

# Hazardous Substances and New Organisms Act 1996

## Surface Coatings and Colourants (Toxic [6.1 + 6.7]) Group Standard 2006

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

Surface Coatings and Colourants (Toxic [6.1 + 6.7]) Group Standard 2006

*HSNO Approval Number*

The HSNO Approval Number for this Group Standard is HSR002671.

### 2 Commencement

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

### 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 solid or liquid substances that are imported or manufactured for use as a surface coating or colourant.
- (2) A substance referred to in subclause (1) must be—
  - (a) an acute toxicant (HSNO 6.1B or 6.1C classification); and
  - (b) a known or presumed human carcinogen (HSNO 6.7A classification) or suspected human carcinogen (HSNO 6.7B classification).
- (3) In addition to the hazards referred to in subclause (2), a substance may have any of the following (but only the following) hazards:
  - (a) aspiration hazard;
  - (b) skin irritancy, HSNO 6.3A or 6.3B classification;
  - (c) eye corrosivity, HSNO 8.3A classification;
  - (d) eye irritancy, HSNO 6.4A classification;
  - (e) respiratory sensitisation, HSNO 6.5A classification;
  - (f) contact sensitisation, HSNO 6.5B classification;
  - (g) mutagenicity, HSNO 6.6A or 6.6B classification;
  - (h) reproductive toxicity, HSNO 6.8A, 6.8B or 6.8C classification;
  - (i) target organ toxicity, HSNO 6.9A or 6.9B classification;
  - (j) ecotoxicity, HSNO class 9.

### *Substances excluded from Group Standard*

- (4) 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.
- (5) Subject to subclause (4)(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%.
- (6) Subclause (4)(e) does not apply to a biocidal component of a paint that is used as an in-can preservative or dry film biocide.
- (7) No substance shall be permitted under this Group Standard if it contains a chemical that is a CMR that is not listed on the Inventory of Chemicals, unless—
- (a) the new CMR is used to completely replace an existing CMR in the substance; and
  - (b) the new CMR has a lower hazard classification than the existing CMR; and
  - (c) clause 20 of Schedule 1 is complied with.
- (8) Despite clause 20 of Schedule 1, no substance shall be permitted under this Group Standard if it is a hazardous chemical that is not listed on the Inventory of Chemicals.
- (9) For the purposes of subclause (8), "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 change its composition.

## **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

### Part 1

#### Information Requirements

#### 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 the following requirements.

##### *Hazard information required on each label*

- (2) A label must provide the following general information about a substance:
  - (a) the product name; and
  - (b) enough information to enable the New Zealand importer, supplier or manufacturer to be contacted, either in person or by telephone; and
  - (c) a 24 hour emergency telephone number.
- (3) Where a substance is available to the general public, there must be—
  - (a) on the main label, the general precautionary statement ‘**Keep out of reach of children**’; and

- (b) on the label, the general precautionary statements—
  - (i) **‘If medical advice is needed: Have product container or label at hand’**; and
  - (ii) **‘Read label before use’**.
- (4) A label must provide the following hazard information about the substance:
  - (a) pictograms, signal word and hazard statements for acutely toxic, carcinogenic substances to appear on the main label—
    - (i) the pictogram for acute toxicity; and
    - (ii) the pictogram for carcinogenicity; and
    - (iii) the signal word **‘danger’**; and
    - (iv) the applicable acute toxicity hazard statement(s), depending on the route of toxicity—
      - (I) for a HSNO 6.1B (oral) substance, **‘fatal if swallowed’**;
      - (II) for a HSNO 6.1C (oral) substance, **‘toxic if swallowed’**;
      - (III) for a HSNO 6.1B (dermal) substance, **‘fatal in contact with skin’**;
      - (IV) for a HSNO 6.1C (dermal) substance, **‘toxic in contact with skin’**;
      - (V) for a HSNO 6.1B (inhalation) substance, **‘fatal if inhaled’**;
      - (VI) for a HSNO 6.1C (inhalation) substance, **‘toxic if inhaled’**; and
    - (v) the applicable carcinogenic hazard statement, either—
      - (I) **‘may cause cancer’** <state route of exposure if it is conclusively proven that no other routes of exposure cause the hazard> in the case of a HSNO 6.7A substance; or
      - (II) **‘suspected of causing cancer’** <state route of exposure if it is conclusively proven that no other routes of exposure cause the hazard> in the case of a HSNO 6.7B substance; and
  - (b) where a substance has any of the hazards permitted under clause 4(3) of this Group Standard (Scope of Group Standard), the corresponding pictograms and hazard statements as listed in Tables 1 and 2 of the document *Labelling of Hazardous Substances: Hazard and Precautionary Information* published by the Authority, July 2006 must appear on the label, subject to the principles of precedence as set out in the above-named document; and
  - (c) for all hazards, the label must provide the applicable precautionary (prevention, storage and response) statements as listed in Tables 3 to 5 of the document *Labelling of Hazardous Substances: Hazard and Precautionary Information* published by the Authority, July 2006.

