

AMENDMENTS IN 2011 TO THE *INDUSTRIAL CHEMICALS* (*NOTIFICATION AND ASSESSMENT*) ACT 1989

Summary of Consultations on Technical Amendments

Background

The Industrial Chemicals (Notification and Assessment) Amendment (Inventory) Bill 2011 (the Bill), a bill to amend the *Industrial Chemicals (Notification and Assessment) Act 1989* (the Act), was passed by both Houses of Parliament in September 2011. The Bill received Royal Assent on 26 September 2011, with the amendments coming into force on the following day, 27 September 2011. The two technical amendments in the Bill were:

- removal of the need to prepare and publish summary assessment reports for new and existing chemicals; and
- amendments to data requirements in the Schedule to the Act.

In the April 2010 issue of the *Chemical Gazette*, NICNAS sought comment on the proposed technical amendments to the Act. In light of submissions received (five), NICNAS then refined the proposal and, in July 2010, published a notice on its website seeking further comment on a revised proposal. Six submissions were received on the refined proposal, with all published on the NICNAS website.

Following drafting of the Bill, a meeting of key stakeholders was held at the NICNAS office on 10 June 2011 to expose a draft of the proposed technical amendments. Attendees were invited from the NICNAS Cosmetic Advisory Group, the NICNAS Industry-Government Consultative Committee and the NICNAS Community Engagement Forum. Attendees represented:

- Three key industry associations: PACIA, ACCORD. Australian Paint Manufacturers Federation (APMF)
- One community representative from the Cosmetic Advisory Group
- Two government departments: Department of Health and Ageing and the Department of Sustainability, Environment, Water, Population and Communities.

Attendees were provided with a draft of the Bill and a plain-English guide to the Bill.

Outcomes of the consultations

(i) Summary reports

In the proposal to remove the requirement to prepare and publish summary assessment reports, NICNAS proposed that an advisory notice be placed in the *Chemical Gazette* with a link to the full public report on the NICNAS website. The notice would include the following key information about the assessed chemical:

- assessment number,
- chemical name or trade name,

- notifier details,
- use,
- volume, and
- hazard classification.

NICNAS also proposed that the current sections of the full public report which constitute the summary report be moved to the beginning of the full public report in order to provide more ready access to a summary of the assessment.

The proposal was supported in the submissions received by NICNAS. Support for the proposal was endorsed at the meeting of key stakeholders on 10 June 2011.

The draft Bill was amended accordingly.

(ii) **Changes to the Schedule to the Act**

A summary of the consultations and final decision concerning the proposed amendments to the Schedule to the Act are tabulated below. Some of the amendments in the original proposal were modified or withdrawn following comments on the refined proposal and the meeting with key stakeholders on the exposure draft of the Bill.

Schedule reference	NICNAS proposal	Summary of comments	Decision
A.1	Delete reference to specific clauses in Act as they were not consistent with previous amendments to the Act and were not necessary.	Supported	Schedule amended
B.1(a)	Remove IUPAC name as an option for chemical name, to assist in the unambiguous identification of a new chemical.	IUPAC name is internationally recognised as a means of identifying a chemical. NICNAS withdrew this item from the refined proposal as there were differing views on the utility of various nomenclature systems.	No change to Schedule
B.4	Add 'physical state' to requirement as this information is helpful in estimating exposure and therefore risk.	Supported	Schedule amended
B.5	Replace tonnage range (for estimate of introduction volume) with a more specific estimate of volume, to assist	Generally supported in original proposal, however, some concern that specific volume may not be known in	Schedule amended

	in the risk assessment.	all cases. NICNAS modified its proposal after exposure draft meeting by retaining tonnage range and adding option for specific tonnage if available.	
B.6(a)	Remove estimate of numbers of workers potentially exposed as this information is generally not known by introducers.	Supported	Schedule amended
B.8	More specific requirement for public exposure to assist in public health risk assessment.	Proposal regarded as being too specific and potentially a burden on notifiers. Wording modified to become more general after exposure draft meeting.	Schedule amended
B.9(a)	Separate boiling point from melting/freezing point.	Generally supported in original proposal. However industry later commented at an exposure draft meeting that this was potentially a new burden on notifiers and so the proposal was withdrawn.	No change to Schedule
B.9(k)	Flash point requirement simplified.	Supported	Schedule amended
B.9(m)	Flammability requirements more consistent with international classification systems and best practice.	Supported	Schedule amended
B.9(p)	Explosiveness requirements more consistent with international classification systems and best practice.	Supported	Schedule amended
B.9(q)	Requirement for oxidising properties added to reactivity requirement for consistency with international classification systems and best practice.	Supported	Schedule amended
[B.15]	Additional requirement to	Proposal regarded as	No

	describe how the chemical compares with the Australian criteria for persistence, bioaccumulation and toxicity (PBT).	potentially a burden on notifiers. NICNAS withdrew proposal after industry submissions.	change to Schedule
C(g)	Duration of repeated-dose toxicity test amended for consistency with international test guidelines.	Supported	Schedule amended
C(j)	<i>In vivo</i> test for genotoxicity amended for consistency with international test guidelines.	Supported	Schedule amended
C(r)	Bioaccumulation transferred to Part B to cater for low volume applications of potentially bioaccumulative chemicals.	Proposal regarded as potentially a burden on notifiers. NICNAS withdrew proposal after industry submissions. If necessary, additional information can be sought under current provisions in Act.	No change to Schedule
D.4	Addition of lower molecular weight data to assist in risk assessment of polymers.	Supported	Schedule amended
[D.7]	Additional information on polymer reaction scheme to assist in unambiguous identification of notified polymer.	Proposal regarded as potentially a burden on notifiers. NICNAS withdrew proposal after industry submissions. Additional information to confirm identity can be sought under current provisions in Act.	No change to Schedule

The agreed amendments to the Schedule were made accordingly in the Bill and came into force on 27 September 2011.