

Note:

Reference:

Agency graphic

This legislation is administered by the [name of agency]. For more information please see:

Website: [<http://www.govt.nz>]

Contact phone: [agency phone number]

Contact address: [agency postal address]

Unsafe Goods (Consumer Sand Products) Notice 2026

This notice is made under section 31 of the Fair Trading Act 1986 by the Minister of Commerce and Consumer Affairs after having regard to the matters in section 31(1B) of the Act.

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Schedule 1

[Schedule title]

notice

1 Title

This notice is the Unsafe Goods (Consumer Sand Products) Notice 2026.

2 Commencement

This notice comes into force 3 months after publication in the *Gazette* .

3 Interpretation

In this notice, unless the context otherwise requires,—

accessible sand means sand that may be handled by a consumer during ordinary use of a good that is or includes sand

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

product variant means a version of a product that differs in composition, colour, size, or any other characteristic that may affect the source or nature of the sand that is the product or is included or contained in the product

sand includes sand-like granular materials manufactured or processed from mineral sources

toy has the same meaning as in the Product Safety Standards (Children's Toys) Regulations 2005.

4 Application

- (1) This notice applies to the following goods:
 - (a) goods that are a toy that is, include, or contain sand:
 - (b) goods that are a decorative, craft, or artistic good that are sand or that include or contain accessible sand.
- (2) However, this notice does not apply to sand produced by natural geological processes that is intended to fill sand pits, playgrounds, or other recreational areas.

5 Certain consumer sand products declared to be unsafe goods

Goods to which this notice applies are unsafe goods if—

- (a) the good is a good as described in clause 4; and
 - (i) the testing requirements set out in clause 6 have not been met; or
 - (ii) the documentation required by clause 7 has not been issued in accordance with that clause.

6 Testing requirements

- (1) For each product and, where applicable, each product variant, the sand contained in at least three separate units must be tested for asbestos.
- (2) Testing must use transmission electron microscopy or a combination of scanning electronic microscopy and energy-dispersive x-ray analysis and be undertaken in accordance with ISO 22262-2:2026 Air quality — Bulk materials — Part 2: Quantitative determination of asbestos by gravimetric and microscopical methods.
- (3) Testing must be undertaken by a laboratory accredited to ISO/IEC 17025:2017 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
- (4) The testing method used by the laboratory must be within scope of the laboratory's accreditation.

7 Required documentation

- (1) For the purposes of clause 5(a)(ii), a test certificate, test report, test result, or other document recording the results of testing undertaken under clause 6 is required.
- (2) The document required under clause 7(1) must—
 - (a) be dated no more than 12 months before the goods described in clause 4 are imported into New Zealand or manufactured in New Zealand; and
 - (b) clearly identify the product or product variant to which it applies; and
 - (c) identify the laboratory that conducted the testing; and
 - (d) specify—
 - (i) the analytical method used; and
 - (ii) the standard in accordance with which the testing was undertaken; and
 - (e) state the date, or date range, on which testing was conducted; and
 - (f) indicate that no asbestos was detected in the samples tested.

[Provision reference]

Schedule 1

[Schedule title]

1 Clause heading

[The schedule group block cannot be deleted from the template, but it can be left blank.]

Made at [location] on [day month year].

[personal name]

[role]

Minister of Commerce and Consumer Affairs

Explanatory note

This note is not part of the notice but is intended to indicate its general effect.

The purpose of this notice is to reduce the risk of consumer exposure to asbestos from consumer sand products by declaring them to be unsafe goods unless there is adequate evidence that sand used in those products is free from detectable asbestos contamination.

The notice declares certain consumer sand products to be unsafe goods unless specified asbestos testing and documentation requirements have been met. The notice applies to toys that contain sand, and to decorative, craft, or artistic goods that contain accessible sand. Natural sand supplied for use in sand pits is expressly excluded.

