

# Dental Products (Oxidising Liquids and Solids) Group Standard 2020

**HSR002557**

**GROUP STANDARD**

**UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996**

# Dental Products (Oxidising Liquids and Solids) Group Standard 2020

Pursuant to [section 96B](#) of the Hazardous Substances and New Organisms Act 1996 (the Act), the Environmental Protection Authority issues this Group Standard.

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## 1. Name of Group Standard

Dental Products (Oxidising Liquids and Solids) Group Standard 2020

### HSNO Approval Number

The HSNO Approval Number for this Group Standard is HSR002557.

## 2. Commencement

This Group Standard comes into force on 30 April 2021.

## 3. Interpretation

- (1) In this Group Standard, unless the context otherwise requires, words and phrases shall have the meanings given to them in Schedule 2. Any words or phrases that are used but not defined in this Group Standard but that are [defined in the Act](#) have the same meaning as in the Act.
- (2) In this Group Standard, reference to a hazard classification means a reference to the specified hazard classification as set out in the Hazardous Substances (Hazard Classification) [Notice](#) 2020.

## 4. Scope of Group Standard

### Substances covered by Group Standard

- (1) This Group Standard applies to hazardous substances under [section 96B\(2\)\(a\), \(b\) and \(c\)](#) of the Act.
- (2) This Group Standard applies to substances that are imported or manufactured for use as a dental product.
- (3) A substance referred to in subclause (2) must have one of the following hazard classifications:
  - (a) oxidising liquids Category 2 or Category 3; or
  - (b) oxidising solids Category 2 or Category 3.
- (4) In addition to the hazard classifications referred to in subclause (3), a substance may have any of the following (but only the following) hazard classifications:
  - (a) acute oral toxicity Category 4:
  - (b) acute dermal toxicity Category 4:
  - (c) acute inhalation toxicity Category 4:
  - (d) skin irritation Category 2:
  - (e) skin corrosion Category 1B or Category 1C, if the substance is a tooth whitening product containing or releasing more than 20% hydrogen peroxide and the skin corrosivity results solely from the hydrogen peroxide:

- (f) serious eye damage Category 1:
- (g) eye irritation Category 2:
- (h) respiratory sensitisation Category 1:
- (i) skin sensitisation Category 1:
- (j) germ cell mutagenicity Category 1 or Category 2:
- (k) reproductive toxicity Category 1 or Category 2:
- (l) effects on or via lactation:
- (m) specific target organ toxicity – single exposure Category 1, Category 2 or Category 3:
- (n) specific target organ toxicity – repeated exposure Category 1 or Category 2:
- (o) aspiration hazard Category 1:
- (p) hazardous to the aquatic environment acute Category 1:
- (q) hazardous to the aquatic environment chronic Category 1, Category 2, Category 3 or Category 4.

### Substances excluded from Group Standard

- (5) This Group Standard excludes any substance if it contains—
  - (a) asbestos; or
  - (b) a chemical that:
    - (i) is a persistent organic pollutant within the definition in [section 2](#) of the Act; or
    - (ii) exhibits the characteristics of a persistent organic pollutant as set out in paragraph 1 of Annex D to [Schedule 1AA](#) of the Act.
- (6) This Group Standard excludes cosmetic products.
- (7) This Group Standard excludes any substance that contains a chemical that is a mutagen or reproductive toxicant that is not listed on the [Inventory of Chemicals](#), unless—
  - (a) the new mutagen or reproductive toxicant is used to completely replace an existing mutagen or reproductive toxicant in the substance; and
  - (b) the new mutagen or reproductive toxicant has a lower hazard classification than the existing mutagen or reproductive toxicant.
- (8) This Group Standard excludes any substance that is a hazardous chemical 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 changing its composition.

## 5. Conditions of Group Standard

The conditions that specify the obligations and restrictions for substances covered by this Group Standard are set out in Schedule 1.

Advisory Note: In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the [Health and Safety at Work Act 2015](#).

