



Highlights

- **Synthetic Cannabis Fatal**
- **Hazardous Substances Regulations 2017**
- **New members**
- **Welcome FENZ**
- **Fire lighter warning**
- **Hands off our chips!**

Synthetic Cannabis Kills Eight

Police are warning synthetic cannabis has claimed eight victims this month. Medical specialists advise one smoke of the synthetic equates to 15 normal 'joints'. Tests reveal synthetic versions are made with supermarket dried herbs laced with weedkiller, fly spray and rat poison. Police are calling for community help in shutting down dealers. Crimestoppers 0800 555 111 is a free, anonymous hotline.



Can We Legislate For Safer Workplaces?

The release of the 548 page Hazardous Substances Regulations which come into force on 1 December 2017, reminds us of the continuing difficulty in coping with the avalanche of legislation bedeviling business operators.

Workplace health and safety continues to challenge employers and employees, particularly the 97% of New Zealand businesses deemed to be small to medium enterprises (SMEs).

While the revised chemical compliance requirements largely reflect long-standing HSNO requirements, supporting claims that if a business is HSNO compliant, the transition will be relatively painless, this response fails to acknowledge the relatively low level of HSNO compliance achieved after nearly 12 years.



Annual chemical induced fatalities are not known, however WorkSafe NZ quotes much-publicised figures of 600-1,000 workers dying each year, together with 30,000 workers adversely affected by a lifetime of exposure in unhealthy workplaces. As participants in the Ministry of Business, Innovation and Employment (MBIE) Hazardous Substances and Major Hazard Facilities advisory groups, chemical suppliers know there is much that could be done to enable conscientious employers to 'do the right thing' with minimum disruption and cost.

Given the unsatisfactory level of HSNO compliance and the fact that so far this year, 28 workers have died on the job (more than halfway towards the median 48 deaths each year since 2011), we continue to fall short of the national 20% reduction target.

Calls to our popular 0800 CHEMCALL® 24/7 Emergency Response Advisory Service, together with our site compliance assessments and presentations to industry groups, demonstrate that when it involves safe chemical management too many businesses do not yet understand what to do and how to do it – a task beyond a small enforcement agency tasked with both advisory and compliance responsibilities but achievable through onsite approved handlers.

The challenge is clear - working proactively with the chemical industry to facilitate compliance would prove mutually beneficial



Hazardous Substances Regulations 2017

The revised HSNO hazardous substances regulations taking effect in December are a timely reminder that relying on regulations to achieve safer workplaces is not sufficient. The present workplace health and safety chemical management regime expects conscientious employers and a small enforcement capability to safeguard workers using chemicals in more than 130,000 workplaces.

A long-standing problem is the regulators' acknowledged inability to reach the target audience of predominantly SMEs. A missed opportunity was the government's decision not to require at least one appropriately qualified workplace health and safety representative in every business. By doing so, every business operator would eventually have the necessary onsite advice and expertise to recognize and implement basic workplace health and safety measures, including safely managing workplace chemicals.

Submerging chemical competency in the general HSWA training requirement is particularly problematic. At present, an enforcement officer simply sights the Approved Handler certificate to confirm an individual chemical worker's competency.

Post December, will the inspector have the time and knowledge to scrutinize an individual's personnel file to assess the veracity of the chemical safety training received?

Safely managing the workplace chemicals they deal with every day is one of three key opportunities for an Approved Handler to add value for their employers in virtually all of the 130,000 businesses not having in-house workplace chemical compliance expertise. Competent approved handlers also help ensure safer workplaces by providing immediate safety advice, e.g. the correct PPE, compliant SDS and the effectiveness of the site chemical emergency plan.

Replacing the mandatory approved handler requirement for some HSNO Classes in favour of relying on the general HSWA requirement for PCBUs and Officers to ensure workers are trained, makes enforcement more difficult and time consuming for inspectors.

Undermining this proven capability to provide immediate onsite chemical safety advice and hoping a workplace inspector will drop by, makes no sense to chemical suppliers. Furthermore, it conflicts with the HSWA requirement to engage with and empower workers to be partners in improving site safety.



"These new regulations will fundamentally change the way we get around them."

