

Importing and Retailing Graphic Materials

Your obligations under HSNO.

There are new rules for the import, manufacture and sale of children's graphic materials, including crayons, water colour paints and finger paints.

These rules apply from June 2009.

If you import or manufacture graphic materials, you must follow these rules, which are outlined in the Graphic Materials Group Standard.

This guide outlines your responsibilities under this Group Standard.

For further information, go to: www.ermanz.govt.nz/hs/groupstandards/index.html.

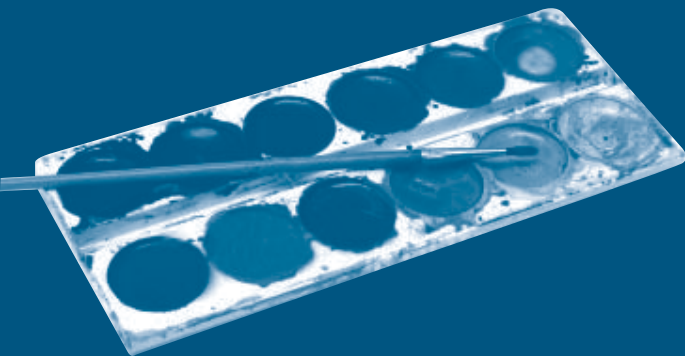
Maximum allowable metal limits

The limits are the maximum amount of leachable metal in milligrams per kilogram (mg/kg) of graphics material.

	Finger paint	Other graphics materials
Antimony	60	60
Arsenic	25	25
Barium	250	1000
Cadmium	50	75
Chromium	25	60
Lead	90	90
Mercury	25	60
Selenium	500	500

Face paints

Face paints are not covered by the Graphic Materials Group Standard. They are regulated by the Cosmetic Products Group Standard.



Definitions under the Standard

Graphic material – 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 crayon; a water colour paint; a finger paint; pastels, chalk, coloured pencils and felt pens.

Crayon – a stick of coloured waxy material for writing, drawing, marking or painting.

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

Water colour paint – 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.



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Why have a standard?

The purpose of the Group Standard is to ensure that graphic materials used by children do not contain harmful levels of metals, such as lead, mercury and chromium. Children are more likely to chew on crayons and put fingers in their mouths, putting them at greater risk of ingesting the material.

The Standard has two sets of metal limits. One applies to finger paints and the other applies to other graphic materials. The limits for finger paints are generally lower, as these materials are more likely to be ingested by children.

What is the problem?

Ingestion of toxic metals can cause long-term health problems. For example, exposure to lead can affect the developing brain and impair a child's cognitive development. Exposure to lead should be minimised as far as practicable. Lead poisoning is notifiable under the Health Act.

Testing of children's graphic materials has, in rare instances, shown metal content well in excess of the allowed limits.

This compliance guide is to inform importers, manufacturers and retailers of their responsibilities.

What are my responsibilities as an importer or manufacturer?

From June 2009, it will be an offence under the Hazardous Substances and New Organisms Act 1996 (HSNO) to import or manufacture graphic materials intended for use by children if these materials contain toxic metals above the limits set in the Standard.

You must ensure that graphic materials marketed for use by children do not exceed these limits.

This can be done by having the products tested by an accredited laboratory. In New Zealand, laboratories are accredited by International Accreditation New Zealand (IANZ), who can provide you with contact details of accredited laboratories.

Products being imported into New Zealand may be tested by overseas laboratories that are accredited by a body recognised by IANZ.

Test results for imported or New Zealand-manufactured water colour paints, crayons and finger paints must be submitted to the Auckland Regional Public Health Service (ARPHS). The ARPHS will confirm the product complies with the Standard. Without this confirmation, the New Zealand Customs Service will not release any products that have been imported.

It is not necessary to test every batch of a product. If a batch of the same product has previously been tested and shown to comply, those test results can be provided to ARPHS.

However, if the manufacturing process has changed or there has been a change to the formulation, a new test would be required. Similarly, a change in the supplier of the raw ingredients would also require the product to be re-tested.

ERMA New Zealand considers that, as best practice, the test methods used to determine compliance should be those specified in the European Standard EN71.3 or the Australian/New Zealand Standard AS/NZS ISO 8124.3:2003.

What are my responsibilities as a retailer?

As a responsible retailer, you must be able to satisfy yourself that any product complies with the Standard. You should ask the distributor or importer of the product if it has been tested in an accredited laboratory and been found to comply with the Standard. If the distributor or importer is unable to confirm this, you must not buy it for onward sale.

What are the penalties?

The Standard is enforced by the Ministry of Health. Health Protection Officers are responsible for monitoring the marketplace to ensure compliance.

The HSNO Act allows for a maximum fine of NZ\$500,000 and a prison sentence of up to three months.