# Schedule 1: Conditions of Group Standard

## Part 1 - Compliance with EPA Notices

### 1. Labelling and advertising

- (1) Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Labelling) [Notice](#) 2017.
- (2) In addition to the requirements in subclause (1), for tooth-whitening products containing or releasing 8% or more hydrogen peroxide, the label must have information that is equivalent to the following precautionary statements—
  - (a) **“If irritation develops, discontinue use. If irritation continues, consult a dentist”**;
  - (b) **“Use for longer than 14 days is not recommended except under the supervision of a dentist”**;
  - (c) **“Not recommended for use on children under 16 years of age”**;
  - (d) **“Avoid swallowing”**; and
  - (e) **“Avoid direct contact of the product with gums or eyes”**.

### 2. Safety data sheets

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Safety Data Sheets) [Notice](#) 2017.

### 3. Packaging

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Packaging) [Notice](#) 2017.

### 4. Disposal

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Disposal) [Notice](#) 2017.

### 5. Restriction on supply, storage and use

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Hazardous Property Controls) [Notice](#) 2017.

## Part 2 - Notification to the Authority

### 6. Inventory of Chemicals

- (1) When a substance is imported into, or manufactured in, New Zealand after 30 June 2006, the importer or manufacturer must ensure that all hazardous chemicals contained in the substance are listed on the [Inventory of Chemicals](#).
- (2) If that substance contains a hazardous chemical that is not listed on the [Inventory of Chemicals](#), then the importer or manufacturer of the substance must at the time they first import or manufacture the substance, notify the Authority in writing of—
  - (a) the name of the substance; and
  - (b) the HSNO approval number and/or title of the group standard under which the substance is deemed to have been approved; and
  - (c) the name and CAS number of the chemical not listed on the [Inventory of Chemicals](#) that is present in the substance; and
  - (d) the concentration of that chemical in the substance; and
  - (e) the hazardous properties of the chemical, including the provision of the relevant hazard data used to assign the substance to the group standard; and
  - (f) the proposed use of the substance.
- (3) Subclause (2) applies subject to clause 4(7) - (9) of this Group Standard (Scope of Group Standard).

## Part 3 - Other Matters

### 7. Assigning a substance to a group standard

- (1) If an importer or manufacturer considers that this Group Standard applies to the importation or manufacture of a substance, then the importer or manufacturer is responsible for assigning the substance to this Group Standard.
- (2) In order to assign the substance to this Group Standard, the importer or manufacturer must—
  - (a) ensure that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and
  - (b) keep a record of how it was determined the substance complies with clause 4 of this Group Standard.
- (3) The importer or manufacturer must—
  - (a) ensure that the record contains sufficient information to allow for independent verification that the substance complies with clause 4 of this Group Standard (Scope of Group Standard); and
  - (b) have that record available for inspection.

## Part 4 - Restrictions on tooth-whitening products

### 8. Supply and application of tooth-whitening products

- (1) A person (Person A) may only supply a tooth-whitening product covered by this Group Standard containing or releasing between 8% and up to (and including) 12% hydrogen peroxide to—
  - (a) a dentist;
  - (b) a registered oral health practitioner;
  - (c) a non-registered tooth-whitening practitioner;
  - (d) a person who obtains the product for the purpose of supplying the persons in (a) to (c) above; or
  - (e) any other person but only if Person A is:
    - (i) a dentist;
    - (ii) a registered oral health practitioner; or
    - (iii) a non-registered tooth-whitening practitioner who is under the supervision of a dentist.
- (2) A person (Person A) may only apply a tooth-whitening product covered by this Group Standard containing or releasing between 8% and up to (and including) 12% hydrogen peroxide to another person if Person A is:
  - (a) a dentist;
  - (b) a registered oral health practitioner; or
  - (c) a non-registered tooth-whitening practitioner.
- (3) A person (Person A) may only supply a tooth-whitening product covered by this Group Standard containing or releasing more than 12% hydrogen peroxide to:
  - (a) a person who obtains the product for the purpose of supplying:
    - (i) a dentist;
    - (ii) a registered oral health practitioner who is under the supervision of a dentist; or
    - (iii) a non-registered tooth-whitening practitioner who is under the supervision of a dentist;
  - (b) any other person but only if Person A is:
    - (i) a dentist; or
    - (ii) a registered oral health practitioner who is under the supervision of a dentist.
- (4) A person (Person A) may only apply a tooth-whitening product covered by this Group Standard containing or releasing more than 12% hydrogen peroxide to another person if Person A is:
  - (a) a dentist;
  - (b) a registered oral health practitioner who is under the supervision of a dentist, or
  - (c) a non-registered tooth-whitening practitioner who is under the supervision of a dentist.



