

Reprint
as at 1 December 2017



Hazardous Substances (Emergency Management) Regulations 2001

(SR 2001/123)

Hazardous Substances (Emergency Management) Regulations 2001: revoked, on 1 December 2017, by regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

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)(d) 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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Regulations

1 Title

These regulations are the Hazardous Substances (Emergency Management) Regulations 2001.

2 Commencement

These regulations come into force on 2 July 2001.

Part 1 General

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

aerosol has the same meaning as in clause 1 of Schedule 2 of the Hazardous Substances (Classification) Regulations 2001

Authority means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

documentation includes information recorded electronically

hazard classification means a classification under the classification system described in regulation 4 of the Hazardous Substances (Classification) Regulations 2001

incompatible has the meaning given to that term by regulation 87, or regulation 105, or table 1 of Schedule 3, of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 (as the case requires)

package has the meaning given to that term by regulation 3 of the Hazardous Substances (Packaging) Regulations 2001

place includes a vehicle; and **in a place** includes on a vehicle

vehicle has the meaning given to that term by regulation 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.

(2) In these regulations,—

(a) **corrosive substance, ecotoxic substance, explosive substance, flammable substance, organic peroxide, oxidising substance, and toxic substance** have the meanings given to those terms by regulation 3 of the Hazardous Substances (Classification) Regulations 2001; and

(b) **aggregate water capacity, permanent gas, and person in charge** have the meanings given to those terms by regulation 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001; and

- (c) a term defined in section 2(1) or section 135 of the Hazardous Substances and New Organisms Act 1996 has the meaning given to it by that provision.

Regulation 3(1) **aerosol**: inserted, on 26 March 2004, by regulation 3(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 3(1) **Authority**: substituted, on 1 July 2011, by section 53(3) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 3(1) **documentation**: inserted, on 26 March 2004, by regulation 3(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 3(1) **hazard classification**: inserted, on 26 March 2004, by regulation 3(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 3(1) **incompatible**: amended, on 26 March 2004, by regulation 3(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

4 Exclusion for substances used for motive power or control of vehicle, aircraft, or ship

- (1) The requirements of these regulations do not apply to any substance that is required for the motive power or control of a vehicle, aircraft, or ship and is contained in the fuel system, electrical system, or control system of the vehicle, aircraft, or ship.
- (2) This regulation overrides all other provisions of these regulations.

4A Exclusion for fuel gases

- (1) The requirements of these regulations do not apply to any fuel gas supplied or used in a gas distribution system, gas appliance, or gas installation, when subject to the Gas Act 1992.
- (2) In subclause (1),—

fuel gas means any fuel supplied through pipes or in containers that is a gas at 15°C and 101.3 kPa absolute pressure; and includes—

- (a) biogas, coal gas, liquified petroleum gas, natural gas, oil gas, producer gas, refinery gas, and reformed natural gas; and
- (b) any gaseous substance that the Governor-General declares by Order in Council under the Gas Act 1992 to be a gas for the purposes of that Act; and
- (c) any gaseous substance or mixture whose composition complies with regulations under the Gas Act 1992 allowing it to be used as fuel; and
- (d) any mixture of fuel gases

gas appliance has the meaning given to that term by section 2(1) of the Gas Act 1992

gas distribution means a distribution system within the meaning of section 2(1) of the Gas Act 1992

gas installation has the meaning given to that term by section 2(1) of the Gas Act 1992.

- (3) This regulation overrides all other provisions of these regulations.

Regulation 4A: inserted, on 26 March 2004, by regulation 4 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

5 General description of emergency management system

- (1) There are 3 levels of emergency management requirements for hazardous substances.
- (2) Level 1 requirements apply to hazardous substances in quantities equal to or greater than minimum quantities stated in Schedule 1.
- (3) The higher levels relate to greater quantities (with the quantities depending on the hazard classifications of the substances concerned).
- (4) The levels are therefore cumulative, with the higher levels including all the requirements of the level or levels below them.

Part 2

Level 1 emergency management (information)

Duties

6 Information duties under Part 2 of suppliers

A person must comply with this Part when selling or supplying to another person a quantity of a hazardous substance of a particular hazard classification equal to or greater than the quantity specified for hazardous substances of that classification in Schedule 1.

7 Information duties under Part 2 of persons in charge of places

- (1) This regulation applies to a place if a hazardous substance of a particular hazard classification is held there in a quantity equal to or greater than the quantity specified for hazardous substances of that classification in Schedule 1.
- (2) A person in charge of a place to which this regulation applies must ensure that this Part is complied with in respect of each substance concerned.

Information

8 Content

The following information must be provided with the substance concerned:

- (a) for a corrosive substance (other than a corrosive substance of class 8.1),—
- (i) a description of the usual symptoms of exposure to it; and

- (ii) a description of the first aid to be given to a person exposed to it; and
- (iii) a 24-hour emergency service telephone number:
- (b) for an explosive substance, a 24-hour emergency service telephone number:
- (c) for a flammable substance,—
 - (i) *[Revoked]*
 - (ii) if it is subject to temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001, a warning of the temperature at which it is likely to ignite:
- (d) for an oxidising substance or organic peroxide,—
 - (i) a description of the material and equipment needed to put out a fire involving it; and
 - (ii) a 24-hour emergency service telephone number; and
 - (iii) if it is subject to temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001, a warning of the temperature at which it is likely to decompose and possibly explode:
- (e) for a toxic substance of class 6.1, 6.3, 6.4, or 6.5,—
 - (i) *[Revoked]*
 - (ii) a description of the first aid to be given to a person exposed to it; and
 - (iii) a 24-hour emergency service telephone number:
- (f) for an ecotoxic substance,—
 - (i) a description of the parts of the environment likely to be immediately affected by it; and
 - (ii) a description of its typical effects on those parts of the environment; and
 - (iii) a statement of any immediate actions that may be taken to prevent the substance from entering, or affecting, those parts of the environment.

