



COVERSHEET

Minister	Hon Brooke van Velden	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety Sector Relief: Research, Teaching and Testing Laboratories	Date to be published	22 January 2026

List of documents that have been proactively released

Date	Title	Author
December 2025	Health and Safety Sector Relief: Research, Teaching and Testing Laboratories	Office of the Minister for Workplace Relations and Safety
2 December 2025	Health and Safety Sector Relief: Research, Teaching and Testing Laboratories EXP-25-MIN-0120 Minute	Cabinet Office

Information redacted

YES

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Some information has been withheld for the reason of commercial information.

[In Confidence]

Office of the Minister for Workplace Relations and Safety

Cabinet Economic Policy Committee

Health and Safety Sector Relief: Research, Teaching and Testing Laboratories

Proposal

- 1 I am proposing to amend the Health and Safety at Work (Hazardous Substances) Regulations 2017 for flammable and oxidising substances to restore a specific regulatory track for research, testing and teaching laboratories (research laboratories). The regulations are causing problems for scientists because research laboratories are required to meet the same demanding requirements as industrial use of hazardous substances, despite there being key differences between the two users.
- 2 The proposals are consistent with my wider health and safety system reform work, ensuring the regulator focuses on critical risks, improving the workability of regulations, and providing certainty for duty-holders about what needs to be done.

Relation to government priorities

- 3 The proposals in this paper continue to deliver on the ACT – National Coalition Agreement to reform health and safety law and regulations.

Background

- 4 In May 2024, Cabinet agreed to release a consultation document, *Have Your Say on Work Health and Safety*, supported by a series of roadshows to ask New Zealanders about what is working well and what needs to change [ECO-24-MIN-0094]. Consultation was open from June to October 2024. Over 1000 people provided feedback through submissions, roadshow meetings and site visits. The proposals in this paper are one component of wider health and safety system reform.
- 5 Issues relating to laboratory compliance featured in a number of submissions and were raised during the roadshow discussions. In particular, university laboratories highlighted challenges in meeting the requirements that are also designed for industrial operations using certain flammable substances. They noted concerns about outdated standards, building requirements that are impractical for laboratories, and the need for a more risk-based, flexible regulatory approach.
- 6 In September 2025, officials undertook targeted consultation on options to provide regulatory relief for laboratories. These consultations included university, biosecurity, health, and commercial laboratories, as well as Public Research Organisations and health and safety organisations.

The current regulations require costly changes that may reduce safety

- 7 Currently, research laboratories must meet regulations that are also designed for the industrial use of hazardous substances. Industrial users such as petrol refineries, food processors, commercial cleaning and pesticides often involve workers with a range of skill/expertise levels and could involve large quantities of hazardous substances (therefore increasing risk). Having to comply with industrial standards has led to overly restrictive compliance requirements for research laboratories, pushing up costs and, in several cases, making things more dangerous.
- 8 Research laboratories used to be treated differently, with their own compliance pathway under a code of practice. Today's issues have arisen because that pathway was removed by regulatory amendments in 2017. The Government at the time intended to replace the pathway with a better mechanism for laboratories that do not use hazardous substances to produce goods for sale, including laboratories involved in research and development, teaching, and analytical testing. However, that did not happen, so research laboratories have been bound by overly restrictive rules for nearly a decade.
- 9 Many research laboratories are now non-compliant because they were built under the previous requirements. The costs to rebuild these laboratories to comply would be extreme **Commercial Information** and overly restrictive, and may not improve safety. Some examples of the issues identified by the sector are:
 - 9.1 Laboratories with self-reactive substances are required to be on the ground floor. Whereas, locating laboratories on upper levels allows people to get out if there is a fire.
 - 9.2 Cabinets used to store certain amounts of flammable substances must be separated by three metres. Where these substances are frequently used, laboratories would need to be made significantly larger or the hazardous substances would need to be moved frequently from outside the laboratory, which increases handling risks.
 - 9.3 Some flammable substances must be managed in workrooms that meet specified fire-resistance ratings. Many research laboratories were not constructed to those standards. Fire risk can be effectively managed in other ways, including storage in industry-standard cabinets and the use of ventilation or sprinkler systems.
- 10 Research laboratory work is typically smaller-scale and often use a larger range of hazardous substances than industrial operations, whereas the current regulations are more easily applied to situations using a few substances in large quantities. Research laboratory work is carried out under the supervision of specialised and highly skilled workers (including at universities that have a duty of care to their students), whereas industrial facilities may involve workers with a range of skill levels and expertise.
- 11 Numerous laboratories are in old buildings that would require expensive retrofits or rebuilds to become compliant, and new research laboratories have had to be designed to manage industrial risks.

