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Hazardous Substances (Packaging) Regulations 2001

(SR 2001/118)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of May 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 76(1)(a) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

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### Regulations

#### 1 Title

These regulations are the Hazardous Substances (Packaging) Regulations 2001.

#### 2 Commencement

These regulations come into force on 2 July 2001.

#### Part 1

##### Preliminary

#### 3 Interpretation

In these regulations, unless the context otherwise requires,---

Act means the Hazardous Substances and New Organisms Act 1996

child resistant, in relation to packaging, means that---

(a) 80% of children aged 42 months or over but less than 51 months would be unable to gain access to the contents of the packaging, or would be unlikely to obtain a toxic dose from packaging that is or contains a dispensing device within a period of 5 minutes; and

(b) 90% of adults aged 50 years or over but under 70 years would be able to open and re-close any child-resistant closure in the packaging

combination packaging means both the inner and outer packaging

desensitising agent has the same meaning as in regulation 3 of the Hazardous Substances (Classification) Regulations 2001

employee has the same meaning as in section 2(1) of the Health and Safety in Employment Act 1992

inner packaging means packaging for which an outer packaging is required for transport or to assist handling

ISO 1523: 1983 means the International Standards Organisation Standard called Paints, Varnishes, Petroleum and Related Products: Determination of Flash Point, Closed Cup Equilibrium Method

ISO 2431: 1984 means the International Standards Organisation Standard called Paints and Varnishes: Determination of Flow Time by Use of Flow Cup

large packaging means packaging consisting of an outer packaging that contains articles or inner packaging, and that---

(a) is designed for mechanical handling; and

(b) can contain a net mass of contents of more than 400 kg or has a capacity of more than 450 L; but

(c) has a volume of 3 m<sup>3</sup>; or less

outer packaging means the outer part of combination packaging, together with any absorbent materials, cushioning, and other components necessary to contain and protect the inner packaging

package means the packaging and the contents

packaging means a container that is a receptacle and any other components or materials necessary for the receptacle to perform its containment function, and includes inner packaging once its outer packaging has been removed

relative density, in relation to any substance, means the density of the substance divided by the density of water at a temperature of 20°C

sift-proof means the ability to retain the fine dust component of a solid particle phase

total gauge pressure measured in the package means the vapour pressure of the filling substance plus the partial pressure of the air or other inert gases minus 100 kPa

UN Manual of Tests and Criteria has the same meaning as in regulation 3 of the Hazardous Substances Minimum Degree of Hazard Regulations 2001

UN Model Regulations has the same meaning as in regulation 3 of the Hazardous Substances Minimum Degree of Hazard Regulations 2001.

Regulation 3 large packaging: inserted, on 23 September 2004, by regulation 3 of the Hazardous Substances (Packaging) Amendment Regulations 2004

(SR 2004/253).

#### 4 Application of regulations

(1) These regulations (except Part 2A) apply to an item of packaging that---

- (a) has a capacity of 450 L or less; and
- (b) can contain a net mass of contents of 400 kg or less.

(1A) Part 2A of these regulations applies to an item of large packaging other than---

(a) a tank, a tank wagon, or a transportable container, as those terms are defined in regulation 3 of the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; or

(b) a stationary container system, a stationary tank, or a tank, as those terms are defined in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.

(2) Despite subclause (1), these regulations do not apply to any of the following containers:

(a) a container for holding gases or aerosol components under pressure (other than under atmospheric pressure):

(b) a container designed for mechanical handling that has been tested and certified as an intermediate bulk container as provided in paragraph 6.5.4 of the UN Model Regulations:

(c) a container permanently fixed in one place, including a container permanently fixed to a vehicle.

(3) Despite subclauses (1) and (1A), these regulations do not apply to the fuel system, electrical system, or control system of a vehicle, aircraft, or ship, in relation to any substance that is---

(a) contained within that fuel system, electrical system, or control system; and

(b) required for the motive power or control of the vehicle, aircraft, or ship.

