

# Construction Products (Carcinogenic) Group Standard 2020

**HSR002545**

**GROUP STANDARD**

**UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996**

# Construction Products (Carcinogenic) 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.

## Contents

1.	Name of Group Standard	1
	HSNO Approval Number	1
2.	Commencement	1
3.	Interpretation	1
4.	Scope of Group Standard	1
	Substances covered by Group Standard	1
	Substances excluded from Group Standard	2
5.	Conditions of Group Standard	2
<b>Schedule 1: Conditions of Group Standard</b>		<b>3</b>
	Part 1 - Compliance with EPA Notices	3
1.	Labelling and advertising	3
2.	Safety data sheets	3
3.	Packaging	3
4.	Disposal	3
5.	Restriction on supply, storage and use	3
	Part 2 - Notification to the Authority	3
6.	Inventory of Chemicals	3
	Part 3 - Other Matters	4
7.	Assigning a substance to a group standard	4
<b>Schedule 2: Interpretation</b>		<b>5</b>
<b>Explanatory note</b>		<b>7</b>

## 1. Name of Group Standard

Construction Products (Carcinogenic) Group Standard 2020

### HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR002545.

## 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\(2\)\(a\), \(b\) and \(c\)](#) of the Act.
- (2) This Group Standard applies to solid substances that are imported or manufactured for use as a construction product.
- (3) A substance referred to in subclause (2) must have a hazard classification of carcinogenicity Category 1, where that classification has only been triggered as a result of the substance containing respirable silica.
- (4) In addition to the hazard classification referred to in subclause (3), a substance may have any of the following (but only the following) hazard classifications:
  - (a) acute oral toxicity Category 4:
  - (b) acute dermal toxicity Category 4:
  - (c) acute inhalation toxicity Category 4:
  - (d) skin irritation Category 2:
  - (e) serious eye damage Category 1:
  - (f) eye irritation Category 2:
  - (g) respiratory sensitisation Category 1:

- (h) skin sensitisation Category 1:
- (i) germ cell mutagenicity Category 1 or Category 2:
- (j) reproductive toxicity Category 1 or Category 2:
- (k) effects on or via lactation:
- (l) specific target organ toxicity – single exposure Category 1, Category 2 or Category 3:
- (m) specific target organ toxicity – repeated exposure Category 1 or Category 2:
- (n) aspiration hazard Category 1:
- (o) hazardous to the aquatic environment acute Category 1:
- (p) hazardous to the aquatic environment chronic Category 1, Category 2, Category 3 or Category 4.

### Substances excluded from Group Standard

- (5) 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.
- (6) This Group Standard excludes any substance that contains a chemical that is a CMR that is not listed on the [Inventory of Chemicals](#), unless—
  - (a) the new CMR is used to completely replace an existing CMR in the substance; and
  - (b) the new CMR has a lower hazard classification than the existing CMR.
- (7) This Group Standard excludes any substance that is a hazardous chemical not listed on the [Inventory of Chemicals](#).
- (8) For the purposes of subclause (7), “chemical” means any element or compound in its natural state or obtained by any production process, including any impurities and any additive necessary to preserve the stability of the chemical but excluding any solvent which may be separated without affecting the stability of the chemical or changing its composition.

## 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

- (1) Subject to subclause (2), substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017.
- (2) Despite clause 13 of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017, any construction product carrying a carcinogenicity Category 1 classification due to its respirable silica content may be supplied to, used in or stored in a place, other than a workplace.

## Part 2 - Notification to the Authority

### 6. Inventory of Chemicals

- (1) When a substance is imported into, or manufactured in, New Zealand after 30 June 2006, the importer or manufacturer must ensure that all hazardous chemicals contained in the substance are listed on the [Inventory of Chemicals](#).

- (2) If that substance contains a hazardous chemical that is not listed on the [Inventory of Chemicals](#), then the importer or manufacturer of the substance must at the time they first import or manufacture the substance, notify the Authority in writing of—
  - (a) the name of the substance; and
  - (b) the HSNO approval number and/or title of the group standard under which the substance is deemed to have been approved; and
  - (c) the name and CAS number of the chemical not listed on the [Inventory of Chemicals](#) that is present in the substance; and
  - (d) the concentration of that chemical in the substance; and
  - (e) the hazardous properties of the chemical, including the provision of the relevant hazard data used to assign the substance to the group standard; and
  - (f) the proposed use of the substance.
- (3) Subclause (2) applies subject to clause 4(6) - (8) of this Group Standard (Scope of Group Standard).

## 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.

## 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

**CAS number** means [Chemical Abstract Services Registry number](#)

**cement** means a building material which can be mixed with water and poured to set as a solid mass or used as an ingredient in making mortar or concrete

**CMR** means a substance that is a carcinogen, mutagen or reproductive toxicant within the meaning of the GHS

**concrete admixture** means a material other than cement, water and aggregate that is added to a concrete mixture to change the properties of the concrete such as colour, curing temperature range and setting time

**concrete etching agent** means any material that is used to etch or change the surface of concrete

**condition** means any obligation or restriction imposed upon a substance by a group standard

**construction product** means any cement, mortar, concrete admixture or etching agent, plaster, grout, putty, filler, or roading product intended for use in construction or repair

**filler** means a composition, especially a semisolid that hardens on drying, used to fill pores, cracks, or holes in wood, plaster, metal or other construction surfaces before finishing and includes filler materials used in automotive repair

**GHS** has the same meaning as in the Hazardous Substances (Hazard Classification) [Notice](#) 2020

**grout** means thin mortar or plaster typically used to fill cracks and crevices in masonry or for finishing walls and ceilings

**Inventory of Chemicals** means an [inventory](#) kept and maintained by the Authority of chemicals known to be present in New Zealand

**mortar** means a bonding material used in masonry, surfacing, and plastering, especially a plastic mixture of cement or lime, sand, and water that hardens in place and is used to bind together bricks or stones

**plaster** means a composition of lime, water and sand typically used for coating walls, ceilings, and partitions of buildings

**putty** means a dough-like cement often used to fill holes in woodwork and secure panes of glass

**respirable** means airborne dust that is taken in through the mouth and nose during breathing, and is able to penetrate and deposit in the lower bronchioles and alveolar region

**roading product** means any product used in the preparation, construction, or repair of roads, driveways, or pavements

**silica** means crystalline silica or quartz (CAS Number 14808-60-7)

**substance** means any solid construction product that is within the scope of clause 4 of this Group Standard (Scope of Group Standard)

**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) 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](#).
- (2) All amendments made under [section 96B](#) to the Construction Products (Toxic [6.7A]) Group Standard 2017 since it was first issued that were still in force before 30 April 2021 have been incorporated into this Group Standard.
- (3) 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](#).
- (4) 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 Construction Products (Toxic [6.7A]) Group Standard 2017 in force immediately before 30 April 2021; or
  - (c) the equivalent conditions in the Construction Products (Toxic [6.7A]) Group Standard 2006 in force immediately before 1 December 2017.

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

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