Similar charges in Australia last year incurred a fine of AUD \$1.7m, later increased to AUD \$6m on appeal.



Attaching customers' false nails with a banned substance cost an Auckland nail salon \$13,800. The salon operator pleaded guilty in a rare HSNO Act prosecution involving Methylacrylate, used in the manufacture of plastics, but illegal in any cosmetics.



Better News for Temporary Workers

WorkSafe NZ inspectors are investigating allegations many seasonal workers employed particularly in agricultural, horticultural and fast food businesses are being exploited by their employers and immigration advisers. Claims involve being underpaid, employers illegally withholding money and passports and visa scams affecting foreign students and young tourists undertaking casual jobs.

The government proposes to ban offending employers from employing migrants for up to 2 years.



More Regulations Coming

The familiar call for less government in business continues unheeded as regulators enthusiastically generate hundreds of new regulations annually. Global chemical suppliers face new regulations ranging from introducing sound science and overdue, GHS-based chemical management legislation, to arguably premature constraints on products, arising from largely unfounded consumer concerns driven by emotion, 'junk science' social media and an increasing distrust of 'experts'.

Legal action by state officials in California seeks to classify the widely used Monsanto weed killer Roundup as carcinogenic, requiring appropriate constraints on use and warnings on labels and signage. The principal ingredient is Glyphosate, a colourless and odourless amino acid herbicide, introduced in 1974 as an effective weed killer which does not harm crops or ornamental plants. Its widespread use on more than 200 types of crops is approved by the US EPA which presently classifies the product as 'low toxicity'.

This science-based EPA analysis is being challenged by the International Agency for Research on Cancer, a branch of the UN World Health Organisation, together with officials and protestors in several US states.

We are Your 'One Stop Shop' for Advice

Worry not, dear reader – we will keep you updated with evolving regulatory developments, together with your mainstream HSNO compliance obligations, which will be around for some time yet. Please contact Ken Clarke, RCNZ Compliance Manager for additional information.

Industry News

A warm welcome to new Members **Marley New Zealand, Shorelink Australasia, Sysmex NZ, Temple Water Technologies** and new Partner **Rural Contractors NZ**.



A division of the Belgium-based, multi-national Aliaxis group, **Marley New Zealand** is NZ's largest manufacturer of uPVC pipes and fittings for the building, plumbing, civil infrastructure, electrical and rural markets.

Aliaxis prioritises safeguarding staff, contractors and customers through their dynamic 'Go for Zero' health and safety and 'good neighbour' policy, which neatly encapsulates their commitment to the Responsible Care® ethic.



**PORTABLE TOILET UNITS
&
CLEANING/WASTE PRODUCTS**

With warehouses in Auckland and Nelson, **Shorelink Australasia** is a major supplier of portable restroom sanitation products and waste treatment chemicals, including general cleaning and sanitizing products.

Shorelink Walex Products is a recognized US global specialty chemical manufacturer in Wilmington, North Carolina with exports to 30 countries and has been recognised by a US Department of Commerce Export Achievement award.



A subsidiary of Sysmex Corporation of Japan, **Sysmex New Zealand** specializes in the provision of laboratory testing reagents for the healthcare sector.

As a responsible importer, Sysmex is committed to ensuring high quality compliance by focusing on ensuring NZ GHS-compliant safety data sheets from international suppliers.



As a market leader in water treatment solutions, **Temple Water Technologies** offers extensive experience in ensuring clients enjoy clean water, by meeting and exceeding government and dairy industry compliance standards.

Company founder Chris Temple and his customer-centric team take pride in their products, practical expertise and enthusiastic support for customers throughout the country.



Rural Contractors New Zealand is the national association and advocate for rural contractors in New Zealand.

The association monitors central and local government policies on behalf of their members, who are involved in a wide range of chemical-related activities such as maintenance of drainage, fencing, harvesting, sheep dipping, highway vegetation control and parks and reserves landscaping.





Workplace Chemical Safety Training

The next series of **HSNO Advanced courses** are planned for May 2017 in Auckland, Rotorua, Palmerston North, Christchurch and Dunedin. Our cost-effective Asbestos Awareness training is also proving timely, particularly with local authorities and their contractors. [HSNO Advanced Course Content](#)

Please register your interest with joanna@responsiblecarenz.com



Asbestos

The government focus on the dangers of asbestos is encouraging employers to better inform and equip staff to recognize and safely manage the hazardous product.