(4) Despite subclauses (1) and (1A),---

(a) these regulations do not apply to a distribution system, gas installation, or gas appliance---

- (i) that is subject to the Gas Act 1992; and
- (ii) in which a fuel gas is supplied or used; and

(b) the applicable controls, if paragraph (a) applies, are those specified in regulations made under the Gas Act 1992.

(5) For the purposes of subclause (4),---

distribution system has the same meaning as in section 2(1) of the Gas Act 1992 fuel gas---

(a) means any fuel that is supplied through pipes or in containers and is a gas at 15oC and at 101.3 kPa absolute pressure; and

(b) includes---

(i) biogas, coal gas, natural gas, oil gas, producer gas, refinery gas, reformed natural gas, and liquefied petroleum gas; and

(ii) any gaseous substance declared by regulations under the Gas Act 1992 to be a gas for the purposes of that Act; and

(iii) any gas of a composition that complies with regulations made under the Gas Act 1992 for use as a fuel.

Regulation 4(1): words inserted, on 23 September 2004, by regulation 4(1)(a) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 4(1)(b): words substituted, on 23 September 2004, by regulation 4(1)(b) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 4(1A): inserted, on 23 September 2004, by regulation 4(2) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 4(3): words substituted, on 23 September 2004, by regulation 4(3) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 4(4): words substituted, on 23 September 2004, by regulation 4(3) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

## Part 2 General packaging requirements

### 5 Ability to retain contents

(1) Packaging for hazardous substances of all hazard classifications must be designed and constructed to ensure that, when filled and closed,---

(a) there is no visible release of any solid or liquid hazardous substance, including any diluent or desensitising agent; and

(b) there is no release of gas or vapour identifiable by smell, sight, or sound unless the packaging is specifically designed to be vented; and

(c) it maintains its ability to retain its contents---

(i) in temperatures from -10oC to +50oC; or

(ii) if the packaging is marked as suitable for use in any specified environmental conditions or range of temperatures, in those environmental conditions or temperatures; or

(iii) if the hazardous substance to be contained is the subject of requirements as to temperature or environmental conditions in the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001, in accordance with those requirements; and

(d) it maintains its ability to retain its remaining contents if part of the contents are removed from the package at any one time and the packaging is then re-closed; and

(e) any packaging in direct contact with a hazardous substance does not react with the substance to generate another hazardous substance in or on the packaging, or to significantly affect or weaken the packaging so that the requirements of these regulations cannot be met.

(2) Subclause (1) is subject to clause 9(3).

#### 6 Packaging markings

No manufacturer or importer of packaging designed and constructed for use with hazardous substances may mark the packaging as specified in paragraphs 6.1.2 and 6.1.3 of the UN Model Regulations unless---

(a) the markings comply with the corresponding elements of those paragraphs, including the codes for packaging type, UN Packing Group, and the UN packaging symbol; and

(b) the codes marked for UN Packing Groups I, II, or III are marked on packaging that complies with the tests set out in Schedule 1, Schedule 2, or Schedule 3 respectively; and

(c) the design of the packaging has also been test certified as complying with the tests set out in Schedule 1, Schedule 2, or Schedule 3.

#### 7 Requirements when packing hazardous substance

(1) Every person who packs a hazardous substance of any hazard classification must---

(a) take account of the physical state and physical properties of the hazardous substance (including relative density and volatility); and

(b) select packaging that complies with---

(i) the requirements in regulation 5; and

(ii) if applicable, the requirements in regulation 9; and

(iii) any specific packaging requirements for the hazard classification of the substance set out in Part 3; and

(c) if the substance is a liquid and is not packed in packaging that complies with the tests set out in Schedule 4, fill and close the packaging so as to comply with the requirements of paragraph 4.1.1.10 of the UN Model Regulations.

(2) Every person who packs a hazardous substance that is a class 4.1.2, 5.2A, or 5.2 substance must select packaging that,---

(a) in the case of a class 4.1.2 substance, complies with regulation 74(2) of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001:

(b) in the case of a class 5.2A substance, complies with regulation 114 of those regulations:

(c) in the case of any other class 5.2 substance, complies with regulation 115 of those regulations.

