

NICNAS Existing Chemicals Program Review
GPO Box 58
Sydney NSW 2001

Attention: *Mr Bob Graf*
NICNAS Team Leader, Reform

Dear Mr Graf

Review of the NICNAS Existing Chemicals Assessment Program

ACCORD Australasia Limited is the peak national industry association that represents the manufacturers and marketers of formulated consumer, cosmetic, hygiene and specialty products, their raw material suppliers, and service providers.

ACCORD, on behalf of its member companies, has a specific and direct interest in the review of the NICNAS Existing Chemicals Assessment Program and welcomes the opportunity to provide the attached submission.

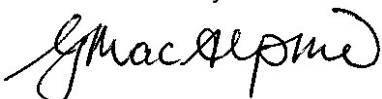
A number of the reforms proposed in the Discussion Paper are based on improving internal processes, administrative and operational procedures, developing criteria, improving linkages and communications. These are supported and could be developed for implementation with the existing ICNA framework.

Others, including *Proposals 6, 10, 11, 18, and 19*, still require adequate scoping for feasibility, definition of a tangible proposal and consideration of regulatory impact. For these latter proposals ACCORD believes that it is premature to move to seeking policy approval from the Parliamentary Secretary, at this time.

In this context ACCORD notes the Report of the Taskforce on Reducing Regulatory Burden on Business "Rethinking Regulation" and the Council of Australian Governments (COAG) Communiqué 10 February 2006, which amongst other things identifies that COAG will establish a ministerial taskforce to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation. Because of the wide-ranging potential impacts of a number of the proposals, including the need avoid duplication, and most-efficient delivery, we recommend that *Proposals 6, 10, 11, 13, 14, 15 18, 19 and 20* be referred to the Ministerial Taskforce

ACCORD would be most willing to provide input to completing the work necessary to allow further consideration of the elements underlying these proposals. ACCORD looks forward to continuing participation in the development of any outcomes that may arise from the review, and will also be pleased to provide any further clarification of matters raised in its submission.

Yours sincerely



Geoff MacAlpine
Director, Science and Policy

13 July 2006



ACCORD

Advocate for the Consumer, Cosmetic,
Hygiene and Specialty Products Industry

***ACCORD submission on the
Public Consultation for the
NICNAS Existing Chemicals
Assessment Program***

13 July 2006

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Attachment 1: List of ACCORD members at June 2006

Attachment 2: NICNAS Correspondence – Update of the Australian High Volume Industrial Chemicals List, undated, received 3 May 2006

Attachment 3: NICNAS Correspondence – HVICL, dated 13 June 2006

Foreward

ACCORD Australasia Limited is the peak national industry association that represents the manufacturers and marketers of formulated consumer, cosmetic, hygiene and specialty products, their raw material suppliers, and service providers.

Our industry's products play a vital role in:

- keeping our households, workplaces, schools and institutions clean, hygienic and comfortable;
- personal hygiene, grooming and beauty treatments to help us look and feel our best;
- specialised uses that assist production and manufacturing to keep the wheels of commerce and industry turning; and
- maintaining the hygienic and sanitary conditions essential for our food and hospitality industries and our hospitals, medical institutions and public places.

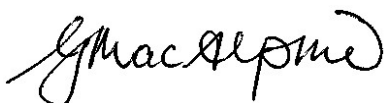
With an estimated \$10 billion in annual retail product sales, the formulated consumer, cosmetic, hygiene and specialty products industry is a significant part of a prosperous Australian economy. We are a dynamic and growing industry, employing Australians and - through our industrial and institutional sector - supplying products essential for Australian businesses, manufacturing firms, government enterprises, public institutions, farmers and consumers.

Our industry has more than 50 manufacturing operations throughout Australia and member companies include large global companies to small dynamic Australian-owned businesses.

ACCORD members have a key interface with ICNA regulation and ACCORD, on behalf of its member companies, has a specific and direct interest in the Review of the NICNAS Existing Chemicals Assessment Program.

A list of ACCORD member companies is provided at *Attachment 1*.

ACCORD welcomes the opportunity to provide this submission and recommendations for consideration, and as a basis for further consultation and dialogue.



