



May 2024

## Our approach to prime mover tank wagons which transport hazardous substances

This policy clarification sets out our approach to managing compliance certification of prime mover tank wagons which transport hazardous substances (prime movers).

The Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) requires a prime mover to have a design compliance certification,<sup>1</sup> a pre-commissioning compliance certification<sup>2</sup> and an in-service compliance certification.<sup>3</sup> The PCBU must also obtain a tank wagon record number (TAN) from WorkSafe. This number and the design compliance certificate number must be marked on the prime mover.<sup>4</sup>

### What the issue is

In 2015 we gave advice that meant prime movers didn't receive design or pre-commissioning compliance certification or a TAN.

In a Position released on 23 December 2022, we clarified that prime movers **must** obtain design and pre-commissioning compliance certification, and a TAN.

This means that some prime movers that were in service before 23 December 2022 are non-compliant with the Regulations and can't become compliant.

<sup>1</sup> Regulation 16.31

<sup>2</sup> Regulation 16.34

<sup>3</sup> Regulation 16.36

<sup>4</sup> Regulation 16.5(1)(a) and 16.5(1)(h)

### Our approach to prime movers in service before 23 December 2022

We're unlikely to take enforcement action against a PCBU which own or operate prime movers that were:

- in service prior to 23 December 2022 and
- don't have a design or pre-commissioning compliance certificate or a TAN

so long as these prime movers obtain an in-service compliance certificate every two years.

### Our approach to prime movers commissioned from 23 December 2022

PCBUs which design, own, or operate prime movers that came into service from 23 December 2022 must have a design and pre-commissioning compliance certificate for the prime mover, and a TAN. The TAN and the design compliance certificate number must be marked on the tank wagon.

If we become aware of a tank wagon that isn't compliant with these requirements, we'll look at the steps a PCBU took to comply with requirements after the 23 December 2022 position when we're considering enforcement action.