RCNZ delivers valuable chemical safety training:

- An introduction to the types of asbestos, together with the common commercial and domestic locations of products containing asbestos. This workshop is designed to raise awareness amongst building owners, landlords and particularly local authority personnel and contractors responsible for site inspections, alterations and demolitions.
- A tailored course to help qualify property managers, workplace inspectors, tradespeople, council staff and contractors to safely manage the remediation or demolition of asbestos contaminated facilities.

Talk to us today about obtaining a cost-effective solution to your asbestos-related problem.

Phone 04 499 4311 or email: info@responsiblecarenz.com



Illegal Drugs

A New Zealand yachtsman and five co-conspirators were arrested when a joint Australian/New Zealand Customs operation seized 1.4 tonnes of cocaine with a street value of NZ \$350m. The consignment was allegedly offloaded from a 'mother ship' mid-ocean and destined for Sydney.

Police advise the illegal use of methamphetamine is increasing as falling cannabis and alcohol consumption is replaced with 'P'.

Chemicals and equipment are available online and manufacture is relatively easy in locations ranging from homes and motels, company laboratories and more recently, boats. Revised decontamination criteria for housing will be available in April. Meanwhile, a 'P' importer has been jailed for 16 years

The NZ Police National Clandestine Laboratory Team attends more than 70 'clan labs' a year.*

*NZ Police News Jan/Feb 2017



Easier Access Approved

Approval for the individual use of cannabis-based products for medicinal purposes is to be delegated from the Minister of Health to District Health Boards. A list of approved products is being compiled to assist medical professionals recommend treatments.

The Fire and Emergency New Zealand Bill 2016, which repeals the Fire Service Act 1975 and the Forest and Rural Fires Act 1977 to create a single, unified fire-fighting service by combining urban and rural fire services into Fire and Emergency Management NZ (FENZ), passed its second reading in Parliament, adopting the Select Committee recommendations.

FENZ takes up its new stance with effect July 2017, led by a new senior management team.



Davos: Questions vs Answers

The annual gathering of 3,000+ heads of state, financiers and captains of industry in the Swiss resort town of Davos, debated the global economic and political outlook, technological transformation and climate change.

Leading the World Economic Forum's 'global risk' ranking is climate change (specifically extreme weather events) followed by weapons of mass destruction, the growing shortage of water and food and vulnerability to national environmental disasters such as earthquakes and flooding.

Concerns include the potential influence of climate change sceptics and US President Donald Trump and his new head of the EPA, both of whom advocate the revitalization of mining industries and increased reliance on fossil fuels, including approval of the controversial twin Keystone pipelines, a volatile test case for environmentalists and tribal interests alike.

Such actions undermine the US commitment to the benchmark 2016 Paris Agreement - now ratified by 129 countries - and could jeopardise R&D investment in environmental science.

Developing measures to contain a global epidemic and preventing deforestation are attracting significant research funding from national and business donors.

Chinese President Xi Jinping's debut appearance featured his passionate championship for free trade and economic globalization as major national development prerequisites. The participation of UK Prime Minister Theresa May highlighted the absence of the remaining influential G7 (Canada, France, Germany, Italy, Japan and the United States) leaders, suggesting uncertainty about future international economic leadership.

Delegates noted the demise of the Trans Pacific Partnership and the implications for globalisation, further liberalization of trade and increasing protectionism.

As an instigator of the TPP and an early signatory to the Chinese-inspired, TPP competitor the Regional Comprehensive Economic Partnership (RCEP), New Zealand has opportunities to continue leading the campaign for more high quality, comprehensive and perhaps bilateral free trade agreements.

Mexico has already requested bilateral negotiations with New Zealand.

Reports highlight the shift from a world led by one superpower to a less certain future geopolitical situation, featuring selfish national interests, calls for equality and a new governance model.

Publicity about eight men whose wealth is equal to half of the world's population quickly became a rallying cry for the media headlining a change to a more equitable world order.

With the Davos theme of 'Responsive and Responsible Leadership', the Responsible Care® philosophy and commitment to sustainability, hallmarks of our unique Responsible Care® initiative, should have found a place in the earnest business leaders' dialogue?

Trade Outlook Encouraging?

In Washington, new US President Donald Trump is initiating sweeping policy changes affecting US leadership, together with America's allies, in key international issues such as globalization, trade, immigration, climate change, defence and global leadership.

Amongst presidential pronouncements affecting the business community is the US withdrawal from the Trans Pacific Partnership (TPP), despite strong support from the domestic chemical industry. Presidential pledges to revitalize local manufacturing, raise tariffs on imports and reduce the regulatory burden on US businesses by 75% have major implications for globalization and international trade.

