

# Hazardous Substances and New Organisms Act 1996

## Cosmetic Products Group Standard 2006<sup>1</sup>

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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## 1 Title

Cosmetic Products Group Standard 2006

*HSNO Approval Number*

The HSNO Approval Number for this Group Standard is HSR002552.

## 2 Commencement

This Group Standard comes into force on 1 July 2006 and applies to substances under section 96B(2)(a), (b) and (c) of the Act.

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<sup>1</sup> As amended 24<sup>th</sup> July 2008 and 28<sup>th</sup> July 2009.

### **3 Interpretation**

- (1) In this Group Standard, unless the context otherwise requires, words and phrases shall have the meanings given to them in Schedule 3.
- (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 any substance imported or manufactured for use as a cosmetic product, where that cosmetic product classifies as hazardous according to the hazard classification criteria as set out in the Hazardous Substances (Classification) Regulations 2001.
- (2) Where a substance is packaged in an aerosol dispenser, the aerosol dispenser must not exceed 1,000 mL water capacity.
- (3) A substance referred to in subclause (1) must have one or more of the following (but only the following) hazards:
  - (a) a flammable aerosol, HSNO 2.1.2A classification;
  - (b) a flammable liquid with a flashpoint of less than 23°C and an initial boiling point of greater than 35°C, HSNO 3.1B classification;
  - (c) a flammable liquid with a flashpoint of greater than or equal to 23°C and less than or equal to 60°C, HSNO 3.1C classification;
  - (d) a flammable liquid with a flashpoint of greater than 60°C and less than or equal to 93°C, HSNO 3.1D classification;
  - (e) an oxidising substance, HSNO 5.1.1C classification;
  - (f) acute toxicity, HSNO 6.1D or 6.1E classification (including aspiration hazard);
  - (g) skin corrosivity, HSNO 8.2C classification;
  - (h) skin irritancy, HSNO 6.3A or 6.3B classification;
  - (i) eye corrosivity, HSNO 8.3A classification;
  - (j) eye irritancy, HSNO 6.4A classification;
  - (k) respiratory sensitisation, HSNO 6.5A classification;
  - (l) contact sensitisation, HSNO 6.5B classification;
  - (m) mutagenicity, HSNO 6.6B classification;
  - (n) carcinogenicity, HSNO 6.7B classification;

- (o) reproductive toxicity, HSNO 6.8B or 6.8C classification;
- (p) target organ toxicity, HSNO 6.9A or 6.9B classification;
- (q) ecotoxicity, HSNO class 9.

*Substances excluded from Group Standard*

- (4) This Group Standard excludes any cosmetic product that contains—
  - (a) a component listed in Schedule 4, other than a trace level of that component provided that such presence is technically unavoidable in good manufacturing practice, and the cosmetic product complies with clause 24 of Schedule 1;
  - (b) a component listed in Schedule 5 which does not meet the conditions and restrictions relating to that component listed in that Schedule;
  - (c) a colouring agent—
    - (i) other than those listed in Schedule 6, with the exception of cosmetic products containing colouring agents intended solely to colour hair;
    - (ii) listed in Schedule 6 which does not meet the conditions and restrictions relating to that colouring agent listed in that Schedule, with the exception of cosmetic products containing colouring agents intended solely to colour hair;
  - (d) a preservative—
    - (i) other than those listed in Schedule 7;
    - (ii) listed in Schedule 7 which does not meet the conditions and restrictions relating to that preservative listed in that Schedule;
  - (e) a UV filter—
    - (i) other than those listed in Schedule 8;
    - (ii) listed in Schedule 8 which does not meet the conditions and restrictions relating to that UV filter listed in that Schedule;
  - (f) a component banned by the International Fragrance Association as set out in the IFRA Code of Practice.

## **5 Conditions of Group Standard**

The obligations and restrictions set out in Schedules 1 and 2 to the Group Standard apply to the substances by way of conditions.

# Schedule 1

## Conditions of Group Standard

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### Part 1

#### Information Requirements

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#### 1 General information

- (1) Any information (including advertising) provided or required to be made available or supplied under this Part (Information Requirements) 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 to be on the label; 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 sub-class that it does not in fact belong to.

#### 2 Labelling

##### *Duties of suppliers*

- (1) A person must not sell or supply a substance to another person unless the substance is labelled in accordance with this clause.

##### *General requirements for labelling*

- (2) The labelling on a substance must comply with one of the following:
  - (a) the labelling provisions in the Hazardous Substances (Identification) Regulations 2001, the Hazardous Substances (Emergency Management) Regulations 2001 and the Hazardous Substances (Disposal) Regulations 2001; or
  - (b) the current labelling requirements for cosmetic products of Australia, USA or the European Union, as if the substance were for sale or supply in those countries.
- (2A) Labels complying with clause 2(2)(a) must also contain a list of ingredients in accordance with the following priority:
  - (i) a list of the ingredients in the product (except colour additives) in concentrations of 1% or more in descending order by volume or mass; and
  - (ii) a list of the ingredients in the product (except colour additives) in concentrations of less than 1% in any order; and

- (iii) colour additives in any order; and
  - (iv) flavour or flavours, which must be described in the list of ingredients by:
    - (a) the words, “flavour” or “flavours” or “aroma” or “aromas”; or
    - (b) the ingredients in the flavour or flavours; and
  - (v) fragrance or fragrances, which must be described in the list of ingredients by:
    - (a) the words, “fragrance” or “fragrances” or “parfum” or “parfums”; or
    - (b) the ingredients in the fragrance or fragrances.”
- (3) A label must provide the following general information about a substance:
- (a) product name; and
  - (b) enough information to enable its New Zealand importer, supplier or manufacturer to be contacted whether in person or by telephone.

*Compliance with labelling requirements of Schedules 5 to 8<sup>2</sup>*

- (4) A substance that contains a component listed in Schedules 5 to 8 must comply with the relevant labelling requirements set out in those Schedules.
- (4A) Despite clause (2)(4) a primary sunscreen may be labelled in accordance with the requirements of the ‘Therapeutic Goods Order No. 69 General Requirements for Labels for Medicines , published by Australian GPO, Commonwealth of Australia, 2001’.
- (4B) Despite clause (2)(4) a cosmetic product containing a component at reference numbers 67-92 of Schedule 5 may not be labelled with the name of that component, provided the label lists the flavours or fragrances which must be described by the words, ‘fragrance’ or ‘fragrances’ or ‘parfum’ or ‘parfums’; or the ingredients in the fragrance or fragrances.
- (5) Notwithstanding subclause (4), where a substance is imported from Australia or the USA, it shall be sufficient if the label uses wording which is substantially similar in meaning to that specified in the relevant Schedule.

*Listing of ingredients*

- (6) Where there is a requirement to list ingredients under subclause (2), the list may be provided on—
  - (a) the substance label; or
  - (b) the outer container or carton if the substance is packed in an outer container or carton; or
  - (c) a package insert or leaflet if the package is too small to include the details on the label; or
  - (d) a leaflet at the point of sale.

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<sup>2</sup> Clause 4 was amended in July 2009 so that it referred to Schedules 5 to 8 rather than 4 to 8.

- (7) Substances displayed for sale in tightly compartmentalised trays or racks, or used in conjunction with display units, may declare the ingredients in off-package labelling attached to the display rather than on each retail unit, provided that the total surface area of the substance is less than 80 cm<sup>2</sup>. This provision does not apply to substances that are contained in an outer package.
- (8) The ingredients may be declared using their common chemical names or their International Nomenclature Cosmetic Ingredient names.

*Exemption from labelling requirements for free samples or testers*

- (9) The requirements of this clause do not apply to free samples or testers.

