



Hazardous Substances (Compressed Gases) Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of September 2012

Present:

The Right Hon John Key presiding in Council

Pursuant to section 140(1) of the Hazardous Substances and New Organisms Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment given in accordance with section 141 of that Act, makes the following regulations.

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Schedule

New Schedule inserted

Regulations

1 Title

These regulations are the Hazardous Substances (Compressed Gases) Amendment Regulations 2012.

2 Commencement

These regulations come into force on 1 November 2012.

3 Principal regulations

These regulations amend the Hazardous Substances (Compressed Gases) Regulations 2004 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

(1) In regulation 3, revoke the definitions of—

- (a) **AGA:**
- (b) **AGA 205:**
- (c) **AS 2030.1:**
- (d) **AS 2278:**
- (e) **AS 2337.1:**
- (f) **AS 2472:**
- (g) **AS 2473:**
- (h) **AS 2474:**
- (i) **AS 3840:**
- (j) **high pressure liquefiable gas:**
- (k) **ISO/IEC Guide 61:**
- (l) **liquefiable gas:**
- (m) **low pressure liquefiable gas:**
- (n) **SFS EN:**
- (o) **SFS EN 629.1:**
- (p) **UL 125:**
- (q) **UL 144.**

- (2) In regulation 3, insert in their appropriate alphabetical order:
- “**AS 2030.1–2009** means Australian standard 2030.1–2009 *Gas cylinders—General requirements*
- “**AS 2030.5–2009** means Australian standard 2030.5–2009 *Gas cylinders—Filling, inspection and testing of refillable cylinders*
- “**AS 2278.1–2008** means Australian standard 2278.1–2008 *Aerosol containers—Metal aerosol dispensers of capacity 50 mL to 1000 mL inclusive*
- “**AS 2337.1–2004** means Australian standard 2337.1–2004 *Gas cylinder test stations—General requirements, inspection and tests—Gas cylinders*

“**AS 2337.3–2006** means Australian standard 2337.3–2006 *Gas cylinder test stations—Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders*

“**AS 2473.1–2006** means Australian standard 2473.1–2006 *Valves for compressed gas cylinders—Specifications, type testing, and manufacturing tests and inspections*

“**AS 2473.2–2007** means Australian standard 2473.2–2007 *Valves for compressed gas cylinders—Outlet connections (threaded) and stem (inlet) threads*

“**AS 2473.3–2007** means Australian standard 2473.3–2007 *Valves for compressed gas cylinders—Outlet connections for medical gases (including pin-indexed yoke connections)*

“**AS 3840.1–1998** means Australian standard AS 3840.1–1998 *Pressure regulators for use with medical gases—Pressure regulators and pressure regulators with flow-metering devices*

“**AS 4621–2004** means Australian standard 4621–2004 *Regulators for use with liquefied petroleum—Vapour phase*

“**CGA V–1 (2005)** means the *CGA Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections* published in November 2005

“**Chapter 6.2 of UNRTDG** includes any amendment or replacement of that chapter made by the United Nations Economic and Social Council

“**DIN** means Deutsches Institut für Normung e.V.

“**DIN EN ISO 11363–1** means DIN EN ISO Standard 11363–1 (2012–06) *Gas cylinders—17E and 25E taper threads for connection of valves to gas cylinders—Part 1: Specifications*

“**dissolved gas** means a gas that when packaged under pressure is dissolved in a liquid phase solvent

“**fire extinguisher registration number** means a fire extinguisher registration number issued by a product certification body in accordance with regulation 23B

“**high-pressure fire extinguisher** means a fire extinguisher that is not a low-pressure fire extinguisher

“**high pressure liquefied gas** means a liquefied gas with a critical temperature above -50°C but below or equal to $+65^{\circ}\text{C}$

“**ISO/IEC 17011:2004** means ISO/IEC Standard 17011:2004 *Conformity assessment—General requirements for accreditation bodies accrediting conformity assessment bodies*

“**liquefied gas** means a gas that is partially liquid at temperatures above -50°C when packaged under pressure

“**low-pressure fire extinguisher** means a fire extinguisher with a test pressure of less than 7000 kilopascals

“**low pressure liquefied gas** means a liquefied gas with a critical temperature above $+65^{\circ}\text{C}$

“**refrigerated liquefied gas** means a gas that when packaged is partially liquid because of its low temperature

“**UL 125–2009** means UL 125–2009 *Standard for Flow Control Valves for Anhydrous Ammonia and LP-Gas*

“**UL 144–2012** means UL 144–2012 *Standard for LP-Gas Regulators*

“**UNRTDG**—

“(a) means the 17th revised edition of the *UN Recommendations on the Transport of Dangerous Goods—Model Regulations* (2011); and

“(b) includes any amendment to, or replacement of, material in the model regulations that has legal effect as part of these regulations under section 141B of the Act; but

“(c) does not include any material that ceases to have legal effect as part of these regulations under section 141D of the Act”.

