Graphic Materials Group Standard 2020

HSR008053

GROUP STANDARD

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

Environmental Protection Authority
Te Mana Rauhī Taiao

New Zealand Government

Graphic Materials Group Standard 2020

Pursuant to section 96B of the Hazardous Substances and New Organisms Act 1996 (the Act), the Environmental Protection Authority issues this Group Standard.

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1. Name of Group Standard

Graphic Materials Group Standard 2020

HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR008053.

2. Commencement

This Group Standard comes into force on 30 April 2021.

3. Interpretation

(1) In this Group Standard, unless the context otherwise requires, words and phrases shall have the meanings given to them in Schedule 2. Any words or phrases that are used but not defined in this Group Standard but that are defined in the Act have the same meaning as in the Act.

(2) In this Group Standard, reference to a hazard classification means a reference to the specified hazard classification as set out in the Hazardous Substances (Hazard Classification) Notice 2020.

4. Scope of Group Standard

Substances covered by Group Standard

(1) This Group Standard applies to hazardous substances under section 96B(2)(a), (b), (c) and (d) of the Act.

(2) This Group Standard applies to substances that are imported or manufactured for use as graphic materials.

(3) This Group Standard is the sole means of compliance for finger paints, children's crayons and children's water colour paints. Graphic materials which cannot meet the scope of this Group Standard, and are not finger paints, children's crayons or children's water colour paints, may fit within the scope of a relevant Surface Coatings and Colourants Group Standard.

(4) A substance referred to in subclause (2) must not contain, incorporate or include a leachable quantity of any of the following elements which exceeds the limits specified in the table below—

Maximum leachable quantity limits

Element		Sb	As	Ba	Cd	Cr	Pb	Hg	Se
Maximum leachable quantity in mg/kg graphic material	Any graphic material except for finger paint	60	25	1000	75	60	90	60	500
	Finger paint	60	25	250	50	25	90	25	500

Sb = Antimony, As = Arsenic, Ba = Barium, Cd = Cadmium, Cr = Chromium, Pb = Lead, Hg = Mercury, and Se = Selenium

(5) A substance referred to in subclause (2) must not have any hazard classification other than:

(a) hazardous to the aquatic environment acute Category 1; or

(b) hazardous to the aquatic environment chronic Category 1, Category 2, Category 3 or Category 4.

(6) Reference to leachable quantity in subclause (4) means the total quantity of the substance capable of being extracted from the material by direct extraction by simulated gastric acid.

Substances excluded from Group Standard

(7) This Group Standard excludes any substance if it contains—

(a) asbestos; or

(b) a chemical that:

(i) is a persistent organic pollutant within the definition in section 2 of the Act; or

(ii) exhibits the characteristics of a persistent organic pollutant as set out in paragraph 1 of Annex D to Schedule 1AA of the Act.

5. Conditions of Group Standard

The conditions that specify the obligations and restrictions for substances covered by this Group Standard are set out in Schedule 1.

Advisory Note: In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the Health and Safety at Work Act 2015.

Schedule 1: Conditions of Group Standard

Part 1 - Compliance with EPA Notices

1. Labelling and advertising

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Labelling) Notice 2017.

2. Safety data sheets

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Safety Data Sheets) Notice 2017.

3. Packaging

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Packaging) Notice 2017.

4. Disposal

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Disposal) Notice 2017.

5. Restriction on supply, storage and use

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Hazardous Property Controls) Notice 2017.

Part 2 - Notification to the Authority

6. Evidence of compliance with clause 4 of this Group Standard

(1) Any person importing or manufacturing a graphic material that is intended for use by children and is—

(a) a water colour paint; or

(b) a crayon; or

(c) a finger paint,

must first satisfy the Environmental Protection Authority (by providing any evidence the Environmental Protection Authority reasonably requires) that it meets the requirements of clause 4 (4) of this Group Standard.

(2) Where compliance is demonstrated by laboratory testing, such testing must be undertaken by an IANZ accredited chemical testing laboratory or a laboratory with equivalent accreditation.