*Exemption from labelling requirements for small packages*

- (10) When a substance is contained in a package with a capacity of 5 L or 5 kg or less, the label for that package does not need to provide the following information:
- (a) the priority identifiers for any HSNO class 9 hazards as required by the Hazardous Substances (Identification) Regulations 2001; or
  - (b) the emergency management response statements for any HSNO class 9 hazards as required by the Hazardous Substances (Emergency Management) Regulations 2001.

### 3 Safety data sheets

- (1) A person, when selling or supplying a substance at quantities that exceed those set out in Table 1 shall provide a safety data sheet for the substance supplied to the recipient if:
- (a) the substance is likely to be used in a place of work; and
  - (b) they have not previously supplied a safety data sheet for that substance to the recipient.

**Table 1. Trigger quantities for provision of safety data sheet**

Hazardous Property	Trigger Quantity
<u>Non-aerosol products</u> HSNO 3.1B, 3.1C, 5.1.1C, 6.1D, 8.2C, 8.3A, 6.5A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, 6.9A, 6.9B, 9.1A, 9.1B or 9.1C or any combinations thereof	Any quantity
<u>Non-aerosol products</u> HSNO 3.1D, 6.1E, 6.3A, 6.3B, 6.4A, 9.1D, 9.2A, 9.2B, 9.2C, 9.2D, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B or 9.4C or any combinations thereof but excluding any of the hazards listed in the preceding row	50 L or 50 kg per package
Any aerosol product	10 L (aggregate water capacity)

- (2) If subclause (1) applies:
- (a) in each place of work where the substance is manufactured, stored or used, the person in charge of the place must ensure that every person handling the substance has access to a safety data sheet for that substance; and

- (b) the safety data sheet must be available to a person handling the substance within 10 minutes, and be readily understandable by any fully trained worker required to have access to it.
- (3) A person who manufactures or supplies a substance in New Zealand or imports a substance into New Zealand must, if asked to do so by any person in charge of a place of work where a substance is stored or used, give that person the required safety data sheet.
- (4) Information required on a safety data sheet must be provided under the following general headings in the order listed below, and must include the information referred to under those headings:
- (a) **Identification of the substance and supplier—**
    - (i) product name; and
    - (ii) recommended uses; and
    - (iii) name of the supplier, New Zealand contact details including an emergency contact;
  - (b) **Hazards identification—**
    - (i) a description of the hazards of the substance, which may include its HSNO hazard classification; and
    - (ii) hazard information, including signal words, hazard statement(s) and precautionary statement(s);
  - (c) **Composition/information on ingredients—**
    - (i) in the case of single component substances, their chemical identity, including common names and synonyms, CAS number and any impurities that are themselves hazardous; or
    - (ii) in the case of substances that are mixtures, the chemical identity of each hazardous ingredient, their CAS number and their concentration ranges;
  - (d) **First aid measures—**
    - (i) first aid instructions according to each relevant route of exposure; and
    - (ii) if medical attention is required, and its urgency; and
    - (iii) information on the most important symptoms and effects, acute and delayed from exposure;
  - (e) **Fire fighting measures—**
    - (i) information on the appropriate type of extinguishers or fire-fighting agents, including extinguishers that may not be appropriate for a particular situation; and
    - (ii) any advice on hazards that may arise from combustion products; and

- (iii) precautions for fire fighters and protective clothing requirements;
- (f) **Accidental release measures—**
  - (i) advice on protective clothing requirements and emergency procedures; and
  - (ii) any environmental precautions from accidental spills and release; and
  - (iii) advice on how to contain and clean up a spill or release;
- (g) **Handling and storage—**
  - (i) precautions for safe handling; and
  - (ii) conditions for safe storage, including any incompatibilities;
- (h) **Exposure controls/personal protection—**
  - (i) exposure limits set for the substance or any of its components, or in their absence, relevant overseas exposure limits; and
  - (ii) engineering controls; and
  - (iii) individual protection measures, including personal protective equipment;
- (i) **Physical and chemical properties—**
  - (i) a description of relevant physical and chemical properties for the substance, including units of measurement and reference conditions where appropriate; and
  - (ii) where necessary for interpretation of data reported, the method of determination;
- (j) **Stability and reactivity—**
  - (i) an indication of the chemical stability of the substance under normal and anticipated storage and handling conditions; and
  - (ii) a list of conditions to avoid to prevent a hazardous situation; and
  - (iii) information on incompatible substances or materials;
- (k) **Toxicological information—**
  - (i) a full description of the toxicological (health) effects, including the symptoms or signs of injury or ill health associated with each likely route of exposure; and
  - (ii) the dose, concentration or conditions of exposure likely to cause injury or ill health; and
  - (iii) a summary of the data used to identify the health effects;
- (l) **Ecological information—**

- (i) ecotoxicity; and
  - (ii) persistence and degradability; and
  - (iii) mobility;
  - (m) **Disposal considerations—**
    - (i) disposal methods, including disposal of packaging; and
    - (ii) special precautions to be taken during disposal; and
    - (iii) any method of disposal that should not be used;
  - (n) **Transport information—**

If relevant,

    - (i) the UN number; and
    - (ii) the proper shipping name; and
    - (iii) the UN Dangerous Goods class and subsidiary risk; and
    - (iv) the UN Packing Group;
  - (o) **Regulatory information—**
    - (i) HSNO approval number and/or title of the Group Standard; and
    - (ii) information on the conditions of the Group Standard, and any other regulatory requirements;
  - (p) **Other information—**
    - (i) date of preparation or revision of the safety data sheet; and
    - (ii) a key/legend to abbreviations and acronyms used.
- (5) Where a substance is being transported, a safety data sheet is not required if:
- (a) there is in the vehicle concerned documentation complying with the Land Transport Rule whilst being transported by land; or
  - (b) there is in the ship concerned documentation complying with the Maritime Rule whilst being transported by sea; or
  - (c) there is in the aircraft concerned documentation complying with the Civil Aviation Rule whilst being transported by air.

#### 4 Advertising

Where a substance with an acute toxic hazard (HSNO 6.1D or 6.1E classification) and/or a corrosive hazard (HSNO 8.2C or 8.3A classification) is advertised to members of the public, and the person to whom the advertising is directed is not provided with a

reasonable opportunity to read and consider the information required to be on the product label prior to purchase of the substance, any advertising (whether written, screen or audio) must include in readily understandable form the following information:

- (a) an indication that the substance is acutely toxic and/or corrosive (whatever the case may be); and
- (b) the need to restrict access by children to the substance.

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## Part 2 Site and Storage

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### 5 Compliance with site and storage requirements

- (1) Any location at which a substance is manufactured or stored in quantities that exceed those set out in Table 2 must comply with the relevant conditions as set out in the relevant site and storage document, published by the Authority.
- (2) The relevant site and storage documents are—
  - (a) for aerosols, *Site and Storage Conditions for Aerosols*, July 2006;
  - (b) for flammable liquids, *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006;
  - (c) for oxidising substances, *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006;
  - (d) for all other substances, *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances*, July 2006.