- (5) A single indication may be used if it is capable of conveying two or more of the items of hazard information required by subclause (4).

*Disposal information required on each label*

- (6) A label must provide a description of one or more appropriate and achievable methods for the disposal of a substance in accordance with clause 17 of this Schedule, which may also include any method of disposal that must be avoided.

*Identification of components on label*

- (7) Subject to subclause (8), a label must provide the common or chemical name and concentration of every ingredient that would, independently of any other ingredient, give the substance a HSNO 6.1B, 6.1C, 6.5, 6.6, 6.7, 6.8, 6.9 or 8.3 classification.
- (8) In the case of a HSNO 6.5, 6.6, 6.7, 6.8 or 6.9 classification, the identification of any component on the label is only required if the concentration of that component is at or above the concentration specified in Table 1.

**Table 1. Concentration values triggering identification of components on label**

HSNO Classification	Cut-off, %
6.5A, 6.5B, 6.6A, 6.7A	0.1
6.6B, 6.7B	1
6.8A, 6.8C	0.3
6.8B	3
6.9A, 6.9B	10

- (9) For the purposes of complying with subclause (7)—
- (a) a generic name may be used to identify a group of ingredients in accordance with the provisions of regulation 26 of the Hazardous Substances (Identification) Regulations 2001; and
- (b) the concentration of an ingredient in a substance may be stated as a range in accordance with the provisions of regulation 27 of the Hazardous Substances (Identification) Regulations 2001.

*Multiple packages*

- (10) Where a substance is labelled in compliance with subclauses (1) to (9), but some or all of the required information is obscured by outer packaging, the outer packaging of the substance must bear the labelling or marking required by—
- (a) subclauses (4)(a) and (b); or
- (b) the Land Transport Rule; or
- (c) the Civil Aviation Rule; or
- (d) the Maritime Rule.

*Exemption from specific labelling requirements for ecotoxic substances*

- (11) For a substance with an ecotoxic hazard of—
- (a) HSNO 9.1C or 9.1D classification, the corresponding hazard statement required by subclause (4)(b) is not required;
  - (b) HSNO 9.2, 9.3 or 9.4 classification, the corresponding pictogram, and hazard, prevention and response statements required by subclauses (4)(b) and (c) are not required.

*Exemption from specific labelling requirements for small packages*

- (12) 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) any pictogram required by subclauses (4)(a) and (b); and
  - (b) the signal word, hazard and response statements for any HSNO class 9 hazards, as required by subclauses (4)(b) and (c).

*Exemption from specific labelling requirements for imported and exported packages*

- (13) Where a substance has been imported into New Zealand in a closed package or in a freight container (and for any reasonable period after it arrives that is necessary to arrange compliance with the requirements of subclauses (1) to (9)) and where that substance is being carried from the place of importation to the destination stated in its importation documentation without having been removed from that package or container, subclauses (1) to (9) are complied with if the package or container concerned complies with the requirements of—
- (a) subclauses (4)(a) and (b); or
  - (b) the Land Transport Rule; or
  - (c) the Civil Aviation Rule; or
  - (d) the Maritime Rule.
- (14) Where a substance is exported from New Zealand, subclauses (1) to (9) are complied with if the substance is labelled or marked as required by—
- (a) subclauses (4)(a) and (b); or
  - (b) the Land Transport Rule; or
  - (c) the Civil Aviation Rule; or
  - (d) the Maritime Rule.

*Alternative compliance measures for labelling*

- (15) The requirements of subclauses (1) to (14) do not need to be met if a substance complies with—
- (a) the relevant identification provisions in the Hazardous Substances (Identification) Regulations 2001, the Hazardous Substances (Emergency Management) Regulations 2001 and the Hazardous Substances (Disposal) Regulations 2001; or
  - (b) a code of practice approved by the Authority under section 78 of the Act that specifies requirements equivalent to those set out in subclauses (1) to (14); or
  - (c) the UN Globally Harmonised System of Classification and Labelling of Chemicals (GHS) and the requirements of subclause (2); or
  - (d) the relevant current labelling requirements of Australia, USA, Canada, the European Union or any other country as approved by the Authority, as if the substances were for sale or supply in those countries, and the requirements of subclause (2).
- (16) Subclause (15)(d) expires with the close of 31 December 2010.