Delaying overhauling the faltering HSNO compliance regime, diluting the requirement for competent chemical workers and failing to ensure knowledgeable business operators puts additional pressure on enforcement agencies. Upskilling workplace inspectors, test certifiers and emergency responders in chemical safety would systematically improve our collective pursuit of safer and healthier workplaces.

Much of the new regulations will be familiar, simply transferred from the HSNO Act and Regulations to the HSWA and Regulations. There are differences however, and members will have these explained in upcoming RCNZ workshops once compliance obligations and performance standards are clarified. Sought-after improvements include:

- An effective site risk assessment and management system incorporating chemicals for every site.
- Maintaining an accurate inventory of all chemicals present on site, including hazardous waste.
- Having the manufacturer's NZ compliant safety data sheets (SDS) for every hazardous substance present in the workplace.

- Specific requirements for PCBUs to train and qualify workers (Certified Handlers) to ensure they are competent to safely handle, store and use hazardous substances and respond appropriately to chemical incidents (presently achieved by the Approved Handler requirement).
- Having an effective site emergency plan for safely responding to a chemical incident.
- GHS compliant labelling of hazardous substance containers and process vessels, as well as ensuring products being received and despatched are correctly labelled.
- Compliant signage throughout the site.

Non-HSNO compliant businesses face substantial penalties if still unprepared at year's end. Your association will keep you informed of changing compliance requirements and how to achieve them.

It will however, require a united and sustained commitment by everyone - employer, employee, customers, the regulators and the regulated - to achieve the elusive improvement in workplace health and safety and particularly safe chemical management.



Compliance Advice Coming

To learn how the revised Hazardous Substances Regulations, together with best practice compliance solutions and enforcement strategies affect your business, watch for our workshops explaining changing requirements to members, together with their customers, local authorities and local enforcement agencies. The revised Health and Safety at Work (Hazardous Substances) Regulations applicable from December are on the WorkSafe NZ

Website <http://www.worksafe.govt.nz/worksafe/information-guidance/guidance-by-industry/hsno/hazardous-substances-regulations/what-laws-are-changing>

Risk Assessment Responsibilities

From 1 December 2017, the duties and performance responsibilities to identify, eliminate and mitigate the risks associated with hazardous substances fall under two agencies:



EPA: Responsible for HSNO legislation in:

- Non-work, public health and environmental scenarios.
- Specific substance approvals and controls applicable to manufacturers and importers (Suppliers).
- Enforcement of classifications, SDS, Labelling and Packaging standards.

The EPA is presently evaluating submissions on how to address the presence of hazardous substances on foreign-flagged ships and aircraft.



WorkSafe NZ: Enforcing the HSWA and HSNO Act and regulations in workplaces.

This includes:

- Managing Compliance (Test) Certifiers.
- Approval of HSNO Codes of Practice.
- Issuing approvals for plant and equipment used in workplaces.
- Environmental protection controls.
- Oversight of Test Certifier regime.
- Issuing Controlled Substance licences.

Public Denied a Say?



The latest version of the contentious Resource Management Act appears to dilute the obligation for regional/local councils to thoroughly consider concerns about resource consent applications involving hazardous substances. Advisers are concerned a public notification will be optional, not mandatory, in future. Chemical safety may not be adequately addressed during the design and construction of chemical facilities.

Spreading The Word



Our Compliance Manager Ken Clarke made a significant contribution to RCNZ Partner Rural Contractors' 2017 conference and supporting regional roadshows.



Ken's presentations on safely managing agrichemicals including advance notice of likely changes arising from the new HSWA regulations, were well received by 300 largely smaller business operators. He participated in four Rural Contractors' road shows, organised by Chief Executive Roger Parton to help ensure rural contractors engaged in delivering services as diverse as highway vegetation control, sheep dipping, landscaping and land development are aware of their present and future chemical safety obligations.

Participants at the Rural Contractors' Conference, Queenstown

Ken's emergency preparedness expertise was also in demand at the 360 Health and Safety Conference in Auckland, the Fire Protection Association seminar in Sydney and at a capacity Auckland workshop hosted by RCNZ member UL International. He spoke about compliance with workplace health and safety and GHS-based chemical management legislation by having a world class chemical emergency preparedness strategy in place.

A reminder you can benefit from our widely used, user friendly RCNZ HSNO Approved Code of Practice: ACoP 36-1 'Preparing for a Chemical Emergency'.