Regulation 8(c)(i): revoked, on 26 March 2004, by regulation 5 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 8(e)(i): revoked, on 26 March 2004, by regulation 5 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

9 Availability

The information required by regulation 8 must be so provided that it is available to a person handling the substance concerned within 10 seconds.

10 Comprehensibility, clarity, and durability

The information required by regulation 8 must meet the standards of comprehensibility, clarity, and durability required by regulations 34 to 36 of the Hazardous Substances (Identification) Regulations 2001.

11 Alternative information for substances being transported

- (1) While a hazardous substance is being transported by land, it does not have to comply with regulations 8 to 10 if it is labelled or marked in compliance with Land Transport Rule 45001: Dangerous Goods 1999 (made under the Land Transport Act 1998).
- (2) While a hazardous substance is being transported by sea, it does not have to comply with regulations 8 to 10 if it is labelled or marked in compliance with Maritime Rule 24A Carriage of Cargoes-Dangerous Goods (made under Part 3 of the Maritime Transport Act 1994).
- (3) While a hazardous substance is being transported by air, it does not have to comply with regulations 8 to 10 if it is labelled or marked in compliance with Civil Aviation Rule 92: Carriage of Dangerous Goods (made under Part 3 of the Civil Aviation Act 1990).

Part 3**Level 2 emergency management (further documentation, and fire extinguishers)**

Part 3 heading: amended, on 26 March 2004, by regulation 6 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

*Duties***12 Documentation duties under Part 3 of suppliers**

A person must comply with regulations 16 to 19 when selling or supplying to another person a quantity of a hazardous substance of a particular hazard classification equal to or greater than that specified for hazardous substances of that classification in Schedule 2 if—

- (a) the person is satisfied on reasonable grounds that the other person is likely to use the substance in a place of work; and
- (b) the person has never previously—
 - (i) sold or supplied a quantity of the substance in that state to the other person in circumstances requiring compliance with regulations 16 to 19; and
 - (ii) complied with those regulations in relation to selling or supplying it.

Regulation 12 heading: amended, on 26 March 2004, by regulation 7 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

13 Certain suppliers to give further documentation if asked

A person required by regulation 6 to comply with Part 2 when selling or supplying a quantity of a hazardous substance to another person must also, if asked to do so by the other person, give the other person the documentation required by regulations 16 and 17.

Regulation 13 heading: amended, on 26 March 2004, by regulation 8(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 13: amended, on 26 March 2004, by regulation 8(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

14 Documentation duties under Part 3 of persons in charge of places of work

- (1) This regulation applies to a place of work—
- (a) if there is held in it any quantity of a hazardous substance of a particular hazard classification in respect of which Schedule 2 specifies “any quantity”; or
 - (b) if there is held in it (whether in a single container or 2 or more containers) an aggregate quantity of hazardous substances of hazard classification 3.1D, 5.2G, 6.1E, 6.3A, 6.3B, 6.4A, 9.1D, or 9.2D equal to or greater than the quantity specified for hazardous substances of that classification in Schedule 2; or
 - (c) if there is held in it in a single container a quantity of a hazardous substance of a particular hazard classification (other than a hazardous substance of hazard classification 3.1D, 5.2G, 6.1E, 6.3A, 6.3B, 6.4A, 9.1D, or 9.2D) equal to or greater than the quantity specified for hazardous substances of that classification in Schedule 2; or
 - (d) if—
 - (i) there is held in it in 2 or more containers an aggregate quantity of hazardous substances of a particular hazard classification (other than hazardous substances of hazard classification 3.1D, 5.2G, 6.1E, 6.3A, 6.3B, 6.4A, 9.1D, or 9.2D) equal to or greater than 10 times the quantity specified for hazardous substances of that classification in Schedule 2; and
 - (ii) none of the individual containers contains a quantity of a hazardous substance of that hazard classification equal to or greater than the quantity specified for hazardous substances of that classification in Schedule 2.
- (2) A person in charge of a place of work to which this regulation applies must either—
- (a) ensure that documentation provided with the hazardous substances of each classification concerned by their seller or supplier in compliance with regulations 16 and 17—
 - (i) continues to be provided with the substances; and

- (ii) continues to comply with regulations 18 and 19; or
 - (b) ensure that other documentation is provided with the hazardous substances of each classification concerned in compliance with regulations 16 to 19.
- (3) The person must also comply with Part 2.