**Table 2. Trigger quantities at which site and storage conditions apply**

	<b>Trigger Quantity</b>	
Location and transit depot test certification for HSNO 2.1.2A flammable aerosols	3,000 L (aggregate water capacity)	
Location and transit depot test certification for HSNO 3.1B substances	100 L	(closed containers greater than 5 L)
	250 L	(closed containers up to and including 5 L)
	50 L	(open containers)
Location and transit depot test certification for HSNO 3.1C substances	500 L	(closed containers greater than 5 L)
	1,500 L	(closed containers up to and including 5 L)
	250 L	(open containers)
Location and transit depot test certification for HSNO 5.1.1C substances	100 L or 100 kg	(where substances manufactured or used)
	1,000 L or 1,000 kg	(where package to be kept closed at all times)
Hazardous atmosphere zone for HSNO 2.1.2A flammable aerosols	3,000 L (aggregate water capacity)	
Hazardous atmosphere zone for HSNO 3.1B or 3.1C substances	100 L	(closed containers)
	25 L	(decanting)
	5 L	(open occasionally)
	1 L	(open containers in continuous use)
Fire extinguishers	3,000 L (aggregate water capacity)	(for a HSNO 2.1.2A flammable aerosol)
	250 L	(for a HSNO 3.1B substance)
	500 L	(for a HSNO 3.1C or 3.1D substance)
	500 L or 500 kg	(for a HSNO 5.1.1C substance)
Response plans and secondary containment	3,000 L (aggregate water capacity)	(for all aerosol products)
	100 L or 100 kg	(for a HSNO 9.1A substance)
	1,000 L or 1,000 kg	(for a HSNO 3.1B, 6.1D, 6.5A, 6.5B, 9.1B or 9.1C substance)
	5,000 L or 5,000 kg	(for a HSNO 5.1.1C substance)
Signage	3,000 L (aggregate water capacity)	(for all aerosol products)
	100 L or 100 kg	(for a HSNO 9.1A substance)
	250 L	(for a HSNO 3.1B substance)
	1,000 L or 1,000 kg	(for a HSNO 3.1C, 5.1.1C, 8.2C, 8.3A, 9.1B or 9.1C substance)
	10,000 L or 10,000 kg	(for a HSNO 3.1D, 6.1D or 9.1D substance)

- (3) The trigger quantities referred to in Table 2 must take into account any other hazardous substance that is present at that location.

*Stationary container systems*

- (4) Any stationary container system that contains, or is intended to contain, a substance must comply, to the extent applicable, with the controls for stationary container systems as set out in Parts 1 to 19 of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004, notwithstanding clause 1(1) of that Schedule.

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### Part 3 Approved Handler

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#### **6 Approved handler requirement for HSNO 2.1.2A substances**

When present in quantities greater than **3,000 L** (aggregate water capacity), a HSNO 2.1.2A substance must be—

- (a) under the personal control of an approved handler who holds a current test certificate to manage HSNO 2.1.2A substances; or
- (b) be able to be secured so that a person cannot gain access to the substances without tools, keys, or any other device used for operating locks.

#### **7 Approved handler requirement for HSNO 3.1B substances**

When present in quantities greater than **250 L** (when in containers greater than **5 L**) or **500 L** (when in containers up to and including **5 L**), a HSNO 3.1B substance must be—

- (a) under the personal control of an approved handler who holds a current test certificate to manage HSNO class 3 substances; or
- (b) secured so that a person cannot gain access to the substance without tools, keys, or any other device used for operating locks.

#### **8 Approved handler requirement for HSNO 5.1.1C substances**

When present in quantities greater than **1,000 L** or **1,000 kg**, a HSNO 5.1.1C substance must be—

- (a) under the personal control of an approved handler who holds a current test certificate to manage HSNO class 5 substances; or
- (b) secured so that a person cannot gain access to the substance without tools, keys, or any other device used for operating locks.

#### **9 Exclusions to approved handler requirements**

Despite clauses 6, 7 and 8 of this Schedule, a substance may be handled by a person who is not an approved handler if—

- (a) the approved handler has provided guidance to the person in respect of the handling; and
- (b) the approved handler is available at all times to provide assistance, if necessary, to the person while the substance is being handled by the person.

#### **10 Exception to approved handler requirement for transportation of packaged substances**

(1) The approved handler requirement is deemed to be complied with if—

- (a) in the case of a substance being transported on land—

- (i) in the case of a substance being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and
    - (ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—
      - (I) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule, has a current dangerous goods endorsement on his or her driver licence; or
      - (II) in every other case, the Land Transport Rule is complied with; or
  - (b) in the case of a substance being transported by sea, one of the following is complied with:
    - (i) Maritime Rule; or
    - (ii) International Maritime Dangerous Goods Code; or
  - (c) in the case of a substance being transported by air, the Civil Aviation Rule is complied with.
- (2) Subclause (1)(a)—
- (a) does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but
  - (b) despite paragraph (a), does apply to an intermediate bulk container that complies with Chapter 6.5 of the UN Model Regulations.
- (3) Subclause (1)(c)—
- (a) applies to pilots, aircrew, and airline ground personnel loading and handling substances within an aerodrome; but
  - (b) does not apply to the storage and handling of a substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.

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## Part 4 Packaging

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### 11 Packaging requirements for aerosols

The requirements of this Part (Packaging) do not apply to a substance that is packaged in an aerosol dispenser.

### 12 General packaging requirements

Every person who packs a substance must—

- (a) select packaging that when filled and closed—
  - (i) does not leak any substance under normal working conditions; and
  - (ii) maintains its ability to retain its contents, if part of the contents are removed and the package resealed; and
  - (iii) does not react with a substance in any way as to weaken the package; and
- (b) ensure that, if a substance is being packed into a package that has previously contained another substance—
  - (i) both substances are compatible; or
  - (ii) all practicable steps are taken to remove all residues of the original substance.

### 13 Compliance with UN Packing Group requirements

- (1) Where allowed for by the UN Model Regulations, large packaging may be used to contain a substance if it has been constructed, marked, and tested as a large package as provided in Chapter 6.6 of the UN Model Regulations.
- (2) When a substance is packaged in quantities less than or equal to **450 L** or **400 kg**, the packaging must comply with the requirements of—
  - (a) UN Packing Group II for a HSNO 3.1B substance; or
  - (b) UN Packing Group III for a HSNO 3.1C, 5.1.1C, 8.2C, 8.3A, 9.1A or 9.1B substance; or
  - (c) Schedule 4 of the Hazardous Substances (Packaging) Regulations 2001 for all other substances.

*Variation to UN Packing Group II requirements*

- (3) Despite subclause (2)(a), a HSNO 3.1B substance may, as a minimum, be packaged in packaging that complies with—
- (a) UN Packing Group III criteria if it is a viscous substance that conforms with paragraphs 32.3.1.7 and 32.4.2 of the UN Manual of Tests and Criteria; or
  - (b) Schedule 4 of the Hazardous Substances (Packaging) Regulations 2001 when—
    - (i) in quantities less than or equal to **1 L**; or
    - (ii) in quantities less than or equal to **5 L**, where specifically provided for by the UN Model Regulations.

*Variation to UN Packing Group III requirements*

- (4) Despite subclause (2)(b):
- (a) a HSNO 3.1C substance may, as a minimum, be packaged in packaging that complies with Schedule 4 of the Hazardous Substances (Packaging) Regulations 2001 when—
    - (i) in quantities less than or equal to **5 L**; or
    - (ii) in quantities less than or equal to **450 L** if it is a viscous substance that conforms with paragraphs 2.3.2.5 of the UN Model Regulations providing it is not a HSNO 8.2C substance.
  - (b) a HSNO 5.1.1C, 8.2C, 8.3A, 9.1A or 9.1B substance may, as a minimum, be packaged in packaging that complies with Schedule 4 of the Hazardous Substances (Packaging) Regulations 2001 when in quantities less than or equal to **5 L** or **5 kg**.

*Marking of Packaging*

- (5) No manufacturer or importer of packaging designed and constructed for use with a substance may mark the packaging as specified in paragraphs 6.1.2 and 6.1.3 of the UN Model Regulations unless—
- (a) the markings comply with the corresponding elements of those paragraphs, including the codes for packaging type, UN Packing Group, and the UN packaging symbol; and
  - (b) the codes marked for UN Packing Group II or UN Packing Group III are marked on packaging that complies with the tests set out in Schedule 2 or Schedule 3 respectively of the Hazardous Substances (Packaging) Regulations 2001; and
  - (c) the design of the packaging has also been test certified as complying with the tests set out in Schedule 2 or Schedule 3 respectively of the Hazardous Substances (Packaging) Regulations 2001.
- (6) Subclause (5) does not apply to a substance that is not required to be packaged in UN Packing Group II or UN Packing Group III.