Workplace Cross-Contamination

Rural contractors are being requested to wash down vehicles and equipment before leaving a client's property for the next job. This simple precaution will help prevent contamination between properties and roadside vegetation, by immediately spreading unwanted seed.



Meth Shipment Seized

The Organised and Financial Crime Agency (OFCA) hosted by NZ Police foiled a novel attempt to smuggle methamphetamine into the country from Hong Kong. A substance known as 'T-boc' is a form of methamphetamine chemically masked to avoid detection.

This incident involved 160 litres of T-boc contained in a consignment of a dish washing liquid and could have created about 120kg of meth, with a street value of NZ \$145m.

Our MoU with NZ Police and NZ Customs requests importers to promptly report concerns about suspicious product transactions and consignments.



Chemical Incidents

The majority of calls to our popular 0800 CHEMCALL® 24/7 Emergency Response Advisory Service are from the agricultural sector, which continues to struggle with chemical safety.

Two recent examples are a Kiwi farmer and his wife being hospitalised after incorrectly mixing two commercial cleaning products, while in the US a vineyard backpack sprayer exploded when two cleaning products, Sodium Hypochlorite and Chlorine were mixed, hospitalising an employee with chemical burns.

Agchem manufacturers and those retailers committed to Responsible Care® offer effective product stewardship initiatives, ensuring their staff and customers have the relevant training and certification to safely manage the product.

Conscientious retailers check certification at the point of sale. Extra precautions will be necessary to safeguard agricultural workers when English is not their first language and when the transitory nature of their work results in inadequate training and supervision. NZ compliant SDS and PPE are essential and users must read the label. Casual workers must be given the correct PPE and closely supervised.



Chemical Safety

The State of California is to list Glyphosate as a carcinogenic substance but Monsanto, who manufacture the popular weedkiller Roundup and the global agchem industry are fighting the decision.

A controversial 2015 pronouncement by the World Health Organisation's International Agency for Research on Cancer that Glyphosate is "probably carcinogenic" is widely criticised by industry as unwarranted, not reflecting sound science and not deserving of additional constraints on its use.

The listing will require additional warning labels, together with extra precautions to be taken when agrichemicals containing Glyphosate are being applied at levels Californian regulators consider unsafe.

Gas Explosion Destroys House



Two people are in hospital after switching on a light to investigate a strong smell of gas, causing a leaking gas appliance to explode.

They and their neighbours were fortunate not to be killed as additional LPG cylinders outside the building survived the blast. Regular checking of gas fuelled systems is strongly recommended.



Retailers stocking more than 100 kg of the popular 'fire lighters' product during Winter months are reminded they are subject to additional safety precautions, including requiring a Location Test Certificate and observing specified minimum separation distances.

Anguished mothers calling CHEMCALL® report toddlers retrieving fire lighters from the hearth and tasting them. Please remember to keep household chemicals out of the reach of children.

Hands Off Our Frites!



Lovers of Pommes Frites - 'Poutine' to our esteemed Canadian colleagues and 'Fries' to sports fans everywhere - are predictably outraged by the European Commission's proposal to reduce the known carcinogenic Acrylamide content in chips by requiring blanching or parboiling of the potato prior to cooking in the favoured animal fat or oil.

The uproar was sparked by a UK Food Standards Agency pronouncement that burnt toast, which features high levels of Acrylamide, was a potential cancer risk. Perhaps sensible risk management requires a HSNO Approved Handler manning the toaster?

Watch Out For These!



A safety hazard in the kitchen emerged with the death of a French health food celebrity when a gas-powered whipped cream dispenser exploded. Charged with a small Nitrogen cartridge, the dispenser is commonly found in restaurants and households.



The United States is phasing out a key ingredient of paint stripping products. Methylene Chloride, a.k.a. Dichloromethane, Methylene Dichloride, or just 'Paint Stripper' in New Zealand, are deemed to be hazardous to one's health.

Our Members' Success



Methanex NZ won the 2017 Safeguard Health and Safety Award for 'Best initiative to promote better worker health' with an employee screening programme designed to detect early signs of bowel and bladder cancer.



KiwiRail received the 2017 Blackwoods NZ Safety 'Best initiative to encourage worker involvement in health and safety' for creating a 'Hotworks' team concept involving workers, managers and the Union to safely address welding incidents.