Regulation 14 heading: amended, on 26 March 2004, by regulation 9(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 14(1)(b): amended, on 26 March 2004, by regulation 9(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 14(1)(c): amended, on 26 March 2004, by regulation 9(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 14(1)(d)(i): amended, on 26 March 2004, by regulation 9(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 14(2)(a): amended, on 26 March 2004, by regulation 9(3) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 14(2)(b): amended, on 26 March 2004, by regulation 9(3) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

15 Alternative documentation for substances being transported

- (1) While a hazardous substance is being transported by land, it does not have to comply with regulations 16 to 19 if it is accompanied by documents that comply with Land Transport Rule 45001: Dangerous Goods 1999 (made under the Land Transport Act 1998).
- (2) While a hazardous substance is being transported by sea, it does not have to comply with regulations 16 to 19 if it is accompanied by documents that comply with Maritime Rule 24A Carriage of Cargoes-Dangerous Goods (made under Part 3 of the Maritime Transport Act 1994).
- (3) While a hazardous substance is being transported by air, it does not have to comply with regulations 16 to 19 if it is accompanied by documents that comply with Civil Aviation Rule 92: Carriage of Dangerous Goods (made under Part 3 of the Civil Aviation Act 1990).

Regulation 15 heading: amended, on 26 March 2004, by regulation 10 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Further documentation

Heading: amended, on 26 March 2004, by regulation 11 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

16 General content requirements for documentation

- (1) A person required by regulation 12 or regulation 14 to comply with this regulation in relation to a quantity of hazardous substances of a particular hazard classification must provide the following information with the quantity:
 - (a) a description of the preparations that should be made for an emergency involving the substances:

- (b) a description of any special training or equipment needed to deal with an emergency involving the substances:
 - (c) a description of the action to be taken to reduce or eliminate the dangers arising from an emergency involving the substances:
 - (d) a description of the action to be taken, including the use of any protective equipment or agents (such as neutralisers and absorbents), to re-establish the controls established when the substances were approved.
- (2) To the extent that any information required by subclause (1) is different for different hazardous substances of the same classification, it must be provided—
- (a) separately; and
 - (b) so that it states clearly which substances it relates to.

Regulation 16 heading: amended, on 26 March 2004, by regulation 12 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

17 Specific documentation requirements for flammable and oxidising substances and organic peroxides

A person required by regulation 12 or regulation 14 to comply with regulation 16 in relation to a quantity of a flammable substance, an oxidising substance, or an organic peroxide must also provide with the quantity a description of the steps to be taken to control a fire involving the substance, including the types of extinguishant to be used.

Regulation 17 heading: amended, on 26 March 2004, by regulation 13 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

18 Location and presentation of documentation

Documentation required by regulation 16 or regulation 17 must be provided in accordance with regulation 48 of the Hazardous Substances (Identification) Regulations 2001, and regulation 48 applies with all necessary modifications.

Regulation 18: substituted, on 26 March 2004, by regulation 14 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

19 Comprehensibility, clarity, and durability

[Revoked]

Regulation 19: revoked, on 26 March 2004, by regulation 15 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

20 Requirements additional to Level 1

The requirements of regulations 16 and 17 are additional to those of Part 2.

*Fire extinguishers***21 Fire extinguishers required**

- (1) Every place must have the number of fire extinguishers specified in Schedule 3 if the hazardous substances present, or likely to be present, exceed the quantities in Schedule 3.
- (2) If substances of 2 or more hazard classifications are held in the place, or reasonably likely to be held in it on occasion,—
 - (a) the numbers of fire extinguishers are not cumulative; and
 - (b) it is enough to have the highest of the numbers of fire extinguishers specified for substances of the various classifications.
- (3) References in Schedule 3 to volumes of gaseous hazardous substances must be read as references to volumes of those substances as they would be at—
 - (a) a pressure of 101.3 kPa; and
 - (b) a temperature of 20°C.

Regulation 21(1): substituted, on 28 August 2003, by regulation 3 of the Hazardous Substances (Emergency Management) Amendment Regulations 2003 (SR 2003/183).

Regulation 21(3)(a): amended, on 26 March 2004, by regulation 16 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

22 Location of fire extinguishers

- (1) In the case of a motor vehicle transporting hazardous substances, the fire extinguishers required by regulation 21 must be in or on the vehicle.
- (2) In any other case, every fire extinguisher required by regulation 21 must be so located that the distance of travel between it and the substances concerned is no more than 30 metres.

23 Capability of fire extinguishers

Each fire extinguisher required by regulation 21 must be able, when used by one person, to put out a fully ignited pool, 50 mm deep and at least 6 m² in area, of a flammable liquid with properties equivalent to those of n-heptane.

Regulation 23: amended, on 26 March 2004, by regulation 17 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

24 Information about fires still needed

Regulations 21 to 23 do not limit or affect any information requirement relating to fires in Part 2 or this Part.

Part 4
**Level 3 emergency management (response plans, secondary
containment, and signage)**

Duties

25 Duties of persons in charge of places under this Part

- (1) This regulation applies to a place if—
 - (a) there is held in it, or reasonably likely to be held in it on occasion, an aggregate quantity of hazardous substances of a particular hazard classification greater than the quantity specified in Schedule 4; and
 - (b) it is not an aircraft subject to the Civil Aviation Act 1990 or a ship subject to the Maritime Transport Act 1994.
- (2) Subject to regulations 36(3) and 42(2), a person in charge of a place to which this regulation applies must ensure that the requirements of this Part are complied with.
- (3) If the third column of Schedule 4 specifies a weight and a volume as alternative quantities for hazardous substances in gaseous form,—
 - (a) subclause (1) has effect as soon as either quantity of the substances is held or reasonably likely to be held; and
 - (b) the references to a volume of gaseous hazardous substances must be read as references to volumes of those substances as they would be at—
 - (i) a pressure of 101.3 kPa; and
 - (ii) a temperature of 20°C.