Geoff MacAlpine
Director, Science and Policy

13 July 2006

1. *Introduction*

ACCORD's approach to regulatory efficiency

Industry's competitiveness and capacity to maintain local production into the future is heavily dependent on reducing the regulatory burden Australian businesses face.

ACCORD recognises the Australian Government's approach to regulatory best practice noting the Council of Australian Governments (COAG) Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard Setting Bodies (COAG Principles),

ACCORD supports the following as good regulatory practice principles:

Regulatory solutions should:

- *be the minimum required to achieve the stated objectives;*
- *adopt a risk management approach to forming and administering regulation;*
- *minimize the impact on competition;*
- *be compatible with international standards and practices;*
- *cause no restriction to international trade;*
- *be developed in consultation with the groups most affected and be subject to regular review;*
- *be flexible, not prescriptive and be compatible with the business operating environment;*
- *standardize the exercise of bureaucratic discretion; and*
- *have a clear delineation of regulatory responsibilities and effective and transparent accountability mechanisms.*

A number of the reforms proposed in the Discussion Paper are based on improving internal processes, administrative and operational procedures, developing criteria, improving linkages and communications. Others require adequate scoping for feasibility, definition of a tangible proposal and impact analysis. These include:

Proposal 6: *Examine and introduce a nationally coordinated system of surveillance monitoring and post-market reporting for industrial chemicals"*

Proposal 10: *Amend the legislation to broaden the information gathering powers of NICNAS for all types of assessments and related processes.*

Proposal 11: *Engage downstream users"*

Proposal 18: *Increase NICNAS's legislative powers to ban certain high hazard/high risk industrial chemicals*"

Proposal 19: *Legislate to increase NICNAS's powers to control the use of industrial chemicals*"

For these proposals we believe that it would be premature to move to seeking policy approval from the Parliamentary Secretary, at this time.

In this context ACCORD notes the Report of the Taskforce on Reducing Regulatory Burden on Business "Rethinking Regulation" and the Council of Australian Governments

(COAG) Communiqué 10 February 2006, which amongst other things identifies that COAG will establish a ministerial taskforce to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation. Because of the wide-ranging potential impacts of a number of the proposals, including the need avoid duplication, and most-efficient delivery, we recommend that *Proposals 6, 10, 11, 13, 14, 15, 18, 19 and 20* be referred to the Ministerial Taskforce.

Specific submission on each of the proposals is provided in the following sections of this document.

2. *Submission on the specific proposals*

Proposal 1

To ensure that the concerns of stakeholders are captured by NICNAS, improve communications by:

- 1. developing and publishing a layperson's guide to the Existing Chemicals Assessment Program*
- 2. improving the NICNAS website, particularly for the community*
- 3. publishing a 'Who's who and what do they do?' guide for the various government agencies, eg. on the website*
- 4. developing and publishing an information flow diagram for existing chemicals*
- 5. enhancing the response to enquiries, including development and publication of a procedure for their analysis*
- 6. producing a bulletin on the progress of existing chemical assessments and issues*
- 7. publishing more topical information from international sources on the website*
- 8. conducting seminars and education programs*

The suggested tasks are positive moves towards improving transparency and communications and are achievable within existing NICNAS resources.

The *conduct of seminars and education programs* needs to be fully scoped with identification of key target audiences, objectives, and measurable deliverables/ outcomes that are appropriate to the role of the regulator. NICNAS needs to undertake this scoping exercise in a transparent manner. At this time, ACCORD is not able to make an assessment of the potential value of such programs in the absence of more detailed information.

Recommendation: that NICNAS progresses the initiatives identified in items 1 to 7 above within current budget restraints. Further scoping, including identification of key target audiences, objectives, and measurable deliverables/outcomes, that are appropriate to the role of the regulator, is needed for the conduct of *seminars and education programs*.

Proposal 2

Increase the frequency of calls for public nominations of chemicals for assessment to, e.g. every two years.

ACCORD recognises that the last formal call for nominations was in 1999 and this may give rise to certain stakeholder concerns that there is lack of opportunity to have input to the process.

Proposals 3, 4, 5 and 8 describe processes for the development of screening criteria, procedures and priorities for review through certain activities. If this is a transparent process then it needs to be determined how a periodic nomination process would efficiently contribute to this process. If there is sufficient confidence in the NICNAS approaches then a formal nomination process may not be necessary.