Backing scientists to use their expertise to manage risks in laboratories

- 12 I directed MBIE to investigate possible solutions. Consultation with both public and private laboratories has shown strong support for their own compliance pathway to be restored. They want to do this by following a new industry-wide Approved Code of Practice (ACOP), which would be developed by the sector with support from WorkSafe. I am making more general changes to ACOPs as part of the proposed Health and Safety Amendment Bill which will strengthen their status by providing a safe harbour for duty holders that comply with them [CBC-25-MIN-0004 refers].
- 13 I propose regulatory changes to enable the ACOP to be an alternative pathway for research laboratories that do not use hazardous substances to produce goods for sale. Producing goods for sale is the distinction that was used in the previous alternative compliance pathway that was removed, and is the closest proxy for distinguishing between research laboratories and industrial facilities. Restoring an alternative pathway would allow a risk-based approach for the handling, packaging and storage of hazardous substances commonly used in amounts requiring additional controls for flammable and oxidising substances (classes 3-5 of the Globally Harmonized System).
- 14 Targeted consultation also identified several changes to other parts of the regulations that would reduce unnecessary duplication and improve flexibility. I propose changes to simplify the general requirements for these laboratories:
 - 14.1 aligning connected laboratory storage requirements with general research laboratory requirements,
 - 14.2 removing unnecessary handling certificates, and
 - 14.3 clarifying what research laboratory managers are required to do.
- 15 These proposals are discussed in more detail below.

A more flexible risk-based approach for certain hazardous substances

- 16 I propose that research laboratories are able to use a risk management plan for classes of substances commonly used in amounts that currently require prescriptive controls, including flammable liquids and solids, and oxidising substances. This will provide them with flexibility around how they manage these hazardous substances and the ability to implement measures that are proportionate to the actual risks.
- 17 Allowing a suitable risk management plan, instead of just the more detailed ACOP, means that research laboratories can also create their own risk plans if the industry-wide ACOP does not meet their needs, making the changes more enduring. However, compliance with the ACOP would provide certainty that duty holders have met their obligations under the Health and Safety at Work Act. My intention is for WorkSafe to prioritise developing an ACOP alongside industry (who have already begun discussing a new code based on industry best practice).

- 18 The risk management approach would be similar to the UK approach to hazardous substance regulation, with research laboratories required to consider and manage different types of risks. The laboratory would need to take steps such as:
- 18.1 assessing the hazard level and quantity of the substance being used (using current regulatory thresholds as a guide for the level of risk) and potential reactions,
 - 18.2 assessing the procedures involved, the likelihood of an unintended fire or explosion occurring, ignition risks and length of exposure,
 - 18.3 considering the knowledge and experience of workers, availability of protective equipment and extraction systems, and emergency procedures,
 - 18.4 considering any official guidance or ACOP on managing the risks,
 - 18.5 verifying and keeping records of how the controls adequately manage the risk, and
 - 18.6 reviewing the plan if there has been a significant change or there is a reason to suspect that the risk assessment is no longer valid, including an independent assessment where appropriate.
- 19 These mandatory considerations will be refined and tested with a group of stakeholders to ensure they will work alongside a more detailed ACOP. I will report back on any proposed changes when submitting the draft regulations to the Cabinet Legislation Committee.

Simplifying storage, management and handling requirements

- 20 Different regulations apply to research laboratories and their storage rooms in the same building. The requirements for storage rooms can be more stringent than for the laboratory, and the difference adds unnecessary bureaucracy. I propose simplifying requirements by applying the same requirements to storage that is connected to a research laboratory within a reasonable distance, so that they are considered as part of the same risk management approach.
- 21 Research laboratory workers currently require certification to handle amounts of certain hazardous substances (classes 6.1A and B), despite already receiving advanced training. I propose removing this certification requirement for research laboratory workers, recognising their existing qualifications and training are at a higher level than this certification.
- 22 The regulations have been interpreted as requiring research laboratory managers to be on site at all times and to hold detailed knowledge of all hazardous substances in the laboratory. These requirements are impractical and do not reflect how laboratories operate. I propose clarifying that managers must be available to provide oversight, but do not need to be physically present at all times.
- 23 I also propose replacing the requirement for managers to hold knowledge of all hazardous substances in the research laboratory with a requirement to have

knowledge only of the safety risks of each substance and the equipment in the laboratory, so that these risks can be effectively managed. This will mean that they do not need to know information that is not relevant to the risk.