Regulation 25(3)(b)(i): amended, on 26 March 2004, by regulation 18 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

26 Requirements additional to Levels 1 and 2

The requirements of this Part are additional to those of Parts 2 and 3.

Emergency response plans

27 When emergency response plans required

A place to which this Part is applied by regulation 25(1) must have in it a single emergency response plan relating to all the hazardous substances held in it or reasonably likely to be held in it on occasion.

28 Plans to warn of likely emergencies

An emergency response plan must describe all of the reasonably likely emergencies that may arise from the breach or failure of the controls on hazardous substances of the hazard classifications concerned.

29 Contents of plans

An emergency response plan must, for each reasonably likely emergency,—

- (a) describe the actions to be taken to—
 - (i) warn people at the place, and in surrounding areas that may be adversely affected by the emergency, that an emergency has occurred; and
 - (ii) advise those people about the actions they should take to protect themselves; and
 - (iii) help or treat any person injured in the emergency; and
 - (iv) manage the emergency so that its adverse effects are first restricted to the area initially affected, then as soon as practicable reduced in severity, then if reasonably possible eliminated; and
 - (v) if any of the substances concerned remain, re-establish the controls imposed on it when it was approved; and
- (b) identify every person with responsibility for undertaking any of the actions described in paragraph (a) (or any part of any of those actions) and give information on—
 - (i) how to contact the person; and
 - (ii) any skills the person is required to have; and
 - (iii) any actions that person is expected to take; and
- (c) specify—
 - (i) how to obtain information about the hazardous properties of and means of controlling the substance or substances that may be involved; and
 - (ii) actions to be taken to contact any emergency service provider; and
 - (iii) the purpose and location of each item of equipment or material to be used to manage the emergency; and
 - (iv) how to decide which actions to take; and
 - (v) the sequence in which actions should be taken.

30 Extra information required in some cases

An emergency response plan—

- (a) must specify the type and location of the fire extinguishers provided under regulation 21, and any extra firefighting equipment, materials, and systems provided, if any of the reasonably likely emergencies identified in the plan is a fire; and
- (b) must provide for the retention of any liquid or liquefied oxidising substance or organic peroxide, to prevent its contacting any incompatible substance.

Regulation 30(a): amended, on 26 March 2004, by regulation 19 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

31 Availability of equipment, materials, and people

All equipment and materials described in an emergency response plan, and all responsible people described in an emergency response plan who are on duty, must—

- (a) be present at the location concerned; or
- (b) be available to reach the location of the substance within the times specified in the plan; or
- (c) in the case of a trained person, be available to provide the advice or information specified in the plan within a time specified in the plan.

32 Availability of plans

- (1) An emergency response plan must be available to every person identified under regulation 29(b) as being responsible for executing the plan or a specific part of it, and to every emergency service provider identified in it.
- (2) The information in an emergency response plan must meet the standards of presentation required by Part 2 of the Hazardous Substances (Identification) Regulations 2001.

33 Testing plans

- (1) An emergency response plan must be tested at least every 12 months; and the test must demonstrate that every procedure or action in the plan is workable and effective.
- (2) If there is a change to the persons, procedures, or actions specified in an emergency response plan, the plan must be tested within 3 months of the change; and the test must demonstrate that—
 - (a) the changed persons can perform their functions under the plan; and
 - (b) each changed procedure or action is workable and effective.
- (3) The carrying out and the results of every test must be documented; and the documentation must be retained at least 2 years.

34 Plan can be part of other management documentation

An emergency response plan can be part of any other management documentation for an emergency whether—

- (a) required by the Hazardous Substances and New Organisms Act 1996 or some other Act; or
- (b) undertaken by a person or organisation for some other reason.

*Secondary containment***35 Terms used in regulations 36 to 41**

In this regulation and regulations 36 to 41, unless the context otherwise requires,—

pooling substance means a hazardous substance that—

- (a) is a liquid; or
- (b) is likely to liquify in a fire

secondary containment system, in relation to a place,—

- (a) means a system or systems—
 - (i) in which pooling substances held in the place will be contained if they escape from the container or containers in which they are being held; and
 - (ii) from which they can, subject to unavoidable wastage, be recovered; and
- (b) includes a system or systems that comply with a code of practice approved by the Authority under section 78 of the Hazardous Substances and New Organisms Act 1996

total pooling potential, in relation to a place, means the aggregate quantity of all pooling substances held in the place.

Regulation 35 **pooling substance** paragraph (a): substituted, on 26 March 2004, by regulation 20(1) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Regulation 35 **secondary containment system**: substituted, on 26 March 2004, by regulation 20(2) of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

36 Secondary containment systems for pooling substances

- (1) A place to which regulation 25 applies must have a secondary containment system if the quantity of any pooling substances of a particular hazard classification held in it is equal to or greater than the quantity specified in Schedule 4.
- (2) The system must comply with regulation 37, regulation 38, regulation 39, or regulation 40, depending on—
 - (a) the capacities of the container or containers in which the substances are held; and
 - (b) whether they are held in a place above or below ground.
- (2A) If 2 or more containers of different capacities (as described in regulations 37 to 39) are held at one place, the system must have a capacity of at least the sum of each container category.
- (3) Subclause (1) does not apply to a place that is a vehicle.

