

## Group Standards (Reducing Lead) Amendment Notice 2024

The Environmental Protection Authority (“EPA”) gives notice that pursuant to section 96B of the Hazardous Substances and New Organisms Act 1996 (“the Act”) the group standards specified in Schedule 1 of this notice are amended.

### 1. Title

This notice is the Group Standards (Reducing Lead) Amendment Notice 2024.

### 2. Commencement

(1) The amendment in clause 8(6) of this notice comes into force 28 days after the date of notification in the *New Zealand Gazette*.

(2) The rest of the amendments in this notice come into force on **1 March 2025**.

### 3. Group standards amended

The following principal group standards are amended:

(1) Surface coatings and colourants group standards with a combustible or flammable hazard classification, set out in Part 1 of Schedule 1;

(2) Other surface coatings and colourants group standards, set out in Part 2 of Schedule 1;

(3) Aerosols group standards, set out in Part 3 of Schedule 1;

(4) Corrosion inhibitors group standards, set out in Part 4 of Schedule 1; and

(5) Graphic materials group standard, in Part 5 of Schedule 1.

### 4. Amendments to surface coatings and colourants group standards with a combustible or flammable classification

All the surface coatings and colourants group standards set out in Part 1 of Schedule 1 are amended as follows:

(1) Clause 4(6)(f) is replaced with:

“(f) all graphic materials designed or intended primarily for children”.

(2) In clause 4, a new subclause is added after clause 4(6):

“(6A) For the purposes of 4(6)(f), a person who is determining whether a product is designed or primarily intended for children—

(a) must have regard to all of the following:

(i) any statement by a manufacturer about the intended use of the product:

(ii) the packaging, display, promotion, or advertising of the product:

(iii) any commonly recognised use of the product:

(b) may have regard to any other matter the person considers relevant.”

(3) In condition 1 of Schedule 1:

a. subclause numbering “(1)” is added before “Substances”.

b. a new subclause is added:

“(2) In addition to the requirements in subclause (1), any paint that does not meet the requirements in condition 9(4) for application to toys or cots must include on the label the precautionary statement “Not suitable for use on children’s toys or cots”.

(4) In condition 8(3)(a) of Schedule 1:

a. a “:” is added after “contains”.

b. After “:” a subclause “(i)” is created.

c. After subclause (i), insert:

“(ii) evidence of compliance with the lead level restriction in condition 9; and”.

(5) In condition 9(1) of Schedule 1, “basic lead carbonate (white lead) except for application as a mirror backing—

(a) containing not more than 15 percent of lead in the non-volatile content of the paint; and

(b) applied not more than 40 microns thick; and

(c) covered by a paint which does not contain lead” is replaced with “more than 90ppm lead (calculated as the total amount of lead present in the non-volatile content of the paint).”

(6) Condition 9(3) of Schedule 1 is deleted.

(7) In condition 9(4) of Schedule 1:

- a. "or cots" is added after "toys".
- b. "Australian/New Zealand Standard AS/NZS ISO 8124.3:2012 entitled Safety of toys Part 3: Migration of certain elements (ISO 8124-3:2010, MOD)" is replaced with "European Standard EN 71-3:2019+A1:2021".

(8) In Schedule 1, a new condition is added:

**"10. Disposal of non-complying substances**

All substances covered by this group standard that do not meet the requirements of this group standard must be disposed of no later than 1 September 2025."

(9) In Schedule 2, the following definitions are added in their appropriate alphabetical order:

- a. "**child or children** means any person 12 years old or younger"
- b. "**cot** means a free-standing product with raised sides and ends that is designed as an enclosed sleeping facility for an infant or a child".

(10) In Schedule 3, Table 2 is deleted.

(11) In the Explanatory note, a new clause is added after (4):

"(5) Evidence of compliance with condition 9 is recommended for the first batch or when ingredients or ingredient suppliers change and may be demonstrated by, but is not limited to:

- (a) laboratory testing by an accredited laboratory
- (b) in-house testing results
- (c) component testing and theoretical lead level calculations
- (d) supplier certificate of analysis (either for the imported paint, or for components)
- (e) composite testing (pooling of samples for testing, as long as the lead measured is low enough that the composite testing excludes the possibility that an individual sample could be over the limit)."

(12) Any consequential amendments to address numbering.

**5. Other surface coatings and colourants group standards amended**

The Surface Coatings and Colourants Group Standards set out in Part 2 of Schedule 1 are amended as follows:

(1) Clause 4(6)(f) is replaced with:

"(f) all graphic materials designed or intended primarily for children".