Recommendation: The contribution of a public nomination process to the screening and prioritization of chemicals for assessment be determined with stakeholders once the components for implementation of *Proposals 3, 4, 5 and 8* have been established. This further engagement with stakeholders would consider the role of the formal public nominations and the intervals at which they should take place.

Proposal 3

Screen AICS-listed chemicals for possible assessment, with priority given to non-assessed chemicals on:

- (i) the NICNAS High Volume Industrial Chemicals List (HVICL), which NICNAS compiles on a regular basis, and*
- (ii) the Hazardous Substances Information System (HSIS), which is the list of hazardous substances compiled by the ASCC (Office of the Australian Safety and Compensation Council).*

Proposal 4

For the remaining chemicals, give priority in screening to those in use with:

- carcinogenicity, mutagenicity, reproductive toxicity (CMR) hazards, and/or*
- persistence, bioaccumulation and toxicity (PBT) characteristics*

Proposal 5

To develop criteria for the AICS screening process, taking into account factors such as volume, use, hazard and exposure potential. This will be done in consultation with stakeholders, and with the development and use of ‘tools’ such as structure-activity relationship modelling.

Proposal 8

In consultation with stakeholders, develop scientifically-based criteria for the screening of chemicals for identification and prioritisation for assessment. Publish the screening process and screening decisions on the NICNAS website to aid in enhancing the transparency of the decision-making processes.

Proposal 9

Establish a technical working party to revise the PEC selection criteria and procedures. The revised criteria would be published on the NICNAS website and subject to further public comment and stakeholder engagement according to an agreed timetable.

Proposals 3, 4, 5, 8 and 9 are interrelated. ACCORD notes the comments in the Discussion Paper with regard to the use of information from international sources and supports this approach as a means of achieving important efficiencies and avoiding unnecessary duplication of regulatory effort.

The potential for NICNAS to invest resources in ‘tools’ such as structure-activity relationship modeling needs to be fully scoped to ensure cost-effectiveness and non-duplication of work already conducted overseas (e.g. by Canada). There should be opportunity for this scoping to occur under *Proposal 5*.

Recommendation: that NICNAS progresses the development of criteria in consultation with major stakeholders as identified in *Proposals 5, 8 and 9*, noting that these activities are precursors to considers for progressing *Proposals 3 and 4*.

Proposal 6

Examine and introduce a nationally coordinated system of surveillance, monitoring and post-market reporting for industrial chemicals which would:

- *increase the knowledge base on industrial chemicals in use in Australia and*
- *therefore lead to safe and sustainable use*
- *provide information to assist with risk management strategies through*
- *identification of adverse impacts*
- *provide early warning of emerging patterns of health and environmental risks, and*
- *provide assistance in development of best practice surveillance, monitoring and post-market reporting activities via a feedback mechanism.*

Significant discussion by both the Existing Chemicals Review Steering Committee and the individual Working Groups clearly recognised that consideration of surveillance and post-market monitoring needed to be fully scoped for feasibility.

No basis for a firm proposal has yet been established. Scoping and further development may also identify that NICNAS is not necessarily the appropriate ‘home’ for such a scheme.

ACCORD is unable to provide any specific comment or support at this stage as there is no tangible proposal. ACCORD also believes that it would be premature to progress to seeking policy approval from the Parliamentary Secretary until a comprehensive and transparent scoping exercise has been undertaken.

Recommendation: A comprehensive scoping and development project would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a firm proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 6 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Proposal 7

Develop and modify NICNAS administrative processes to filter out and redirect non-NICNAS matters and determine the level of response and/or assessment required. Publish the filtering process to enhance transparency in the decision making processes.

Improvements in operational procedures and processes are recognised as important ongoing continuous improvement and are supported.

Recommendation: That NICNAS implement improved administrative processes as a matter of priority.

Proposal 10

Amend the legislation to broaden the information-gathering powers of NICNAS for all types of assessments and related processes.

ACCORD recently sought clarification by NICNAS of its powers with regard to an information call to update the Australian High Volume Chemical List. A copy of the NICNAS letter is provided at *Attachment 2* to this submission.