He has the advice of successful businessmen like Dow Chemical Chairman and CEO Andrew Liveris leading the American Manufacturing Council, together with our very own 'White House Kiwi' Chris Liddell, a veteran of leadership roles at General Motors, Microsoft and International Paper.

Trade protectionism is a major concern for New Zealand, as a small, vociferous free trade advocate largely dependent on our maintaining and expanding quality free trade agreements.

Ironically, these global changes may herald new and improved trading relationships for New Zealand.

For example, our Asia-Pacific marketing opportunities could be expanded to counter moves by more protectionist Western economies. Options include inviting China to join a revamped TPP or perhaps extending the ASEAN-China FTA, which already involves four TPP signatories.

An important meeting of the eleven TPP Trade Ministers in Chile next month could determine whether the hard-won pact is salvageable. Non-participating China, Colombia and South Korea have been invited, together with the United States.

Meanwhile, New Zealand is pursuing membership of the Pacific Alliance and has been invited by China to fast track the upgrading of our model, high quality FTA.



NZ Representation Abroad

Colombia: Lucy Duncan is our first ambassador to Colombia, based in Bogota. Two-way trade worth \$400m forges closer links with the Pacific Alliance comprising Mexico, Chile, Colombia and Peru, a potential market of 216m consumers.

Papua New Guinea: Sue Mackwell is the next High Commissioner to PNG, a country of 6.7m people, 850 recognised languages and a rapidly growing economy driven by natural gas, gold and copper mining. New Zealand assists with institutional and regulatory reform, and major construction, communication and aviation projects. NZ Defence Force personnel provide training and capacity building.

environment



Healthier Oceans

Global pharmaceutical company Johnson & Johnson is replacing the plastic stem of their popular cotton buds with a bio-degradable paper equivalent. The company estimates the change will prevent many thousands of tonnes of plastic reaching the ocean through sewer systems.

NZ EPA applauds the company's initiative to successfully address a world-wide environmental protection issue, without the need for regulation. An estimated 10% of 300m tonnes of plastic produced globally finishes up in the sea (**see Microbeads item**).



Microbeads to Go

New Zealand is following international bans on microbeads, the tiny (less than 5mm) plastic beads used as an abrasive to give texture in mainly personal care products (shampoo, conditioner, cosmetics, baby care products, sunscreens, toothpaste, etc).

An estimated 100 products available in New Zealand contain the beads.

Environment Minister Nick Smith warns the 10,000 tonnes of microbeads used globally each year will help ensure there is more plastic in the oceans than fish by 2050. Essential medical products will be exempt from the ban, expected to come into force from July 2018. Major consumer product manufacturers are supporting the global phase out.

No locally produced products are involved.



Use of Toxic Gas Stopped

The Environment Court has blocked the release of Methyl Bromide following the fumigation of export logs at the Port of Tauranga. The court's concern was the gas level measured at the Port boundary was more than 10 times the limit established by the US Centre for Disease Control.

Green Party pesticides spokesperson Steffan Browning said residents at three main log export ports were endangered because the toxic gas was not recaptured after use.

Less hazardous fumigants such as Phosphine are being used, however China and India require imported logs to be treated with Methyl Bromide, which has been linked to motor neurone disease.

KiwiRail Diesel Locomotives Proposed

RCNZ member **KiwiRail** intends to replace 16 ageing electric locomotives with 9 modern diesel units. The company has decided not to seek long-term government funding for the completion of the main trunk electrification project and 90 new electric locomotives.

Critics note New Zealand proposes to be 100% reliant on renewable energy (presently 86%) by 2025, phasing out reliance on fossil fuels and promoting electric/hybrid vehicles.

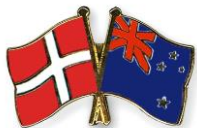


Last Coal Mine to Close

Solid Energy, owner of the Pike River mine, is to close the country's last underground coal mine, ending 150 years of underground mining on the West Coast. The Spring Creek mine produced high quality coal and employed over 300 miners, however a combination of volatile commodity prices, new health and safety regulations and failed attempts to sell the mine will see the mine flooded. Disposal of Solid Energy's remaining open cast coal mines will result in the company itself closing down in 2018.



Least Corrupt Nations



New Zealand and Denmark have again been recognized as the least corrupt countries for 2016. After slipping to fourth place last year amidst international tax haven accusations, New Zealand extends our run at the top of Transparency International's assessment of 176 countries for the eighth time.