Regulation 36(2A): inserted, on 26 March 2004, by regulation 21 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

37 Surface containers of up to 60 litres

If the pooling substances held in a place above ground are in containers each of which has a capacity of 60 litres or less,—

- (a) if the place's total pooling potential is less than 5 000 litres, the secondary containment system must have a capacity of at least half that total pooling potential:
- (b) if the place's total pooling potential is 5 000 litres or more, the secondary containment system must have a capacity of the greater of—
 - (i) 2 500 litres; and
 - (ii) a quarter of that total pooling potential.

38 Surface containers of over 60 and up to 450 litres

If the pooling substances held in a place above ground are in containers 1 or more of which have a capacity of more than 60 litres but none of which has a capacity of more than 450 litres,—

- (a) if the place's total pooling potential is less than 5 000 litres, the secondary containment system must have a capacity of at least that total pooling potential:
- (b) if the place's total pooling potential is 5 000 litres or more, the secondary containment system must have a capacity of the greater of—
 - (i) 5 000 litres; and
 - (ii) half that total pooling potential.

39 Surface containers of over 450 litres

- (1) If the pooling substances held in a place above ground are in containers 1 or more of which have a capacity of 450 litres or more, the secondary containment system must have a capacity of at least 110% of the capacity of the largest container.
- (2) Subclause (1) applies to a container that is so connected to some other container or containers that leakage from it will cause the other container or containers to empty, as if its capacity is the sum of the capacities of all the connected containers.

40 Below ground containers

- (1) If the pooling substances held in a place are in 1 or more below ground containers, the secondary containment system must have a capacity at least equal to the total pooling potential.
- (2) In subclause (1), **below ground container**—
 - (a) means a container that is situated below ground; and

- (b) includes—
 - (i) a container below ground, the level of which has been raised to provide cover for the container; and
 - (ii) a container covered by other incombustible material instead of ground.

Regulation 40: substituted, on 26 March 2004, by regulation 22 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

41 Particular controls on secondary containment systems

There must be instituted or capable of being instituted in or in respect of a secondary containment system required by these regulations, controls that—

- (a) if explosive substances must be contained, exclude any energy source capable of causing them to explode:
- (b) if flammable or oxidising substances, or organic peroxides, must be contained, exclude any energy source capable of igniting them or causing them to decompose thermally:
- (c) if toxic or biological corrosive substances must be contained, prevent people from being directly exposed to them:
- (d) prevent the substances retained from being contaminated by incompatible substances and materials.

Signage

42 Signage requirements

- (1) Every place where there is held a quantity of a hazardous substance that is equal to or greater than the quantity specified for hazardous substances of that hazard classification in Schedule 5 must have signage that—
 - (a) advises the action to be taken in an emergency; and
 - (b) meets the requirements of regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001.
- (2) Subsection (1) does not apply to—
 - (a) an aircraft that is subject to the Civil Aviation Act 1990; or
 - (b) an ship that is subject to the Maritime Transport Act 1994; or
 - (c) an vehicle that is subject to the Land Transport Act 1998.

Schedule 1

Quantities requiring Level 1 information

rr 6, 7(1)

Schedule 1: substituted, on 26 March 2004, by regulation 23 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Hazard classification	Description	Quantity
1—All hazard classifications except the following:	gas, liquid, or solid	any quantity
(a) safety ammunition, including pre-primed cartridges and primers, of class 1.4S; and		
(b) airbag initiators and seatbelt pretensioners of classes 1.4G and 1.4S; and		
(c) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001; and		
(d) cable cutters of class 1.4S (UN 0070); and		
(e) power device cartridges of class 1.4S (UN 0323); and		
(f) signal or shock tubes of class 1.4S (UN 0349); and		
(g) cassette degradation devices of class 1.4S (UN 0432); and		
(h) emergency flares and signalling devices of classes 1.3G, 1.4G, and 1.4S; and		
(i) model rocket motors of classes 1.4G and 1.4S; and		
(j) igniting fuzes of class 1.4G (UN 0317); and		
(k) igniters of class 1.4S (UN 0454).		
2.1.1A	non-permanent gas	0.2 kg
	permanent gas	0.2 m ³
2.1.1B	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
2.1.2A	aerosol	1.0 L aggregate water capacity
3.1A	liquid	0.5 L
3.1B, 3.1C	liquid	1.0 L
3.1D	liquid	5.0 L
3.2A, 3.2B, 3.2C	liquid	0.2 L
4.1.1A	solid	0.5 kg
4.1.1B	solid	1.0 kg

