

WELLINGTON, NEW ZEALAND

PURSUANT to sections 152 and 156 of the Land Transport Act 1998

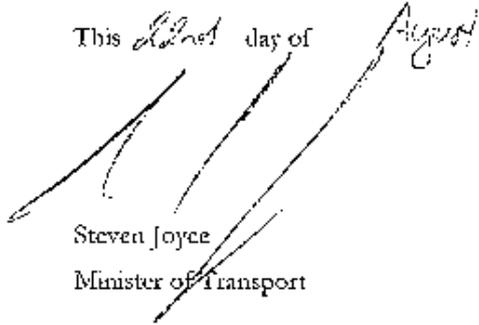
I, Steven Joyce, Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Dangerous Goods Amendment

SIGNED AT Wellington

This *22nd* day of *August* 2011


Steven Joyce
Minister of Transport

Land Transport Rule
Dangerous Goods Amendment 2011
Rule 45001/3

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Land Transport Rule

Dangerous Goods Amendment 2011

Rule 45001/3

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Objective of the Rule

Land Transport Rule: Dangerous Goods

Amendment 2011 amends *Land Transport Rule: Dangerous Goods 2005* ('the Rule'). The Rule set in place a regime to enable dangerous goods to be transported safely and, thereby, minimise the risk to people, to property and to the environment.

The objective of the amendment Rule is:

- to distinguish between class labels on standard packages of dangerous goods and the new Dangerous Goods in Limited Quantities (DGLQ) mark on packages of DGLQ;
- to remove reference to *New Zealand Standard 5433 Transport of Dangerous Goods on Land* from a number of provisions of the Rule because packaging performance standards will be removed from the next edition and manufacturers of dangerous goods packaging in New Zealand prefer to use the United Nations Recommendations on the Transport of Dangerous Goods for these standards;
- to restructure *paragraph 3.2(6)(b)* for consistency with related provisions of the Rule;
- to rectify an omission from the Rule by extending the exception in *subclause 3.2(8)* that applies to the packaging of routine diagnostic specimens and low risk biological products to also apply to DGLQ, Small Packages and dangerous goods in excepted quantities;
- to rectify an omission by specifying that the DGLQ mark must be displayed on the outside of a unit load that includes DGLQ and to clarify the term 'markings' as used in *subclause 4.1(9)*;

- to add an exclusion to the placarding requirements for dangerous goods in excepted quantities to ensure that the requirements do not conflict with other provisions in the Rule;
- to add an explanatory note after *subclause 7.2(13)* to clarify the marking requirements for Intermediate Bulk Containers;
- to clarify the application of the dispensation from having a D (dangerous goods) endorsement for persons who drive a vehicle or vehicle combination that is transporting dangerous goods in excepted quantities or excepted packages of radioactive material;
- to add definitions of ‘class label’ and ‘class placard’;
- to clarify in *Schedule 1*, Class 6.2 that portable toilets are classified as infectious substances, category B;
- to update the proper shipping names of two Class 9 dangerous goods.

Extent of consultation

For the purposes of consultation, amendments proposed to *Land Transport Rule: Dangerous Goods 2005* and 10 other Land Transport Rules were combined into a single draft Rule, *Land Transport Rule: Omnibus Amendment 2011* (the draft Omnibus Amendment Rule).

On 1 June 2011, the NZ Transport Agency (NZTA) sent details of the amendment proposals by letter or email to approximately 2200 groups and individuals who had registered an interest in the Rules to be amended. The draft Omnibus Amendment Rule was made available through the NZTA Contact Centre and, together with Questions and Answers, was also made available on the NZTA’s website. The availability of the

draft for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*. The NZTA received 17 submissions on the draft Omnibus Amendment Rule, of which eight commented on the proposed amendments to the Rule.

Following consultation, the provisions in the draft Omnibus Amendment Rule were split into 11 separate amendment Rules, including this Rule. The submissions that were received were taken into account in finalising this amendment Rule before it was submitted to the Minister of Transport for signing.

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Dangerous Goods Amendment 2011*.