In a fax to NICNAS of 4 May 2006, ACCORD sought the following advice

“I have received the attached letter from NICNAS with regard to the above and seek your confirmation that:

- *“As an OECD member country, Australia **must** contribute to the assessment of “ (bolding added);*
- *Sections 48 and 65 of the Industrial Chemicals Notification and Assessment Act are appropriate for this call for information; and*
- *“Reporting is **mandatory**” (bolding added)*

I look forward to your advice.”

The NICNAS response of 13 June 2006 (*copy provided at Attachment 3 to this submission*) asserts that NICNAS has the necessary powers to call for information of the type identified in the above call for information.

ACCORD is unable to provide any specific comment or support for *Proposal 10* at this stage as there is no tangible proposal. ACCORD also believes that it would be premature to progress to seeking policy approval from the Parliamentary Secretary until a comprehensive and transparent scoping exercise has been undertaken.

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 10 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Proposal 11

Engage downstream users on a chemical-specific basis, ie. identify relevant downstream users at the beginning of each chemical assessment.

ACCORD is not aware of a clear 'definition of a problem'. Nor does the Discussion paper provide any particular evidence of situations where the use of introducers customers lists and other means has proven to be ineffective or jeopardized the outcome of a review.

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 11 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 12

Streamline the secondary notification process for existing chemicals originally assessed as new chemicals:

- *using the new chemicals assessment process with its shorter timeframes, or*
- *using the proposed new model with its filtering and screening processes and range of assessment types*

for prioritisation for assessment

A more flexible approach would appear to be beneficial; however, there is need to develop a detailed proposal for consultation with stakeholders.

Recommendation: that NICNAS develop a detailed proposal for consultation with stakeholders.

Proposal 13

Broaden the NICNAS MOU arrangement with states and territories to improve the relationship with agencies not directly represented on the MOU committee, and Clarify the roles of NICNAS and the state and territory agencies, eg. publish a 'Who's who and what do they do?' guide on the website.

Recommendation: that NICNAS progress to review of its MOU arrangements with the States and Territories. The MOU's must recognise and protect commercial business information. ACCORD further recommends that Proposal 13 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 14

Clarify the roles of the various Federal agencies and existing networks, and establish the appropriate forums to ensure proper regulation of industrial chemicals at the national level.

Recommendation: NICNAS progress to clarify the roles of federal agencies and establish appropriate forums at the national level. ACCORD further recommends that Proposal 14 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 15

Provide more international information to stakeholders to enhance awareness of current chemical issues, with a view to enhancing the flow of information to NICNAS.

A question arises as to the role of NICNAS, as a regulator, in providing general educational type information under its cost-recovery arrangements. This does not seem to be the case for other regulators (e.g. TGA and APVMA). The role of other departments/agencies (state and federal) should also be examined and an appropriate policy established as to NICNAS's role in general chemical education.

Recommendation: The role of NICNAS, as a cost-recovered regulatory authority in providing general chemical education be examined and policy established. ACCORD further recommends that Proposal 15 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 16

Develop bilateral arrangements for existing chemicals with other major trading countries.

Recommendation: that NICNAS develop a proposal for establishment of bilaterals with major trading partners for consultation with stakeholders. The proposal should identify priorities and processes and costs associated with establishing bilaterals. Any such arrangements must protect commercial business information.

Proposal 17

Develop three levels of assessment or 'product', namely:

- *a product for information only*
- *an advisory assessment, containing advice or guidance – proposed when advice or guidance is to be included with the information, and*
- *assessment reports of various types – likely to contain advice and which may contain recommendations of a regulatory nature*

Recommendation: NICNAS progress the development of a framework for the 3 identified product types in consultation with major stakeholders, importantly establishing the regulatory status of each of the 'products'.

Proposal 18

Increase NICNAS's legislative powers to ban certain high hazard/high risk industrial chemicals to aid in the protection of the Australian people and the environment.

