

October 2019

POLICY CLARIFICATION

What is hazardous waste and what we expect of you

Health and Safety at Work (Hazardous Substances) Regulations 2017

This policy clarification sets out how we'll apply the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSWA HS Regulations) to hazardous waste.

You should read this policy clarification if you work with hazardous substances or hazardous waste.

Key points

- Regulations for using, handling and storing hazardous waste came into force on 1 June 2019.
- You need to identify hazardous waste in your business produces and manage the risks associated with it.
- You should manage the risks associated with hazardous waste in the same way that you manage the risks associated with hazardous substances.

What the law says

As a person conducting a business or undertaking (PCBU) you must ensure, so far as is reasonably practicable, your health and safety, and the health and safety of your workers and any other people who are influenced or directed by the business. You must also look after other people who could be at risk from work carried out at the workplace, such as visitors. If a risk can't be eliminated, you must take steps to minimise it so far as is reasonably practicable.

Hazardous waste is specifically referred to in the HSWA HS Regulations, in Regulations 1.4, 2.3, 3.1(2) and 4.5(1). These regulations came into force on 1 June 2019.

The HSWA HS Regulations define hazardous waste as:

- waste that is generated by a manufacturing or other industrial process and is reasonably likely to be or contain a substance that meets one or more of the classification criteria for substances with explosive, flammable, oxidising, toxic, or corrosive properties under the Hazardous Substances (Classification) Notice 2017.

What we mean by hazardous waste

For us to regard something as hazardous waste, it needs to:

- be produced by current or ongoing work activities
- be a manufactured substance
- be able to be contained and labelled.

We don't consider the following to be hazardous waste under the HSWA HS Regulations:

- Naturally occurring materials, as these are not produced by a manufacturing or other industrial processes.
- Contaminated land. As set out in our policy clarification *Contaminated land and the Health and Safety at Work (Hazardous Substances) Regulations 2017* there is an established framework for managing and remediating contaminated land under the Resource Management Act 1991 (RMA).
- Manufactured articles with hazardous substance components as they are not waste generated by a manufacturing or industrial process.
- Waste that only contains components that are ecotoxic (ie not harmful to human health).

What we expect of you

We expect you to ensure, so far as is reasonably practicable, your health and safety, and the health and safety of your workers and any other workers who are influenced or directed by the business. You must also look after other people who could be at risk from work carried out, such as visitors at the workplace. If a risk can't be eliminated, you must take steps to minimise it so far as is reasonably practicable.

We expect you to manage hazardous waste in the same way you manage hazardous substances. You'll need to identify your hazardous waste and its properties, and manage the risks associated with it. This includes:

- Identifying and managing the potential for reactions between components of the hazardous waste.
- Meeting the relevant requirements, as relevant for the hazardous waste you have. These requirements may include:
 - labelling
 - storage, segregation and separation distance requirements
 - emergency management planning
 - tracking
 - compliance certification
 - providing training and information

What you can expect of us

We may visit you to make sure you are managing hazardous waste appropriately. You can expect us to ask the same questions about any hazardous waste as we would about hazardous substances.

² Section 220 of the Health and Safety at Work Act 2015 allows WorkSafe to grant exemptions from compliance with any provision of Regulations.