

Submission form: APP205008 amendment of the Graphic Materials Group Standard

We'd like feedback on proposals to amend the Graphic Materials Group Standard 2020. This regulates the use, import and manufacture of graphic materials for children in Aotearoa New Zealand.

You have until 29 September 2026 to make a submission.

We are consulting on proposals we have made in response to an application to amend the Graphic Materials Group Standard 2020.

The group standard

The graphic materials group standard covers things like:

- chalk
- coloured pencils
- crayons
- felt pens
- paints, including water colour, poster and finger paints.

In 2024, the group standard was amended to cover all graphic materials marketed to children 12 years old or younger.

[Graphic Materials Group Standard 2020 HSR008053 Consolidated and current \(PDF, 235 KB\)](#)

You can get a summary of this amendment and the rules set in the group standard in our graphic materials guidance.

[Guidance on the graphic materials group standard](#)

The application to amend the group standard

The New Zealand Toy Distributors Association and the Australian Toy Association (jointly, on behalf of their members) applied to amend the Graphic Materials Group Standard 2020. This was under section 96B of the Hazardous Substances and New Organisms Act 1996 (the HSNO Act).

[View all documents for this application – HSNO application register](#)

Summary of our proposals in response to the application

We have made a number of proposals in response to the application. These aim to clarify the group standard and ensure it appropriately manages risk in line with recognised international regulators.

You'll find details and discussion of all proposals in the full Consultation document in the HSNO application register.

Applicant's requested amendments	EPA proposals to address the applicant's requests
Change the age limit for graphic materials that must be assigned to the group standard from 12 years old or younger to "up to 96 months".	We propose to amend the definition of child for the purposes of the group standard, changing it from 12 years old or younger to 7 years old or younger.
Change the requirement for element migration limit testing so that it is only required for graphic materials that are classified as toys.	We propose to amend the definition of graphic materials in the group standard to exclude negligible risk items such as pens and pencils, so these graphic materials are no longer regulated under HSNO.
Change the element migration limit requirement to reference the standard AS/NZS ISO 8124.3 instead of EN 71-3:2019+A1:2021.	We propose that the group standard continues to reference EN 71-3 for the element leaching limits.
Consider if the requirement is intended to apply to graphic materials without hazard classifications.	We propose to amend the wording in the scope (clause 4) to explicitly state that the group standard applies to products that do not trigger a hazard classification but contain one or more hazardous ingredients.
Add specific additional hazard classifications to be allowed in the scope of the Graphic Materials Group Standard.	We propose that a substance can be assigned to the group standard if it is classified for a human health hazard in New Zealand only because New Zealand uses lower Globally Harmonised System (GHS) cut-off thresholds for mixtures. This would only apply where the same substance would not be classified for a human health hazard by recognised international regulators. GHS and New Zealand's hazard classification system

Remove the requirement to comply with the Hazardous Substances (Labelling) Notice 2017 for certain graphic materials.	We propose that graphic materials that trigger a hazard classification in New Zealand only because New Zealand applies lower GHS cut-off thresholds for mixtures are exempt from complying with the Labelling Notice, where the same materials would not be classified for a human health hazard by recognised international regulators.
Remove the requirement to comply with the Hazardous Substances (Safety Data Sheet) Notice 2017 for certain graphic materials.	We propose that graphic materials that trigger a hazard classification in New Zealand only because New Zealand applies lower GHS cut-off thresholds for mixtures are exempt from complying with the SDS Notice, where the same materials would not be classified for a human health hazard by recognised international regulators.

Feedback we're seeking

We'd like your feedback on our proposals to amend the Graphic Materials Group Standard 2020.

We especially want to hear from:

- importers, manufacturers, and suppliers of graphic materials
- anyone who uses or may want to use graphic materials
- anyone with concerns about the risks of graphic materials to human health and the environment.

Providing files with supporting information

You can attach files of supporting information. Later in the form you can also provide a shared file link (Google Drive, Dropbox etc.) Please let us know which questions or answers the files support.

Publishing submissions

All submissions (including submitter names) will be published on our website at www.epa.govt.nz. We will not publish any personal contact details.

Confidential information

If you think your submission contains confidential information, please make this clear in your submission. Reasons may include, for example, that the information discloses commercially sensitive information.

