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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

GRAPHIC MATERIALS
GROUP STANDARD 2009

PURSUANT TO THE HAZARDOUS SUBSTANCES
AND NEW ORGANISMS ACT 1996

Hazardous Substances and New Organisms Act 1996

Graphic Materials Group Standard 2009

Pursuant to section 96B of the Hazardous Substances and New Organisms Act 1996 (“the Act”), the Environmental Risk Management Authority, on its own initiative, issues this Group Standard

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EXPLANATORY NOTE

1 Title

Graphic Materials Group Standard 2009.

HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR008053.

2 Commencement

This Group Standard comes into force 28 days after the date of publication in the New Zealand Gazette and applies to substances under section 96B(2)(a), (b), (c) and (d) of the Act.

3 Interpretation

(1) In this Group Standard:

graphic material means a material which is deposited onto another material by a graphics 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.

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.

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

- (2) In this Group Standard, references to a hazardous property of a substance being equivalent to a specified HSNO hazard classification, means a reference to the specified hazard classification as set out in the Hazardous Substances (Classification) Regulations 2001.

4 Scope of Group Standard

Substances covered by Group Standard

- (1) This Group Standard applies to substances that are imported or manufactured for use as graphic materials.
- (2) 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 other relevant Surface Coatings and Colourants Group Standards.
- (3) A substance referred to in subclause (1) 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
- Se Selenium

- (4) A substance referred to in subclause (1) may not have any hazardous property that would trigger any hazard classification other than a Class 9 hazard classification.

- (5) Reference to leachable quantity in subclause (3) means the total quantity of the substance capable of being extracted from the material by direct extraction by simulated gastric acid.

5 Conditions of Group Standard

The obligations and restrictions set out in Schedule 1 of the Group Standard apply to the substances by way of conditions.

Schedule 1 Conditions of Group Standard

Part 1

Information Requirements

1 General information

- (1) Any information that is provided with the substance, including information on a label, or any advertising of the substance, must be readily understandable and if provided in words (whether written or oral) be in the English language. Where written information is provided, it must also be legible and durable.
- (2) Any information provided must not include any statement, expression, device, trade name or description that—
 - (a) contradicts or modifies any expression required by this Group Standard; or
 - (b) is false or misleading in relation to the safety of the substance or any of its ingredients; or
 - (c) misrepresents the composition of the substance; or
 - (d) misrepresents any property of the substance, including information that suggests the substance belongs to a class or subclass that it does not in fact belong to.

Part 2

Notification to the Medical Officer of Health

2 Evidence of compliance with clause 4 of this Schedule

- (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 Medical Officer of Health (by providing any evidence the Medical Officer of Health reasonably requires) that it meets the requirements of clause 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

3 Assigning a substance to a Group Standard

- (1) The manufacturer or importer of a substance who determines, or is otherwise independently advised, that the substance complies with the maximum leachable quantity limits specified in clause 4 of this Group Standard must keep a record of that determination or advice and make it available for inspection when required.
- (2) The record must contain sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard.

4 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.

Explanatory note

This note is not part of the Group Standard, but is intended to provide guidance to users of the Group Standard.

- (1) All graphic materials must have an approval under the Act by means of either this Group Standard or a Surface Coatings and Colourants Group Standard. 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 other relevant Surface Coatings and Colourants Group Standards (<http://www.ermanz.govt.nz/hs/groupstandards/standards/scc.html>).
- (2) 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 2006.
- (3) Clause 4 of this Group Standard sets out the parameters that determine whether or not a substance is covered by this Group Standard. It is the responsibility of the manufacturer or importer of a substance to determine whether or not the substance complies with these parameters.
- (4) Schedule 1, Part 2 (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 Agency 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.
- (5) Schedule 1, Part 3 (3) (1) of the Group Standard requires that the manufacturer or importer of a substance who determines, or is otherwise independently advised, that the substance complies with clause 4 of this Group Standard (Scope of Group Standard) must keep a record of that determination or advice. Such records must be available for inspection for as long as the substance is available in New Zealand.

Availability and publication of Reference Materials

- (6) Any regulations incorporated by reference into a Group Standard may be—
 - (a) inspected free of charge during normal business hours at the ERMA New Zealand office; or
 - (b) purchased from Bennetts at <http://www.bennetts.co.nz/legislation.htm>; or
 - (c) viewed at <http://www.legislation.govt.nz>

- (7) Any materials incorporated by reference into a Group Standard that are published by any other party or organisation may be inspected free of charge during normal business hours at the ERMA New Zealand office.

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