Hazard classification	Description	Quantity
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	liquid	0.2 L
	solid	0.2 kg
4.1.3A, 4.1.3B, 4.1.3C	liquid	0.2 L
	solid	0.2 kg
4.2A	liquid	0.2 L
	solid	0.2 kg
4.2B	solid	0.5 kg
4.2C	solid	1.0 kg
4.3A	liquid	0.2 L
	solid	0.2 kg
4.3B	liquid	0.5 L
	solid	0.5 kg
4.3C	liquid	1.0 L
	solid	1.0 kg
5.1.1A	liquid	0.2 L
	solid	0.2 kg
5.1.1B	liquid	0.5 L
	solid	0.5 kg
5.1.1C	liquid	1.0 L
	solid	1.0 kg
5.1.2A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
5.2A, 5.2B, 5.2C, 5.2D	liquid	0.1 L
	solid	0.1 kg
5.2E, 5.2F	liquid	0.5 L
	solid	0.5 kg
5.2G	liquid	5.0 L
	solid	5.0 kg
6.1A, 6.1B, 6.1C	gas, liquid, or solid	any quantity
6.1D, 6.3A, 6.4A	non-permanent gas	0.1 kg
	permanent gas	0.1 m ³
	liquid	0.1 L
	solid	0.1 kg
6.1E, 6.3B, 6.5A, 6.5B	liquid	1.0 L
	solid	1.0 kg
8.1A, 8.2B	gas, liquid, or solid	any quantity

Hazard classification	Description	Quantity
8.2C, 8.3A	non-permanent gas	0.1 kg
	permanent gas	0.1 m ³
	liquid	0.1 L
	solid	0.1 kg
9.1A, 9.2A, 9.3A, 9.4A	liquid	0.1 L
	solid	0.1 kg
9.1B, 9.2B, 9.3B, 9.4B	liquid	0.2 L
	solid	0.2 kg
9.1C, 9.1D, 9.2C, 9.2D, 9.3C, 9.4C	liquid	1.0 L
	solid	1.0 kg

(All liquid volumes measured at 20°C)

Schedule 2

Quantities requiring Level 2 documentation

rr 12, 14(1)

Schedule 2: substituted, on 26 March 2004, by regulation 23 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Hazard classification	Description	Quantity
The following class 1:	gas, liquid, or solid	5 kg (gross weight) per package
(a) airbag initiators and seatbelt pretensioners of classes 1.4G or 1.4S; and		
(b) cable cutters of class 1.4S (UN 0070); and		
(c) power device cartridges of class 1.4S (UN 0323); and		
(d) signal or shock tubes of class 1.4S (UN 0349); and		
(e) cassette degradation devices of class 1.4S (UN 0432); and		
(f) emergency flares and signalling devices of classes 1.3G, 1.4G, and 1.4S; and		
(g) model rocket motors of class 1.4G and 1.4S; and		
(h) igniting fuzes of class 1.4G (UN 0317); and		
(i) igniters of class 1.4S (UN 0454).		
The rest of class 1 except—	gas, liquid, or solid	any quantity
(a) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001; and		
(b) safety ammunition, including pre-primed cartridges and primers, of class 1.4S.		
2.1.1A	non-permanent gas	0.2 kg
	permanent gas	0.2 m ³
2.1.1B	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
2.1.2A	aerosol	1.0 L aggregate water capacity
3.1A	liquid	0.5 L
3.1B	liquid	1.0 L
3.1C	liquid	5.0 L
3.1D	liquid	50 L
3.2A, 3.2B, 3.2C	liquid	any quantity
4.1.1A	solid	0.5 kg

Hazard classification	Description	Quantity
4.1.1B	solid	3.0 kg
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	liquid or solid	any quantity
4.1.3A, 4.1.3B, 4.1.3C	liquid or solid	any quantity
4.2A	liquid or solid	any quantity
4.2B	solid	0.5 kg
4.2C	solid	3.0 kg
4.3A	liquid or solid	any quantity
4.3B	liquid	0.5 L
	solid	0.5 kg
4.3C	liquid	1.0 L
	solid	1.0 kg
5.1.1A	liquid or solid	any quantity
5.1.1B	liquid	0.5 L
	solid	0.5 kg
5.1.1C	liquid	1.0 L
	solid	1.0 kg
5.1.2A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
5.2A	liquid or solid	any quantity
5.2B, 5.2C, 5.2D, 5.2E, 5.2F—if substance needs temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid or solid	any quantity
5.2B, 5.2C—if substance does not need temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid	25 mL
	solid	0.1 kg
5.2D, 5.2E, 5.2F—if substance does not need temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	liquid	125 mL
	solid	0.5 kg
5.2G	liquid	50 L
	solid	50 kg
6.1A, 6.1B	gas, liquid, or solid	any quantity
6.1C, 6.6A, 6.7A, 6.8A, 6.9A	non-permanent gas	0.1 kg
	permanent gas	0.1 m ³
	liquid	0.1 L
	solid	0.5 kg

Hazard classification	Description	Quantity
6.1D, 6.5A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, 6.9B	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
	liquid	1.0 L
	solid	3.0 kg
6.1E, 6.3A, 6.3B, 6.4A	liquid	50 L
	solid	50 kg
8.2A	gas, liquid, or solid	any quantity
8.2B	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
	liquid	0.5 L
	solid	1.0 kg
8.1A, 8.2C, 8.3A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
	liquid	1.0 L
	solid	2.0 kg
9.1A, 9.1B, 9.1C, 9.2A, 9.2B, 9.2C, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B, 9.4C	liquid	5.0 L
	solid	5.0 kg
9.1D, 9.2D	liquid	50 L
	solid	50 kg

(All liquid volumes measured at 20°C)

Schedule 3 Quantities requiring fire extinguishers

r 21(1)