(3) In regulation 3, replace the definition of **compressed gas** with:

“**compressed gas** means any of the following gases when packaged under pressure:

“(a) a gas that is entirely gaseous at -50°C :

“(b) a liquefied gas:

“(c) a refrigerated liquefied gas:

“(d) a dissolved gas”.

(4) In regulation 3, replace the definition of **gas** with:

“**gas** has the meaning given to it in regulation 3 of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001”.

- (5) In regulation 3, definition of **product certification body**, replace “ISO/IEC Guide 61” with “ISO/IEC 17011:2004”.

5 New regulation 5A inserted (Application of regulations to UNRTDG cylinders)

After regulation 5, insert:

“5A Application of regulations to UNRTDG cylinders

- “(1) Parts 2 and 2A, which relate to the design, construction, and initial testing of cylinders (including fire extinguishers), do not apply to a cylinder that is marked, in accordance with clause 6.2.2.7 of Chapter 6.2 of UNRTDG, with markings that—
- “(a) are affixed by or on behalf of the government of a country other than New Zealand; and
 - “(b) certify that the cylinder has been designed and constructed, and passed initial inspections and tests, in accordance with Chapter 6.2 of UNRTDG.
- “(2) Regulations 39 to 42, which relate to the marking of cylinders, do not apply to a cylinder that is marked in accordance with clause 6.2.2.7 of Chapter 6.2 of UNRTDG.
- “(3) A test certifier may issue an import test clearance for a cylinder in accordance with the Schedule if the cylinder has markings that—
- “(a) are made by or on behalf of the government of a country other than New Zealand; and
 - “(b) certify that the cylinder has passed initial inspections and tests, or periodic tests, in accordance with Chapter 6.2 of UNRTDG.
- “(4) All cylinders repaired in New Zealand must be repaired in accordance with Part 8A.”

6 Regulation 7 amended (Reference temperatures)

In regulation 7, replace “liquefiable” with “liquefied” in each place.

7 Cross-heading above regulation 9 revoked

Revoke the cross-heading above regulation 9.

8 Regulation 9 amended (Application of this Part)

In regulation 9(1), after “including”, insert “high-pressure”.

9 New regulation 9A and cross-heading inserted

After regulation 9, insert:

“9A Use and supply of cylinders

A person must not use or supply a cylinder in New Zealand unless the cylinder has,—

- “(a) if it was manufactured in New Zealand,—
 - “(i) a design verification certificate issued in accordance with regulation 15; and
 - “(ii) a manufacturing certificate issued in accordance with regulation 16; and
 - “(iii) if required, a pre-commissioning certificate issued in accordance with regulation 22 or waived in accordance with regulation 21; or
- “(b) if it was manufactured outside New Zealand,—
 - “(i) a test certificate issued in accordance with regulation 19; and
 - “(ii) if required, a pre-commissioning certificate issued in accordance with regulation 22 or waived in accordance with regulation 21.

“Standards”.

10 Regulation 11 amended (Standards for fire extinguishers)

Delete regulation 11(a).

11 Regulation 12 amended (Standards for cylinder neck threads)

Replace regulation 12(b) with:

- “(b) if that standard does not specify requirements for the neck thread,—
 - “(i) AS 2473.1–2006; or
 - “(ii) AS 2473.2–2007; or
 - “(iii) ANSI/CSA/CGA Standard V–1; or
 - “(iv) DIN EN ISO 11363–1; or

“(v) Unified Screw Thread (UNF) class 2B of AS 3635; or”.

12 New cross-heading above regulation 15 inserted

After regulation 14, insert:

“Design verification”.

13 Cross-heading above regulation 16 replaced

Replace the cross-heading above regulation 16 with:

“Cylinder manufacture”.

14 Regulation 17 revoked (Repair of cylinders)

Revoke regulation 17.

