

Agricultural sector needs to consider the way it deals with Hazardous Substances

New rules relating to the safe production, transport, handling, use and disposal of hazardous substances are in force from 1 December 2017.

The Health and Safety at Work (Hazardous Substances) Regulations 2017 (the **Regulations**) will have wide-reaching implications when it comes into force next month. The Agricultural sector will be one of the most affected industries, having previously not been subject to such particular regulations relating to substances used in farming, viticulture, horticulture and other agricultural enterprises.

There has been a long-standing duty at Health and Safety law to ensure harm does not result from the business or undertakings of an agricultural operation, which naturally includes the use of chemicals. Additionally, farmers should already be complying with the Hazardous Substances and New Organisms Act 1996 (**HSNO**). However, the Regulations aim to focus attention on this significant hazard, which has historically not been well-managed in the sector.

Most businesses are aware of the immediate risks in their operation which could give rise to a serious harm incident or a fatality. However, exposure to hazardous substances has received less attention, as the health effects are less likely to present until 25 to 30 years after the exposure event/s.

Managing the risk

The key change brought about by the Regulations is the obligation to record all Hazardous Substances on your farm, the quantities held, and where they are stored.

Procurement of hazardous substances is a good starting point – the supplier should be offering a safety data sheet so the purchaser can make informed choices about the

purchase, use, handling and storage of such substances (and considering safer options if available).

The inventory of hazardous substances and their safety data sheet must be kept and updated from 1 December 2017.

Safe storage and disposal of substances

WorkSafe reports it is not uncommon to find decade's old, undisposed chemicals on farms. Its advice is to safely dispose of unneeded substances using AgRecovery; a charitable trust which disposes of chemicals and their containers.

There are now additional certification requirements if certain quantities of hazardous substances are stored. A good example is petrol tanks storing over 2000 litres require an inspection and a compliance certificate. Storing the minimum quantity of a substance is an advisable way to avoid these obligations and minimize your risk.

Farmers also need to consider the storage of incompatible substances. Rules apply to whether chemicals are able to be stored together and in some cases operators will need to establish a hazardous substances location.

Safe work practices

Although farmers should already have safe systems of work in place, the implementation of this Regulation provides a reminder to farmers to review the way they train and protect workers in the use of hazardous substances. The Regulations impose specific rules about providing information, training, instruction and supervision to workers using, handling or storing hazardous substances in the workplace.

Completing an audit on the personal protective equipment you supply is also a good idea – does it still perform its function effectively?

It also presents an opportunity to upskill workers, by getting them certified as an Approved Handler of the

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prescribed substances that can only be dealt with by people with this qualification.

Appropriate signage, on-the-job training and reminders and having an emergency plan in place are all reasonably practicable steps to take to manage the risks of hazardous substances.

Enforcement

Enforcement under HSNO has previously been the responsibility of the Environmental Protection Authority (EPA). Since the establishment of WorkSafe, it has had additional responsibility for enforcement of Hazardous Substances only insofar as it relates to workplace safety.

On 1 December, the responsibility for managing and enforcing the rules around hazardous substances will largely be transferred to WorkSafe.

HSNO will continue to apply to hazardous substances in a non-work context, public health and the management of environmental risks. The EPA will continue to administer this, including enforcing the requirements on importers and manufacturers of hazardous substances.

Safe Work Instruments will be implemented in the coming months, which will replace some existing Codes of Practice and provide for technical requirements for dealing with specific substances.

EPA Notices will provide for rules for importers, manufacturers and non-workplace use of hazardous substances.

Want to know more?

If you have any questions about Health and Safety, or Hazardous Substances please contact one of our Employment and Health and Safety [Team](#).