(2) In clause 4, a new subclause is added after clause 4(6):

"(6A) For the purposes of 4(6)(f), a person who is determining whether a product is designed or primarily intended for children—

- (a) must have regard to all of the following:
  - (i) any statement by a manufacturer about the intended use of the product:
  - (ii) the packaging, display, promotion, or advertising of the product:
  - (iii) any commonly recognised use of the product:
- (b) may have regard to any other matter the person considers relevant."

(3) In condition 1 of Schedule 1:

- a. subclause numbering "(1)" is added before "Substances".
- b. a new subclause is added:

"(2) In addition to the requirements in subclause (1), any paint that does not meet the requirements in condition 8(3) for application to toys or cots must include on the label the precautionary statement "Not suitable for use on children's toys or cots"."

(4) In condition 7(3)(a) of Schedule 1:

- a. a ":" is added after "contains".
- b. After ":" a new subclause "(i)" is created.
- c. After subclause (i), a new subclause is added:

"(ii) evidence of compliance with the lead level restriction in condition 8; and"

(5) In condition 8(1) of Schedule 1, "basic lead carbonate (white lead) except for application as a mirror backing—

- (a) containing not more than 15 percent of lead in the non-volatile content of the paint; and
- (b) applied not more than 40 microns thick; and
- (c) covered by a paint which does not contain lead" is replaced with "more than 90ppm lead (calculated as the total

amount of lead present in the non-volatile content of the paint).”

(6) Condition 8(3) of Schedule 1 is deleted.

(7) In condition 8(4) of Schedule 1:

a. “or cots” is added after “toys”.

b. “Australian/New Zealand Standard AS/NZS ISO 8124.3:2012 entitled Safety of toys Part 3: Migration of certain elements (ISO 8124-3:2010, MOD)” is replaced with “European Standard EN 71-3:2019+A1:2021”.

(8) In Schedule 1, a new condition is added:

**“9. Disposal of non-complying substances**

All substances covered by this group standard that do not meet the requirements of this group standard must be disposed of no later than 1 September 2025.”

(9) In Schedule 2, the following definitions are added in their appropriate alphabetical order:

a. “**child or children** means any person 12 years old or younger”

b. “**cot** means a free-standing product with raised sides and ends that is designed as an enclosed sleeping facility for an infant or a child”.

(10) In Schedule 3, Table 2 is deleted.

(11) In the Explanatory note, a new clause is added after (4):

“(5) Evidence of compliance with condition 8 is recommended for the first batch or when ingredients or ingredient suppliers change and may be demonstrated by, but is not limited to:

(a) laboratory testing by an accredited laboratory

(b) in-house testing results

(c) component testing and theoretical lead level calculations

(d) supplier certificate of analysis (either for the imported paint, or for components)

(e) composite testing (pooling of samples for testing, as long as the lead measured is low enough that the composite testing excludes the possibility that an individual sample could be over the limit).”

(12) Any consequential amendments to address numbering.

**6. Aerosols group standards amended**

The Aerosols Group Standards set out in Part 3 of Schedule 1 are amended as follows:

(1) In condition 1 of Schedule 1:

a. subclause numbering “(1)” is added before “Substances”.

b. a new subclause is added:

“(2) In addition to the requirements in subclause (1), any aerosol paint that does not meet the requirements in condition 7(1)(d) for application to toys or cots must include on the label the precautionary statement “Not suitable for use on children’s toys or cots”.”

(2) In condition 6(3)(a) of Schedule 1:

a. a “:” is added after “contains”.

b. After “:” a new subclause “(i)” is created.

c. After subclause (i), a new subclause is added:

“(ii) evidence of compliance with the lead level restriction in condition 7; and”.

(3) In condition 7(1)(a) of Schedule 1, “basic lead carbonate (white lead) except for application as a mirror backing—

(a) containing not more than 15 percent of lead in the non-volatile content of the paint; and

(b) applied not more than 40 microns thick; and

(c) covered by a paint which does not contain lead” is replaced with “more than 90ppm lead (calculated as the total amount of lead present in the non-volatile content of the paint).”

(4) Condition 7(1)(c) of Schedule 1 is deleted.

(5) In condition 7(1)(d) of Schedule 1:

a. “or cots” is added after “toys”.

b. “Australian/New Zealand Standard AS/NZS ISO 8124.3:2012 entitled Safety of toys Part 3: Migration of certain elements (ISO 8124-3:2010, MOD)” is replaced with “European Standard EN 71-3:2019+A1:2021”.

(6) In Schedule 1, a new condition is added after condition 7:

**“8. Disposal of non-complying substances**

All substances covered by this group standard that do not meet the requirements of this group standard must be disposed of no later than 1 September 2025.”

(7) In Schedule 2, the definition “**cot** means a free-standing product with raised sides and ends that is designed as an enclosed sleeping facility for an infant or a child” is added in its appropriate alphabetical order.