The notice requires testing of sand contained in relevant products for the presence of asbestos. Testing must be carried out by appropriately accredited laboratories in accordance with the prescribed analytical methods and standards. Documentation demonstrating compliance with the testing requirements must be available and must meet specified content and timing requirements. Goods to which this notice applies that do not meet these requirements are unsafe goods for the purposes of the Fair Trading Act 1986.

New Zealand Customs Service Requirements

Under section 33 of the Fair Trading Act 1986 ("Act") and section 96 of the Customs and Excise Act 2018, it is prohibited to import into New Zealand goods that are declared unsafe goods by clause 5 of this notice.

Any person seeking to import goods to which this notice applies after the date this notice comes into force may need to provide the New Zealand Customs Service with acceptable documentation demonstrating that the import is not prohibited by this notice.

Commerce Commission Requirements

Section 31(5) of the Act prohibits the supply, or offer to supply, or advertisement to supply goods in respect of which there is in force an unsafe goods notice.

Any person who supplies, offers to supply, or advertises to supply goods to which this notice applies after the date this notice comes into force may be required to provide an officer of the Commerce Commission with acceptable documentation demonstrating that the goods are not declared to be unsafe goods by clause 5 (section 47G of the Act).

Consistency with principles of responsible regulation

[To be completed. An assessment of consistency with the principles of responsible regulation will be included following completion of agency consultation and final policy consideration.]

This is secondary legislation issued under the authority of the Legislation Act 2019 .	
Title	Unsafe Goods (Consumer Sand Products) Notice 2026 <i>[The instrument title is the actual title that was given to the instrument at the time it was first made. Do not change the titles of existing instruments to match this format. This format is required for new instruments.]</i>
Principal or amendment	Choose an item <i>[Insert either principal or amendment]</i>
Consolidated version	Choose an item <i>[If a consolidated version, insert Yes, otherwise No]</i>
Empowering Act and provisions	<i>[Empowering Act XXXX] [Copy from enacting statement] [section x] [Copy from enacting statement, using PPD tables to confirm that it is an empowering provision] [If the secondary legislation is made under a sub-delegation from other secondary legislation, identify the relevant empowering Act and provision of the Act for the sub-delegation here as well. If there are multiple empowering provisions, use the format "Act title section 1, section 2, section 3"]</i>
Replacement empowering Act and provisions	Click or tap to enter text <i>[Record any replacement empowering Act and provisions] [If the empowering provision that the instrument was made under is repealed and it continues under a new empowering provision, identify the replacement empowering provisions and empowering Act, if this also changes.]</i>
Maker name	Minister of Commerce and Consumer Affairs <i>[Insert maker name as described in empowering provision]</i>
Administering agency	<i>[name of agency] [Insert name of agency that administers the secondary legislation]</i>
Date made	<i>[day month year] [Insert date of signing/approval. For consolidations use the publication date of the original "as-made" principal version].</i>
Publication date	Click or tap to enter a date <i>[Insert date first published/made available. For consolidations use the publication date of the original "as-made" principal version]</i>

Notification date	Click or tap to enter a date <i>[Insert date notified. If there is no requirement to notify, state "Not applicable"]</i>
Commencement date	[day month year] <i>[Insert commencement date. If there are multiple commencement dates, give the first one. If commencement is on date of an event, state the event and update with the specific date once the event has occurred]</i>
End date (when applicable)	Click or tap to enter a date <i>[Insert the date the legislation was or will be revoked. If the legislation has some form of self-revocation or expiry, this date can be inserted when the instrument is first published. In other cases, insert "Not applicable" until the date is known]</i>
Consolidation as at date	Click or tap to enter a date <i>[Insert the "as at" date if the instrument is a consolidation]</i> <i>[For amendments and principal, insert "Not applicable".]</i>
Related instruments	Click or tap to enter text <i>[If an amendment, insert the title and hyperlink to the principal instrument, or multiple principals if appropriate.]</i> <i>[If a consolidation, insert the titles and hyperlinks to the "as made" instrument, and every amendment incorporated into this consolidation.]</i>