The company also beat 80 contenders to win the Australasian Rail Industry Award for Excellence, recognising KiwiRail's innovative response to the November 2016 Kaikoura 7.8 earthquake destruction of the Main North Rail Line in the upper South Island.



A warm welcome to new Members **Advance Agriculture, Clark Products, PaintPlus Colour Systems, Regal Manufacturers, Solenis New Zealand** and Partner **MercyAscot Hospital**.



With branches in Gore, Balclutha and Invercargill, **Advance Agriculture** is a locally owned agricultural chemical and seed supplier, offering a personalised service for pasture improvement and brushweed control, as well as supplying and repairing spraying equipment.



From a small, Hawkes Bay-based enterprise, **Clark Products Ltd** has become a multi-million dollar company, making and distributing a comprehensive range of cleaning products and industrial chemicals throughout New Zealand.



Founded in 1997, **PaintPlus** is an Auckland based paint manufacturer specialising in eco-friendly, low allergy, water-based products for a range of customers, including the burgeoning local film industry.



Established fifty years ago in Wellington, **Regal Manufacturers** supply the New Zealand funeral profession with a range of products including caskets, embalming chemicals and hand crafted cremation urns.



Formerly Ashland Water Technologies, **Solenis New Zealand** is a chemical manufacturer serving the pulp and paper, oil and gas, mining and power industries. With headquarters in Delaware, USA, they have 3700 staff in 118 countries.



MercyAscot Hospital began in 1850 when the Sisters of Mercy arrived in Auckland to care for sick and dying settlers in the new colony. In 2001, Ascot Hospital and Mercy Hospital merged two private surgical hospitals into one of New Zealand's largest healthcare facilities, with 22 theatres, an ICU and coronary care facility, managed by 600 staff at three sites.

Our Partners



Forty urban and rural fire services comprising the NZ Fire Service and the National Rural Fire Authority combined on 01 July to become Fire & Emergency NZ (FENZ).

In addition to fire fighting and fire control responsibilities, FENZ has the mandate to perform specified non-fire related tasks, including attending hazardous substance incidents, regardless of the location. Insurance premiums for buildings, contents and motor vehicles will rise to fund the expanded activities.



Responsible Care NZ continues to support our national emergency services and schools with free access to our popular 0800 **CHEMCALL® 24/7 Emergency Response Advisory Service**, together with the opportunity to benefit from specialist chemical safety advice and training.

Industry News



Global restructuring continues unabated as chemical heavyweights manoeuvre for supremacy. RCNZ members **DuPont and Dow Chemical** (Dow DuPont) are on track to complete a US \$130bn merger. The United States and European Commission both require DuPont to shed selected business units under anti-trust regulations.

FMC Corporation, a US Responsible Care® company, will acquire DuPont's pesticide and cereal herbicide business, together with world-class R&D resources. DuPont will take over FMC's health and nutrition business. Three new Dow business units (agriculture, material science and specialty products) are expected to generate an estimated US\$3bn in savings through efficiencies and savings.



THE LINDE GROUP

German industrial gases supplier **Linde Group** is seeking investor approval to merge with the US **Praxair Inc**, re-uniting a company split up in World War One. If successful, the new company with 88,000 workers and revenue of US\$30bn, would surpass France's **Air Liquide**.



The US\$445bn **ChemChina** takeover of Swiss **Syngenta** agricultural supplier of advanced herbicides, insecticides and crop protection products reinforces China's strategy of securing long-term food supplies to satisfy its future population through superior agriculture practices, with the potential to become the world's largest agrichemical group.



Bayer's purchase of **Monsanto**, the world's largest producer of genetically modified (GM) seeds, is proceeding towards a late 2018 completion date.



The merger between another Swiss specialty chemical company **Clariant** and US manufacturer **Huntsman Corp** will confirm the synergy between Clariant's oil and gas chemicals, personal care products, coatings and plastics and Huntsman's industrial chemicals including polyurethanes, textile products and advanced materials.



One merger which won't happen any time soon is American PGG Industries' US \$29bn bid for Dutch rival Akzo Nobel of Dulux Paints fame.

The fiercely fought takeover battle which would have created a global surface coatings business cannot be revisited under Dutch law for at least six months.