(3) The requirements imposed by subclause (2) are in addition to the requirements imposed by subclause (1).

## 8 Compatibility

(1) No person may pack a hazardous substance in packaging that has been previously packed with another substance unless the person ensures that---

(a) the hazardous substance is compatible with that previous substance;  
or

(b) any traces of any previous substance are first removed from the packaging.

(2) For the purposes of subclause (1), compatible means that the hazardous substance---

(a) is chemically inert if brought into contact with the substance previously packed for the range of temperatures and pressures that the mixture is exposed to during its life cycle; or

(b) if it is chemically reactive when brought into contact with the substance previously packed, does not---

(i) cause combustion; or

(ii) generate an explosion; or

(iii) generate a new substance of a different class, subclass, or category.

Regulation 8(1)(a): word substituted, on 23 September 2004, by regulation 5 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

## 9 Packaging that complies with tests set out in Schedule 4

(1) Substances with a hazard classification specified in column 1 of Schedule 5 may be packed in packaging that complies with the tests set out in Schedule 4 if---

(a) the substance is in the form described in column 2 of Schedule 5; and

(b) the amount of the substance is less than or equal to the maximum quantity per unit of packaging set out in column 3 of Schedule 5; and

(c) the packaging also complies with any additional requirements described in regulations 15, 16, 17, 18, 19, and 20.

(2) Every person who packs a hazardous substance in packaging that complies with the tests set out in Schedule 4 may use any reasonable means to conduct the tests set out in that schedule.

(3) A hazardous substance to which this subclause applies may be packed in packaging that does not comply with test 1 in Schedule 4 if---

(a) that packaging complies with the requirements of regulation 5(1)(a), (b), and (e); and

(b) a warning statement is included on the outside of the packaging to the effect that the package may not withstand a drop of 0.5 m.

(4) The warning statement must be provided to the standard of comprehensibility of information set out in Part 1 of the Hazardous Substances (Identification) Regulations 2001.

(5) Subclauses (3) and (4) apply to the following substances:

(a) a substance of less than 0.1 L that is a substance of class 3.1B:

(b) a substance of less than 0.5 L that is a substance of class 3.1C, 3.1D, 6.1D, 6.3A, 6.3B, 6.4A, 9.1C, 9.1D, 9.2C, or 9.2D.

## Part 2A

### Packaging requirements for large packaging

Part 2A: inserted, on 23 September 2004, by regulation 6 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

#### 9A Application of this Part

This Part applies to large packaging.

Regulation 9A: inserted, on 23 September 2004, by regulation 6 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

#### 9B Requirements for large packaging

Large packaging may be used to contain hazardous substances in New Zealand if it has been constructed, marked, and tested as a large package as provided in Chapter 6.6 of the 13th revised edition of the UN Recommendations on the Transport of Dangerous Goods Model Regulations, published in 2003 by the United Nations (New York and Geneva).

Regulation 9B: inserted, on 23 September 2004, by regulation 6 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

## Part 3

### Packaging requirements specific to each hazardous classification

#### 10 Packaging requirements for explosive substances (class 1)

(1) Except as provided in this regulation, packaging for a substance classified in class 1 must---

(a) comply with the tests set out in Schedule 2 unless it complies with the tests set out in Schedule 1; and

(b) prevent the compression of the substance at temperatures below 0oC; and

(c) prevent the trapping of small amounts of the substance in each closure mechanism in the packaging, during closing.

(2) If a substance classified in class 1 is packed in packaging that complies with the tests set out in Schedule 1, the classification of the substance must be consistent with the selection of that packaging.

(3) Subclause (1) does not apply to packaging for fireworks when sold to the public under the Hazardous Substances (Fireworks) Regulations 2001.

(4) A firework must be packed in packaging that retains its integrity after being held in the flame of a cigarette lighter for 25 seconds if the firework is---

(a) subject to the Hazardous Substances (Fireworks) Regulations 2001; and

(b) not protected from any ignition source; and

(c) displayed for sale in areas accessible to the public.

