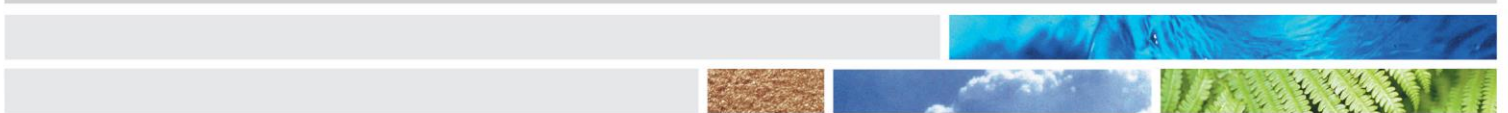




Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# Cosmetic Products Group Standard 2017 - HSR002552



## **GROUP STANDARD**

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

## Cosmetic Products Group Standard 2017

Pursuant to clause 5 of Schedule 7 of the Hazardous Substances and New Organisms Act 1996 (the Act), the Environmental Protection Authority has reviewed and, for the purpose of updating, reissues this Group Standard.

### Table of Contents

1.	Name of Group Standard .....	1
2.	Commencement .....	1
3.	Interpretation .....	1
4.	Scope of Group Standard .....	1
5.	Conditions of Group Standard .....	3
	Schedule 1: Conditions of Group Standard.....	4
	Part 1 - Compliance with EPA Notices .....	4
1.	Labelling and advertising .....	4
2.	Safety data sheets .....	5
3.	Packaging .....	5
4.	Disposal .....	5
5.	Restriction on supply, storage and use.....	5
	Part 2 - Notification to the Authority .....	6
6.	Cosmetic products containing nanomaterials .....	6
	Part 3 - Other Matters .....	6
7.	Cosmetics products not to cause harm.....	6
8.	Compliance with Schedules 5 to 8 .....	6
9.	Compliance with IFRA Code of Practice .....	6
10.	Assigning a substance to a group standard .....	6
	Schedule 2: .....	7
	Schedule 3: Interpretation .....	7
	Preamble to Schedules 4 to 8 .....	9
	Schedule 4: Components Cosmetic Products Must Not Contain .....	9
	Schedule 5: Components Cosmetic Products Must Not Contain Except Subject To The Restrictions And Conditions Laid Down .....	9
	Schedule 6: Colouring Agents Cosmetic Products May Contain With Restrictions.....	9
	Schedule 7: Preservatives Cosmetic Products May Contain With Restrictions	9



**Schedule 8: UV Filters Cosmetic Products May Contain With Restrictions..... 9**  
**Explanatory Note ..... 10**



## 1. Name of Group Standard

Cosmetic Products Group Standard 2017

*HSNO Approval Number*

The HSNO Approval Number for this Group Standard is HSR002552.

## 2. Commencement

This Group Standard comes into force on 1 December 2017.

## 3. Interpretation

- (1) In this Group Standard, unless the context otherwise requires, or subclause (2) applies, words and phrases shall have the meanings given to them in Schedule 3. 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) Words or phrases that are defined for the purposes of Schedules 4 to 8 shall have the meanings given to them in the Preamble to Schedules 4 to 8.
- (3) 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) Notice 2017.

## 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 any substance imported or manufactured for use as a cosmetic product, where that cosmetic product classifies as hazardous according to the hazard classification criteria as set out in the Hazardous Substances (Classification) Notice 2017.
- (3) Where a substance is packaged in an aerosol dispenser, the aerosol dispenser must not exceed 1,000 mL water capacity.
- (4) A substance referred to in subclause (2) must have one or more of the following (but only the following) hazards:
  - (a) a flammable aerosol, HSNO 2.1.2A classification;
  - (b) a flammable liquid with a flashpoint of less than 23°C and an initial boiling point of greater than 35°C, HSNO 3.1B classification;
  - (c) a flammable liquid with a flashpoint of greater than or equal to 23°C and less than or equal to 60°C, HSNO 3.1C classification;
  - (d) a flammable liquid with a flashpoint of greater than 60°C and less than or equal to 93°C, HSNO 3.1D classification;
  - (e) an oxidising substance, HSNO 5.1.1C classification;
  - (f) acute toxicity, HSNO 6.1D or 6.1E classification;
  - (g) HSNO 6.1E (aspiration hazard) classification;
  - (h) skin corrosivity, HSNO 8.2C classification;
  - (i) skin irritancy, HSNO 6.3A or 6.3B classification;
  - (j) eye corrosivity, HSNO 8.3A classification;