Part 3 - **Other Matters**

7. Assigning a substance to a group standard

(1) If an importer or manufacturer considers that this Group Standard applies to the importation or manufacture of a substance, then the importer or manufacturer is responsible for assigning the substance to this Group Standard.

(2) In order to assign the substance to this Group Standard, the importer or manufacturer must—

(a) ensure that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and

(b) keep a record of how it was determined the substance complies with clause 4 of this Group Standard.

(3) The importer or manufacturer must—

(a) ensure that the record contains sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and

(b) have that record available for inspection.

8. Graphic materials not to cause harm

(1) No graphic material may cause damage to human health under normal or reasonably foreseeable conditions of use.

(2) In determining normal or reasonably foreseeable conditions of use, the manufacturer or importer must give consideration to:

(a) the presentation of the graphic material in any retail or consumer package;

(b) the labelling of the graphic material including any labelling or markings on the retail or consumer package;

(c) any instructions for its use and disposal;

(d) any other information provided by the manufacturer or importer.

Schedule 2: Interpretation

Act means the Hazardous Substances and New Organisms Act 1996

asbestos has the same meaning as in regulation 3(1) of the Health and Safety at Work (Asbestos) Regulations 2016 but does not include substances that contain naturally occurring traces of asbestos

crayon means a stick of coloured waxy material for writing, drawing, marking or painting

finger paint means a paste or jelly-like, coloured preparation specially designed for children, directly applicable to suitable surfaces with the fingers and hands

graphic material means a material which is deposited onto another material by a graphic[s] instrument including fingers and hands for the purpose of writing, drawing, painting or marking, and includes but is not limited to—

(a) a crayon;

(b) a water colour paint;

(c) a finger paint;

(d) pastels, chalk, coloured pencils and felt pens

substance means any solid or liquid graphic material that is within the scope of clause 4 of this Group Standard (Scope of Group Standard)

water colour paint means a colouring material, made of pigment to be diluted with water and not oil, for imparting colours to an inanimate surface. Water colour paints do not include face paints

workplace has the same meaning as in section 20(1) of the Health and Safety at Work Act 2015

Explanatory note

This note is not part of the group standard but is intended to provide guidance to users of the group standard.

(1) Face paints are not water colour paints or finger paints. Face paints are cosmetic products. A cosmetic product means any product or preparation intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition. Cosmetic products are regulated under the Hazardous Substances and New Organisms Act through the Cosmetic Products Group Standard 2020.

(2) Schedule 1, Part 2, 6(2) of this Group Standard requires that, where compliance is demonstrated by laboratory testing, such testing/analysis must be undertaken by an IANZ accredited laboratory or equivalent. The Group Standard does not specify the particular test methodology that should be employed. It is expected that accredited laboratories will select the appropriate test methodology. The Authority considers that acceptable test methods will include those specified in the British Standard EN 71.3 or the Australian/New Zealand Standard AS/NZS ISO 8124.3:2003.

(3) Under the Act, section 96E(3) provides that a hazardous substance to which section 96B(2)(a) applies is deemed to have been approved by the Authority under section 29.

(4) All amendments made under section 96B to the Graphic Materials Group Standard 2018 since it was first issued that were still in force before 30 April 2021 have been incorporated into this Group Standard.

(5) In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the Health and Safety at Work Act 2015.

(6) Each of the Labelling, Safety Data Sheets and Packaging Notices provide that a person relying on this Group Standard will have four years (until 30 April 2025) to comply with the relevant controls under those Notices. Within that time, a person must comply with one of the following:

   (a) the relevant controls under the Labelling, Safety Data Sheets and Packaging Notices; or

   (b) the equivalent conditions in the Graphic Materials Group Standard 2018 in force immediately before 30 April 2021; or

   (c) the equivalent conditions in the Graphic Materials Group Standard 2009 in force immediately before 1 December 2017.

   All other aspects of this Group Standard apply from 30 April 2021.

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