(5) This regulation does not apply to the fireworks listed in regulation 4(2) of the Hazardous Substances (Fireworks) Regulations 2001.

Regulation 10(4): substituted, on 28 August 2003, by regulation 3 of the Hazardous Substances (Packaging) Amendment Regulations 2003 (SR 2003/181).

Regulation 10(4): words substituted, on 23 September 2004, by regulation 7 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 10(5): added, on 28 August 2003, by regulation 3 of the Hazardous Substances (Packaging) Amendment Regulations 2003 (SR 2003/181).

#### 11 Packaging requirements for flammable liquids (subclass 3.1)

(1) Except as provided in this regulation and regulation 9, packaging---

(a) for a substance with a hazard classification of 3.1A must comply with the tests set out in Schedule 1:

(b) for a substance with a hazard classification of 3.1B must comply with the tests set out in Schedule 2:

(c) for a substance with a hazard classification of 3.1C must comply with the tests set out in Schedule 3.

(2) Packaging for certain viscous substances described in subclause (3) does not need to comply with the particular tests specified in subclause (1)(a) and

(b) if it complies with the tests set out in Schedule 3.

(3) Subclause (2) applies to packaging for a viscous substance with a hazard classification of 3.1A or 3.1B if---

(a) the substance is not also classified as toxic or corrosive; and

(b) the viscosity of the substance meets the following criteria:

(i) its flow time exceeds 100 seconds through a 4 mm jet when tested according to the viscosity test ISO 2431: 1984; and

(ii) less than 3% of clear solvent separates out in the solvent separation test in paragraph 32.5.1 of the UN Manual of Tests and Criteria; and

(c) its hazard classification of 3.1A or 3.1B is based on the closed cup flash point test for viscous flammable substances according to ISO 1523: 1983.

(4) Packaging for certain viscous substances described in subclause (5) does not need to comply with the tests specified in subclause (1)(c) if it complies with the tests for packaging set out in Schedule 4.

(5) Subclause (4) applies to packaging for a viscous substance with a hazard classification of 3.1C if--

(a) the substance is not also classified as toxic or corrosive; and

(b) the viscosity of the substance meets the following criteria:

(i) its flow time meets the flow time criteria of paragraph 2.3.2.5 of the UN Model Regulations when tested according to the viscosity test ISO 2431: 1984;

(ii) less than 3% of clear solvent separates out in the solvent separation test in paragraph 32.5.1 of the UN Manual of Tests and Criteria; and

(c) its hazard classification of 3.1C is based on the closed cup flash point test for viscous flammable substances according to ISO 1523: 1983; and

(d) the substance contains less than 20% nitrocellulose of not more than 12.6% nitrogen by dry mass.

12 Packaging requirements for liquid desensitised explosives (subclass 3.2)  
Packaging---

(a) for a substance with a hazard classification of 3.2A must comply with the tests set out in Schedule 1:

(b) for a substance with a hazard classification of 3.2B must comply with the tests set out in Schedule 2:

(c) for a substance with a hazard classification of 3.2C must comply with the tests set out in Schedule 3.

13 Packaging requirements for flammable solids (subclasses 4.1.1 and 4.1.3)

(1) Unless regulation 9 applies, packaging---

(a) for a substance with a hazard classification of 4.1.1A must comply with the tests set out in Schedule 2:

(b) for a substance with a hazard classification of 4.1.1B must comply with the tests set out in Schedule 3.

(2) Packaging---

(a) for a substance with a hazard classification of 4.1.3A must comply with the tests set out in Schedule 1:

(b) for a substance with a hazard classification of 4.1.3B must comply with the tests set out in Schedule 2:

(c) for a substance with a hazard classification of 4.1.3C must comply with the tests set out in Schedule 3.