Meanwhile, US paint maker Valspar has been bought by fellow American paint and coatings manufacturer Sherwin-Williams in a US \$11bn deal following the disposal of Valspar's wood coatings division to satisfy regulators. The new global paint giant has 50,000 employees.

Trade



New Zealand's drive for a high quality free trade agreement with the Pacific Alliance, comprising Chile, Colombia, Mexico and Peru progressed another step when New Zealand was accepted as an Associate Member of the alliance comprising 220m consumers. Trade Minister Todd McLay notes two-way trade with Colombia is presently worth NZ\$1.26bn with considerable potential, driven by our new Embassy in Bogota, Colombia. New Zealand could become the first associate member of the Alliance to have 90% of our exports to Pacific Alliance members covered by FTAs by 2030.



Widely respected Kiwi trade policy expert Crawford Falconer is leading the British Government's negotiations with the European Union on maximising post-Brexit trade arrangements.

Fresh Breeze for TPP?



New Zealand trade officials remain cheerfully optimistic the long sought-after Trans Pacific Partnership, becalmed after the withdrawal of the United States, can be salvaged. The 11 countries still involved are confident of achieving an agreement, following their meeting in Vietnam.

The potential involvement of China, which is presently updating our successful NZ-China FTA, adds a new dimension to the long-running saga.

Protectionism for agricultural producers remains a challenge for Japanese and Canadian negotiators, however all parties agree a high quality FTA is attainable.

Japan and EU in FTA Breakthrough

Lost in local media reports of violent protests at the G20 Summit in Hamburg, was the Economic Partnership Agreement (EPA) between Japan and the EU.

European tariffs of 10% on Japanese cars will be phased out, while Japan will progressively remove tariffs on 200 EU food imports, including cheese, biscuits, wine and chocolate.

The EU's beef quota will increase. EU firms can bid to pursue Japanese procurement deals. Completion of the deal set to take effect in 2019 indicated a breakthrough in the fiercely protective Japanese dairy industry which frustrated TPP negotiators.

The FTA will represent the world's largest TPP negotiators. New Zealand is negotiating a FTA with the EU and is supporting a Japanese-led rescue of the TPP following the withdrawal of the United States.

Environment



Supermarket chain Foodstuffs is pre-empting the government's July 2018 ban on microbeads by phasing out skincare products and toothpaste which contain them.

Millions of tonnes of beads enter the oceans every year, where they are ingested by marine mammals and seabirds.

Many suppliers are already substituting the plastic microbeads with natural ingredients, keen to provide customers with more sustainable products.



EPA Chief Executive Dr Alan Freeth warns too many chemicals are being used or disposed of outdoors, posing a threat to waterways.

It is important unwanted chemicals are returned to suppliers or local hazardous waste collection facilities to safeguard marine life and our swimmable waterways.

This also applies to unwanted pharmaceuticals, as chemical residues are appearing in aquatic animals and populations in developing economies, where fish are a staple diet.

Helium Gas Shortage?



Used to cool medical scanners, the Hadron Collider, relieve respiratory problems and fill party balloons, Helium is better known as a party trick, altering one's voice to resemble Donald Duck's 'quack'.

The US is the major Helium producer; however 25% of global supply comes from the small Gulf state of Qatar, presently subject to an economic boycott by the major Gulf States which accuse the government of funding terrorism.

China is reportedly seeking to exploit millions of tonnes of Helium under the surface of the moon.

In The Courts



- ✦ A demolition company is to pay \$36,000 in reparation and a further \$13,000 towards the clean-up costs after workers and neighbours were exposed to asbestos when demolishing three buildings.
- ✦ A South Island farming company has been fined \$18,000 for illegally burning 500 tyres and burying the residue (see 'Tired of Tyres').



Tired of Tyres

Government funding of \$12m will enable vehicle tyre mountains throughout the country to be shredded and burnt in cement kilns instead of oil or coal. The disposal of 4m tyres discarded annually is not presently regulated and stockpiles increasingly pollute the environment.

Research indicates burning tyres produces the same amount of energy as oil and 25% more than coal. The 2000°C temperature in cement kilns ensures 100% combustion of the chipped tyres.

Acknowledging the concept of using tyre-derived fuel, local environmentalists are concerned New Zealand does not have the facilities to meet new emission standards required by the 2016 Paris Accord on Climate Change.