## **14 Child resistant packaging**

- (1) In the case of a substance with an aspiration hazard, when that substance is packaged in quantities of less than **2.5 L** or **2.5 kg**, that package must be child resistant, unless being sold or supplied to a place of work where children do not have access and the substance is for use in that place of work.

## **15 Specific packaging requirement for certain HSNO 6.1 substances**

- (1) Any packaging containing a liquid substance with a HSNO 6.1D classification must be permanently identified as containing a toxic substance unless the substance as packaged is restricted to a place of work.
- (2) The requirement of subclause (1) does not need to be met if the substance container meets the container requirements for that substance of Australia, the European Union or any other country as approved by the Authority.
- (3) Subclause (2) expires with the close of 31 December 2010.

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## **Part 5 Equipment**

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## **16 Personal protective equipment**

- (1) A person who handles a HSNO 6.1D, 6.3A, 6.5A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, 6.9A, 6.9B, 8.2C or 8.3A substance in a place of work must use protective clothing or protective equipment that is designed, constructed, and operated to ensure that the person—
  - (a) does not come into contact with the substance; and
  - (b) is not exposed to a concentration of the substance that is greater than the workplace exposure standard for the substance, or any component of the substance.
- (2) Subclause (1) does not apply—
  - (a) to a substance that is contained in a closed package that complies with the requirements of Part 4 (Packaging); or
  - (b) to an aerosol dispenser when it is not being used.
- (3) The supervisor of a place of work must ensure that protective clothing or protective equipment used to handle a substance is accompanied by documentation containing information specifying—
  - (a) the circumstances in which the clothing or equipment may be used; and
  - (b) the requirements for maintaining the clothing or equipment.
- (4) In subclause (3)(a), “circumstances” include, if relevant, the presence of other substances, and the temperatures and pressures in or at which the clothing or equipment may be used.

*Additional protective clothing requirements for HSNO 5.1.1C substances*

- (5) Protective clothing or equipment must be used at any time when a HSNO 5.1.1C substance is expected, or likely, to—
  - (a) come into contact with an ignition source or an incompatible substance or material, or
  - (b) be exposed to a greater temperature than the limit specified in clause 5(2) of the document entitled *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides* published by the Authority, 2006.
- (6) The protective clothing or equipment referred to in subclause (5) must—
  - (a) be designed, constructed, and operated to—
    - (i) prevent the substance making direct contact with the wearer or user; and
    - (ii) prevent the wearer or user being exposed to more than the level of heat radiation specified in clause 14(2) of the document entitled *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides* published by the Authority, 2006.

**17 Equipment used to handle a substance**

- (1) The person in charge of a substance must ensure that equipment used to handle the substance—
  - (a) retains the substance, without leakage at all temperatures and pressure for which the equipment is intended to be used; and
  - (b) dispenses or applies the substance, without leakage, at a rate and in a manner that the equipment is designed for.
- (2) The equipment must be accompanied by documentation containing information about the use and maintenance of the equipment to enable the equipment to be used and maintained in a manner that complies with subclause (1).

*Additional equipment requirements for HSNO 5.1.1C substances*

- (3) The person in charge must ensure that any equipment or clothing that is directly used to handle a HSNO 5.1.1C substance is designed, constructed, and operated so that —
  - (a) the substance does not make direct contact with any incompatible substance or material; and
  - (b) the substance does not accumulate in or on the equipment or clothing beyond any accumulation that is directly associated with its intended design and use, as indicated in the documentation provided under subclause (2); and
  - (c) the substance is not exposed to sufficient energy to cause combustion unless the contact or exposure is intended or anticipated, in which case, the conditions of clauses 16(5) and (6) of this Schedule must be met; and

- (d) in the circumstances in which the substance is being used or handled, the equipment or clothing cannot be degraded, attacked, or combusted by the substance, or are resistant to such degradation, attack, or combustion for the time specified by the supplier of the equipment or clothing.
- (4) In relation to the circumstances described in subclause (3)(d), relevant matters include the range of temperatures and pressures and the presence of other substances likely to be encountered when used as described in the documentation referred to in subclause (2).
- (5) The documentation referred to in subclause (2) must meet the location and presentation requirements for documentation specified in clause 3(2)(b) of this schedule.

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## Part 6 Transportation

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### 18 Fire extinguishers

Where a motor vehicle is transporting a HSNO 2.1.2A, 3.1B, 3.1C, 3.1D or 5.1.1C substance in quantities greater than those listed in Table 3, there must be present, in or on the vehicle, the number of fire extinguishers listed in Table 3.

**Table 3. Trigger quantities for provision of fire extinguishers in vehicles:**

	Trigger Quantity	No of fire extinguishers
2.1.2A	3,000 L (aggregate water capacity)	1
3.1B	250 L	2
3.1C, 3.1D	500 L	2
5.1.1C	500 L or 500 kg	2

### 19 Passenger service vehicle restrictions

When a substance is carried on a passenger service vehicle, the substance must—

- (a) be packaged in a sealed container; and
- (b) not exceed—
  - (i) **1 L** per package (aggregate water capacity) for any aerosol product; or
  - (ii) **1 kg** per package for a HSNO 5.1.1C substance; or
  - (iii) **1 L** or **2 kg** per package for a HSNO 8.2C or 8.3A substance; or
  - (iv) **2.5 L** or **5 kg** per package for all other substances.

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## Part 7 Disposal

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### 20 Disposal of substance

- (1) This clause does not apply to a substance that is intended for recycling.

*Disposal requirements for HSNO 3.1 substances*

- (2) A HSNO 3.1B, 3.1C or 3.1D substance must be disposed of by—
- (a) exporting the substance from New Zealand as waste; or
  - (b) treating the substance so that it is no longer a hazardous substance.
- (3) In subclause 2(b), “treating the substance” does not include depositing the substance in a sewage facility but does include—
- (a) burning in an incineration facility, provided—
    - (i) the burning is managed to the performance requirements of regulation 6(3)(b) of the Hazardous Substances (Disposal) Regulations 2001 in relation to blast pressure, heat radiation and access by persons; and
    - (ii) the burning operation does not exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s); or
  - (b) depositing the substance in a landfill provided the landfill is managed to ensure that—
    - (i) the substance will not at any time come into contact with an explosive or oxidising substance (HSNO class 1 or 5); and
    - (ii) there is no ignition source in the vicinity of the disposal site that is capable of igniting the substance; and
    - (iii) were the substance to ignite, no person or place where a person may legally be, would be exposed to more blast overpressure or heat radiation than that described in regulation 6(3)(b) of the Hazardous Substances (Disposal) Regulations 2001; and
    - (iv) the concentration of the substance in any discharge from the landfill does not, after reasonable mixing, exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s).

*Disposal requirements for HSNO 5.1.1C substances*

- (4) A HSNO 5.1.1C substance must be disposed of by—
  - (a) exporting the substance from New Zealand as waste; or
  - (b) treating the substance so that it is no longer a hazardous substance.
- (5) In subclause 4(b), “treating the substance” does not include depositing the substance in a sewage facility but does include—
  - (a) detonation, deflagration, or controlled combustion, provided the detonation, deflagration, or controlled combustion is managed to the performance requirements of regulation 7(3)(b) of the Hazardous Substances (Disposal) Regulations 2001 in relation to blast pressure, heat radiation and access by persons; or
  - (b) depositing the substance in a landfill provided the landfill is managed to ensure that—
    - (i) the substance will not at any time come into contact with an explosive or flammable substance (equivalent to HSNO class 1, 2, 3 or 4); and
    - (ii) there is no ignition source in the vicinity of the disposal site that is capable of igniting the substance; and
    - (iii) if the substance were to combust, or cause or contribute to combustion, no person or place where a person may legally be, would be exposed to more blast overpressure or heat radiation than that described in regulation 7(3)(b) of the Hazardous Substances (Disposal) Regulations 2001; and
    - (iv) the concentration of the substance in any discharge from the landfill does not, after reasonable mixing, exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s).

