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# Changes to the Gas Appliance Safety Regime

## Introduction

Important new requirements relating to the safety of gas appliances will soon come into force. The government approved these requirements in the Gas Amendment Regulations 2002. These amend and update the principal regulations - the Gas Regulations 1993.

The Gas Regulations 1993 require all gas appliances and fittings sold in New Zealand to be safe. The Regulations set out broad safety requirements for gas appliances and fittings but do not impose formal testing and certification requirements as is done in many other countries including Australia.

The Gas Amendment Regulations 2002 can be found on the Energy Safety Service's website ([www.ess.govt.nz](http://www.ess.govt.nz)) in the 'Rules and Reports' section. Alternatively, the regulations may be purchased from bookshops selling government legislation.

During 2000 and 2001, the Energy Safety Service (ESS) of the Ministry of Consumer Affairs consulted widely on, and reviewed the regulatory process around gas appliance and fitting safety and supply in New Zealand.

The result of this review is now reflected in regulations of the Gas Amendment Regulations 2002 - a mandatory supplier declaration requirement. This is being implemented and enforced by the ESS. It is designed to strengthen and make more transparent suppliers' commitments to their safety obligations by placing the declarations on a website for industry and public scrutiny, without imposing significant compliance costs on the industry. It has the strong support of the gas appliance industry.

The new regime for gas appliances is broadly similar to recently introduced supplier declaration requirements for electrical appliances.

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*te ratonga whakaruru pūngao*

# What changes does the new regime introduce?

The Gas Appliance Mandatory Supplier Declaration regime requires anyone who manufactures or imports any gas appliance to complete a Supplier Declaration before supplying the appliance and, if requested to do so, to produce documentation to substantiate the declaration.

The amendments to the regulations also provide for supplier declarations to be required for some specified gas fittings as well. Such fittings will be notified by N.Z. Gazette and advised through the ESS website. At present, no fittings have been specified in this way.

The key features of the new regime are:

- ⦿ *The requirement will apply to all appliances and a specified range of fittings (including CNG station fittings).*
- ⦿ *Manufacturers and importers will be required to declare compliance with safety requirements as defined in NZS 5262:1997 Gas Appliance Safety, and the declaration will be required to be placed on the purpose-built declarations website ([www.ess.govt.nz/product/gas/](http://www.ess.govt.nz/product/gas/)) before the appliance may be supplied.*

⦿ *The supplier must produce full documentation to demonstrate compliance, within 10 working days of request.*

⦿ *Retailers and installers must be satisfied that a valid declaration has been made prior to selling or installing an appliance or fitting.*

The standard that must be complied with, NZS 5262, is currently being revised and the revised standard will be cited once it is completed. The revised standard will identify some specific appliance Standards that can be used as a means of compliance.

Consumers and installers will be able to check for themselves on the declarations website that a declaration has been made.

## When does the new regime come into effect?

The Mandatory Gas Appliance Declaration regime will come into effect from 18 November 2002.

The ESS recognises that it will take time to make the regime's requirements part of everyday business. We are committed to working with the gas appliance industry to help make the transition as smooth as possible.

## Monitoring and corrective action

The Supplier Declaration regime will be supported by an ESS monitoring Process aimed at identifying any non-compliant appliances or fittings and requiring necessary remedial action.

Corrective action may involve further testing by the supplier to establish compliance, product modifications, a ban on supply and/or use, or prosecution.

An "instant fine" system may be introduced in the future for supplying an appliance or specified fitting that is not supported by a Supplier Declaration or Compliance Folder (see next section).

# The Mandatory Supplier Declaration

Manufacturers and importers making a Supplier Declaration must be able to demonstrate, through the preparation and submission of a Compliance Folder, that all appliances and fittings covered by the Declaration comply with the safety requirements of the Gas Regulations.

The declaration must be published on the website before the appliance is supplied to the New Zealand market or, in the case of the supply of ten or fewer appliances (of the same type), provided to the person to whom the appliance is supplied.

The supplier must provide the Compliance Folder to the ESS, in English, within 10 working days of request. (Note: Importers will need to ensure they can access any overseas documentation – this is important to ensure that the product is suitable for New Zealand conditions.)