Schedule 3: substituted, on 26 March 2004, by regulation 23 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Hazard classification	Description	Quantity	No
1.1A, 1.1B, 1.2B	solid	1 kg	1
1.1C, 1.1D, 1.1E, 1.1F, 1.1G, 1.1J, 1.1L, 1.2C, 1.2D, 1.2E, 1.2F, 1.2G, 1.2H, 1.2J, 1.2K, 1.2L, 1.3C, 1.3F, 1.3G, 1.3H, 1.3J, 1.3K, 1.3L	liquid	25 L	1
	solid	25 kg	
1.4B, 1.4C, 1.4D, 1.4E, 1.4F, 1.4G, 1.4S, 1.5D, 1.6N	solid	50 kg	1
Fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001	solid	300 kg (gross weight)	1
Safety ammunition, including pre-primed cartridges and primers, of class 1.4S	solid	500 kg (gross weight)	1
2.1.1A	non-permanent gas	50 kg	1
	permanent gas	30 m ³	
2.1.1B	non-permanent gas	200 kg	2
	permanent gas	120 m ³	
2.1.2A	aerosol	3 000 L aggregate water capacity	1
3.1A	liquid	50 L	1
		200 L	2
3.1B	liquid	250 L	2
3.1C, 3.1D	liquid	500 L	2
3.2A, 3.2B, 3.2C	liquid	50 L	1
		200 L	2
4.1.1A	solid	250 kg	2
4.1.1B	solid	500 kg	2
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	liquid	50 L	1
		200 L	2
	solid	50 kg	1
		200 kg	2
4.1.3A, 4.1.3B, 4.1.3C	liquid	50 L	1
		200 L	2
	solid	50 kg	1
		200 kg	2
4.2A	liquid	50 L	1

Hazard classification	Description	Quantity	No
		200 L	2
	solid	50 kg	1
		200 kg	2
4.2B	solid	250 kg	2
4.2C	solid	500 kg	2
4.3A	liquid	50 L	1
		200 L	2
	solid	50 kg	1
		200 kg	2
4.3B	liquid	250 L	2
	solid	250 kg	
4.3C	liquid	500 L	2
	solid	500 kg	
5.1.1A	liquid	5 L	1
	solid	5 kg	
5.1.1B	liquid	200 L	1
	solid	200 kg	
5.1.1C	liquid	500 L	2
	solid	500 kg	
5.1.2A	non-permanent gas	10 kg	1
		50 kg	2
	permanent gas	10 m ³	1
		50 m ³	2
5.2A, 5.2B	liquid	1 L	1
	solid	1 kg	
5.2C, 5.2D	liquid	10 L	1
	solid	10 kg	
5.2E, 5.2F	liquid	50 L	1
	solid	50 kg	

Schedule 4 Threshold quantities for Level 3

r 25(1)

Schedule 4: substituted, on 26 March 2004, by regulation 23 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Hazard classification	Description	Quantity
1.1A, 1.1B, 1.1C, 1.1D, 1.1E, 1.1F, 1.1G, 1.1J, 1.1L, 1.2B, 1.2C, 1.2D, 1.2E, 1.2F, 1.2G, 1.2H, 1.2J, 1.2K, 1.2L	liquid	50 L
	solid	50 kg
1.3C, 1.3F, 1.3G, 1.3H, 1.3J, 1.3K, 1.3L	liquid	100 L
	solid	100 kg
1.4B, 1.4C, 1.4D, 1.4E, 1.4F, 1.4G, 1.4S, 1.5D, 1.6N, except the following:	liquid	200 L
(a) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001; and	solid	200 kg
(b) safety ammunition, including pre- primed cartridges and primers, of class 1.4S; and		
(c) airbag initiators and seatbelt preten- sioners of classes 1.4G and 1.4S; and		
(d) cable cutters of class 1.4S (UN 0070); and		
(e) power device cartridges of class 1.4S (UN 0323); and		
(f) signal or shock tubes of class 1.4S (UN 0349); and		
(g) cassette degradation devices of class 1.4S (UN 0432); and		
(h) emergency flares and signalling devi- ces of classes 1.3G, 1.4G, and 1.4S.		
2.1.1A	non-permanent gas	300 kg
	permanent gas	200 m ³
2.1.1B	non-permanent gas	1 000 kg
	permanent gas	600 m ³
2.1.2A	aerosol	3 000 L aggregate water capacity
3.1A	liquid	100 L
3.1B	liquid	1 000 L
3.1C, 3.1D	liquid	10 000 L
3.2A, 3.2B, 3.2C	liquid	100 L
4.1.1A	solid	1 000 kg
4.1.1B	solid	10 000 kg

Hazard classification	Description	Quantity
4.1.2A, 4.1.2B	liquid	50 L
	solid	50 kg
4.1.2C, 4.1.2D	liquid	100 L
	solid	100 kg
4.1.2E, 4.1.2F, 4.1.2G	liquid	200 L
	solid	200 kg
4.1.3A, 4.1.3B, 4.1.3C	liquid	100 L
	solid	100 kg
4.2A	liquid	100 L
	solid	100 kg
4.2B	solid	1 000 kg
4.2C	solid	10 000 kg
4.3A	liquid	100 L
	solid	100 kg
4.3B	liquid	1 000 L
	solid	1 000 kg
4.3C	liquid	10 000 L
	solid	10 000 kg
5.1.1A	liquid	50 L
	solid	50 kg
5.1.1B	liquid	500 L
	solid	500 kg
5.1.1C	liquid	5 000 L
	solid	5 000 kg
5.1.2A	non-permanent gas	100 kg
	permanent gas	100 m ³
5.2A, 5.2B	liquid	10 L
	solid	10 kg
5.2C, 5.2D	liquid	25 L
	solid	25 kg
5.2E, 5.2F	liquid	100 L
	solid	100 kg
6.1A, 6.1B, 6.1C	non-permanent gas	5 kg
	permanent gas	2.5 m ³
	liquid	100 L
	solid	100 kg