(8) In Schedule 3, Table 2 is deleted.

(9) In the Explanatory note, a new note is added after note (4):

“(5) Evidence of compliance with condition 7 is recommended for the first batch or when ingredients or ingredient suppliers change and may be demonstrated by, but is not limited to:

(a) laboratory testing by an accredited laboratory

(b) in-house testing results

(c) component testing and theoretical lead level calculations

(d) supplier certificate of analysis (either for the imported paint, or for components)

(e) composite testing (pooling of samples for testing, as long as the lead measured is low enough that that the composite testing excludes the possibility that an individual sample could be over the limit).”

(10) Any consequential amendments to address numbering.

#### **7. Corrosion inhibitors group standards amended**

The Corrosion Inhibitors Group Standards set out in Part 4 of Schedule 1 are amended as follows:

(1) In condition 7(3)(a) of Schedule 1:

a. a “:” is added after “contains”.

b. After “:” a new subclause “(i)” is created.

c. After subclause (i), a new subclause is added:

“(ii) evidence of compliance with the lead level restriction in condition 8; and”.

(2) In Schedule 1, a new condition is added after condition 7:

#### **“8. Restrictions relevant to specific substances**

A person must not manufacture, sell, supply, or use an anti-corrosive paint containing more than 90ppm lead (calculated as the total amount of lead present in the non-volatile content of the paint).”

(3) In Schedule 1, a new condition is added after 8:

#### **“9. Disposal of non-complying substances**

All substances assigned under this group standard that do not meet the requirements of this group standard must be disposed of no later than 1 September 2025.”

(4) In Schedule 2, the definition “**anti-corrosive paint** means any corrosion inhibitor that is used for application as a colouring or protective coating to any surface” is added in its appropriate alphabetical order.

(5) In the Explanatory note add a new note after (4):

“(5) Evidence of compliance with condition 8 is recommended for the first batch or when ingredients or ingredient suppliers change and may be demonstrated by, but is not limited to:

(a) laboratory testing by an accredited laboratory

(b) in-house testing results

(c) component testing and theoretical lead level calculations

(d) supplier certificate of analysis (either for the imported paint, or for components)

(e) composite testing (pooling of samples for testing, as long as the lead measured is low enough that that the composite testing excludes the possibility that an individual sample could be over the limit).”

(6) Any consequential amendments to address numbering.

#### **8. Graphic materials group standard amended**

The Graphic Materials Group Standard 2020 in Part 5 of Schedule 1 is amended as follows:

(1) In clause 4(3):

a. “sole means of compliance for finger paints, children’s crayons and children’s water colour paints.” is replaced with “only group standard applicable for graphic materials designed or intended primarily for children”.

b. “finger paints, children’s crayon or children’s water colour paints” is replaced with “designed or intended primarily for children”.

(2) A new clause 4(3A) is added after (3):

“A person who is determining whether a product is designed or primarily intended for children—

- (a) must have regard to all of the following:
  - (i) any statement by a manufacturer about the intended use of the product:
  - (ii) the packaging, display, promotion, or advertising of the product:
  - (iii) any commonly recognised use of the product:

(b) may have regard to any other matter the person considers relevant”.

(3) Clause 4(4) is replaced with:

“A substance referred to in subclause (2) must comply with the maximum migration limits for antimony, arsenic, barium, cadmium, chromium, lead, mercury, and selenium in European Standard EN 71-3:2019+A1:2021.”

(4) In Schedule 1, the heading “Part 2 – Notification to the Authority” is deleted.

(5) In Schedule 1, the heading for condition 6 “Evidence of compliance with clause 4 of this Group Standard” is deleted.

(6) Condition 6(1) of Schedule 1 is deleted.

(7) Condition 6(2) of Schedule 1 is moved and added as a new condition 7(4):

“(4) Where compliance with Clause 4(4) is demonstrated by laboratory testing, such testing must be undertaken by IANZ accredited chemical testing laboratory or a laboratory of equivalent accreditation.”

(8) In Schedule 1, a new condition is added after condition 8:

**“9. Disposal of non-complying products**

All products covered by this group standard that do not meet the requirements of this group standard must be disposed of no later than 1 September 2025.”

(9) In Schedule 2, the definition “**child or children** means any person 12 years old or younger” is added in its appropriate alphabetical order.

(10) In note (2) of the Explanatory note:

- a. “6(2)” is replaced with “7(4)”.
- b. “British Standard EN 71.3” is replaced with “EN 71-3:2019+A1:2021 standard”.
- c. “AS/NZS ISO 8124.3:2003” is replaced with “AS/NZS ISO 8124.3:2021”.

(11) Any consequential amendments to address numbering.