The information required in the Declaration for an appliance or specified fitting type is as follows:

- Ⓢ *Markings on the appliance or fitting that uniquely identify it (manufacturer, model, type number, serial numbers, etc).*
- Ⓢ *Type of appliance or fitting (cooker, space heater, etc), and fuel types for which it is designed.*
- Ⓢ *Supplier - full business information sufficient to identify and locate the supplier.*
- Ⓢ *What standard the appliance or fitting complies with (if applicable), or reasons why a standard was not followed.*
- Ⓢ *Testing and certification held for the appliance or fitting (nature and scope of tests and/or certification, and testing/certifying agency, where applicable).*
- Ⓢ *A declaration that, in relation to all product identified in the Declaration, regulations 13 and 14 (if applicable) of the Gas Regulations 1993 have been complied with.*
- Ⓢ *The person who declares compliance and their relationship to the supplier (e.g. position within organisation).*
- Ⓢ *Date of declaration.*

# Actions required of manufacturers and importers

All suppliers who manufacture, or import gas appliances or specified fittings must:

- Ⓢ *Register as a supplier by going to the website [www.ess.govt.nz/product/gas/](http://www.ess.govt.nz/product/gas/) and supplying the necessary registration information.*
- Ⓢ *Complete Supplier Declarations online so that, by 18 November 2002, every appliance or specified fitting supplied from that date forward is covered by a valid supplier declaration. If possible, there should be a link back to a suitable website address for relevant information on appliances or fittings.*
- Ⓢ *Ensure that a Compliance Folder can be provided for each declaration within 10 days of registration. (Allow two days for completion of registration.)*

The ESS also suggest that manufacturers and suppliers print copies of their declarations to allow those to whom appliances are supplied (e.g. retailers and gasfitters) to be satisfied that a declaration has been made and to give consumers confidence in the safety compliance of appliances.

Alternatively, for appliances and fittings of which fewer than 11 are expected to be supplied, the supplier may register with the ESS and provide a declaration to each person to whom the appliance or fitting is supplied rather than post a declaration on the website.

All of the required information (except for personal details) will be displayed on the website. The Declaration should be made directly into the form on the website [www.ess.govt.nz/product/gas/](http://www.ess.govt.nz/product/gas/)

## Actions required of installers

From 18 November 2002, installers must:

- ⊙ *Ensure that a supplier declaration is on the website or that a copy of the supplier declaration has been received from the supplier, before installing any appliance or specified fitting.*
- ⊙ *Retain copies of relevant suppliers' declarations for a minimum of seven years.*
- ⊙ *Ensure the appliance or fitting is correctly installed and commissioned in accordance with installation instructions and NZS 5261 (which cites NZS 5262), and a gasfitting certificate is issued for the installation as required under the Gas Regulations 1993.*
- ⊙ *For any appliance or fitting imported or manufactured by someone for their own use (and which therefore does not have a Supplier Declaration), the installer must record that fact on the gasfitting certificate and certify that the appliance or fitting is safe.*

## Actions required of retailers

Retailers have an obligation to be satisfied that any gas appliance or fitting they sell complies with safety requirements of regulations 13 and 14 of the Gas Regulations.

Anyone who supplies a gas appliance or specified fitting that was supplied by the manufacturer or importer after 18 November 2002 must ensure that the appliance or fitting is supported by a current and valid Supplier Declaration on the website. Alternatively, if fewer than 11 of that type of appliance or fitting are supplied throughout New Zealand and the appliance or fitting is not supported by a declaration on the website, a copy of the alternative supplier declaration must be supplied with the appliance or fitting.

## Other Changes to the Gas Regulations 1993

In addition to the introduction of the Gas Appliance Mandatory Supplier Declaration regime, there will be amendments to the Gas Regulations 1993 involving:

- ⊙ Certification of gasfitting work (regulation 24)
- ⊙ Persons working under supervision (regulation 24(4))
- ⊙ Non-registered persons may certify work of others (regulation 24(2))
- ⊙ Contracting of tests on gas measurement systems (regulation 11)
- ⊙ Requirements for CNG stations (regulation 18)
- ⊙ Coverage of CNG station appliances (regulations 18,19 and 22)
- ⊙ Interpretations (regulation 2)
- ⊙ Offences (regulation 37)

For more information on these changes, check the Energy Safety Service's Website ([www.ess.govt.nz](http://www.ess.govt.nz)) or contact us on Tel (04) 472 0030 or Email [info@ess.govt.nz](mailto:info@ess.govt.nz).

Suppliers, installers and retailers are also encouraged to report to the Energy Safety Service (Tel (04) 472 0030, Email [appliances@ess.govt.nz](mailto:appliances@ess.govt.nz)) any instances of apparent non-compliance of any appliances or fittings on the market.