

Unsafe Goods Notice For Consumer Sand Products

DISCUSSION DOCUMENT – SEPTEMBER 2026

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

New Zealand Government
Te Kāwanatanga o Aotearoa

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website: **www.mbie.govt.nz.**

DISCLAIMER

This document is a guide only. It should not be used as a substitute for legislation or legal advice. The Ministry of Business, Innovation and Employment is not responsible for the results of any actions taken on the basis of information in this document, or for any errors or omissions.

ISBN 978-1-997308-67-6

September 2026

©Crown Copyright
The material contained in this report is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

Contents

How to have your say **3**
Key terms **5**
Introduction **5**
Background 5
What this discussion document is about 5
Section 1: Purpose of the unsafe goods notice **6**
Section 2: Scope of the unsafe goods notice **6**
What does “sand” mean for the purpose of the notice? 6
Which products are proposed to be covered the notice? 7
Section 3: Requirements relating to testing **7**
Testing requirement 8
Laboratory accreditation requirements 8
Test result requirements 8
Section 4: Requirements relating to sampling **9**
Section 5: Transition and implementation **9**
Section 6: Next steps **10**
Annex 1 – Questions **11**

How to have your say

Submissions process

The Ministry of Business, Innovation and Employment (**MBIE**) is seeking written submissions on the issues raised in this document by 5pm on Friday 25 September.

You can respond to any or all of the issues raised in this document. Where possible, please include evidence to support your views (for example, references to independent research, facts and figures, or relevant examples from your experience).

Please use the submission form and email your submission to productsafetypolicy@mbie.govt.nz. Please include 'Draft Unsafe Goods (Consumer Sand Products) Notice 2026' in the subject line, and where possible, reference the question numbers in this document.

Use of information

The information provided in submissions will be used to inform MBIE's policy development process and will inform advice to Ministers. We may contact you if we need to clarify any points in your submission.

We may share submissions with other Government agencies and regulators, such as the Commerce Commission, in order to assist with policy development.

Release of information

MBIE intends to publish submissions on our website at ***www.mbie.govt.nz*** after consultation closes. We may withhold or redact information where there is a proper reason to do so, including to protect personal information or where submitters have identified information they consider should not be publicly disclosed.

Submissions may also be subject to release under the Official Information Act 1982 and requests under the Privacy Act 2020.

Official information

Submissions may be requested under the Official Information Act 1982. If you object to the release of any information in your submission, please clearly identify the information you want to be withheld. Please explain the reasons for withholding and the relevant grounds that may apply under the Official Information Act 1982.

We will take objections into account and where possible will consult with submitters when responding to requests under the Official Information Act 1982.

Private information

The Privacy Act 2020 governs how we manage personal information (for example, its collection, use, holding and disclosure). Any personal information you provide in a submission will be used

to help develop policy advice, to attribute submissions or to contact you about your submission. We may also use personal information for other reasons permitted under the Privacy Act 2020 (for example, with your consent, or where the law permits it or requires it).

Please clearly indicate in the submission form or the cover letter or email accompanying your submission if you do not want your name or other personal information to be disclosed in the published submission or any other external release.

You have the right to access and correct your personal information, as explained on the MBIE website. If you include another person's personal information in your submission, they also have the right to access and correct their information.

Other information

If there is other information that you would like MBIE to consider but you do not want it publicly disclosed, please explain this clearly in your submission and identify the relevant information.

Key terms

MBIE	Ministry of Business, Innovation and Employment

Introduction

Background

1. Since November 2025, 23 recalls of consumer sand products containing asbestos have been undertaken in New Zealand, affecting approximately 46,000 units. The recalled products included decorative and artistic sand products, coloured play sand products, and toys containing sand[1].

2. Research undertaken by a group at the Auckland University of Technology has found that asbestos fibres present in some recalled consumer sand products can become airborne during simulated play activities. This means that asbestos fibres may be inhaled by consumers, creating a potential health risk.

3. The Minister of Commerce and Consumer Affairs (**the Minister**) has agreed that MBIE should consult on a draft 'unsafe goods notice' that would require specified consumer sand products to undergo asbestos testing before they can be supplied in New Zealand. The proposed notice is intended as an interim measure to address the risk of harm to consumers while longer-term product safety requirements are developed.

What this discussion document is about

4. This discussion document seeks feedback on the draft Unsafe Goods (Consumer Sand Products) Notice 2026 (**the draft notice**).

5. The draft notice would declare certain consumer sand products to be unsafe goods. This means they cannot be supplied or imported into New Zealand unless they have been tested for asbestos, and those test results meet specified requirements.