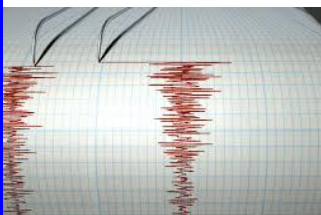
Biosecurity



A joint research project between the NSW Department of Primary Industries and the NZ Institute for Plant and Food Research will investigate the susceptibility of key NZ plants to Myrtle Rust disease, which has arrived from Australia.

The government is investing millions in combating the fungal outbreak which can cause major damage to both native and introduced plants such as Feijoas and the iconic Pohutukawa.

New Building Assessment Timelines



On 1 July the government assumed control of earthquake prone buildings by regulating for greatly reduced time frames during which owners must assess and either repair or demolish dangerous structures.

New Zealand is divided into Low, Medium and High risk regions, depending upon the seismic risk, with shortened time scales for repair or demolition.

- Owners of Low risk structures in Auckland and Dunedin have 15 years for assessment and 35 years to be addressed.
- Owners of Medium risk sites in Hamilton, Nelson and Invercargill have 10 years to complete assessments and 25 years to upgrade or demolish.
- Owners of High risk buildings in Wellington, Napier and Christchurch have 5 years to assess and 15 years to upgrade or replace.

Workplace Safety Progress



Parliament's Transport and Industrial Relations committee expressed disappointment over the increase in workplace fatalities from 48 in 2014/15 to 59 in 2015/16.

To date, 28 workers have died this year.

The shortfall in timely and accurate reporting criteria ('fatalities' versus 'serious harm') is being addressed by WorkSafe NZ.

More Acid Attacks

Five men sprayed with acid on London streets highlight the appalling toll of 450 corrosive substance attacks up to April 2017, three times higher than 2014. Attackers are using commonly available household consumer chemicals such as bleach, ammonia, drain and oven cleaners, as well as industrial acids.

Since 2015, suspicious transactions involving sulphuric acid must be reported to UK Police because it can be used to make explosives. Corrosive fluid attacks are attributed to inter-gang warfare, jilted lovers and alleged ethnic retribution practices, prompting calls to regulate access to corrosive substances.

The Police want retailers to question youths purchasing household chemicals to demonstrate their 'social responsibility'.

Advocates say limiting the purchase of such products to those over 18 years and credit card payments will dramatically reduce such incidents, without suggesting how this might be enforced.

US Chemical Safety Board Under Threat?



Established to investigate a 1990s fatal explosion at a New Jersey chemical plant, the US Chemical Safety and Hazard Investigation Board (Chemical Safety Board or CSB) is reportedly under threat of closure.

Having investigated high-profile incidents such as the West Texas fertiliser plant explosion, one of more than 135 accidents resulting in 90 comprehensive reports and more than 40 popular videos explaining in layman's terms the circumstances leading to the incident, the CSB has a global following.

Supporters fear the modest US\$12m CSB budget will be discontinued, shutting down the agency. Allegedly unpopular with several US presidents wary of the Board's independence, the EPA and OSHA were subsequently tasked with investigating accidents but could not cope with the workload.

The 1995 factory blast near the home of the late Senator Frank R Lautenberg, sponsor of the recently overhauled Toxic Substances Control Act 2016 bearing his name, prompted his intervention and together with unions and community groups, he obtained enough funding to begin operations in 1998. There are presently nine fatal chemical plant incidents under CSB investigation.

REMiNDER

Law Change Reminder



Wages: 01 April 2017

- Increase in minimum wage to \$15.75 per hour.
- Training rates and starting rate: \$12.60 per hour.



ACC Safety Discount: 01 April 2017

The subsidy available to SMEs and self-employed to put an effective health and safety system in place, ceases with effect current expiry date.

Reduced ACC Work Levy Period: 2017-2019

A new corporate safety performance scheme replacing the ill-fated Star Rating System for larger companies is being trialled for possible launch next year. The work levy for employers and self-employed will reduce by an average 10% over the next two years.



Tax and Contractors: 01 April 2017

- Contractors can now have tax on their pay deducted at a rate of their choosing.
- The process is compulsory for contractors hired by a recruiter.



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*Proposed changes are expected within 12-18 months.

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