

Draft of new chapter concerning consumer products in the Norwegian Product Regulations:

Chapter x. Hazardous substances in consumer products

I. Introductory provisions

Section x-1. Purpose

The purpose of this chapter is to prevent consumer products from causing damage to human health or disrupting the environment, as well as to limit the content of hazardous substances in waste.

Section x-2. Scope

For consumer products, this chapter takes precedence to other regulation in these regulations, unless it follows otherwise from this chapter (unless indicated to the contrary in this chapter).

The chapter does not apply to foodstuffs, food packaging, fertiliser, tobacco, medicines, means of transport, permanently mounted equipment for means of transport and tyres and similar accessories for means of transport. Nor does the chapter apply to spare parts for consumer products that are made available for sale before xx.xx.xxxx (date – when this chapter enters into force?)

In cases of doubt, SFT or the entity authorised by the Ministry of the Environment will determine whether consumer products are covered by the scope of the chapter.

Section x-3. Definition

By *consumer product* what is meant is any product that is intended for consumers, or that may reasonably be expected to be used by consumers, in line with the definition in the Act of 11 June 1976 No. 79 relating to the control of products and consumer services (The Product Control Act), section 2 a.

By homogeneous individual parts, what is meant is a material that cannot be mechanically disjointed into different materials.

II. Regulation of certain hazardous substances in consumer products

Section x-4 Products that contain arsenic and arsenic compounds

It is prohibited to produce, import, export and sell consumer products that contain arsenic or arsenic compounds when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.01 percent by weight.

The prohibition in the first subsection does not apply for:

- lead storage batteries,
- brass,
- crystal glass,
- lead glass,
- antifouling and wood protection agents that are regulated in section 2-7 of these regulations,
- arsenic-treated timber that is regulated in section 3-6 of these regulations,
- EE products that are regulated in the third and fourth subsection,

- steel that is regulated in the fifth subsection,
- aluminium that is regulated in the fifth subsection,
- copper alloys that are regulated in the fifth subsection,
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and sell etc., of cosmetics and body care products (The Cosmetics Regulations).

It is prohibited to produce, import, export and sell EE products that contain arsenic or arsenic compounds when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.1 percent by weight.

The prohibition in the third section does not apply to semiconductors and copper foil for printed circuit boards that contain arsenic.

It is prohibited to produce, import, export and sell steel, aluminium and copper alloys that contain more arsenic or arsenic compounds than is specified below:

- steel with a content of higher than 0.35 percent by weight of arsenic in the product's homogeneous individual parts,
- aluminium with a content of higher than 0.4 percent by weight arsenic in the product's homogeneous individual parts,
- copper alloys with a content of higher than 4 percent by weight of arsenic in the product's homogeneous individual parts.

Section x-5 *Products that contain bisphenol A*

It is prohibited to produce, import, export and sell consumer products that contain freely available bisphenol A (CAS No. 80-05-7), when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.005 percent by weight.

The prohibition does not apply for:

- jointless floors,
- brake fluid,
- thermal paper,
- dental tooth filling materials,
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations).

Section x-6 *Products that contain lead and lead compounds*

It is prohibited to produce, import, export and sell consumer products that contain chemical lead compounds when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.01 percent by weight.

The prohibition in the first subsection does not apply for:

- ammunition, apart from lead shot, which is regulated in section 2-5 of these regulations,
- yellow red lead for restoration of historical objects,
- fuel for airplanes,
- paint that is regulated in section 2-5 of these regulations,
- corrosion protection paint with less than 250 ppm lead,
- antifouling paint with less than 1250 ppm lead,
- crystal and lead glass,
- optical glass,
- products that are produced of recycled glass that are regulated in the third subsection,

- glazes and enamels on products that must be presumed to not come into contact with foodstuffs,
- packaging, batteries and electrical and electronic products and equipment that are regulated in sections 3-11, 3-13 to 3-14 and 3-17 to 3-19 of these regulations,
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations).

It is prohibited to produce, import, export and sell consumer products that have been produced of recycled glass that contains chemical lead compounds when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.05 percent by weight.

It is prohibited to produce, import, export and sell the following consumer products that contain metallic lead when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.01 percent by weight:

- products for hobby purposes,
- tealights and other candles,
- curtain weights,
- products for decorative purposes, including jewellery,
- products for roofing and covering for buildings,
- fishing equipment for recreational use.