1.2 Date when Rule comes into force

This Rule comes into force on 1 October 2011.

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Dangerous Goods 2005*.

Section 2 Amendments to Rule requirements

2.1 Dangerous Goods in Limited Quantities and Consumer Commodities

Clause 2.3 is amended by substituting “class labels on” for “labelling of” in *paragraph 2.3(2)(a)*.

2.2 Requirements relating to the nature and quantity of the dangerous goods

Clause 3.2 is amended by:

- (a) deleting *subparagraphs 3.2(1)(a)(i)* and *3.2(5)(a)(i)*; and
- (b) substituting the following for *paragraph 3.2(6)(b)*:
 - “(b) the tests for packaging for dangerous goods in excepted quantities specified in *Part B* of *Schedule 4*; or

- “(c) the tests for packaging for dangerous goods in excepted quantities in one of the documents in 2.9(1)(a)(ii) to (vi).”; and
- (c) substituting the following for the opening paragraph in *subclause 3.2(8)*:
- “Dangerous goods in packagings, Intermediate Bulk Containers or large packagings, other than Dangerous Goods in Limited Quantities, Consumer Commodities, Small Packages, dangerous goods in excepted quantities and dangerous goods that comply with 3.2(5)(c), must:”.

2.3 General safety requirements

Subclause 4.1(9) is amended by:

- (a) substituting “UN numbers and proper shipping names” for “markings” the second time it appears; and
- (b) substituting the following for *paragraph 4.1(9)(a)*:
- “(a) the labels for each class and division (including subsidiary risks) for all the dangerous goods in the unit load, except Dangerous Goods in Limited Quantities; and
- “(aa) for Dangerous Goods in Limited Quantities, the Dangerous Goods in Limited Quantities mark; and”.

2.4 Use of segregation devices

Clause 6.4 is amended by deleting *subparagraph 6.4(5)(b)(i)*.

2.5 Requirements for placarding according to the nature and quantity of the dangerous goods

Clause 7.2 is amended by:

- (a) inserting “, other than dangerous goods in excepted quantities,” after “classes or divisions” in *subclause 7.2(3)*; and
- (b) substituting “to which 7.2(3) applies” for “specified in 7.2(3)” in *subclause 7.2(4)*; and
- (c) inserting the following after *subclause 7.2(13)*:

“[Note: Intermediate Bulk Containers do not need to display a 250 x 250 mm environmentally hazardous substance mark but must display the 100 x 100 mm environmentally hazardous substance mark in accordance with 4.3(9) and 4.3(13).]”.

2.6 General safety requirements

Clause 9.2 is amended by adding “transported in accordance with 2.9” after “radioactive material” in *paragraph 9.2(1)(e)*.

Section 3 Amendments to Definitions

3.1 Insertion of definitions

Part 2 Definitions is amended by inserting the following definitions in the appropriate places:

“**Class label** has the same meaning as ‘label’.”

“**Class placard** means the items described in (a) and (b) of the definition of ‘Placard’.”

Section 4 Amendments to Schedules

4.1 Amendments to *Schedules 1 and 4*

- 4.1(1) *Schedule 1* is amended by inserting “, classified as infectious substances Category B” after “sludge” in the item in the column headed “Class or division name or product” and the fourth row of the entry relating to Class or division “6.2”.

4.1(2)

Schedule 4 is amended by:

- (a) substituting the following for the item relating to “9 - UN 3166” in the “Class or division or product” column:

“9 - UN 3166, ENGINE, INTERNAL COMBUSTION or VEHICLE, FLAMMABLE GAS POWERED or VEHICLE, FLAMMABLE LIQUID POWERED or ENGINE, FUEL CELL, FLAMMABLE GAS POWERED or ENGINE, FUEL CELL, FLAMMABLE LIQUID POWERED or VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED or VEHICLE, FUEL CELL, FLAMMABLE LIQUID POWERED”;
and

- (b) substituting the following for the item relating to “9 - UN 3359” in the “Class or division or product” column:

“9 - UN 3359, FUMIGATED CARGO TRANSPORT UNIT”.