#### 14 Packaging requirements for self-reactive flammable substances (subclass 4.1.2)

Packaging for a substance classified in subclass 4.1.2 must---

(a) comply with the tests set out in Schedule 2; and

(b) not comply with the more stringent tests set out in Schedule 1; and

(c) prevent the compression of the substance at temperatures below 0oC; and

(d) prevent the trapping of small amounts of the substance in each closure mechanism in the packaging, during closing.

#### 15 Packaging requirements for substances liable to spontaneous combustion (subclass 4.2)

(1) Packaging for a substance with a hazard classification of 4.2A must comply with the tests set out in Schedule 1.

(2) Unless regulation 9 applies, packaging for a substance with a hazard classification of 4.2B must comply with the tests set out in Schedule 2.

(3) Unless regulation 9 applies, packaging for a substance with a hazard classification of 4.2C must comply with the tests set out in Schedule 3.

(4) Packaging for a substance with a hazard classification of 4.2A, 4.2B, or 4.2C must, when closed, exclude any other substance that may cause the substance to spontaneously combust.

#### 16 Packaging requirements for substances that, when in contact with water, emit flammable gases (subclass 4.3)

(1) Packaging for a substance with a hazard classification of 4.3A must comply with the tests set out in Schedule 1.

(2) Unless regulation 9 applies, packaging for a substance with a hazard classification of 4.3B must comply with the tests set out in Schedule 2.

(3) Unless regulation 9 applies, packaging for a substance with a hazard classification of 4.3C must, when closed, comply with the tests set out in Schedule 3.

(4) Packaging for a substance with a hazard classification of 4.3A, 4.3B, or 4.3C must, when closed, retain any agent necessary for keeping the substance separate from water or water vapour.

#### 17 Packaging requirements for oxidising substances (subclass 5.1.1)

(1) Packaging for a substance with a hazard classification of 5.1.1A must comply with the tests set out in Schedule 1.

(2) Unless regulation 9 applies, packaging for a substance with a hazard classification of 5.1.1B must comply with the tests set out in Schedule 2.

(3) Unless regulation 9 applies, packaging for a substance with a hazard classification of 5.1.1C must comply with the tests set out in Schedule 3.

(4) Packaging with a hazard classification of 5.1.1A, 5.1.1B, or 5.1.1C must, when closed, exclude any other substance that may cause the substance to explode or spontaneously combust.

#### 18 Packaging requirements for organic peroxides (subclass 5.2)

(1) Unless regulation 9 applies, packaging for a substance classified in subclass 5.2 must---

(a) comply with the tests set out in Schedule 2; and

(b) not comply with the more stringent tests set out in Schedule 1; and

(c) prevent the compression of the substance at temperatures below 0oC; and

(d) prevent the trapping of small amounts in each closure mechanism in the packaging, during closing.

(2) Packaging for a substance in class 5.2 must, when closed, also exclude any other substance that may cause that substance to explode or combust.

#### 19 Packaging requirements for toxic substances (class 6)

(1) Unless regulation 9 applies, packaging---

(a) for a substance with a hazard classification of 6.1A must comply with the tests set out in Schedule 1:

(b) for a substance with a hazard classification of 6.1B must comply with the tests set out in Schedule 2:

(c) for a substance with a hazard classification of 6.1C, 6.5A, 6.6A, 6.7A, 6.8A, or 6.9A must comply with the tests set out in Schedule 3.

(2) Packaging for a substance with a hazard classification of 6.1D, 6.1E, 6.3A, 6.3B, or 6.4A that is offered for sale in a package of less than 2.5 L or 2.5 kg must be child resistant.

(3) Subclause (2) does not apply if---

(a) the offer for sale is made in respect of a place of work to which children do not have access; and

(b) the substance is for use in that place of work.

Regulation 19(1)(b): words omitted, on 23 September 2004, by regulation 8(1) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Regulation 19(1)(c): words substituted, on 23 September 2004, by regulation 8(2) of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

#### 20 Packaging requirements for corrosive substances (class 8)

(1) Packaging for a substance with a hazard classification of 8.2A must comply with the tests set out in Schedule 1.