If you would like more information about how we treat confidential information, see the section [Supplying confidential or commercially sensitive information under the HSNO Act](#) on our website.

Privacy statement

The EPA is collecting your personal information for the purpose of considering feedback on the proposals in this document. We will store your personal information securely. We may use your contact details to contact you about your submission if necessary. You have the right to access the personal information we hold about you and to ask for it to be corrected if it is wrong. If you would like to access your personal information, or have it corrected, please contact us at info@epa.govt.nz.

Official information

The Official Information Act 1982 (OIA) applies to all information held by the EPA (subject to section 55 of the HSNO Act), and information may be released under the OIA unless there are grounds to withhold it. Further information on the OIA is at www.ombudsman.parliament.nz

Contact us for help with this form

If you need any help completing this form, you can call or email us on:

0800 225 537 (from within New Zealand)

+64 04 916 2426 (from overseas)

Email: GraphicMaterialsAmendment@epa.govt.nz

Submitter details

*(You must fill in all fields with *)*

Are the views expressed on behalf of an individual or an organisation?*

☐ My own personal views.

☐ On behalf of a company, organisation, or business group.

Organisation name: Retail NZ

First name*: Denise

Last name*: Garland

Email address*: advocacy@retail.kiwi

Phone number: 0272630481

Postcode: 6011

Country*: New Zealand

Please indicate which submitter group(s) you belong to:

- ☐ Central government agency
- ☐ Local government
- ☒ Industry group
- ☐ Iwi representative
- ☐ Researcher
- ☐ Importer
- ☐ Manufacturer
- ☐ Retailer
- ☐ Individual
- ☐ Other: [Click or tap here to enter text.](#)

What are your reasons for making a submission?*

Retail NZ is a membership organisation that represents the views and interests of New Zealand's retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand's retail sector comprises approximately 30,000 businesses and employs around 222,000 Kiwis.

Retail NZ consulted our membership in the preparation of this submission, and have collated their feedback in this document.

What decision do you wish the EPA to make regarding these proposals?*

Retail NZ generally supports the proposals outlined in the consultation document. There are clear benefits from an efficiency, compliance and cost point-of-view – both for retailers and consumers – without having a meaningful negative impact on the risk to children.

However, we ask the EPA to consider monitoring whether the decision to retain the EN 71-3 limits over the previously used AS/NZS ISO 8124.3 standard is indeed having a material difference in the level of protection afforded to children. We also recommend the EPA consider whether there are ways to reduce the compliance burden the new testing threshold has imposed on retailers and importers of these products, for example, reviewing whether mutual recognition of testing conducted to equivalent international standards might be appropriate.

Questions about the proposals

Amendment requested by applicant – age range

The applicant seeks to reduce the age range for who is considered a child under the Group Standard to children aged 0 to up to 96 months (8 years).

EPA proposal

We propose to amend the definition of child (12 years old or younger) to 7 years old or younger as the evidence suggests that from the age of 8 years the likelihood of harm from exposure to graphic materials is very low.

Please comment on the appropriate age threshold for the definition of a child in the Graphic Materials Group Standard.

You may comment on the application, our proposal or this topic generally.

Comment: Retail NZ supports the proposal to amend the definition of a child to 7 years or younger.

The consultation document thoroughly outlines the different stages of children's development and their capabilities in each age range. It is clear that by ages 6-8, children have good fine motor skills, problem-solving abilities and can follow directions. It does not seem necessary that the Graphic Materials Group Standard should apply to people aged older than 7, as the risk of ingesting toxic substances in these products is very low by that age.

Additionally, this change would reduce unnecessary compliance obligations for products marketed to school-age children (aged 8–12) and removes testing and labelling requirements for those products, reducing costs for retailers – and consumers.

Amendment requested by the applicant – toxic element migration testing

The applicant proposed that toxic element migration testing should only be required for products that are categorised as toys under the European guidance, and not apply to inaccessible materials such as the ink in ballpoint pens or markers that do not present the risk of being licked, sucked or swallowed.

EPA proposal

We propose to amend the definition of graphic materials in the group standard to exclude negligible risk items such as pens and pencils, so these graphic materials are no longer regulated under the HSNO Act.

