

# **Aerosols (Flammable) Group Standard 2020**

**HSR002515**

**GROUP STANDARD**

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

# Aerosols (Flammable) 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

Aerosols (Flammable) Group Standard 2020

### HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR002515.

## 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 imported or manufactured aerosol dispensers not exceeding 1,000 mL water capacity.
- (3) A substance packaged in an aerosol dispenser referred to in subclause (2) must have one of the following hazard classifications:
  - (a) aerosol Category 1; or
  - (b) aerosol Category 2.
- (4) In addition to the hazard classification(s) 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) hazardous to the aquatic environment acute Category 1:
- (o) 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—
  - (a) cosmetic products; and
  - (b) any substance that is intended for biocidal action.
- (7) Subclause (6)(b) does not apply to a substance that is an antimicrobial product.
- (8) This Group Standard excludes any substance that contains a chemical that is a mutagen or reproductive toxicant that is not listed on the [Inventory of Chemicals](#), unless—
  - (a) the new mutagen or reproductive toxicant is used to completely replace an existing mutagen or reproductive toxicant in the substance; and
  - (b) the new mutagen or reproductive toxicant has a lower hazard classification than the existing mutagen or reproductive toxicant.
- (9) This Group Standard excludes any substance that is a hazardous chemical not listed on the [Inventory of Chemicals](#).
- (10) For the purposes of subclause (9), “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](#), in particular, [Part 15 Gases under Pressure](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

# 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. Disposal

- (1) Subject to subclauses (2) and (3), substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Disposal) [Notice](#) 2017.
- (2) Despite clause 13 of the [Notice](#)—
  - (a) an aerosol dispenser that may or may not contain any residual substance may be disposed of in a landfill provided clauses 7(3), 9 and 10 of the [Notice](#) are complied with;
  - (b) a householder or consumer may supply an aerosol dispenser that may or may not contain any residual substance to a public or commercial waste collection service for disposal.
- (3) The requirements of the [Notice](#) do not apply to an aerosol dispenser that may or may not contain any residual substance if it is intended for recycling.

### 4. 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

### 5. 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(8) - (10) of this Group Standard (Scope of Group Standard).

## Part 3 - Other Matters

### 6. 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.

## 7. Conditions relevant to specific product types

- (1) For aerosol paints—
- (a) A person must not manufacture, sell, supply or use an aerosol paint containing basic lead carbonate (white lead) except for application as a mirror backing—
    - (i) containing not more than 15 percent of lead in the non-volatile content of the paint; and
    - (ii) applied not more than 40 microns thick; and
    - (iii) covered by a paint which does not contain lead.
  - (b) A person must not manufacture, sell, supply or use an aerosol paint described in Schedule 3, Table 1 for application to—
    - (i) a roof or for any surface to be used for the collection or storage of potable water; or
    - (ii) furniture; or
    - (iii) any fence, wall, post, gate or building (interior or exterior) other than a building which is used exclusively for industrial purposes or mining or any oil terminal; or
    - (iv) any premises used for the manufacture, processing, preparation, packing or serving of products intended for human or animal consumption.
  - (c) A person must not manufacture, sell, supply or use an aerosol paint described in Schedule 3, Table 2 for application to—
    - (i) a roof or for any surface to be used for the collection or storage of potable water; or
    - (ii) furniture; or
    - (iii) any fence, wall, post, gate or building (interior or exterior), bridge, pylon, pipeline, storage tank or any similar structure; or
    - (iv) any premises used for the manufacture, processing, preparation, packing or serving of products intended for human or animal consumption.
  - (d) A person must not manufacture, sell, supply or use an aerosol paint for application to toys unless the paint complies with the specification for coating materials contained in Australian/New Zealand Standard AS/NZS ISO 8124.3:2012 entitled *Safety of toys Part 3: Migration of certain elements (ISO 8124-3:2010, MOD)*.
- (2) For substances containing fragrance materials, any fragrance material added to a substance shall comply with the IFRA Standards and restrictions as set out in the IFRA Code of Practice.

## Schedule 2: Interpretation

**Act** means the [Hazardous Substances and New Organisms Act 1996](#)

**aerosol** has the same meaning as in [regulation 15\(1\)](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017

**aerosol dispenser** has the same meaning as in [regulation 15\(1\)](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017

**antifouling paint** means a paint used to prevent, by the slow release of biocides, the build up of aquatic organisms on the hulls of vessels or other surfaces in contact with water

**antimicrobial product** means a disinfectant or a sanitiser

**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

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

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

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

**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

**disinfectant** means a material which under defined conditions is capable of disinfection

**disinfection** means the destruction of micro-organisms where the level of micro-organisms is reduced to a level acceptable for a defined purpose

**fragrance compound** means a blend of fragrance ingredients representing a specific fragrance formula, including any solvent or carrier

**fragrance ingredient** means any ingredient used in the manufacture of fragrance materials for its odorous, odour-enhancing or blending properties. Fragrance ingredients may be obtained by chemical synthesis from synthetic, fossil or natural raw materials or by physical operations from natural sources and include aroma chemicals, essential oils, natural extracts, distillates and isolates, and oleoresins

**fragrance material** means a fragrance ingredient or a fragrance compound

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

**IFRA Code of Practice** means the code of practice published by the International Fragrance Association, as amended for the 39th time

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

**micro-organism** means a microscopic entity capable of replication including bacteria, viruses and the microscopic forms of algae, fungi and protozoa

**mutagen** means a substance that is a mutagen within the meaning of the GHS

**paint** includes but is not limited to any material used or intended to be used for application as a colouring or protective coating to any surface, including lacquers, varnishes, stains, all parts of a multi-component paint, tinters and thinners but does not include antifouling paints and cosmetic products

**reproductive toxicant** means a substance that is a reproductive toxicant within the meaning of the GHS

**sanitiser** means a material which is represented to be suitable for use in the reduction of micro-organisms to a level acceptable for a defined purpose

**substance** means any aerosol 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

## Schedule 3: Specified substances

**Table 1: A paint containing a specified component in the specified proportion**

Component	Proportion
ANTIMONY or antimony compounds other than antimony titanate pigments	more than 5 percent
BARIUM salts except barium sulphate or barium metaborate	more than 5 percent
CADMIUM or cadmium compounds	more than 0.1 percent
CHROMIUM as chromates of ammonia, barium, potassium, sodium, strontium or zinc	more than 5 percent
SELENIUM or selenium compounds	more than 0.1 percent

**Table 2: A paint containing a specified component in the specified proportion**

Compound	Proportion
LEAD or lead compounds	more than 0.1 percent
LEAD or lead compounds occurring as an impurity in zinc based paint	more than 0.2 percent

## 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 Aerosols (Flammable) 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](#), in particular, [Part 15 Gases under Pressure](#) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
- (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 Aerosols (Flammable) Group Standard 2017 in force immediately before 30 April 2021; or
  - (c) the equivalent conditions in the Aerosols (Flammable) Group Standard 2006 in force immediately before 1 December 2017.

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

**Level 10, 215 Lambton Quay, Wellington 6011, New Zealand**