- (k) eye irritancy, HSNO 6.4A classification;
- (l) respiratory sensitisation, HSNO 6.5A classification;
- (m) contact sensitisation, HSNO 6.5B classification;
- (n) mutagenicity, HSNO 6.6B classification;
- (o) carcinogenicity, HSNO 6.7B classification;
- (p) reproductive toxicity, HSNO 6.8B or 6.8C classification;
- (q) target organ toxicity, HSNO 6.9A or 6.9B classification;
- (r) ecotoxicity, HSNO class 9.

*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 any cosmetic product that contains—
  - (a) a component listed in Schedule 4, other than a trace level of that component provided that such presence is technically unavoidable in good manufacturing practice, and the cosmetic product complies with condition 7 of Schedule 1;
  - (b) a component listed in column “b” of Table 1 of Schedule 5, unless the product:
    - (i) is for a purpose or use specified in column “c” (if any); and
    - (ii) meets the corresponding requirements and limitations specified in columns “d”, “e” and “f”;
  - (c) a colouring agent:
    - (i) other than those listed in Schedule 6, with the exception of cosmetic products containing colouring agents intended solely to colour hair;
    - (ii) listed in Schedule 6 which does not meet the conditions and restrictions relating to that colouring agent listed in that Schedule, with the exception of cosmetic products containing colouring agents intended solely to colour hair;
  - (d) a preservative:
    - (i) other than those listed in Schedule 7;
    - (ii) listed in Schedule 7 which does not meet the conditions and restrictions relating to that preservative listed in that Schedule;
  - (e) a UV filter:
    - (i) other than those listed in Schedule 8;
    - (ii) listed in Schedule 8 which does not meet the conditions and restrictions relating to that UV filter listed in that Schedule;

- (f) a component banned by the International Fragrance Association as set out in the IFRA Code of Practice.
- (7) This Group Standard excludes any substance intended to be ingested, inhaled, injected or implanted into the human body.

#### **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 and Schedules 4 - 8.

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) The label on a substance covered by this Group Standard must also contain a list of ingredients in accordance with the following priority—
  - (a) a list of the ingredients in the product (except colour additives) in concentrations of 1% or more in descending order by volume or mass; and
  - (b) a list of the ingredients in the product (except colour additives) in concentrations of less than 1% in any order; and
  - (c) colour additives in any order; and
  - (d) flavour or flavours, which must be described in the list of ingredients by:
    - (i) the words, “flavour” or “flavours” or “aroma” or “aromas”; or
    - (ii) the ingredients in the flavour or flavours; and
  - (e) fragrance or fragrances, which must be described in the list of ingredients by:
    - (i) the words, “fragrance” or “fragrances” or “parfum” or “parfums”; or
    - (ii) the ingredients in the fragrance or fragrances.
- (3) A label must provide the manufacturer’s original source or batch code information.

#### *Compliance with labelling requirements of Schedules 5 to 8*

- (4) A substance that contains a component listed in Schedules 5 to 8 must comply with the relevant labelling requirements set out in those Schedules.
- (5) Despite subclause (4) a primary sunscreen may be labelled in accordance with the requirements of the “Therapeutic Goods Order No. 69: General Requirements for Labels for Medicines 2017” of the Commonwealth of Australia.
- (6) Despite subclause (4) a cosmetic product containing a component at reference numbers 67-92 of Schedule 5 may not be labelled with the name of that component, provided the label lists the flavours or fragrances which must be described by the words, “fragrance” or “fragrances” or “parfum” or “parfums”; or the ingredients in the fragrance or fragrances.