These proposals aim to reduce costs and support good practice

- 24 These changes will improve safety outcomes and prevent billions of dollars being wasted on unnecessary compliance costs.¹ It is not feasible for many research laboratories to meet the current regulatory requirements without significant additional expenditure. There are good practice alternatives that manage the risks effectively, which are currently not an accepted way of complying with the regulations.
- 25 These proposals will benefit a wide range of laboratories across New Zealand including university laboratories, public and private research organisations, product and health testing organisations, and businesses undertaking research and development. The proposals will enable these research laboratories to manage risks in a way that is practical and targeted, providing relief for the science and technology sectors from unnecessary compliance challenges.

Cost-of-living Implications

- 26 There are no direct cost-of-living implications associated with the proposals in this paper. It is expected that the cumulative impact of all these proposals will be to reduce the cost to business of protecting worker health and safety.

Financial Implications

- 27 The proposals in this paper have no direct financial implications for the Crown. There will be cost reductions for Public Research Organisations, universities and health sector laboratories, as they will not be required to meet certain hazardous substance regulations that are designed for industrial use.

Legislative Implications

- 28 The Health and Safety at Work (Hazardous Substances) Regulations 2017 would need to be amended to give effect to these proposals. Subject to Cabinet's agreement to proceed, I intend to take the draft regulatory amendments to the Cabinet Legislative Committee in Quarter 2 of 2026.

Impact Analysis

Regulatory Impact Statement

- 29 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.

¹ Universities New Zealand claim that the cost of making laboratories compliant is likely to be in the range of \$1.5 to 3 billion.

Climate Implications of Policy Assessment

- 30 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Population Implications

- 31 These proposals are unlikely to have notable impacts on specific population groups.

Consultation

- 32 Targeted consultation was undertaken with university, biosecurity, health, and commercial laboratories, as well as Crown Research Institutes and health and safety organisations.
- 33 Fire and Emergency New Zealand is comfortable with the general approach and considers that an ACOP will be key to supporting effective risk management.
- 34 The following departments were consulted: Fire and Emergency New Zealand, WorkSafe, Ministry of Education, Tertiary Education Commission, Ministry for Regulation, Department of the Prime Minister and Cabinet, and the Environmental Protection Authority. Officials have not advised whether there is a case to also enable an alternative compliance pathway for industrial users, as consultation on these changes focused on issues that arose during the health and safety roadshow and consultation.

Communications

- 35 The Government has publicly committed to reform the work health and safety law and regulation system as part of the ACT–National Coalition Agreement. I intend to announce the changes outlined in this paper.

Proactive release

- 36 This paper will be proactively released (subject to redactions in line with the Official Information Act 1982) within 30 business days of final Cabinet decisions.

Recommendations

The Minister for Workplace Relations and Safety recommends that the Committee:

- 1 **agree** to amend Part 18 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) to allow research, testing and teaching laboratories that are not involved in the production of goods for sale to manage handling (research laboratories), packaging and storage risks arising from oxidising substances and flammable liquids and solids, through a risk management plan;
- 2 **agree** to amend Part 18 of the Regulations so that the same regulatory requirements apply to storage that is connected to the research laboratory as to the laboratory itself;

IN C O N F I D E N C E

- 3 **agree** to amend Part 18 of the Regulations so that workers in research laboratories should not be required to be certified to handle hazardous substances because they already have higher levels of training than this certification requires;
- 4 **agree** to amend Part 18 of the Regulations to clarify that a research laboratory manager does not need to be on site at all times but should be available to provide oversight;
- 5 **agree** to amend Part 18 of the Regulations to replace the requirement that research laboratory managers need to hold knowledge of all hazardous substances used in the laboratory with a requirement to have relevant knowledge to manage the safety risks of each substance and the equipment in the laboratory;
- 6 **authorise** the Minister for Workplace Relations and Safety to make minor and technical changes during drafting that are consistent with the policy intent of this paper; and
- 7 **authorise** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions.

Authorised for lodgement

Hon Brooke van Velden

Minister for Workplace Relations and Safety