

Surface Coatings and Colourants (Acutely Toxic) Group Standard 2020

HSR002675

GROUP STANDARD

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

Surface Coatings and Colourants (Acutely Toxic) 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

Surface Coatings and Colourants (Acutely Toxic) Group Standard 2020

HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR002675.

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 \(provided the substance is a graphic material\) \(d\)](#) of the Act.
- (2) This Group Standard applies to solid or liquid substances that are imported or manufactured for use as a surface coating or colourant.
- (3) A substance referred to in subclause (2) must have one or more of the following hazard classifications:
 - (a) acute oral toxicity Category 2 or Category 3:
 - (b) acute dermal toxicity Category 2 or Category 3:
 - (c) acute inhalation toxicity Category 2 or Category 3.
- (4) In addition to the hazard classifications referred to in subclause (3), a substance may have one or more 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—
 - (a) antifouling paints; and
 - (b) cosmetic products; and
 - (c) paints used on trees, shrubs or any other plant for the treatment of wounds or pruning cuts; and
 - (d) timber treatment chemicals or antisapstain agents used in the commercial treatment of timber at industrial facilities; and
 - (e) any paint that contains a pesticide active other than one or more of the following:
 - (i) benzalkonium chloride;
 - (ii) copper naphthenate;
 - (iii) iodocarb;
 - (iv) othilinone;
 - (v) oxine copper;

- (vi) sodium borate;
 - (vii) zinc naphthenate; and
- (f) finger paints, children's crayons and children's water colour paints.
- (7) Subject to subclause (6)(e), the maximum concentration of each pesticide active allowed in any paint is—
 - (a) benzalkonium chloride, 2.5%;
 - (b) copper naphthenate, 35%;
 - (c) iodocarb, 2.5%;
 - (d) othilinone, 2.5%;
 - (e) oxine copper, 2.5%;
 - (f) sodium borate, 30%;
 - (g) zinc naphthenate, 35%.
- (8) Subclause (6)(e) does not apply to a biocidal component of a paint that is used as an in-can preservative or dry film biocide.
- (9) 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.
- (10) This Group Standard excludes any substance that is a hazardous chemical not listed on the [Inventory of Chemicals](#).
- (11) For the purposes of subclause (10), "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

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. 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(9) - (11) 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.

8. Restriction relating to specific substances

- (1) A person must not manufacture, sell, supply or use a paint containing basic lead carbonate (white lead) except for application as a mirror backing—
 - (a) containing not more than 15 percent of lead in the non-volatile content of the paint; and
 - (b) applied not more than 40 microns thick; and
 - (c) covered by a paint which does not contain lead.
- (2) A person must not manufacture, sell, supply or use a paint described in Schedule 3, Table 1 for application to—

- (a) a roof or for any surface to be used for the collection or storage of potable water; or
 - (b) furniture; or
 - (c) 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
 - (d) any premises used for the manufacture, processing, preparation, packing or serving of products intended for human or animal consumption.
- (3) A person must not manufacture, sell, supply or use a paint described in Schedule 3, Table 2 for application to—
- (a) a roof or for any surface to be used for the collection or storage of potable water; or
 - (b) furniture; or
 - (c) any fence, wall, post, gate or building (interior or exterior), bridge, pylon, pipeline, storage tank or any similar structure; or
 - (d) any premises used for the manufacture, processing, preparation, packing or serving of products intended for human or animal consumption.
- (4) A person must not manufacture, sell, supply or use a 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).

Schedule 2: Interpretation

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

adhesive means a material applied to two surfaces causing them to adhere, or a material applied to a surface as a coating or gap filler and includes thinners and all parts of a multi-component adhesive

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

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](#)

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

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

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

dry film biocide means a biocidal component that is present in the paint to prevent algal or fungal growth on the finished paint film

dye means an intensely coloured or fluorescent organic material, which imparts colour to a substrate by selective absorption. Dyes are soluble and/or go through an application process which, at least temporarily, destroys any crystal structure of the dye. Dyes are retained in the substrate by absorption, solution, and mechanical retention, or by ionic or covalent chemical bonds

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

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

graphic material means a material which is deposited onto another material by a graphics instrument for the purpose of writing, drawing 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

in-can preservative means a biocidal component that is present in the paint to prevent spoilage of the paint before use. In-can preservation is also referred to as wet state

ink means a coloured fluid used for writing, drawing or printing and includes ink reducers and overprint varnishes

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

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, cosmetic products, finger paints, children's crayons and children's water colour paints

pigment means a coloured, black, white, fluorescent, or phosphorescent particulate, organic or inorganic solid, which is practically insoluble in the application medium. Pigments are usually dispersed in vehicles or substrates for application. Pigments retain a crystal or particulate structure throughout the colouration process

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

surface coating and colourant means any of the following materials, including any raw materials used in their manufacture—

- (a) adhesive; or
- (b) dye; or
- (c) ink; or
- (d) paint; or
- (e) pigment; or
- (f) graphic material

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

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 Surface Coatings and Colourants (Toxic [6.1]) 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 Surface Coatings and Colourants (Toxic [6.1]) Group Standard 2017 in force immediately before 30 April 2021; or
 - (c) the equivalent conditions in the Surface Coatings and Colourants (Toxic [6.1]) 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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