Section x-7 *Products that contain brominated flame retardants*

It is prohibited to produce, import, export and sell consumer products that contain hexabromocyclododecane (HBCDD) (CAS No. 25637-99-4, 3194-55-6) when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.1 percent by weight.

Section x-8 *Products that contain cadmium and cadmium compounds*

It is prohibited to produce, import, export and sell consumer products that contain cadmium or cadmium compounds when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.01 percent by weight.

The prohibition in the first subsection does not apply for:

- red and yellow glass for special purposes where no alternatives exist,
- electrical contacts for any application area that have been surface-treated with cadmium or cadmium compounds in order to ensure the reliability that is required for the device in which they are installed,
- paint and lacquer with a high zinc content that is regulated in the third subsection,
- use of cadmium in colouring agents, as a stabiliser in products and for surface treatment of metal, provided that such is used due to safety-related needs,
- sacrificial anodes,
- cadmium in packaging, batteries and electrical and electronic products and equipment that is regulated sections 3-11, 3-13 to 3-14 and 3-17 to 3-19 of these regulations,
- Cadmium zinc sulphide (CI 77205),
- Cadmium sulphoselenide and cadmium selenide (CI 77202),
- Cadmium sulphoselenide (CI 77196),
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations).

It is prohibited to produce, import, export and sell paint and lacquer with a high zinc content that has a residual concentration of cadmium that is greater than 0.1 percent by weight.

Section x-9 *Products that contain chlorinated paraffins*

It is prohibited to produce, import, export and sell consumer products that contain medium-chain chlorinated paraffins, C14-C17 (MCCP) (CAS No. 85535-85-9), when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.1 percent by weight.

The prohibition does not apply for products where there is a special need for a flame retardance (fire safety) and no satisfactory alternatives exist.

Section x-10 *Products that contain musk xylene*

It is prohibited to produce, import, export and sell consumer products that contain musk xylene (CAS No. 81-15-2), when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.05 percent by weight.

The prohibition does not apply for:

- detergents that are regulated in sections 3-8 to 3-10 of these regulations,
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations).

Section x-11 *Products that contain pentachlorophenol*

It is prohibited to produce, import, export and sell consumer products that contain pentachlorophenol (CAS No. 87-86-5), when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.1 percent by weight.

The prohibition does not apply for:

- textiles and leathers that are regulated in section 3-4 of these regulations,
- cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations).

Section x-12 *Products that contain perfluorinated compounds*

It is prohibited to produce, import, export and sell consumer products that contain perfluorooctanic acid (PFOA) and individual salts and esters of PFOA (CAS No. 335-67-1, 3825-26-1, 335-95-5, 2395-00-8, 335-93-3, 335-66-0, 376-27-2, 3108-24-5) when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.005 percent by weight.

The prohibition in the first subsection does not apply for textiles, carpets and other coated consumer products that are regulated in the third and fourth subsections.

If is prohibited to produce, import, export and sell textiles and other coated consumer products that contain perfluorooctanic acid (PFOA) and individual salts and esters of PFOA (CAS No. 335-67-1, 3825-26-1, 335-95-5, 2395-00-8, 335-93-3, 335-66-0, 376-27-2, 3108-24-5) when the content of the substance in the product's homogeneous individual parts is greater than or equal to 50 µg/m².

It is prohibited to produce, import, export and sell carpets that contain perfluorooctanic acid (PFOA) and individual salts and esters of PFOA (CAS No. 335-67-1, 3825-26-1, 335-95-5, 2395-00-8, 335-93-3, 335-66-0, 376-27-2, 3108-24-5) when the content of the substance in the product's homogeneous individual parts is greater than or equal to 500 µg/m².

Section x-13 *Products that contain triclosan*

It is prohibited to produce, import, export and sell consumer products that contain triclosan (CAS No. 3380-34-5), when the content of the substance in the product's homogeneous individual parts is greater than or equal to 0.001 percent by weight.

The prohibition does not apply for cosmetics regulated in the General Regulations of 26 October 1995 relating to the production, import and offering, etc., of cosmetics and body care products (The Cosmetics Regulations)