Please comment on:

- (a) whether the testing requirement should be limited to those graphic materials that are toys only; and
- (b) whether the standard should apply to pens, markers, and pencils.

You may comment on the application, our proposal or this topic generally.

Comment: Retail NZ supports the proposal to remove pens, markers and pencils from the scope of the group standard. The Environmental Protection Authority (EPA) consultation document outlines clearly the negligible risk these products pose to the user, with the ink or pencil core contained within a casing and inaccessible unless purposely tampered with. Removing these will eliminate the need for some specific testing and labelling requirements, significantly reducing compliance costs and simplifying import logistics. We note these products would still be required to meet regulations under the Consumer Guarantees Act 1993 and the Fair Trading Act 1986.

With regards to question (a) *whether the testing requirement should be limited to those graphic materials that are toys only*, Retail NZ and our members would need to understand what the EPA would define as a “toy”, and examples of products that would and would not be considered a “toy” in relation to this group standard. Additionally, while some graphic materials are not marketed as “toys”, they may still be used for play by children younger than 7, such as chalks or crayons or other similar products. We are not able to form a firm view on this without more information, however, if pens, markers and pencils are excluded from the group standard, which are not generally considered “toys” as it currently stands, that may, in effect, achieve the applicant’s desired outcome and bring New Zealand more into line with European guidance.

Amendment requested by the applicant – toxic element migration limits

The applicant requested that the maximum toxic element migration limits provided in the group standard be updated to refer to AS/NZS ISO 8124.3.

EPA proposal

We propose that the group standard continues to reference EN 71-3 for the element leaching limits.

Please comment on:

- (c) the appropriate element leaching limits in the group standard; and
- (d) any additional information, evidence, or views on the economic costs of complying with EN 71-3 testing.

You may comment on the application, our proposal or this topic generally

Comment: Retail NZ supports the intent to minimise children's exposure to lead and other toxic elements in graphic materials. The EPA lowered leaching limits in 2024 due to strong public health considerations, bringing New Zealand in line with the limits in the US and Canada. The cost of testing to the new EN 71-3 thresholds costs significantly more than the cost of testing to the previous AS/NZS ISO 8124.3 limits. Industry, including Retail NZ members, report testing costs have approximately doubled since the introduction of the EN 71-3 standard, because different equipment is required to measure at the lower limits. These increased costs cannot be absorbed by suppliers, importers and retailers, and ultimately flow through to the consumer.

While Retail NZ and our members agree children's safety should remain the utmost importance, the new lead testing limits show products being sold in New Zealand by our members fall well below even the lower EN 71-3 thresholds, which indicates products being supplied into the New Zealand market are already meeting the more stringent standard in practice.

Retail NZ recommends the EPA monitor and review the cost impact of adherence to the EN 71-3 testing on the industry, and consider whether there are ways to reduce the compliance burden without compromising the protection for children, for example, through mutual recognition of testing conducted to equivalent international standards.

Amendment requested by the applicant – clarifying scope

The applicant asks the EPA to consider whether the Group Standard applies to graphic materials without hazard classifications suggesting that changes may be required to the HSNO Act and the group standard.

EPA proposal

We propose to amend the wording in the scope (clause 4) to explicitly state that the group standard applies to products that do not trigger a hazard classification but contain one or more hazardous ingredients.

Please comment on our proposal to clarify that the group standard applies to products that do not trigger a hazard classification but contain one or more hazardous ingredients.

You may comment on the application, our proposal or this topic generally.

Comment: Retail NZ supports this proposal. This clarification improves certainty and ensures the scope of the Group Standard is applied consistently.

Amendment requested by the applicant – human health classifications

The applicant has requested that some human health classifications be added into the scope of the group standard to enable supply of products already considered safe internationally.

EPA proposal

We propose that a substance can be assigned to the group standard if it is classified for a human health hazard in New Zealand only because New Zealand uses lower GHS cut-off thresholds for mixtures. This would only apply where the same substance would **not** be classified by recognised international regulators in jurisdictions such as Australia or the European Union because they use higher thresholds.

Please comment on:

- (a) whether substances should be assigned to the group standard where they trigger a classification in New Zealand due to lower GHS cut-off thresholds but are not classified by recognised international regulators; and
- (b) what classifications are appropriate for substances and products in this group standard.

You may comment on the application, our proposal, or this topic generally.