(2) Unless regulation 9 applies, packaging for a substance with a hazard classification of 8.2B must comply with the tests set out in Schedule 2.

(3) Unless regulation 9 applies, packaging for a substance with a hazard classification of 8.1A, 8.2C, or 8.3A must comply with the tests described in Schedule 3.

(4) Packaging for a substance with a hazard classification of 8.2B, 8.2C, or 8.3A offered for sale in a package of less than 2.5 L or 2.5 kg must be child resistant.

(5) Subclause (4) does not apply if---

(a) the offer for sale is made in respect of a place of work to which children do not have access; and

(b) the substance is for use in that place of work.

#### 21 Packaging requirements for eco-toxic substances (class 9)

Unless regulation 9 applies, packaging for a substance classified in classes 9.1A and 9.1B must comply with the tests set out in Schedule 3.

Regulation 21: words substituted, on 23 September 2004, by regulation 9 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Packaging that is required to comply with the tests set out in this schedule must comply with the following tests:

1 The drop test as set out in paragraph 6.1.5.3 of the UN Model Regulations and,---

(a) in the case of a liquid or solid substance, if tested with the substance packaged, or with a substance having similar characteristics including density, viscosity, and particle size, the package must withstand the impact of a drop from 1.8 m; or

(b) in the case of a liquid substance, and if the test is performed with water,---

(i) if the relative density of the substance is less than or equal to 1.2, the package must withstand the impact of a drop from 1.8 m:

(ii) if the relative density of the substance is greater than 1.2, the package must withstand the impact of a drop from 1.5 m times the relative density of the substance.

2 The stacking test as set out in paragraph 6.1.5.6 of the UN Model Regulations.

3 In the case of a liquid substance, the internal pressure (hydraulic) test as set out in paragraph 6.1.5.5 of the UN Model Regulations, and the packaging must be tested to a minimum test pressure of 250 kPa gauge pressure.

4 In the case of a liquid substance, the leakproofness test as set out in paragraph 6.1.5.4 of the UN Model Regulations, and, when undergoing that test, unless the packaging is the inner packaging of combination packaging, the packaging must not discharge any of its contents when restrained under water for a period of 5 minutes while subject to an internal air pressure of not less than 30 kPa gauge pressure.

Testing undertaken for the purposes of this schedule must be conducted in accordance with the requirements relating to---

(a) the performance and frequency of tests in paragraph 6.1.5 of the UN Model Regulations; and

(b) the preparation of packaging for testing in paragraph 6.1.5.2 of those regulations.

Schedule 2 rr 6, 10-20

Tests of packaging of hazardous substances required to be tested in accordance with this schedule

Packaging that is required to comply with the tests set out in this schedule must comply with the following tests:

1 The drop test as set out in paragraph 6.1.5.3 of the UN Model Regulations and,---

(a) in the case of a liquid or solid substance, if tested with the substance packaged or with a substance having similar characteristics including density, viscosity, and particle size, the package must withstand the impact of a drop from 1.2 m:

(b) in the case of a liquid substance, and if the test is performed with water,---

(i) if the relative density of the substance is less than or equal to 1.2, the package must withstand the impact of a drop from 1.2 m; or

(ii) if the relative density of the substance is greater than 1.2, the package must withstand the impact of a drop from 1 m times the relative density of the substance.

2 The stacking test as set out in paragraph 6.1.5.6 of the UN Model Regulations.

3 In the case of a liquid substance, the internal pressure (hydraulic) test as set out in paragraph 6.1.5.5 of the UN Model Regulations, except that the packaging need not be tested to a minimum test pressure of 250 kPa gauge pressure.

4 In the case of a liquid substance, the leakproofness test as set out in paragraph 6.1.5.4 of the UN Model Regulations, and, when undergoing that test, unless the packaging is the inner packaging of combination packaging, the packaging must not discharge any of its contents when restrained under water for a period of 5 minutes while subject to an internal air pressure of not less than 20 kPa gauge pressure.