*Substances transported in bulk*

- (17) Where a substance is transported in bulk, subclauses (1) to (9) do not apply provided the substance is transported in compliance with—
- (a) the Land Transport Rule; or
  - (b) the Civil Aviation Rule; or
  - (c) the Maritime Rule.
- (18) For the purposes of subclause (17), “bulk” means—
- (a) a liquid substance in a container in an undivided quantity exceeding **450 L**; or
  - (b) a solid substance in a container in an undivided quantity exceeding **400 kg**.

### **3 Safety data sheets**

- (1) A person, when selling or supplying a substance at any quantity 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.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) 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) whether 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.
- (6) 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 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
- (b) the need to restrict access by children to the substance; and
- (c) where a substance has an eye corrosive hazard (HSNO 8.3A classification), then an indication that the substance is corrosive.

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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 document entitled *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances* published by the Authority, July 2006.

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

	Trigger quantity
Response plans and secondary containment	100 L or 100 kg
Signage	100 L or 100 kg (for a HSNO 9.1A substance); or 250 L or 250 kg (for a HSNO 6.1B substance); or 1,000 L or 1,000 kg (for all other substances)

- (2) 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*

- (3) 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 and Tracking

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## 6 Approved handler requirement for HSNO 6.1B and 6.1C substances

When present in any quantity, a substance must be—

- (a) under the personal control of an approved handler who holds a current test certificate to manage HSNO class 6 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.

## **7 Exclusions to approved handler requirements**

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

- (a) an approved handler is present at the place where the substance is being handled; and
- (b) the approved handler has provided guidance to the person in respect of the handling; and
- (c) 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.

## **8 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.

## 9 Tracking requirement for HSNO 6.1B substances

The location and movement of a HSNO 6.1B substance must comply with the Hazardous Substances (Tracking) Regulations 2001.

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## Part 4 Packaging

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## 10 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.

## 11 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 6.1B substance; or
  - (b) UN Packing Group III for a HSNO 6.1C substance.

*Variation to UN Packing Group II requirements*

- (3) Despite subclause (2)(a), a HSNO 6.1B 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 **0.1 L** or **0.5 kg**.

*Variation to UN Packing Group III requirements*

- (4) Despite subclause (2)(b), a HSNO 6.1C 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.

**12 Specific packaging requirement for HSNO 6.1 substances**

- (1) Any packaging containing a liquid substance 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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### 13 Personal protective equipment

- (1) A person who handles a 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 to a substance that is contained in a closed package that complies with the requirements of Part 4 (Packaging).
- (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.

### 14 Equipment used to handle a substance

- (1) A 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).

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## Part 6 Transportation

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### 15 Tank wagons and transportable containers

Tank wagons and transportable containers of any capacity used to carry a substance must comply with the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004.

## 16 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) **0.1 L** or **0.5 kg** per package for a HSNO 6.1B substance; or
  - (ii) **1 L** or **3 kg** per package for a HSNO 6.1C substance.

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## Part 7 Disposal

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## 17 Disposal of substance

- (1) 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).
- (2) In subclause 1(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).
- (3) Notwithstanding subclause (1)(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.
- (4) This clause does not apply to a substance that is intended for recycling.

## 18 Disposal of packaging

- (1) The conditions of this clause 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.

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## Part 8 Exposure Limits

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### 19 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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### 20 Inventory of Chemicals

- (1) Where a substance is imported into, or manufactured in, New Zealand after 30 June 2006, 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 has a deemed approval; 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.
- (2) Subclause (1) applies subject to clauses 4(7) to (9) of this Group Standard (Scope of Group Standard).

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## **Part 10 Other Matters**

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### **21 Australian Uniform Paint Standard**

Any substance permitted under this Group Standard that is intended for use as a paint must comply with the restrictions on use set out in the Australian Uniform Paint Standard, as per Appendix I of the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP) No.20.

### **22 Assigning a substance to a Group Standard**

- (1) The manufacturer or importer of a substance who determines, or is otherwise independently advised, that the substance complies with 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 a substance that was not lawfully used in New Zealand 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 the document entitled *Site and Storage Conditions for Toxic, Corrosive and Ecotoxic Substances* published by the Authority, July 2006 (in this Schedule referred to as “Site and Storage Conditions”) for the relevant obligation or restriction.

#### **4 Compliance with Part 13 of the Act for transitional period**

- (1) Part 13 of the Act is deemed to be incorporated into this Group Standard together with all regulations, notices and orders made under or referred to in that Part 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 Part 3 of the Site and Storage Conditions, until the close of 30 June 2008:
  - (d) the requirements in respect of emergency management response plans set out in Part 2 of the Site and Storage Conditions, until the close of 30 June 2007:
  - (e) the requirements in respect of secondary containment set out in Part 2 of the Site and Storage Conditions, until the close of 30 June 2007.
- (3) Notwithstanding subclause (2)(e), the requirements for secondary containment in respect of a stationary tank or a process container (as those terms are defined in the Site and Storage Conditions) are those set out in clause 6.