#### *Listing of ingredients*

- (7) Despite anything to the contrary in the Hazardous Substances (Labelling) Notice 2017, where there is a requirement to list ingredients under subclause (1) and (2), the list may be provided on—
  - (a) the substance label; or

- (b) the outer container or carton if the substance is packed in a primary pack; or
  - (c) a package insert or leaflet if the package is too small to include the details on the label; or
  - (d) a leaflet at the point of sale.
- (8) Substances displayed for sale in tightly compartmentalised trays or racks, or used in conjunction with display units, may declare the ingredients in off-package labelling attached to the display rather than on each retail unit, provided that the total surface area of the substance is less than 80 cm<sup>2</sup>. This provision does not apply to substances that are contained in a primary pack.
- (9) The ingredients may be declared using their common chemical names or their International Nomenclature Cosmetic Ingredient names.
- (10) All ingredients present in the form of nanomaterials shall be clearly indicated in the list of ingredients. The names of such ingredients shall be followed by the word “nano” in brackets.
- (11) The requirements of subclauses (2) and (4) do not need to be met if the labeling is compliant with current labelling requirements for cosmetic products of Australia, USA, Canada or the European Union, as if the substance were for sale or supply in those countries.

Advisory Note: Clauses 31 and 32 of the Hazardous Substances (Labelling) Notice 2017, which set out alternative compliance provisions, apply in relation to the requirements of the Notice. Subclause (11) allows for alternative compliance in relation to subclauses (2) – (4).

*Exemption from labelling requirements for free samples or testers*

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

## **2. Safety data sheets**

Substances covered by this Group Standard must comply with the relevant provisions of the Hazardous Substances (Safety Data Sheet) 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.



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## Part 2 - Notification to the Authority

### 6. Cosmetic products containing nanomaterials

Any person intending to import into, or manufacture in, New Zealand a cosmetic product containing nanomaterials other than zinc oxide or titanium dioxide, must at the time they first import or manufacture the substance, notify the Authority in writing of—

- (1) the name of the substance; and
- (2) the HSNO approval number and/or title of the group standard under which the substance has a deemed approval; and
- (3) the nature of the nanomaterials the substance contains.

## Part 3 - Other Matters

### 7. Cosmetics products not to cause harm

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

### 8. Compliance with Schedules 5 to 8

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

### 9. Compliance with IFRA Code of Practice

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

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

- (1) If an importer or manufacturer considers 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.

## Schedule 2:

[This schedule is currently empty].

## Schedule 3: Interpretation

**aerosol** has the same meaning as in regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

**aerosol dispenser** has the same meaning as in regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

**asbestos** has the same meaning as in the Health and Safety at Work (Asbestos) Regulations 2016

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

**colourants** means substances which are exclusively or mainly intended to colour the cosmetic product, the body as a whole or certain parts thereof, by absorption or reflection of visible light; in addition, precursors of oxidative hair colourants shall be deemed colourants

**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

**Cosmetic Products Regulation** means Regulation (EC) No. 1223/2009 of the European Parliament and of the Council on Cosmetic Products, which replaces the European Union Cosmetics Directive and stipulates regulatory requirements for cosmetics in the European Union, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:342:0059:0209:en:PDF>

**European Union Cosmetics Directive** means Council Directive 76/768/EEC available at [http://ec.europa.eu/consumers/sectors/cosmetics/documents/directive/index\\_en.htm](http://ec.europa.eu/consumers/sectors/cosmetics/documents/directive/index_en.htm) which was replaced by the Cosmetic Products Regulation on 30 November 2009

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

**fragrance ingredient** means any ingredient used in the manufacture of fragrance materials for its odorous, odour enhancing or blending properties. Fragrance ingredients may be obtained by chemical synthesis from synthetic, fossil or natural raw materials or by physical operations from natural sources and include aroma chemicals, essential oils, natural extracts, distillates and isolates, and oleoresins

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

- (a) Impurities in the raw materials used;
- (b) subsidiary technical materials used in the preparation of the product but not present in the final product;
- (c) materials used in strictly necessary quantities as solvents or as carriers for perfume and aromatic compositions

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

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

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

**nanomaterial** means an insoluble or biopersistent and intentionally manufactured material with one or more external dimensions, or an internal structure, on the scale from 1 to 100nm

**primary pack** has the same meaning as in clause 3 of the Hazardous Substances (Labelling) Notice 2017

**preservatives** means substances which are exclusively or mainly intended to inhibit the development of micro-organisms in the cosmetic product