*Disposal requirements for aerosols*

- (6) The contents of an aerosol dispenser must be disposed of—
  - (a) in a manner consistent with that of the aerosol dispenser; or
  - (b) by purging, provided—
    - (i) the concentration of the substance in any environmental medium does not, after reasonable mixing, exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s); and
    - (ii) there is no ignition source in the vicinity of the disposal site that is capable of igniting the substance; and
    - (iii) were the substance to ignite, no person or place where a person may legally be, would be exposed to more blast overpressure or heat radiation

than that described in regulation 6(3)(b) of the Hazardous Substances (Disposal) Regulations 2001.

*Disposal requirements for non-flammable substances, non-oxidising substances and non-aerosols*

- (7) A substance must be disposed of by—
- (a) exporting the substance from New Zealand as waste; or
  - (b) treating the substance so that it is no longer a hazardous substance; or
  - (c) discharging the substance into the environment so that, after reasonable mixing, the concentration of the substance in an environmental medium does not exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s).
- (8) In subclause 7(b), “treating the substance” includes depositing the substance in a landfill, incinerator or sewage facility providing—
- (a) the landfill, incinerator or sewage facility renders the substance non-hazardous by a means other than dilution; or
  - (b) the concentration of the substance in any discharge from the landfill, incinerator or sewage facility does not, after reasonable mixing, exceed any relevant tolerable exposure limit and/or environmental exposure limit set for the substance or any of its component(s).
- (9) Notwithstanding subclause (7)(c), if the substance or one or more of its components is bioaccumulative and not rapidly degradable the substance must be treated before discharge into the environment to reduce the percentage by volume of the substance in the discharge to 1% or less.
- (10) A substance with no ecotoxic (HSNO class 9) hazard may be discharged into the environment without complying with subclause (7)(c) if it is rapidly degradable and the products of degradation are not hazardous.
- (11) This clause does not apply to a substance that is intended for recycling.

## **21 Disposal of packaging**

*Disposal of packaging (not including aerosol dispensers)*

- (1) The conditions of subclauses (2) to (4) apply to a package that—
- (a) contained a substance; and
  - (b) was in direct contact with the substance; and
  - (c) is no longer to be used to contain the substance and is intended for disposal.
- (2) A package must—
- (a) be rendered incapable of containing any substance; and

- (b) be disposed of in a manner that is consistent with that of the substance it contained, taking into account the nature and type of the packaging.
- (3) Packaging (that may or may not contain any residual substance) that is lawfully disposed of by householders or other consumers through a public or commercial waste collection service is a means of compliance with subclause (2).
- (4) Notwithstanding subclause (2), a package may be reused or recycled if—
  - (a) it has been treated to remove any residual contents of the substance; or
  - (b) the residual contents of the package have been rendered non-hazardous.

*Disposal of aerosol dispensers*

- (5) The conditions of this subclauses (6) to (8) apply to an aerosol dispenser that—
  - (a) may contain or may have contained a substance; and
  - (b) is intended for disposal.
- (6) An aerosol dispenser must be disposed of—
  - (a) by exporting from New Zealand as waste; or
  - (b) in compliance with clause 20(3)(a) or (b).
- (7) Disposal of the aerosol dispenser (that may or may not contain any residual substance) by households or other consumers through a public or commercial waste collection service is a means of compliance with subclause (6).
- (8) Subclause (6) does not apply to an aerosol dispenser that is intended for recycling.

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**Part 8**  
**Exposure Limits**

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**22 Compliance with exposure limits**

- (1) Exposure limits are adopted for a substance or component(s) of a substance (as the case may be) to the extent (if at all) that they are set out on the register of exposure limits.
- (2) In the case of WES values, where a WES value does not exist on the register of exposure limits but is listed in the document referred to in subclause (3), the value or values specified in that document shall apply to the substance or any component of the substance.
- (3) The document referred to in subclause (2) is the document entitled “Workplace Exposure Standards”, published by the Occupational Safety and Health Service, Department of Labour January 2002, ISBN 0-477-03660-0.

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**Part 9**  
**Notification to the Authority**

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**23 Cosmetic products containing nanoparticles**

Any person intending to import into, or manufacture in, New Zealand a cosmetic product containing nanoparticles other than zinc oxide or titanium dioxide, 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 has a deemed approval; and
- (c) the nature of the nanoparticles the substance contains.

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**Part 10**  
**Other Matters**

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**24 Cosmetics products not to cause harm**

A substance must not cause damage to human health when applied under normal or reasonably foreseeable conditions of use, taking account, in particular of the substance's presentation, its labelling, any instructions for its use and disposal as well as any other indication or information provided by the manufacturer or their authorised agent.

**25 Compliance with Schedules 5 to 8<sup>3</sup>**

If a substance contains a component listed in Schedules 5 to 8, the relevant conditions and restrictions as set out in those Schedules must be complied with.

**26 Compliance with Hazardous Substances (Compressed Gases) Regulations 2004 for aerosol products**

- (1) An aerosol dispenser covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Compressed Gases) Regulations 2004.
- (2) Subclause (1) does not apply to aerosol dispensers—
  - (a) with a water capacity less than 50 mL; or
  - (b) for which the absolute pressure developed at 20°C is less than 170 kPa.

**27 Compliance with IFRA Code of Practice**

Any fragrance material imported or manufactured under this Group Standard shall comply with the IFRA standards and restrictions as set out in the IFRA Code of Practice.

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<sup>3</sup> Clause 25 was amended in July 2009 so as to refer to Schedules 5 to 8 rather than 4 to 8.

## **28 Assigning a product to a Group Standard**

- (1) 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 and have that record available for inspection.
- (2) The record must contain sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard (Scope of Group Standard).

## **Schedule 2**

### **Transitional Conditions**

#### **1 Purpose of Schedule**

- (1) The purpose of this Schedule is to provide for a transitional period to allow persons dealing with a substance to comply with the Act, and the conditions set out in Schedule 1, in relation to that substance.
- (2) This Schedule achieves the purpose described in subclause (1) by—
  - (a) providing that, for a period of 6 months from 1 July 2006, a person may comply with the obligations and restrictions that applied to a substance immediately before that date, as if this Group Standard (other than this Schedule) had not been given; and
  - (b) providing for obligations and restrictions to continue to apply after the expiry of that 6 month period in order to progressively impose the requirements of the Act, and the conditions set out in Schedule 1, in relation to that substance.

#### **2 Persons may comply with Act and conditions at any time**

Except as specifically provided in this Schedule, this Schedule does not prevent a person from complying with the Act, and the conditions set out in Schedule 1, as if this Schedule did not exist.

#### **3 Substances and locations to which Schedule does not apply**

- (1) Nothing in this Schedule applies to any of the following:
  - (a) a substance that was not lawfully used in New Zealand immediately before 1 July 2006:
  - (b) a hazardous substance location that was not in use immediately before 1 July 2006:
  - (c) a substance at a hazardous substance location if the substance was not permitted to be stored at the location immediately before 1 July 2006.
- (2) Nothing in this Schedule applies in any way to substitute, override or remove any existing obligation or restriction imposed on a substance to which this Group Standard applies or any other substance approved under the Act (howsoever approved).
- (3) Notwithstanding subclause (2), the requirements of this Schedule apply if those requirements are—
  - (a) for a substance of a different hazard class; or
  - (b) for a substance of the same class where the quantities held at any time up to and immediately before 1 July 2006 never exceeded the threshold quantities specified in Table 2 (Part 5) of Schedule 1 for the relevant obligation or restriction.