Comment: Retail NZ supports allowing products classified only because New Zealand has lower GHS thresholds. There are a number of graphic materials products that are accepted as safe in Australia, the EU, and other major markets are currently unable to be supplied in New Zealand, because they trigger a hazard classification solely due to the lower thresholds now in place. This means the range of products available to New Zealand consumers is more limited than our Australian neighbours, and other markets, and is an unnecessary barrier to trade.

Amendment requested by the applicant – labelling requirements

The applicant requested that compliance with the Hazardous Substances (Labelling) Notice 2017 (the Labelling Notice) not be required for pens, pencils, felt-tips, markers, and similar products.

The applicant also requested that products that have a hazard classification only due to the differences in the GHS thresholds adopted in New Zealand versus those adopted in other markets not need to be labelled in accordance with the Labelling Notice.

EPA proposal

We propose that graphic materials that trigger a hazard classification in New Zealand only because New Zealand applies lower GHS cut-off thresholds for mixtures are exempt from

complying with the Labelling Notice, where the same materials would not be classified by recognised international regulators.

Please comment on whether the group standard should exempt from the Labelling Notice those substances which are not classified by a recognised international regulator but are classified in New Zealand due to our lower GHS cut-off thresholds for mixtures.

You may comment on the application, our proposal or this topic generally.

Comment: Retail NZ supports the proposal to exempt products that would not be classified as hazardous in other recognised jurisdictions just because New Zealand applies lower GHS cut-off thresholds, from complying with the Labelling Notice.

Requiring specific labelling expectations for these products in order to be sold in New Zealand, even when they meet the safety standards of other jurisdictions, imposes a disproportionate cost on importers and retailers. Relabelling internationally-packaged products is costly from both a time and money perspective, and flows through to the consumer as higher prices and/or possible delays in getting product on shelves.

The proposed exemption is a sensible, proportionate response, and could have a material cost benefit to the retailers and consumers.

Amendment requested by the applicant – Safety Data Sheets requirements

The applicant requests that it not be necessary to create New Zealand versions of the Safety Data Sheets (SDS) for products that have a hazard classification only due to the differences in the GHS thresholds adopted in New Zealand versus those adopted in other markets.

EPA proposal

We propose that graphic materials that trigger a hazard classification in New Zealand only because New Zealand applies lower GHS cut-off thresholds for mixtures are exempt from complying with the SDS Notice, where the same materials would not be classified by recognised international regulators.

Please comment on whether the Group Standard should exempt from the SDS Notice those substances which are not classified by a recognised international regulator but are classified in New Zealand due to our lower GHS cut-off thresholds for mixtures.

You may comment on the application, our proposal or this topic generally.

Comment: Retail NZ also supports the proposal to exempt products that would not be classified as hazardous in other recognised jurisdictions only because New Zealand applies lower GHS cut-off thresholds, from complying with the Safety Data Sheets (SDS) Notice. This is provided

the products meet thresholds imposed by other recognised international regulators.

The proposed exemption is a sensible, proportionate response, and could have a material cost benefit to the retailers and consumers.

Presenting your submission at a hearing

Do you want to present on behalf of your submission if a hearing is held for this application¹ *

☒ Yes

☐ No

If you answered yes above please answer the questions below:

Will you be presenting in Te Reo Māori?

☐ Yes

☒ No

Will you need an interpreter?

☐ Yes

☒ No

If yes, which language interpreter do you need?

For example, New Zealand Sign Language, Te Reo Māori, or Mandarin Chinese.

[Click or tap here to enter text.](#)

Supporting files and any other feedback

Do you have any general comments on the contents of the amendment of the Graphic Materials Group Standard?

No

¹ In accordance with section 60 of the HSNO Act a hearing may be held if
(a) the Authority considers that a hearing is necessary; or
(b) the applicant has made a written request to the Authority for a hearing; or
(c) a person who has made a submission stated in that submission that he or she wishes to be heard and has not subsequently advised that he or she does not wish to be heard.

Please attach any files to support your submission.

You can also provide a shared file link (Google Drive, Dropbox etc.)

Add one or more URLs for online files or folders. You can also add a description of the contents.

Click or tap here to enter text.

Send your completed form to us by 5 pm on 29 September 2026

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