6. This discussion document focuses on:

    a. which products should be covered by the notice;

    b. the testing methodologies that should be required;

    c. sampling requirements;

    d. evidence suppliers should hold to demonstrate compliance; and

    e. appropriate implementation and transition arrangements.

[1] Further information about recalled sand products can found here: Recalled products – Product Safety New Zealand.

7. MBIE will consider the feedback received and provide advice to the Minister on the draft notice. The Minister will decide whether to issue an unsafe goods notice, having regard to the relevant considerations.

Section 1: Purpose of the unsafe goods notice

8. The purpose of the draft notice is to reduce the risk of consumers being exposed to asbestos through contaminated sand products, which can cause harm in the long-term if asbestos fibres are inhaled.

9. The draft notice is intended to address a continuing risk that consumer sand products may be supplied without sufficient evidence demonstrating they are free from asbestos contamination.

10. While voluntary testing and product recalls have helped identify unsafe products and remove them from the market, these measures do not provide assurance that consumer sand products have been tested for asbestos before being imported into, or supplied in, New Zealand.

11. The proposed notice adopts a precautionary and targeted approach. Products that fall within the scope of the notice could continue to be supplied if they are not declared as unsafe goods. This means having the product tested for asbestos and the test results meeting the specified requirements, such as indicating that no asbestos is present in the samples tested.

Section 2: Scope of the unsafe goods notice

What does “sand” mean for the purpose of the notice?

12. For the purposes of the draft notice, the term *sand* is intended to include both naturally occurring sand and sand-like granular materials derived from mineral sources. This includes materials that have been manufactured, processed, crushed, milled, or otherwise transformed into a granular product with similar characteristics to sand.

13. This broader approach reflects the nature of the products implicated in recent asbestos recalls. Not all recalled products contained naturally occurring sand. Some products may contain manufactured or processed mineral materials that resemble sand and are used in similar ways. For example, sand-like granular materials can be produced from crushed or recycled construction and demolition materials.

14. The draft notice is intended to focus on the potential risk arising from the presence of asbestos in sand-like granular materials, regardless of whether those materials originate from natural sand deposits or from a manufacturing or processing activity. This helps reduce the risk that products posing a similar hazard would fall outside the scope of the notice because the material they contain may not technically be natural sand.

Which products are proposed to be covered by the notice?

15. The draft notice only applies to certain categories of products that have previously been found to contain asbestos in New Zealand.

16. This approach is intended to focus compliance obligations on higher-risk product categories, while avoiding unnecessary costs for suppliers of products not known to present similar risks.

17. The products proposed to be covered by the notice are:

    a. toys that are, include, or contain sand (including products where the sand is sealed within the toy); and

    b. decorative, artistic, or craft products that are sand or that include or contain accessible sand[2].

18. The inclusion of toys containing sand sealed within the product reflects the possibility that toys may be damaged through foreseeable use or misuse, exposing consumers to sand contained within the toy.

19. The notice would not apply to sand produced by natural geological processes that is intended to fill sand pits, playgrounds, or other recreational areas. This allows the notice to focus on the product categories where evidence of asbestos contamination has been identified, while avoiding unnecessary compliance costs for lower-risk products.

1.	Do you agree that the proposed notice should apply to: • goods that are a toy that is, include, or contain sand (including products where sand is sealed within the toy); and • goods that are a decorative, artistic, or craft good that are sand or that include or contain accessible sand excluding natural sand used to fill sand pits, playgrounds and similar recreational areas? If not, please explain why.

Section 3: Requirements relating to testing

20. The draft notice would require suppliers of products covered by the notice to obtain asbestos testing undertaken by an appropriately accredited laboratory, if they want to supply the product in New Zealand.

[2] Accessible sand means sand that may be handled by the consumer through ordinary use of the product.

Testing requirement

21. The draft notice would require goods covered by the notice to be tested for asbestos using either transmission electron microscopy (**TEM**), or a combination of scanning electron microscopy (**SEM**) and energy-dispersive X-ray analysis (**EDXA**), in accordance with ISO 22262-2:2026 Air quality — Bulk materials — Part 2: Quantitative determination of asbestos by gravimetric and microscopical methods.

22. TEM and SEM-EDXA use electron microscopes and are capable of detecting and identifying very small asbestos fibres that may not be detectable using optical microscopy. These techniques provide greater sensitivity and more reliable identification of low concentrations of asbestos in bulk materials.

23. This is intended to provide a higher level of confidence that products supplied to consumers are free from asbestos contamination.

Laboratory accreditation requirements

24. The draft notice would provide that the testing described above must be undertaken by a laboratory accredited to ISO/IEC 17025, by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (**ILAC MRA**), and that the analytical method used is within the laboratory's accredited scope.