#### **4 Compliance with Parts 13 and 14 of the Act for transitional period**

- (1) Parts 13 and 14 of the Act are deemed to be incorporated into this Group Standard together with all regulations, notices and orders made under or referred to in those Parts and compliance with those provisions shall be satisfactory compliance with this Group Standard and the Act—
  - (a) generally, for the period until the close of 31 December 2006; and
  - (b) in relation to the obligations and restrictions specified in subclause (2), until the date stated in that subclause.
- (2) The obligations and restrictions are—
  - (a) the information requirements set out in Part 1 of Schedule 1, until the close of 30 June 2008;
  - (b) the packaging requirements set out in Part 4 of Schedule 1, until the close of 30 June 2008;
  - (c) the signage requirements set out in the relevant site and storage document, until the close of 30 June 2008;
  - (d) the requirements in respect of fire extinguishers set out in clause 18 of Schedule 1 and the relevant site and storage document, until the close of 30 June 2007;
  - (e) the requirements in respect of emergency management response plans set out in the relevant site and storage document, until the close of 30 June 2007;
  - (f) the requirements in respect of secondary containment set out in the relevant site and storage document, until the close of 30 June 2007.
- (3) The relevant site and storage documents published by the Authority are—
  - (a) for an aerosol, *Site and Storage Conditions for Aerosols*, July 2006;
  - (b) for a flammable liquid, *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006;
  - (c) for an oxidising substance, *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006;
  - (d) for all other substances, *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances*, July 2006.
- (4) Notwithstanding subclause (2)(f), the requirements for secondary containment in respect of a stationary tank or a process container (as those terms are defined in the relevant site and storage documents) are those set out in clause 8.

#### **5 Transitional provision for hazardous substance locations**

- (1) This clause applies to every licence granted or deemed to be granted by the Authority under section 217 of the Act, and every provisional licence granted under section 218 of the Act, that is in force immediately before the close of 30 June 2006.

- (2) Every licence to which this clause applies continues in force for the purposes of this Schedule.
- (3) On and from 1 January 2007 every licence to which this clause applies is deemed to be a test certificate issued under—
  - (a) in the case of an aerosol, clause 19 of the *Site and Storage Conditions for Aerosols*, July 2006; or
  - (b) in the case of a flammable liquid, clause 19 of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006; or
  - (c) in the case of an oxidising substance, clause 10 of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006.
- (4) A test certificate referred to in subclause (3) expires with the close of 31 December 2007.
- (5) While a test certificate referred to in subclause (3) is in force—
  - (a) in the case of an aerosol, clause 18(2) of the *Site and Storage Conditions for Aerosols*, July 2006; or
  - (b) in the case of a flammable liquid, clause 18(2) of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006; or
  - (c) in the case of an oxidising substance, clause 6(3) of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006,

does not apply to the hazardous substance location to which the test certificate relates.

## 6 Full test certificate for hazardous substance location

The holder of a test certificate referred to in clause 5(3) must obtain a test certificate issued by a test certifier no later than the close of 31 December 2007.

## 7 Existing stationary container systems

- (1) In this clause, **existing stationary container system** means a stationary container system to which Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 applies that, immediately before 1 July 2006—
  - (a) was being used to contain a substance covered by this Group Standard; or
  - (b) was designed to be used to contain such a substance and construction of the stationary container system to that design had commenced.
- (2) An existing stationary container system is not required to comply with the provisions of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (except as required under this clause) if—
  - (a) it is used—

- (i) in the case of a stationary container system to which subclause (1)(a) applies, for the purpose for which it was used immediately before 1 July 2006; or
  - (ii) in the case of a stationary container system to which subclause (1)(b) applies, for the purpose for which it was designed; and
- (b) the person in charge of it complies with clauses 101 to 103 of Part 20 of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (if required) provided that clauses 101 to 103 shall be read as if references therein to “this notice” are references to this Group Standard.
- (3) Despite subclause (2), Parts 18 and 19 of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 apply to any repair, alteration, or maintenance performed on an existing stationary container system the subject of this clause.

## **8 Existing secondary containment system for stationary tank or process container**

- (1) In this clause, **existing stationary tank or process container** means a stationary tank or process container that was in use immediately before 1 July 2006.
- (2) During the period commencing on 1 July 2006 and ending with the close of 30 June 2009, an existing stationary tank or process container to which—
- (a) in the case of a flammable liquid, clauses 62 or 63 of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006, apply; or
  - (b) in the case of an oxidising substance, clauses 47 or 48 of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006, apply; or
  - (c) in the case of a substance that is not an aerosol, flammable liquid or oxidising substance, clauses 13 or 14 of the *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances*, July 2006 apply,
- complies with those conditions if it complies with the requirements for a secondary containment system that applied to it immediately before 1 July 2006.
- (3) On and from the end of the period specified in subclause (2), an existing stationary tank or process container must comply with—
- (a) clause 62 of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006, if that clause applies; or
  - (b) clause 63 of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006, if that clause applies; or
  - (c) clause 47 of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006, if that clause applies; or
  - (d) clause 48 of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006, if that clause applies; or

- (e) clause 13 of the *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances*, July 2006, if that clause applies; or
  - (f) clause 14 of the *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances*, July 2006, if that clause applies; or
  - (g) a compliance plan; or
  - (h) a code of practice approved by the Authority under section 78 of the Act for the purposes of this clause.
- (4) A person may apply to the Authority for approval of a compliance plan in relation to an existing stationary tank or process container setting out—
- (a) a programme for bringing the stationary tank or process container into compliance with the conditions set out in subclauses (3)(a) to (f) (as applicable); or
  - (b) variations to the requirements of those conditions, compliance with which may be deemed to be compliance with those conditions; or
  - (c) both.
- (5) On receiving an application under subclause (4), the Authority must—
- (a) approve the compliance plan to which the application relates; or
  - (b) decline to approve it.
- (6) Compliance with this clause is deemed to be compliance with the conditions set out in subclauses (3)(a) to (f) (as applicable) for the purposes of—
- (a) in the case of a flammable liquid:
    - (i) clause 92(2)(c) of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004; and
    - (ii) clause 19(f) of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006; and
  - (b) in the case of an oxidising substance:
    - (i) clause 92(2)(c) of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004; and
    - (ii) clause 11(k) of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006; and
  - (c) in the case of a substance that is not a flammable liquid or oxidising substance, clauses 92(2)(c) and 92(2)(d) of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.

## 9 Approved handlers

- (1) Where any condition specified in subclause (3) requires that something be done in relation to a substance by an approved handler, that condition is complied with if that thing is done by a person who establishes, that he or she, during the whole of a qualifying period referred to in subclause (2), has been handling the substance concerned or any other substance with similar hazardous properties in the relevant phase of its lifecycle under one or more of the enactments relevant to that handling referred to in regulation 6(1) of the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001.
- (2) For the purposes of subclause (1) a **qualifying period** is any consecutive 2 year period commencing on or after 2 July 1999 and ending on or before the close of 1 July 2006.
- (3) The conditions are—
  - (a) in the case of an aerosol—
    - (i) clauses 6 of Schedule 1; and
    - (ii) clauses 6(2), 18(3), 19(b) and 20(1)(b) of the *Site and Storage Conditions for Aerosols*, July 2006; and
  - (b) in the case of a flammable liquid—
    - (i) clauses 7 of Schedule 1; and
    - (ii) clauses 6(2), 18(3), 19(b) and 20(1)(b) of the *Site and Storage Conditions for Class 3.1 Flammable Liquids*, July 2006; and
  - (c) in the case of an oxidising substance—
    - (i) clauses 8 of Schedule 1; and
    - (ii) clauses 6(4), 11(b) and 13(c) of the *Site and Storage Conditions for Class 5.1.1 Oxidising Substances and Class 5.2 Organic Peroxides*, July 2006.
- (4) This clause expires with the close of 31 December 2008.

