

24 OCT 2019

File Ref: 19/00703

Tim Bensemen
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Dear Tim,

Thank you for your email of 17 September 2019 to the Department of Conservation, regarding signage requirements for sodium fluoroacetate (1080), your email was transferred to WorkSafe NZ under Section 14 of the Official Information Act 1982 (OIA) on 19 September 2019 as it is more closely aligned to the functions of our agency.

Your request has been considered under the Official Information Act 1982, please see below for our response.

1. Why is there a human skull on 1080 poison warning signs?

The signage requirements for vertebrate toxic agents (VTAs) in the workplace are covered under the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations), Regulation 13.19. It is the responsibility of the relevant person in control of a business or undertaking to ensure these requirements are met. This regulation states the signage requirements for a class 6.1A, 6.1B or 6.1C vertebrate toxic agent, including 1080, that is applied or laid anywhere outdoors by a person lawfully allowed to do so as part of bait, to inhibit reproduction, inhibit growth, or to cause the death of terrestrial vertebrates, in a place that is within a workplace or, where members of the public ordinarily have access.

Regulation 13.19(3)(b) requires that signs identify the substance and state that it is toxic to humans and ecotoxic to non-human vertebrates.

The United Nations Globally Harmonised System of Hazard Classification and Labelling of Chemicals (GHS) provides internationally recognised GHS pictograms to indicate the risk. In the case of sodium fluoroacetate the substance can be classified as a 6.1A, 6.1B or 6.1C substance. This classification means that the substance is acutely toxic to human beings. The GHS pictogram for a substance with this classification is the skull and crossbones. Therefore, you will find the skull and crossbones on signage in a workplace where 1080 has been applied or laid as bait to warn that the substance is acutely toxic to humans.

2. Why does it say "Do not eat animals from this area", on signs at access points to millions of hectares of public land?

Under the Health and Safety at Work Act, Subpart 2, Regulation 36(2), the PCBU has a primary duty of care, in that they must ensure, so far as is reasonably practicable, the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. Regulation 36(3)(f) clarifies further in that it requires the provision of information to all persons to protect them from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

Including the wording "Do not eat animals from this area" on signage informs all persons of the risk to their health and safety if they were to eat animals from the area that had been poisoned with 1080.

3. Please provide excerpts from and names of studies that were used to develop these policies and sign contents.

The controls set down in the current regulation, Regulation 13.19, Signage requirements for vertebrate toxic agents, were transferred from the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, Regulation 28, with the change in legislation in 2017. Given that this legislation was transferred to the Health and Safety at Work (Hazardous Substances) Regulations 2017, the requirements in respect of signage were consulted upon when the earlier hazardous substances regulations were developed by the Ministry for the Environment. WorkSafe does not hold information in respect of how the signage requirements were initially developed. Should you wish to pursue this matter you will need to direct this question to the Environmental Protection Authority.

The Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations stated that signs must identify the substance and state that it is toxic to human beings and ecotoxic to other vertebrates. This regulation sat under the Hazardous Substances and New Organisms Act 1996 administered by the Environmental Protection Authority.

You have the right, by way of complaint under section 28(3) of the OIA, to request an investigation and review of this response by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

I trust that the information provided to you is of assistance. If you require any further information, please contact uia@worksafe.govt.nz.

Yours sincerely



Catherine Epps
Head of Health and Technical Services