Proposal 19

Legislate to increase NICNAS's powers to control the use of industrial chemicals through measures such as:

- *restriction of use of the chemical to certain industries and/or*
- *restriction of use to certain trained persons*

-
- *authorisation process to allow introduction of high hazard or high risk chemicals for certain purposes, eg. research*
 - *licensing powers for chemicals*
 - *chemical control orders or permits to control the use, handling or disposal of a chemical*
 - *use of NICNAS Registration number as a reporting and tracking tool*
 - *powers to recall supply and sale of chemicals and powers to prosecute illegal supply and sale*
 - *powers to regulate articles with potential to release high risk chemicals (NICNAS currently can regulate chemicals released from articles but not articles themselves)*
 - *tools to enhance improved surveillance reporting, and/or*
 - *infringement notices, naming and shaming and community orders.*

NICNAS was established as a *notification and assessment scheme*. *Proposals 18 and 19* identify fundamental shifts to “control of use” and could lead to a fragmented or duplicative role with the States and Territories. *Proposals 18 and 19* warrant full scoping and assessment before any further consideration.

ACCORD is unable to provide any specific comment or support as there is no tangible proposal including measures for avoiding duplicative or fragmented roles with the States and territories. ACCORD believes that it would be premature to progress to seeking policy approval from the Parliamentary Secretary until a comprehensive and transparent scoping exercise has been undertaken.

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 6 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 20

Improve the uptake of NICNAS recommendations by:

- *phrasing the recommendations in assessment reports in a manner which makes the required actions more relevant, feasible and obvious to the relevant stakeholders, ie. clear ‘action’ statements*
- *enhancing consultation with stakeholders during the assessment process and before recommendations are finalised to ensure recommendations can be implemented, and*
- *regularly measuring the uptake of recommendations to determine whether expected outcomes are being realised, ie. enhancement of NICNAS’s performance results for implementation of recommendations*

There is important need to confirm the role of the States and Territories in regularly measuring the uptake of NICNAS recommendations. This does not appear to be a NICNAS function.

Recommendation: NICNAS resolve its position of jurisdiction with the States and Territories and then provide a detailed proposal for stakeholder consultation. ACCORD further recommends that Proposal 20 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

3. *Conclusions and list of recommendations*

A number of the reforms proposed in the Discussion Paper are based on improving internal processes, administrative and operational procedures, developing criteria, improving linkages and communications. These are supported and could be developed for implementation with the existing ICNA framework. As a general comment ACCORD recognises many of these tasks as part of ongoing continuous improvement.

Others, including *Proposals 6, 10, 11, 18, and 19*, still require adequate scoping for feasibility, definition of a tangible proposal and consideration of regulatory impact. For these latter proposals ACCORD believes that it is premature to move to seeking policy approval from the Parliamentary Secretary, at this time.

ACCORD notes the Report of the Taskforce on Reducing Regulatory Burden on Business “Rethinking Regulation” and the Council of Australian Governments (COAG) Communiqué 10 February 2006, which amongst other things identifies that COAG will establish a ministerial taskforce to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation. Because of the wide-ranging potential impacts of a number of the proposals, including the need avoid duplication, and most-efficient delivery, we recommend that *Proposals 6, 10, 11, 13, 14, 15, 18, 19 and 20* be referred to the Ministerial Taskforce.

Recommendations

Proposal 1

Recommendation: that NICNAS progresses the initiatives identified in items 1 to 7 above within current budget restraints. Further scoping, including identification of key target audiences, objectives, and measurable deliverables/outcomes, that are appropriate to the role of the regulator, is needed for the conduct of *seminars and education programs*.

Proposal 2

Recommendation: The contribution of a public nomination process to the screening and prioritization of chemicals for assessment be determined with stakeholders once the components for implementation of *Proposals 3, 4, 5 and 8* have been established. This further engagement with stakeholders would consider the role of the formal public nominations and the intervals at which they should take place.

Proposals 3, 4, 5, 8 and 9

Recommendation: that NICNAS progresses the development of criteria in consultation with major stakeholders as identified in *Proposals 5, 8 and 9*, noting that these activities are precursors to considers for progressing *Proposals 3 and 4*.

Proposal 6

Recommendation: A comprehensive scoping and development project would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a firm proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 6 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Proposal 7

Recommendation: That NICNAS implement improved administrative processes as a matter of priority.

Proposal 9

Recommendation: NICNAS establish an appropriate process with major stakeholders to develop PEC selection criteria and procedures. Once agreed with major stakeholders, NICNAS publish the criteria and procedures on its website.

Proposal 10

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 10 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Proposal 11

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration of this proposal. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposal 11 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 12

Recommendation: that NICNAS develop a detailed proposal for consultation with stakeholders.