## **Schedule 2A: Transition Provisions - Amendments 2008**

(1) For a period of 12 months from the date this notice is notified in the *New Zealand Gazette* persons dealing with substances covered by the principal notice may either comply with:

- (a) the principal notice; or
- (b) the principal notice, as amended by this notice.

(2) Clause (1) does not apply to

- (a) a substance that was not lawfully used in New Zealand immediately before this notice comes into force; or
- (b) an oral hygiene product which does not comply with the requirements of Schedule 5, Table 2, reference no.1 of this notice.

## **Schedule 2B: Transitional Provisions – Amendments 2009**

(1) For a period of 12 months from the date that the Cosmetic Products Group Standard (Amendment) Notice 2009 (No 2) is notified in the *New Zealand Gazette*, persons dealing with substances covered by the principal notice may either comply with:

- (a) the principal notice; or
- (b) the principal notice as amended by the Cosmetic Products Group Standard (Amendment) Notice 2009.

(2) Clause (1) does not apply to:

- (a) a substance that was not lawfully used in New Zealand immediately before the Cosmetic Products Group Standard (Amendment) Notice 2009 came into force; or
- (b) a substance listed at Schedule 5, Table 3, reference number 57, 59 or 60 that was deleted by the Cosmetic Products Group Standard (Amendment) Notice 2009.”

### Schedule 3 Interpretation

**aerosol** means the contents of an aerosol dispenser that are packed under pressure and designed to be released as solid or liquid particles in a suspension of gas, as a foam, paste or powder, or in a liquid or in a gaseous state

**aerosol dispenser** means a compressed gas container that –

- (a) is not refillable; and
- (b) incorporates a valve designed to dispense the container's contents as an aerosol; and
- (c) contains a compressed gas as defined in the Hazardous Substances (Compressed Gases) Regulations 2004

**aggregate water capacity** means the aggregate or cumulative total volume of 1 or more containers, calculated as the equivalent volume of water at 20°C and at 101.3 kPa

**approved handler** means a person who holds a current test certificate certifying that they have met the requirements of the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001 as an approved handler in relation to one or more hazard classifications or hazardous substances

**aspiration hazard** means the potential for a liquid or solid substance to cause chemical pneumonitis if it enters the trachea and lower respiratory system

**Australian Standard for the Uniform Scheduling of Drugs and Poisons** means the decisions of the National Drugs and Poisons Schedule Committee regarding the classification of drugs and poisons into Schedules as well as model provisions about containers and labels, and recommendations about other controls on drugs and poisons as published at No 20, June 2005 <http://www.tga.gov.au/ndpsc/susdp.htm>

**CAS number** means Chemical Abstract Services Registry number

**child resistant** in relation to packaging, means that —

- (a) 80% of children aged 42 months or over but less than 51 months would be unable to gain access to the contents of the packaging, or would be unlikely to obtain a toxic dose from packaging that is or contains a dispensing device within a period of 5 minutes; and
- (b) 90% of adults aged 50 years or over but under 70 years would be able to open and re-close any child-resistant closure in the packaging

**Civil Aviation Rule** means the Civil Aviation Rule - Part 92 - Carriage of Dangerous Goods made under the Civil Aviation Act 1990

**compatible** means that the substance:

- (a) is chemically inert if brought into contact with any other substance for the range of temperatures and pressures at which the substances are brought into contact; or
- (b) if it is chemically reactive when brought into contact with any other substance, it does not:
  - (i) cause combustion; or
  - (ii) generate an explosion; or
  - (iii) generate a new hazardous substance of a different class, subclass or category

**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

**European Union Cosmetic Directive** means Council Directive 76/768/EEC, which (amongst other things) defines the composition characteristics for cosmetics and prescribes the labelling of cosmetic products for the European Union as at 3 July 2003  
<http://europa.eu.int/scadplus/leg/en/lvb/l21191.htm>

**exposure limit** means an environmental exposure limit (EEL), a tolerable exposure limit (TEL), or a workplace exposure standard (WES) as those terms are defined in section 77B(6) of the Act

**field of application** means the use for which a cosmetic product is marketed, including whether it is intended for general or professional use, the age of the person on which it is to be used, the part of the body it is intended to come into contact with and the duration of that contact, and whether or not the product is washed off after use

**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

**ingredients** means the components present in a cosmetic product, but does not include:

- impurities in the raw materials used;
- subsidiary technical materials used in the preparation of the product but not present in the final product;
- materials used in strictly necessary quantities as solvents or as carriers for perfume and aromatic compositions.

**International Nomenclature Cosmetic Ingredient name** means the name assigned to a component by the Cosmetic, Toiletry and Fragrance Association's International Nomenclature Committee

**IFRA Code of Practice** means the code of practice published by the International Fragrance Association, as amended in its 39<sup>th</sup> Edition <http://www.ifraorg.org>

**Land Transport Rule** means the Land Transport Rule 45001/1: Dangerous Goods 205 made under the *Land Transport Act 1998*

**large packaging** means packaging consisting of an outer packaging that contains articles or inner packaging, and that—

- (a) is designed for mechanical handling; and
- (b) can contain a net mass of contents of more than **400 kg** or has a capacity of more than **450 L**; but
- (c) has a volume of **3 m<sup>3</sup>** or less

**main label** means, where there are two or more labels on a container or a label is divided into two or more portions:

- (a) that label or portion of the label on which the name of the product is most prominently shown and which is primarily designed to attract attention; or
- (b) where the name of the product is equally prominent on two or more labels or portions of a label, each of those labels or portions of the label on which the name of the product is equally prominent

**Maritime Rule** means the Maritime Rule: Part 24A – Carriage of Cargoes – Dangerous Goods made under the Maritime Transport Act 1994

**Medicines Act** means the Medicines Act 1981 which (amongst other things) defines the term "medicine" and contains controls relating to medicines, medical devices, related products and cosmetic products

**nanoparticle** means a particle having three dimension in the nanoscale and a diameter of less than 100 nanometres

**package, packaging, inner packaging and outer packaging** have the same meanings as in regulation 3 of the Hazardous Substances (Packaging) Regulations 2001

**passenger service vehicle** has the same meaning as in the Transport Services Licensing Act 1989

**person in charge** in relation to a place, a hazardous substance location, a transit depot, or a place of work, means a person who is—

- (a) the owner, lessee, sublessee, occupier, or person in possession of the place, location, or depot, or any part of it; or
- (b) any other person who, at the relevant time, is in effective control or possession of the relevant part of the place, location, or depot

**pictogram** means a graphical composition intended to convey specific information, in accordance with either—

- (a) the relevant pictograms contained in Annex 1 of the first revised edition of *The Globally Harmonized System of Classification and Labelling of Chemicals (GHS)*, published in 2005 by the United Nations (as reproduced in Table 1 of *Labelling of Hazardous Substances: Hazard and Precautionary Information* published by the Authority, July 2006); or
- (b) where a hazard class and/or category specified in (a) is covered as a pictogram under the UN Model Regulations, the assigned corresponding pictogram as defined in paragraph 5.2.2 of the UN Model Regulations (as reproduced in Table 1 of *Labelling of Hazardous Substances: Hazard and Precautionary Information* published by the Authority, July 2006)

**place of work** has the same meaning as in section 2(1) and (3) of the Health and Safety in Employment Act 1992

**register of exposure limits** means the register of exposure limits for substances with toxic or ecotoxic properties kept and maintained by the Authority pursuant to section 20A of the Act

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

**UN Manual of Tests and Criteria** means the fourth revised edition of the *Recommendations on the Transport of Dangerous Goods Manual of Tests and Criteria*, published in 2003 by the United Nations

**UN Model Regulations** means the 14<sup>th</sup> revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, published in 2005 by the United Nations

**UN Packing Group** relates to a standard of packaging that indicates the level of hazard inherent to dangerous goods defined by the United Nations. Packing Group I indicates high danger; Packing Group II, medium danger; Packing Group III, low danger

**UV filter** means a chemical listed in Schedule 8<sup>4</sup> that may be used for the purpose of filtering UV radiation in order to protect the skin from the harmful effects of this radiation

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<sup>4</sup> The definition of “UV filter” was amended in July 2009 so as to refer to Schedule 8 rather than Schedule 7.