Hazard classification	Description	Quantity
6.1D, 6.5A, 6.5B, 6.7A	non-permanent gas	50 kg
	permanent gas	25 m ³
	liquid	1 000 L
	solid	1 000 kg
6.6A, 6.7B, 6.8A, 6.9A	liquid	10 000 L
	solid	10 000 kg
8.2A	non-permanent gas	5 kg
	permanent gas	2.5 m ³
	liquid	100 L
	solid	100 kg
8.2B	non-permanent gas	50 kg
	permanent gas	25 m ³
	liquid	1 000 L
	solid	1 000 kg
8.2C, 8.3A	liquid	10 000 L
	solid	10 000 kg
9.1A	liquid	100 L
	solid	100 kg
9.1B, 9.1C	liquid	1 000 L
	solid	1 000 kg
9.1D	liquid	10 000 L
	solid	10 000 kg

Schedule 5

Quantities requiring signage

r 42

Schedule 5: substituted, on 26 March 2004, by regulation 23 of the Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44).

Hazard classification	Description	Quantity
1	Fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001	1 000 kg (gross weight)
	Safety ammunition, including pre-primed cartridges and primers, of class 1.4S	10 000 kg (gross weight)
	Airbag initiators and seatbelt pretensioners of class 1.4G and 1.4S	5 000 kg (gross weight)
	Cable cutters of class 1.4S (UN 0070)	5 000 kg (gross weight)
	Power device cartridges of class 1.4S (UN 0323)	5 000 kg (gross weight)
	Signal or shock tubes of class 1.4S (UN 0349)	5 000 kg (gross weight)
	Cassette degradation devices of class 1.4S (UN 0432)	5 000 kg (gross weight)
	Propellants of class 1.1C (UN 0160) and 1.3C (UN 0161 and UN 0499), gun-powder of class 1.1D (UN 0027), and substances of classes 1.3G, 1.4G, and 1.4S not listed above	50 kg
	All remaining explosive hazardous classifications	any quantity
2.1.1A	non-permanent gas	250 kg
	permanent gas	100 m ³
2.1.1B	non-permanent gas	500 kg
	permanent gas	200 m ³
2.1.2A	aerosol	3 000 L aggregate water capacity
3.1A, 3.2A, 4.1.3A, 4.2A, 4.3A	liquid	50 L
	solid	50 kg
3.1B, 3.2B, 4.1.3B, 4.2B, 4.3B	liquid	250 L
	solid	250 kg
3.1C, 3.2C, 4.1.3C, 4.2C, 4.3C	liquid	1 000 L
	solid	1 000 kg
3.1D	liquid	10 000 L
4.1.1A	solid	250 kg
4.1.1B	solid	1 000 kg

Hazard classification	Description	Quantity
4.1.2A, 4.1.2B	liquid	50 L
	solid	50 kg
4.1.2C, 4.1.2D	liquid	250 L
	solid	250 kg
4.1.2E, 4.1.2F, 4.1.2G	liquid	1 000 L
	solid	1 000 kg
5.1.1A	liquid	50 L
	solid	50 kg
5.1.1B	liquid	500 L
	solid	500 kg
5.1.1C	liquid	1 000 L
	solid	1 000 kg
5.1.2A	non-permanent gas	250 kg
	permanent gas	500 m ³
5.2A, 5.2B	liquid	1 L
	solid	1 kg
5.2C, 5.2D, 5.2E, 5.2F	liquid	10 L
	solid	10 kg
6.1A	liquid	50 L
	solid	50 kg
6.1B	liquid	250 L
	solid	250 kg
6.1C	liquid	1 000 L
	solid	1 000 kg
6.1D	liquid	10 000 L
	solid	10 000 kg
6.1A, 6.1B, 6.1C	non-permanent gas	5 kg
	permanent gas	2.5 m ³
8.1A	liquid	1 000 L
	solid	1 000 kg
8.2A	non-permanent gas	5 kg
	permanent gas	2.5 m ³
	liquid	50 L
	solid	50 kg
8.2B	non-permanent gas	50 kg
	permanent gas	25 m ³

Hazard classification	Description	Quantity
	liquid	250 L
	solid	250 kg
8.2C, 8.3A	liquid	1 000 L
	solid	1 000 kg
9.1A, 9.2A, 9.3A, 9.4A	liquid	100 L
	solid	100 kg
9.1B, 9.1C, 9.2B, 9.2C, 9.3B, 9.4B, 9.4C	liquid	1 000 L
	solid	1 000 kg
9.1D, 9.2D, 9.3C	liquid	10 000 L
	solid	10 000 kg

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
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Reprints notes

1 *General*

This is a reprint of the Hazardous Substances (Emergency Management) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233): regulation 4(1)

Environmental Protection Authority Act 2011 (2011 No 14): section 53(3)

Hazardous Substances (Emergency Management) Amendment Regulations 2004 (SR 2004/44)

Hazardous Substances (Emergency Management) Amendment Regulations 2003 (SR 2003/183)