## **5 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.

## **6 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 clauses 13 or 14 of the Site and Storage Conditions 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 13 of the Site and Storage Conditions, if that clause applies; or
  - (b) clause 14 of the Site and Storage Conditions, if that clause applies; or
  - (c) a compliance plan; or
  - (d) 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 clauses 13 or 14 of the Site and Storage Conditions; 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 clauses 13 and 14 of the Site and Storage Conditions for the purposes of clause 92(2)(c) and 92(2)(d) of

## 7 Existing tank wagons

- (1) In this clause—
  - (a) **the regulations** means the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; and
  - (b) **existing tank wagon** means a tank wagon to which regulation 4(2) of the regulations applies that, immediately before 1 July 2006, was being used to transport a substance covered by this Group Standard.
- (2) The person in charge of an existing tank wagon which does not meet the applicable requirements of regulations 4(3)(a) or (b) or 4(4) of the regulations must comply with clauses 18(2) to (7) of Schedule 11 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 provided that clause 18(2) shall be read as if references to “this notice” are references to this Group Standard.
- (3) The person in charge of a tank wagon to which regulation 4(2) applies but which does not meet the requirements of regulations 4(3) or (4) of the regulations must obtain an appropriate test certificate in accordance with regulations 36 and 37 (to the extent applicable) of the regulations no later than the close of 30 June 2007.

## 8 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) clause 6 of Schedule 1; and
  - (b) regulation 6(a) of the Hazardous Substances (Tracking) Regulations 2001.
- (4) This clause expires with the close of 31 December 2008.

## 9 Transitional provisions for licences to sell or pack poisons

- (1) This clause applies to every licence granted or deemed to be granted for the purposes of section 200 of the Act that is in force immediately before 1 July 2006.
- (2) Every licence to which this clause applies continues in force for the purposes of this Schedule.
- (3) This clause expires with the close of 31 December 2006.

## Schedule 3 Interpretation

**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

**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

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

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

**CMR** means a substance that is a carcinogen, mutagen or reproductive toxicant when assessed against the criteria for carcinogenicity, mutagenicity and reproductive toxicity set out in the Hazardous Substances (Classification) Regulations 2001

**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

**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

**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

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

**graphic material** means a material which is deposited onto another material by a graphics instrument including fingers and hands for the purpose of writing, drawing, painting or marking, and includes but is not limited to:

- (a) a crayon;
- (b) a water colour paint;
- (c) a finger paint;
- (d) pastels, chalk, coloured pencils and felt pens

**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

**Land Transport Rule** means the Land Transport Rule 45001/1: Dangerous Goods 2005 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

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

**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

**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)

**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

**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 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

**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

**water colour paint** means a colouring material for imparting colours to an inanimate surface, made of pigment to be diluted with water and not oil. Water-colour paints do not include face paints

## Explanatory note

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

- (2) 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.
- (3) 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.
- (4) This Group Standard may include, but is not limited to, a substance with one of the following **UN numbers**. However, note that this Group Standard includes only substances that are UN PGII or UN PGIII.

UN2810	Toxic Liquid, Organic, N.O.S.
UN2811	Toxic Solid, Organic, N.O.S.
UN3287	Toxic Liquid, Inorganic, N.O.S.
UN3288	Toxic Solid, Inorganic, N.O.S.

### *Availability and publication of Group Standard and Reference Materials*

- (5) 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).
- (6) Any regulations incorporated by reference into a Group Standard may be—
  - (a) inspected free of charge during normal business hours at the ERMA New Zealand office; or
  - (b) purchased from Bennetts at <http://www.bennetts.co.nz/legislation.htm>; or
  - (c) viewed at <http://www.legislation.govt.nz>.
- (7) Any materials incorporated by reference into a Group Standard that are published by 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>.
- (8) 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.
- (9) A copy of the Standard for the Uniform Scheduling of Drugs and Poisons (which includes the Australian Uniform Paint Standard) may be—
- (a) ordered from the following website: [www.tga.gov.au/ndpsc/susdp.htm](http://www.tga.gov.au/ndpsc/susdp.htm); or
  - (b) ordered via email through [NDPSC@health.gov.au](mailto:NDPSC@health.gov.au) or [tga-information-officer@health.gov.au](mailto:tga-information-officer@health.gov.au); or
  - (c) ordered via post from: The Secretary, National Drugs and Poisons Schedule Committee, PO Box 100, Woden ACT 2606, Australia.
- (10) 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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