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

**UV filters** means substances which are exclusively or mainly intended to protect the skin against certain UV radiation by absorbing, reflecting or scattering UV radiation

**workplace** has the same meaning as in the Health and Safety at Work Act 2015

## Preamble to Schedules 4 to 8

### Schedule 4: Components Cosmetic Products Must Not Contain

### Schedule 5: Components Cosmetic Products Must Not Contain Except Subject To The Restrictions And Conditions Laid Down

### Schedule 6: Colouring Agents Cosmetic Products May Contain With Restrictions

### Schedule 7: Preservatives Cosmetic Products May Contain With Restrictions

### Schedule 8: UV Filters Cosmetic Products May Contain With Restrictions

NOTE: To access the Preamble to Schedules 4 – 8 and Schedules 4 – 8 go to this link:

[http://authoring.epa.govt.nz/Publications/Cosmetic\\_Products\\_Group\\_Standard\\_2006\\_Schedules.pdf](http://authoring.epa.govt.nz/Publications/Cosmetic_Products_Group_Standard_2006_Schedules.pdf)

## Explanatory Note

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

- (1) This Group Standard covers both flammable and non-flammable (but otherwise hazardous) aerosol cosmetic products. Non-hazardous aerosol cosmetic products (i.e. those that do not trigger any HSNO threshold) are not covered by this Group Standard.
- (2) This Group Standard does not cover registered medicines under the Medicines Act 1981 or products intended for the treatment of medical conditions as defined under the Medicines Act 1981 where registration is required.
- (3) A list of typical substances covered by this Group Standard is provided below. This list is provided by way of illustration and is not meant to be an exhaustive or all inclusive list. Inclusion in this list does not suggest that individual products or product groups possess properties that place them in any of the classifications specified in clause 4(2) of this Group Standard (Scope of Group Standard).
  - creams, emulsions, lotions, pastes, gels and oils for skin;
  - face masks (with the exception of chemical peeling products);
  - tinted bases and cover make up (liquids, pastes, blushes, pressed and loose powders);
  - toilet soaps, deodorant soaps;
  - bath and shower preparations (salts, foams, oils, gels, scrubs);
  - perfumes, toilet waters and eau de Cologne;
  - deodorants and antiperspirants;
  - depilatories;
  - shaving products (creams, foams, lotions);
  - hair care products including:
    - hair tints and bleaches;
    - products for waving, straightening, and fixing;
    - setting products;
    - cleansing products (lotions, powders, shampoos including anti-dandruff shampoos);
    - conditioning products (lotion, creams, oils and treatments including anti-dandruff conditioning products);
    - hairdressing products (lotions, lacquers, brilliantines, gels);
  - make-up powders, after bath products, hygiene powders;
  - products for nail care and make-up;
  - products for making up and removing make-up from the face and eyes including mascara, eye shadows, eye liner, eye brow pencils, gel cream lotions and eye patches;

- products intended for the application to the lips including lip liners, lipsticks, lip balm and lip pencils;
  - products for the care of teeth and the mouth;
  - products for external intimate hygiene;
  - sunbathing products;
  - products for tanning without sun;
  - skin whitening products;
  - cosmetic wipes and pads (wet and dry);
  - anti-acne cleansing lotions, gels and wipes;
  - skin exfoliants, cleansers, astringents, toners including peeling products;
  - personal insect repellents;
  - anti-wrinkle and anti-ageing products;
  - face and body paints;
  - toy cosmetic products.
- (4) 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.
- (5) Any transitional measures that were in this Group Standard immediately prior to 1 December 2017 but have expired have not been included in this reissued Group Standard.
- (6) All amendments made under section 96B to the Group Standard since it was first issued that are still in force have been incorporated into this reissued Group Standard.
- (7) 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.
- (8) A person relying on this Group Standard will have four years (until 1 December 2021) to comply with the Labelling, Safety Data Sheet and Packaging Notices. Within that time, a person may comply with the equivalent conditions in the Group Standard in force immediately before 1 December 2017. All other aspects of this Group Standard apply from 1 December 2017.



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