15 Regulation 18 amended (Restrictions on imported cylinders)

In regulation 18(2), delete “to a retailer”.

16 Regulation 19 amended (Test certificate for imported cylinders)

(1) Replace regulation 19(2)(a) with:

“(a) a manufacturer’s certificate endorsed by a recognised inspection agency.”.

(2) Revoke regulation 19(2)(b).

(3) In regulation 19(2)(d), replace “liquefiable” with “liquefied”.

(4) In regulation 19(3)(c), after “tests”, insert “and inspections”.

17 Regulation 22 amended (Issue of pre-commissioning certificate)

In regulation 22(2), replace “regulation 19(3)” with “regulation 19(3)(a) and (b)”.

18 New Part 2A inserted

After regulation 23, insert:

“Part 2A**“Low-pressure fire extinguishers****“23A Application of this Part**

This Part applies to low-pressure fire extinguishers.

“23B Fire extinguisher registration number

“(1) A low-pressure fire extinguisher must have a fire extinguisher registration number issued under subclause (2).

“(2) A product certification body may issue a fire extinguisher registration number for a low-pressure fire extinguisher if it is satisfied that the fire extinguisher—

- “(a) has been manufactured in accordance with this Part; and
- “(b) meets the quality assurance requirements specified in the fire extinguisher’s design.

“23C Standards for low-pressure fire extinguishers

The design for a low-pressure fire extinguisher must comply with—

- “(a) AS/NZS 1841.1–AS/NZS 1841.8; or
- “(b) an existing design standard under regulation 5; or
- “(c) a code of practice approved by the Authority under section 79 of the Act relating to fire extinguisher safety that specifies requirements equivalent to the requirements of a standard referred to in paragraph (a) or (b).

“23D Manufacture of low-pressure fire extinguishers

A person who manufactures a low-pressure fire extinguisher must—

- “(a) manufacture the fire extinguisher to a design that complies with a design standard referred to in regulation 23C; and
- “(b) ensure that the low-pressure fire extinguisher complies with Part 6.

“23E Savings provision for existing low-pressure fire extinguishers

A low-pressure fire extinguisher that complied with Part 2 before 1 November 2012 is deemed to comply with this Part.”

19 Regulation 24 amended (Restrictions on import, manufacture, and supply of aerosols)

Replace regulation 24(a)(i) with:

“(i) AS 2278.1–2008; or”.

20 Regulation 27 replaced (Cylinder valves)

Replace regulation 27 with:

“27 Cylinder valves

“(1) A cylinder valve on an LPG cylinder that has water capacity of between 10 to 27 litres must be manufactured and tested at the time of manufacture in accordance with—

“(a) AS 2473.1–2006; or

“(b) AS 2473.2–2007; or

“(c) BS 1552; or

“(d) UL 125–2009; or

“(e) UL 2061; or

“(f) an existing design standard under regulation 5; or

“(g) a code of practice approved by the Authority under section 79 of the Act relating to valve safety that specifies requirements equivalent to the requirements of a standard referred to in any of paragraphs (a) to (f).

“(2) A cylinder valve other than a valve to which subclause (1) applies must be manufactured and tested at the time of manufacture in accordance with—

“(a) AS 2473.1–2006; or

“(b) AS 2473.2–2007; or

“(c) AS 2473.3–2007; or

“(d) BS 341; or

“(e) UL 2061; or

“(f) an existing design standard under regulation 5; or

“(g) a code of practice approved by the Authority under section 79 of the Act relating to valve safety that specifies requirements equivalent to the requirements of a standard referred to in any of paragraphs (a) to (f).

“(3) Despite subclauses (1) and (2), valve stem threads must comply with the requirements for cylinder neck threads in regulation 12.”

21 Regulation 28 amended (Outlet connection for cylinder valves)

Replace regulation 28(1)(a) with:

“(a) section 5.1 of AS 2030.5–2009; or”.

22 Regulation 29 amended (Cylinder valve design for particular gases)

(1) Replace regulation 29(1)(a) with:

“(a) section 5.2 of AS 2030.5–2009; or”.

(2) Replace regulation 29(2)(a) with:

“(a) BS 341 and AS 2473.1–2006; or

“(ab) BS 341 and AS 2473.2–2007; or”.

23 Regulation 30 amended (Cylinder over-pressure protection for particular gases)

(1) Replace regulation 30(1)(a) with:

“(a) section 5.3 of AS 2030.5–2009; or”.