Testing undertaken for the purposes of this schedule must be conducted in accordance with the requirements relating to---

(a) the performance and frequency of tests in paragraph 6.1.5 of the UN Model Regulations; and

(b) the preparation of packaging for testing in paragraph 6.1.5.2 of those regulations.

#### Schedule 3 rr 6, 11-13, 15-17, 19-21

Tests of packaging of hazardous substances required to be tested in accordance with this schedule

Packaging that is required to comply with the tests set out in this schedule must comply with the following tests:

1 The drop test as set out in paragraph 6.1.5.3 of the UN Model Regulations and,---

(a) in the case of a liquid or solid substance, if tested with the substance packaged or with a substance having similar characteristics, including density, viscosity, and particle size, the package must withstand the impact of a drop from 0.8 m; or

(b) in the case of a liquid substance, and if the test is performed with water,---

(i) if the relative density of the substance is less than or equal to 1.2, the package must withstand the impact of a drop from 0.8 m; or

(ii) if the relative density of the substance is greater than 1.2, the

package must withstand the impact of a drop from 0.67 m times the relative density of the substance.

2 The stacking test as set out in paragraph 6.1.5.6 of the UN Model Regulations.

3 In the case of a liquid substance, the internal pressure (hydraulic) test as set out in paragraph 6.1.5.5 of the UN Model Regulations, except that the packaging need not be tested to a minimum test pressure of 250 kPa gauge pressure.

4 In the case of a liquid substance, the leakproofness test as set out in paragraph 6.1.5.4 of the UN Model Regulations, and, when undergoing that test, unless the packaging is the inner packaging of combination packaging, the packaging must not discharge any of its contents when restrained under water for a period of 5 minutes while subject to an internal air pressure of 20 kPa gauge pressure.

Testing undertaken for the purposes of this schedule must be conducted in accordance with the requirements relating to---

- (a) the performance and frequency of tests in paragraph 6.1.5 of the UN Model Regulations; and
- (b) the preparation of packaging for testing in paragraph 6.1.5.2 of those regulations.

Schedule 4 rr 7, 9

Tests of packaging required to be tested in accordance with this schedule

Packaging that is required to comply with the tests set out in this schedule must comply with the following tests when tested using the particular hazardous substance to be contained or another substance with similar physical characteristics including density, viscosity, and particle size:

1 The package must withstand the impact at any orientation of a drop of 0.5 m on to a hard surface without losing its ability to retain its contents.

2 In the case of a liquid substance, the package must be leakproof when the package is held with the opening at the lowest point for a period of 30 minutes.

The above tests must be done with the closure mechanism fully closed and, in the case of vented packaging, the vent must be sealed.

Schedule 5 r 9

Hazard classifications of substances that may be packed in packaging that meets requirements of regulation 9

Hazard classification	Form	Maximum quantity per unit of packaging
3.1B	liquid	1.0 L
3.1C	liquid	5.0 L
3.1D	liquid	Up to limit allowed by regulation 4

4.1.1A and 4.2B	solid	0.5 kg
4.1.1B and 4.2C	solid	3.0 kg
4.3B	liquid or solid	0.5 L or 0.5 kg
4.3C	liquid or solid	1.0 L or 1.0 kg
5.1.1B	liquid or solid	0.5 L or 0.5 kg
5.1.1C	liquid or solid	1.0 L or 1.0 kg
5.2B and 5.2C not requiring temperature control under Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	25.0 ml or 0.1 kg
5.2D, 5.2E, and 5.2F not requiring temperature control under Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	125.0 ml or 0.5 kg
6.1B	liquid or solid	0.1 L or 0.5 kg
6.1C, 6.5A, 6.6A, 6.7A, 6.8A, and 6.9A	liquid or solid	1.0 L or 3.0 kg
6.1D, 6.3A, 6.3B, 6.4A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, and 6.9B	liquid or solid	Up to limit allowed by regulation 4
8.1A, 8.2C, and 8.3A	liquid or solid	1.0 L or 2.0 kg
8.2B	liquid or solid	0.5 L or 1.0 kg
9.1A and 9.1B	liquid or solid	5.0 L or 5.0 kg
9.1C, 9.1D, 9.2A, 9.2B, 9.2C, 9.2D, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B, and 9.4C	liquid or solid	Up to limit allowed by regulation 4

(All liquid volumes measured at 20°C.)