## Schedule 2: Interpretation

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

**asbestos** has the same meaning as in [regulation 3\(1\)](#) of the Health and Safety at Work (Asbestos) Regulations 2016 but does not include substances that contain naturally occurring traces of asbestos

**CAS number** means [Chemical Abstract Services Registry number](#)

**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

**dental industry** includes providing commercial tooth-whitening services and the sale of tooth-whitening products for non-commercial use

**dentist** means a person who is registered as a dentist or dental specialist under the [Health Practitioners Competence Assurance Act 2003](#) and holds a current annual practising certificate

**dental product** means any product manufactured for use in the dental industry and includes but is not limited to any substance used or intended to be used in the diagnosis, maintenance, treatment and prevention of any disease, disorder or condition relating to the orofacial complex and associated structures

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

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

**mutagen** means a substance that is a mutagen within the meaning of the GHS

**non-registered tooth-whitening practitioner** means a person who provides a commercial tooth-whitening service and who is not a dentist or a registered oral health practitioner

**oral hygiene product** means any substance supplied, offered for supply, or advertised as a product that is intended for use for oral hygiene, including toothpaste and mouthwash

**registered oral health practitioner** means a person who is registered under the [Health Practitioners Competence Assurance Act 2003](#), and holds a current annual practising certificate, and is not a dentist, and whose scope of practice includes tooth-whitening procedures

**reproductive toxicant** means a substance that is a reproductive toxicant within the meaning of the GHS

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

**tooth-whitening product** means any substance supplied, offered for supply, or advertised as a product that whitens teeth but excludes oral hygiene products

**tooth-whitening service** means the oral application of tooth-whitening products by one person to another person

**workplace** has the same meaning as in [section 20\(1\)](#) of the Health and Safety at Work Act 2015

## Explanatory note

This note is not part of the group standard but is intended to provide guidance to users of the group standard.

- (1) Typical substances covered by this Group Standard include —
  - tooth-whitening materials.
- (2) Under the Act, [section 96E\(3\)](#) provides that a hazardous substance to which [section 96B\(2\)\(a\)](#) applies is deemed to have been approved by the Authority under [section 29](#).
- (3) All amendments made under [section 96B](#) to the Dental Products (Oxidising [5.1.1]) Group Standard 2017 since it was first issued that were still in force before 30 April 2021 have been incorporated into this Group Standard.
- (4) In addition to requirements specified in this document, people who are undertaking work in a workplace involving hazardous substances covered by this Group Standard have obligations under the [Health and Safety at Work Act 2015](#).
- (5) Each of the Labelling, Safety Data Sheets and Packaging [Notices](#) provide that a person relying on this Group Standard will have four years (until 30 April 2025) to comply with the relevant controls under those Notices. Within that time, a person must comply with one of the following:
  - (a) the relevant controls under the Labelling, Safety Data Sheets and Packaging [Notices](#); or
  - (b) the equivalent conditions in the Dental Products (Oxidising [5.1.1]) Group Standard 2017 in force immediately before 30 April 2021; or
  - (c) the equivalent conditions in the Dental Products (Oxidising [5.1.1]) Group Standard 2006 in force immediately before 1 December 2017.

All other aspects of this Group Standard apply from 30 April 2021.

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