(2) Replace regulation 30(2)(a) with:

“(a) section 5.3 of AS 2030.5–2009; or”.

24 Regulation 31 amended (Regulators)

Replace regulation 31(a) with:

“(a) AS 3840.1–1998; or”.

25 Regulation 32 replaced (LPG regulator or automatic changeover device)

Replace regulation 32 with:

“32 LPG regulator or LPG automatic changeover device

“(1) An LPG regulator or LPG automatic changeover device must comply with—

“(a) AS 4621–2004; or

“(b) UL 144–2012; or

“(c) UL 252; or

“(d) an existing design standard under regulation 5; or

“(e) a code of practice approved by the Authority under section 79 of the Act relating to LPG regulator or automatic changeover device safety that specifies require-

ments equivalent to the requirements of a standard referred to in any of paragraphs (a) to (d).

“(2) The valve inlet connection of an LPG regulator must comply with the dimension requirements of—

“(a) AS 2473.2–2007; or

“(b) CGA V–1 (2005).”

26 Regulation 35 amended (Restrictions on imported LPG fittings)

(1) In regulation 35(a), replace “clearance” with “test certificate issued”.

(2) In regulation 35(b), replace “clearance” with “test certificate”.

27 Regulation 39 amended (Markings for cylinders and fire extinguishers)

(1) In regulation 39(2)(f), replace “liquefiable” with “a liquefied gas”.

(2) In regulation 39(4), replace “liquefiable” with “liquefied”.

28 Regulation 52 amended (Periodic certificate)

(1) In the heading to regulation 52, replace “**certificate**” with “**tests and certificates**”.

(2) In regulation 52(1), after “subclause (3)”, insert “, or referred to in regulation 5A(3),”.

29 Regulation 55 amended (Periodic testing of LPG valve and pressure relief device)

Replace regulation 55(2)(b) with:

“(b) inspect the pressure relief device for—

“(i) wear and damage:

“(ii) corrosion:

“(iii) evidence of leakage:

“(iv) evidence of blockage; and

“(ba) ensure that the pressure relief device is correctly fitted; and”.

30 Regulation 56 amended (Restrictions on charging cylinders)

- (1) Replace regulation 56(1)(a) with:
 - “(a) if the cylinder has a water capacity of less than 500 litres, the cylinder is marked in accordance with—
 - “(i) Part 6; or
 - “(ii) clause 6.2.2.7 of Chapter 6.2 of UNRTDG; and”.
- (2) In regulation 56(1)(f), delete “, and is fitted so that an escape of gas is not obstructed by the cylinder’s design”.
- (3) Revoke regulation 56(2).

31 Regulation 59 amended (Restriction on persons able to charge compressed gas containers)

Replace regulation 59(1) with:

- “(1) A person must not charge a compressed gas container with compressed gas unless—
 - “(a) the person is an approved filler; or
 - “(b) the person—
 - “(i) is undertaking a course of instruction or other training to become an approved filler; and
 - “(ii) is supervised at all times while charging the cylinder by an approved filler.”

32 Regulation 60 amended (Approval of fillers)

In regulation 60(2)(a)(i)(A) and (B), replace “liquefiable” with “liquefied”.

33 Regulation 61 amended (Maximum filling ratio for cylinders and compressed gas stationary tanks)

- (1) In regulation 61(1) and (2), replace “liquefiable” with “liquefied”.
- (2) In regulation 61(2)(b),—
 - (a) replace “55.0” with “60.0”;
 - (b) replace “52.5” with “57.5”;
 - (c) replace “47.5” with “52.5”.

34 New regulation 61A inserted (Air in self-contained breathing apparatus)

After regulation 61, insert:

“61A Air in self-contained breathing apparatus

A person who fills a self-contained breathing apparatus, including a self-contained underwater breathing apparatus, must ensure that the cylinder is filled only with air that meets the requirements of Australian/New Zealand standard AS/NZS 2299.1:2007 *Occupational diving operations—Standard operational practice*.”

35 Regulation 62 amended (Charging cylinders and compressed gas stationary tanks with liquid gases)

In regulation 62(3) and (4), replace “section 6.4.1 of AS 2030.1” with “section 7.3.2 of AS 2030.5–2009”.