**Schedule 4**  
**Components cosmetic products must not contain**

See separate PDF

**Schedule 5**  
**Components cosmetic products may contain with restrictions**

See separate PDF

**Schedule 6**  
**Colouring agents cosmetic products may contain with restrictions**

See separate PDF

**Schedule 7**  
**Preservatives cosmetic products may contain with restrictions**

See separate PDF

**Schedule 8**  
**UV Filters cosmetic products may contain with restrictions**

See separate PDF

## Explanatory note

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

- (1) Clause 4 of this Group Standard (Scope of Group Standard) sets out the parameters that determine whether a substance is covered by this Group Standard. It is the responsibility of the manufacturer or importer of a substance to determine whether the substance complies with these parameters. The means of complying may not necessarily require product testing as this may be achieved in a variety of ways, for example, an analysis of the constituent components' hazards. For more information contact ERMA New Zealand.
- (2) Codes of practice that have been approved by ERMA New Zealand are a means of complying with the conditions of this Group Standard. A list of approved codes is available from the ERMA New Zealand web site.
- (3) This Group Standard covers both flammable and non-flammable (but otherwise hazardous) aerosol cosmetic products. Non-hazardous aerosol cosmetic products (i.e. those that do not trigger any HSNO threshold) are not covered by this Group Standard. Such products need to be managed under the Non-hazardous Aerosol Group Standard as they are required to comply with the Hazardous Substances (Compressed Gases) Regulations 2004.
- (4) This Group Standard does not cover registered medicines under the Medicines Act 1981 or products intended for the treatment of medical conditions as defined under the Medicines Act 1981 where registration is required.
- (5) The Australian and New Zealand Governments have signed an agreement to establish a joint regulatory scheme for therapeutic products. This scheme will regulate medicines (including complementary medicines) and medical devices. When this scheme comes into force, further guidance will be provided on the boundaries between this Group Standard and the requirements that will be established under joint regulatory scheme.
- (6) A list of typical substances covered by this Group Standard is provided below. This list is provided by way of illustration and is not meant to be an exhaustive or all inclusive list. Inclusion in this list does not suggest that individual products or product groups possess properties that place them in any of the classifications specified in clause 4(2) of this Group Standard (Scope of Group Standard).
  - (a) creams, emulsions, lotions, pastes, gels and oils for skin
  - (b) face masks (with the exception of chemical peeling products)
  - (c) tinted bases and cover make up (liquids, pastes, blushes, pressed and loose powders)
  - (d) toilet soaps, deodorant soaps
  - (e) bath and shower preparations (salts, foams, oils, gels, scrubs)
  - (f) perfumes, toilet waters and eau de Cologne
  - (g) deodorants and antiperspirants

- (h) depilatories
- (i) shaving products (creams, foams, lotions)
- (j) hair care products including—
  - (i) hair tints and bleaches
  - (ii) products for waving, straightening, and fixing
  - (iii) setting products
  - (iv) cleansing products (lotions, powders, shampoos including anti-dandruff shampoos)
  - (v) conditioning products (lotion, creams, oils and treatments including antidandruff conditioning products)
  - (vi) hairdressing products (lotions, lacquers, brilliantines, gels)
- (k) make-up powders, after bath products, hygiene powders
- (l) products for nail care and make-up
- (m) products for making up and removing make-up from the face and eyes including mascara, eye shadows, eye liner, eye brow pencils, gel cream lotions and eye patches
- (n) products intended for the application to the lips including lip liners, lipsticks, lip balm and lip pencils
- (o) products for the care of teeth and the mouth
- (p) products for external intimate hygiene
- (q) sunbathing products
- (r) products for tanning without sun
- (s) skin whitening products
- (t) cosmetic wipes and pads (wet and dry)
- (u) anti-acne cleansing lotions, gels and wipes
- (v) skin exfoliants, cleansers, astringents, toners including peeling products
- (w) personal insect repellents
- (x) anti-wrinkle and anti-ageing products
- (y) face and body paints
- (z) toy cosmetic products

*Availability and publication of Group Standard and Reference Materials*

- (7) This Group Standard, and any materials incorporated into it by reference that are published by ERMA New Zealand may be—
- (a) viewed on the ERMA New Zealand web site; or
  - (b) inspected free of charge during normal business hours at the ERMA New Zealand office; or
  - (c) purchased from ERMA New Zealand, Public Awareness Group, Email [publicationinfo@ermanız.govt.nz](mailto:publicationinfo@ermanız.govt.nz).
- (8) 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>.
- (9) Any materials incorporated by reference into a Group Standard that are published by the United Nations may be—
- (a) inspected free of charge during normal business hours at the ERMA New Zealand office; or
  - (b) viewed on or ordered from the UN website, <http://www.unece.org/trans/danger/publi/order.htm>; or
  - (c) ordered from the New Zealand distributor: Legislation Direct, PO Box 12 418, Wellington, Ph 0064 4 495 2882, Fax 0064 4 495 2880, Email [ldorders@legislationdirect.co.nz](mailto:ldorders@legislationdirect.co.nz), or <http://www.legislationdirect.co.nz>.
- (10) Any materials incorporated by reference into a Group Standard that are published by Standards New Zealand or Standards Australia may be—
- (a) inspected free of charge during normal business hours at the ERMA New Zealand office; or
  - (b) ordered from Standards New Zealand, Ph 0800 735 656, Fax 0064 4 498 5994, Email [snz@standards.co.nz](mailto:snz@standards.co.nz) or <http://www.standards.co.nz/purchase-standards/default.htm> or, in the case of Australian standards, from SAI Global Limited, Ph 00612 8206 6010, Fax 00612 8206 6020 or Email [sales@sai-global.com](mailto:sales@sai-global.com) as appropriate.
- (11) A list of publications that may be of use in complying with the conditions of this Group Standard include—

- (a) Australian Competition & Consumer Commission- Product Information- Cosmetics and Toiletries Ingredient Labelling (January 2000)  
<http://www.accc.gov.au/content/item.phtml?itemId=323594&nodeId=file40988fcb939e&fn=Product%20safety%20guide%20%20cosmetics%20and%20toiletries.pdf>
  - (b) Cosmetic Directive 76/768/EEC Explanatory Brochure, (Colipa January 2004)  
<http://www.colipa.com/site/index.cfm?SID=15588&L0=15597&OBJ=15746>
  - (c) Cosmetic Labelling Manual- USA FDA Office for Cosmetics and Colours (October 1991) <http://www.cfsan.fda.gov/~dms/cos-lab1.html>
  - (d) "Therapeutic Goods Order No 69 General Requirements for Labels for Medicines published by Australian GPO, Commonwealth of Australia, 2001."  
<http://www.tga.gov.au/docs/pdf/tgo/tgo69.pdf>
- (12) 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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