25. In New Zealand, laboratory accreditation to ISO/IEC 17025 is provided by International Accreditation New Zealand (IANZ), which is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA).

26. This is intended to provide confidence that testing has been carried out by competent laboratories using recognised and quality-assured methods.

Test result requirements

27. The draft notice would provide, for goods covered by the notice, that documentation of test results or test reports be held. These test results or test reports would need to:

    a. be dated no more than 12 months before the goods are imported into New Zealand or manufactured in New Zealand;

    b. clearly identify the product or product variant to which the test relates;

    c. identify the laboratory that conducted the testing;

    d. specify the test method used;

    e. state the date, or date range, on which testing was conducted; and

    f. indicate that no asbestos was detected in the samples tested.

28. The documentation that needs to be provided is intended to ensure that suppliers and regulators can readily determine whether a product has been tested in accordance with the notice and that the products were not found to contain asbestos.

29. Suppliers may be required to provide test reports or test results to the Commerce Commission or New Zealand Customs Service on request, under their existing powers. These agencies are responsible for enforcing unsafe goods notices.

2.	Do you agree with the proposed testing and documentation requirements? If not, please explain why.

Section 4: Requirements relating to sampling

30. Asbestos contamination may vary between batches of a product and between individual units within a batch. This means that testing a single sample may not provide sufficient confidence that a product is free from asbestos contamination.

31. The draft notice would require, for goods covered by the notice, at least three units of a product to be tested. As mentioned above, testing would need to have been completed within the 12 months before importation (for imported products) or manufacture (for domestically produced products). Separate testing would be required for each product variant[3].

32. These requirements are intended to provide greater confidence that products supplied to consumers are free from asbestos contamination, while remaining practical for suppliers to implement.

3.	Do you agree that at least three units of each product (or product variant) should be tested within the 12 months prior to importation or manufacture? If not, please explain why.

Section 5: Transition and implementation

33. Subject to consultation feedback and Ministerial decision-making, the unsafe goods notice could be approved for publication in **October 2026** and to come into force on **20 January 2027**. This allows suppliers approximately three months to arrange testing and obtain evidence demonstrating compliance with the requirements, or to stop supplying products they do not wish to test.

4.	Do you agree with the proposed transition period before the notice comes into force? If not, please explain why.

[3] Product variant means a version of a product that differs from another version in a way that could affect the composition of the sand, including differences in colour, size, or any other characteristic that may affect the source or nature of the sand.

Section 6: Next steps

34. After consultation closes on **25 September 2026**, we will consider the feedback received and provide advice to the Minister on the draft unsafe goods notice. The Minister will decide whether to issue an unsafe goods notice, having regard to the relevant considerations.

35. Subject to consultation feedback and Ministerial decision-making, the unsafe goods notice could be approved for publication in **October 2026** and to come into force on **20 January 2027**.

5.	Do you have any information, evidence, or views relevant to whether the Minister should declare consumer sand products unsafe, including: • the likelihood of injury occurring from the reasonably foreseeable use or misuse of the goods; • the seriousness of any injury that may occur; • whether such injury is likely to be a frequent occurrence; • the effectiveness of any steps suppliers or manufacturers have taken to mitigate the risk of injury; and • whether making the declaration would be in the public interest? If so, please provide details.
6.	Do you have any other comments on the draft Unsafe Goods (Consumer Sand Products) Notice 2026?

Annex 1 – Questions

Questions for everyone	
1.	Do you agree that the proposed notice should apply to: • goods that are a toy that is, include, or contain sand (including products where sand is sealed within the toy); and • goods that are a decorative, artistic, or craft good that are sand or that include or contain accessible sand excluding natural sand used to fill sand pits, playgrounds and similar recreational areas? If not, please explain why.
2.	Do you agree with the proposed testing and documentation requirements? If not, please explain why.
3.	Do you agree that at least three units of each product (or product variant) should be tested within the 12 months prior to importation or manufacture? If not, please explain why.
4.	Do you agree with the proposed transition period before the notice comes into force? If not, please explain why.
5.	Do you have any information, evidence, or views relevant to whether the Minister should declare consumer sand products unsafe, including: • the likelihood of injury occurring from the reasonably foreseeable use or misuse of the goods; • the seriousness of any injury that may occur; • whether such injury is likely to be a frequent occurrence; • the effectiveness of any steps suppliers or manufacturers have taken to mitigate the risk of injury; and • whether making the declaration would be in the public interest? If so, please provide details.
6.	Do you have any other comments on the draft Unsafe Goods (Consumer Sand Products) Notice 2026?