CHEMCALL®

An excellent solution to enabling compliance with your regulatory obligations at a time of increasing enforcement, our popular **CHEMCALL® 24/7 emergency advisory service** provides 'peace of mind' cover for suppliers and particularly importers, but also for your customers.

Calls to our CHEMCALL® helpline during the holiday period involved exposure to agrichemicals, leaking containers, inadequate SDS and the provision of the required contact details on consignment documentation.

These calls reveal many employers still need help with workplace chemical safety issues, such as having the correct PPE and appropriate training.

The safe handling of agrichemicals and commercial cleaning products, particularly the industrial strength products used throughout the dairy industry and by food processors, is best addressed with competent workers with Approved Handler qualifications and effective supervision.

The Most Dangerous Workplace?

The Australian Transport Union claims one out of every three workplace deaths involves a transport worker. An Australian study identifies the cab of a truck as "one of the deadliest workplaces". Macquarie University surveyed nearly over 1,000 logistics industry workers and 560 truck drivers, who admitted working excessive hours whilst carrying unsafe loads, in order to retain their jobs.

Road toll statistics show heavy vehicle fatalities approaching 20% of fatal road accidents in 2015. It is understood a similar percentage applies in New Zealand.



Let's Be Careful Out There

- Two workers were hospitalized as a precaution after a 200L drum of full strength Nitric acid fell off a forklift, spilling several litres.
- A person was treated for toxic fume inhalation after mixing the wrong chemical to treat a school swimming pool, resulting in a vigorous chemical reaction.
- An Ammonia leak in a Mt Maunganui coolstore shut down the facility, together with neighbouring sites, for more than four hours. A worker suffered minor burns.

BBQ Safety Advice

For those fortunate readers still enjoying balmy evenings and family gatherings around the barbecue, be aware injuries and damage to property caused by faulty equipment and poor judgement are increasing. With thanks to our colleagues in the LPG Association, we offer the following timely reminder to help keep you safe around LPG. Safe heating and eating everyone!

[BBQ Safety](#)

Opinion



'Don't Go Down in the Mine, Dad'

The popular 1910 song paid homage to miners killed in coal, lead and zinc mines in several US states. Federal mining laws reduced the thousands of mining fatalities occurring during the early twentieth century and the legislation helped shape subsequent international mine safety standards.

Our own 2010 Pike River mine tragedy causing 29 deaths resulted in a Royal Commission, intense public debate and ultimately new workplace health and safety legislation (HSWA) including a new Major Hazard Facility unit charged with improving safety in the extraction industry, regulations strongly supported by the Labour Opposition and the Combined Trade Unions.

How disheartening to now hear opportunistic politicians promising to amend the hard-won HSWA in order to exempt the mine owner Solid Energy and company directors from their new, legal HSWA responsibilities in order to allow individuals to re-enter the methane gas filled 2.3km Drift, to recover any human remains before the mine is permanently sealed.

The government rejected the Opposition's attempt to introduce the HSWA (Pike River Recovery) Amendment Bill 2017, which is now in the Members Ballot Box with odds of 1:120 of being drawn and considered by Parliament. A Labour led government would amend the Act.

The Prime Minister subsequently announced the mine will not be permanently sealed, pending further investigation of unmanned options to search the 2.3km Drift for human remains.

Exploiting grieving families and encouraging opportunists by undermining controversial but much-needed, improved workplace safety regulations defies both logic and common sense.



Is That a Fact?

"Education: the path from cocky ignorance to miserable uncertainty" - Mark Twain.

A massive educational deficiency has been exposed by the revelation from a US Presidential adviser that there are now such things as "alternative facts" and "false news", where mainstream media allegedly routinely publish non-verified and clearly incorrect information, thereby undermining their credibility as reliable news sources.

Media reports the new phrase is not dissimilar to "truthful hyperbole" which appears in US President Trump's 1987 book 'Trump: The Art of the Deal'.

Those of us who naively interpret "alternative facts" as "falsehoods" (or simply "lies"), thereby joining "fake news" as an emerging meme for our times, recall the venerable Oxford Dictionary 2016 Word of the Year was 'post truth' – an adjective relating to circumstances in which objective facts are less influential in shaping public opinion than emotional appeals.

We must prepare ourselves for the 2017 OD (Third Edition) which will presumably acknowledge 'Alternative Fact: noun: a euphemism for lie'.



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*Proposed changes are expected within 12-18 months.

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