36 Regulation 64 replaced (Developed pressure for permanent gases)

Replace regulation 64 with:

“64 Developed pressure for permanent gases

The pressure developed by a permanent gas in a cylinder or compressed gas stationary tank—

- “(a) must comply with the developed pressure requirements contained in the standard to which the cylinder or compressed gas stationary tank was designed; or
- “(b) must not, at 65°C, exceed 85% of the test pressure specified in the standard to which the cylinder or compressed gas stationary tank was designed.”

37 Regulation 66 amended (Refilling cylinder)

Replace regulation 66(1)(a)(ii)(A) with:

“(A) section 8 of AS 2030.5–2009; or”.

38 New Part 8A inserted

After regulation 67, insert:

“Part 8A “Repair of cylinders

“67A Repair of cylinders

A person who repairs a cylinder must—

- “(a) repair the cylinder in accordance with the procedure specified in the standard applying to the design to which the cylinder was manufactured; and
- “(b) obtain a manufacturing certificate from a recognised inspection agency confirming that the repair has been carried out in accordance with the cylinder’s design and meets the quality assurance requirements specified in the design standard.”

39 Regulation 68 amended (Application of this Part)

- (1) In regulation 68(a), replace “900 m” with “900 m³”.
- (2) In regulation 68, insert as subclause (2):
- “(2) This Part does not apply to a place to which Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001 applies if the requirements of those regulations are complied with.”

40 Regulation 76 amended (Special register for cylinders)

- (1) Revoke regulation 76(3)(f).
- (2) Replace regulation 76(3)(g) with:
 - “(g) the material and the method of construction.”
- (3) In regulation 76(3)(m), delete “and country of origin”.
- (4) Revoke regulation 76(3)(n).

41 Regulation 79 replaced (Removal of existing designs)

Replace regulation 79 with:

“79 Recalls and design withdrawals

- “(1) If the Authority considers that a fitting, aerosol, cylinder, or non-refillable container currently in New Zealand is unsafe, the Authority may recall the fitting, aerosol, cylinder, or non-refillable container.

“(2) If the Authority considers that the design for a fitting, aerosol, cylinder, or non-refillable container is unsafe, the Authority may withdraw approval for the design.”

42 New Schedule inserted

Insert the Schedule set out in the Schedule of these regulations.

Schedule

r 42

New Schedule inserted

Schedule

r 5A

**Import test clearance for UNRTDG
cylinders**

1 Purpose of import test clearance

The purpose of an import test clearance is to verify that a cylinder has foreign test markings indicating that the cylinder has been tested in accordance with clause 6.2.2.7 of UNRTDG (and is therefore safe to be filled in New Zealand).

2 Verifying foreign design and construction certification

If the first interval following manufacture specified in regulation 52(1) has not yet passed, a test certifier may issue an import test clearance for the cylinder if the cylinder is marked in accordance with clauses 6.2.2.7.1 to 6.2.2.7.5 of Chapter 6.2 of UNRTDG—

- (a) by or on behalf of the government of a country other than New Zealand; and
- (b) certifying that the cylinder has been designed and constructed, and passed initial inspections and tests, in accordance with Chapter 6.2 of UNRTDG.

3 Verifying foreign periodic testing

If the first interval following manufacture specified in regulation 52(1) has passed, a test certifier may issue an import test clearance for a cylinder if the cylinder is marked in accordance with clause 6.2.2.7 of chapter 6.2 of UNRTDG—

Schedule—*continued*

- (a) by or on behalf of the government of a country other than New Zealand; and
- (b) with current periodic inspection and test markings that certify that the cylinder complies with the periodic inspection and testing requirements of clause 6.2.2.4 and 6.2.2.6 of chapter 6.2 of UNRTDG.

4 Issue of import test clearance

If the test certifier issues an import test clearance for a cylinder, he or she must provide the Authority with a copy of the import test clearance.

5 Exception

Despite clauses 2 and 3, a test certifier must not issue an import test clearance for a cylinder if he or she has reasonable grounds to believe that the cylinder—

- (a) is unsafe; or
- (b) despite its markings, does not comply with Chapter 6.2 of UNRTDG.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 2012, amend the Hazardous Substances (Compressed Gases) Regulations 2004 (the **principal regulations**).

The amendments revise the principal regulations to—

- recognise foreign-certified cylinders:
- allow foreign-tested cylinders to be filled in New Zealand:
- incorporate new safety standards:

- introduce improved safety requirements:
- simplify tests and procedures:
- remove unnecessary requirements:
- simplify requirements for low-pressure fire extinguishers:
- correct errors and omissions.

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