Schedule 5: substituted, on 23 September 2004, by regulation 10 of the Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253).

Martin Bell,  
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in Gazette: 31 May 2001.

## Index to notes

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### 2 Status of reprints

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## Notes

### 1 General

This is a reprint of the Hazardous Substances (Packaging) Regulations 2001.

The reprint incorporates all the amendments to the Hazardous Substances (Packaging) Regulations 2001 as at 9 June 2005, as specified in the list of amendments at the end of this reprint.

### 2 Status of reprints

Under section 29A of the Evidence Act 1908, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint. For an outline of editorial changes made in reprints, see below.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 How reprints are prepared

The following conventions are followed in the preparation of reprints generally, and they have been followed, where relevant, in the preparation of this reprint:

- o the enacting words have been omitted
- o provisions that have been repealed or revoked are omitted, but a note indicates the repealing enactment or revoking provision
- o footnotes are included to indicate where---
  - o words, phrases, or provisions have been inserted or substituted, the commencement date of the amendment, and the particular enactment responsible for the change
  - o references in a reprinted enactment to any repealed enactment have

been replaced with a reference to any enactment that replaces, or corresponds to, the repealed enactment, in reliance on section 22(2) of the Interpretation Act 1999

- o any term used in a reprinted enactment that has been deemed, by another enactment, to be read as if it were another term has been replaced by that other term
- o references in a reprinted enactment to amounts in pounds, shillings, and pence have been replaced by a reference to the equivalent amount in decimal currency (dollars and cents), in reliance on section 7 of the Decimal Currency Act 1964
- o where the principal enactment has made a textual amendment to another enactment, and the amendment has been incorporated in a reprint of that other enactment, the text of the amendment is not reprinted in full in the reprint
- o where a provision of an amending enactment has made a textual amendment to the principal enactment, the provision of the amending enactment is not reprinted.

#### 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would change the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000.

Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current legislative drafting practice.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are as follows, and they have been followed, where relevant, in the preparation of this reprint:

- o unnecessary referential words (such as "of this section" and "of this Act") have been omitted
- o typeface and type size have been changed to accord with current drafting practice (Times Roman, generally in 11.5 point with 13.5 point leading)
- o the setting out of provisions has been changed to accord with current drafting practice. These changes include---
  - o changes to the indenting and layout of provisions
  - o the repositioning of section headings, so that the number and heading appear above the section
  - o the reformatting of definitions, so that the defined term appears in bold type, without quotation marks

- o dates are expressed in a manner consistent with current drafting practice (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")
- o the date of assent has been repositioned so that it appears on the front page of each Act
- o punctuation is consistent with current drafting practice (eg, colons are not used after definitions)
- o Parts numbered with roman numerals have been replaced with arabic numerals, and all cross-references changed accordingly
- o the case and appearance of letters and words have been changed to accord with current drafting practice
- o headings have been reformatted (eg, headings where each word formerly appeared with an initial capital letter followed by small capitals have been changed so that the heading appears in bold, with only the first word (and any proper names) appearing with an initial capital)
- o letters appearing in small capitals in section and subsection references have been changed to capital letters (eg, "section 7---a" is now expressed as "section 7A")
- o schedules have been renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references changed accordingly
- o running heads (the information that appears at the top of each page) have been altered to accord with current drafting practice.

Two-column schedules of consequential amendments, and schedules of repeals, have been reformatted, and rearranged into alphabetical order (rather than chronological), to accord with current drafting practice.

5 List of amendments incorporated in this reprint (most recent first)

Hazardous Substances (Packaging) Amendment Regulations 2004 (SR 2004/253)

Hazardous Substances (Packaging) Amendment Regulations 2003 (SR 2003/181)

The Hazardous Substances (Packaging) Regulations 2001 are administered in the Ministry