**9. Approval of amendments**

The amendments set out in clauses 4 to 8 of this notice were approved by a committee of the EPA under delegated authority on 19 August 2024.

**10. Availability**

(1) Amended group standards and any material incorporated by reference may be inspected free of charge during normal business hours at the EPA office.

(2) Amended group standards may be obtained from the EPA, or can be viewed at [www.epa.govt.nz](http://www.epa.govt.nz).

(3) Material incorporated by reference may be purchased at [www.standards.govt.nz](http://www.standards.govt.nz) or [www.en-standard.eu](http://www.en-standard.eu).

**EPA contact details**

Address: 366 Lambton Quay, Wellington, or Private Bag 63002, Wellington 6140. Phone: (04) 916 2426 or 0800 225 537. Email: [info@epa.govt.nz](mailto:info@epa.govt.nz).

**Schedule 1**

**Group standards amended by this Notice**

**Part 1**

Surface Coatings and Colourants (Combustible) Group Standard 2020

HSR002657

Surface Coatings and Colourants (Combustible, Corrosive) Group Standard 2020

HSR002659

Surface Coatings and Colourants (Combustible, Corrosive, Carcinogenic) Group Standard 2020

HSR002661

Surface Coatings and Colourants (Flammable) Group Standard 2020

HSR002662

Surface Coatings and Colourants (Flammable, Corrosive) Group Standard 2020

HSR002663

## NEW ZEALAND GAZETTE

Surface Coatings and Colourants (Flammable, Corrosive, Carcinogenic) Group Standard 2020

HSR002664

Surface Coatings and Colourants (Flammable, Acutely Toxic, Carcinogenic) Group Standard 2020

HSR002665

Surface Coatings and Colourants (Flammable, Acutely Toxic, Corrosive, Carcinogenic) Group Standard 2020

HSR002666

Surface Coatings and Colourants (Flammable, Acutely Toxic) Group Standard 2020

HSR002667

Surface Coatings and Colourants (Flammable, Acutely Toxic, Corrosive) Group Standard 2020

HSR002668

Surface Coatings and Colourants (Flammable, Carcinogenic) Group Standard 2020

HSR002669

Surface Coatings and Colourants (Combustible, Acutely Toxic, Carcinogenic) Group Standard 2020

HSR002672

Surface Coatings and Colourants (Combustible, Acutely Toxic, Corrosive, Carcinogenic) Group Standard 2020

HSR002674

Surface Coatings and Colourants (Combustible, Acutely Toxic) Group Standard 2020

HSR002676

Surface Coatings and Colourants (Combustible, Acutely Toxic, Corrosive) Group Standard 2020

HSR002678

Surface Coatings and Colourants (Combustible, Carcinogenic) Group Standard 2020

HSR002680

### **Part 2**

Surface Coatings and Colourants (Corrosive) Group Standard 2020

HSR002658

Surface Coatings and Colourants (Corrosive, Carcinogenic) Group Standard 2020

HSR002660

Surface Coatings and Colourants (Subsidiary Hazard) Group Standard 2020

HSR002670

Surface Coatings and Colourants (Acutely Toxic, Carcinogenic) Group Standard 2020

HSR002671

Surface Coatings and Colourants (Acutely Toxic, Corrosive, Carcinogenic) Group Standard 2020

HSR002673

Surface Coatings and Colourants (Acutely Toxic) Group Standard 2020

HSR002675

Surface Coatings and Colourants (Acutely Toxic, Corrosive) Group Standard 2020

HSR002677

Surface Coatings and Colourants (Carcinogenic) Group Standard 2020

HSR002679

### **Part 3**

Aerosols (Non-flammable, Corrosive) Group Standard 2020

HSR002514

Aerosols (Flammable) Group Standard 2020

HSR002515

Aerosols (Flammable, Corrosive) Group Standard 2020

HSR002516

Aerosols (Flammable, Carcinogenic) Group Standard 2020

HSR002517

Aerosols (Subsidiary Hazard) Group Standard 2020

HSR002519

Aerosols (Non-flammable, Carcinogenic) Group Standard 2020

HSR002520

**Part 4**

Corrosion Inhibitors (Combustible) Group Standard 2020

HSR002546

Corrosion Inhibitors (Corrosive) Group Standard 2020

HSR002547

Corrosion Inhibitors (Flammable) Group Standard 2020

HSR002548

Corrosion Inhibitors (Subsidiary Hazard) Group Standard 2020

HSR002549

Corrosion Inhibitors (Acutely Toxic) Group Standard 2020

HSR002550

Corrosion Inhibitors (Carcinogenic) Group Standard 2020

HSR002551

**Part 5**

Graphic Materials Group Standard 2020

HSR008053