



Proposed amendments to HSE (Pressure Equipment, Cranes and Passenger Ropeways) Regulations

CONSULTATION DOCUMENT





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The Department is consulting on two proposed minor amendments to the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999 (the PECPR Regulations). Both are to clarify coverage of the regulations.

Section 21 of the Health and Safety in Employment Act 1992 requires that interested parties be consulted on any amendments to regulations.

1. COMPRESSED GAS CYLINDERS

Currently, the PECPR Regulations could be seen as covering compressed gas cylinders in a place of work because of an outdated reference to the Dangerous Goods (Class 2 – gases) Regulations 1980. This is unintended.

In response we propose amending the regulations to make it clearer that compressed gas cylinders fall instead within the jurisdiction of the Hazardous Substances and New Organisms (HSNO) Act 1996, and as Parliament intended.

The control of compressed gas cylinders previously fell under the Dangerous Goods (Class 2 – gases) Regulations 1980, enacted under the Dangerous Goods Act 1974.

When promulgated in 1999, the PECPR Regulations specifically excluded cylinders that fell under the Dangerous Goods (Class 2 – gases) Regulations, including compressed air cylinders. The Dangerous Goods (Class 2 – gases) Regulations were revoked in

2006 by the HSNO Act and replaced by the Hazardous Substances (Compressed Gases) Regulations 2004 (Compressed Gases Regulations).

There was no consequential amendment to expressly update the PECPR Regulations to reflect this replacement. This means that the PECPR Regulations could be seen as covering items that were not intended.

Legally, the reference to the Dangerous Goods (Class 2 – gases) Regulations can be read as the Compressed Gases Regulations that replaced them, meaning that the coverage issue does not arise. However, for the sake of clarity and transparency, the Department considers that this coverage issue should be corrected.

2. LOW-HAZARD AEROSOLS AND CARTRIDGES

A similar issue has arisen with the unintended coverage of low-hazard aerosols and cartridges. This is because

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although low-hazard aerosols and cartridges are specifically excluded from the Compressed Gases Regulations, they are not specifically excluded from the PECPR Regulations, and so are unintentionally “caught” by the wide coverage of the latter.

This means that these low-hazard items are covered by the requirements of the PECPR Regulations. The practical consequence of this is nil, as the hazard analysis applied to these items will lead to them not requiring certification or inspection.

The Department’s view is that neither set of regulations should cover these types of items, due to the minimal hazards they represent.

However, the Department considers that for the sake of clarity, this unintentional coverage should be corrected.

WE ARE SEEKING STAKEHOLDERS’ VIEWS ON THE PROPOSED SOLUTION

We would like to know:

- if you or your organisation support the proposed amendment
- if you agree or disagree, any reasons for your view
- any alternatives where appropriate, or further comments in support of your suggestions.

You can either e-mail your comments to PECPR@dol.govt.nz or send them to:

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The closing date for comments is 19 July 2008.

Proposed Solution

Schedule 2 of the PECPR Regulations contains items that are excluded under the PECPR Regulations. We propose to amend schedule 2 by:

- removing the reference to the Dangerous Goods (Class 2 – gases) Regulations 1980 and then
- substituting the item “Cylinders” which will have the meaning given to it by regulation 3 of the Hazardous Substances (Compressed Gases) Regulations 2004

To correct the unintentional coverage of low hazard aerosols and cartridges, we propose to include in Schedule 2 the following item:

Low hazard pressure containers—equipment excluded is—

- Aerosol dispensers; and
- Aerosol containers with a water capacity of less than 50 mL or for which the absolute pressure developed at 20°C is less than 170 kPa; and
- Cartridges with a water capacity of less than 170 mL; and
- Non-refillable containers with a water capacity of less than 100 mL; and
- Cylinders with a water capacity of less than 120 mL, if the contents are a liquefied gas with flammable properties; and
- Cylinders with a water capacity of less than 500 mL, if the contents are not a liquefied gas with flammable properties

The terms **aerosol**, **aerosol dispenser**, **cylinder**, and **water capacity** will have the same definition as in the Compressed Gases Regulations. This is intended to enhance consistency of terminology and clearer coverage between the PECPR Regulations and the Compressed Gases Regulations.