Proposal 13

Recommendation: that NICNAS progress to review of its MOU arrangements with the States and Territories. The MOU's must recognise and protect commercial business information. ACCORD further recommends that Proposal 13 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 14

Recommendation: NICNAS progress to clarify the roles of federal agencies and establish appropriate forums at the national level. ACCORD further recommends that Proposal 14 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 15

Recommendation: The role of NICNAS, as a cost-recovered regulatory authority in providing general chemical education be examined and policy established. ACCORD further recommends that Proposal 15 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation

Proposal 16

Recommendation: that NICNAS develop a proposal for establishment of bilaterals with major trading partners for consultation with stakeholders. The proposal should identify priorities and processes and costs associated with establishing bilaterals. Any such arrangements must protect commercial business information.

Proposal 17

Recommendation: NICNAS progress the development of a framework for the 3 identified product types in consultation with major stakeholders, importantly establishing the regulatory status of each of the 'products'.

Proposal 18 and 19

Recommendation: A comprehensive scoping exercise would need to be established, with the involvement of major stakeholders, to progress any further consideration. Until such time as a tangible proposal is available it is premature to seek policy approval from the Parliamentary Secretary. ACCORD further recommends that Proposals 18 and 19 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Proposal 20

Recommendation: NICNAS resolve its position of jurisdiction with the States and Territories and then provide a detailed proposal for stakeholder consultation. ACCORD further recommends that Proposal 20 be referred to the COAG Ministerial Taskforce in its role of considering measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

Members

Consumer, Cosmetic and Personal Care:

Amway of Australia Pty Ltd
Apisant Pty Ltd
AVON Products Pty Limited
Baylor Limited
Beiersdorf Australia Ltd
Chanel Australia
Clorox Australia Pty Ltd
Colgate-Palmolive Pty Ltd
Combe Incorporated (Australia)
Coty Australia Pty Limited
Creative Brands Pty Ltd
Dermologica Pty Ltd
Elizabeth Arden Australia
Estée Lauder Australia
Frostbland Pty Ltd
GlaxoSmithKline Consumer Healthcare
Helios Health & Beauty Pty Ltd
Innox Pty Ltd
Johnson & Johnson Pacific

Kao (Australia) Marketing Pty Ltd
Kimberly Clark Australia
La Biothetique Australia
La Prairie Group
L'Oreal Australia Pty Ltd
LVMH Perfumes and Cosmetics
Nutrimetics Australia
Procter & Gamble Australia Pty Ltd
PZ Cussons Pty Ltd
Reckitt Benckiser
Revlon Australia
Scental Pacific Pty Ltd
Steric Pty Ltd
Thalgo Australia
Tigi Australia Pty Ltd
The Heat Group Pty Ltd
Trimex Pty Ltd
Unilever Australasia

Hygiene and Specialty Products

Advance Chemicals Pty Ltd
Albright & Wilson (Aust) Ltd
Applied Australia Pty Ltd
Auto Klene Solutions
Callington Haven Pty Ltd
Campbell Brothers Limited
Castle Chemicals Pty Ltd
Castrol Australia Pty Ltd
Chemetall (Australasia) Pty Ltd
Ciba Specialty Chemicals
Clariant (Australia) Pty Ltd
Cleveland Chemical Co Pty Ltd
Deb Australia Pty Ltd
Dominant (Australia) Pty Ltd
Ecolab Pty Limited
G S B Chemical Co Pty Ltd
Henkel Australia Pty Limited
Huntsman Corporation Australia Pty Ltd
Jalco Group Pty Limited

Jasol
Lab 6 Pty Ltd
Milestone Chemicals Pty Ltd
Novozymes Australia Pty Ltd
Northern Chemicals Pty Ltd
Nowra Chemical Manufacturers Pty Ltd
Peerless JAL
Recochem Inc
Rohm and Haas Australia Pty Ltd
Selkirk Laboratories Pty Ltd
E Sime & Company Australia Pty Ltd
Solvay Interox Pty Ltd
Sonitron Australasia Pty Ltd
Sopura Australia Pty Ltd
Tasman Chemicals Pty Ltd
Thor Specialties Pty Limited
True Blue Chemicals Pty Ltd
Whiteley Corporation Pty Ltd

Associate Members

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Dermatest Pty Ltd

Silliker Microtech Laboratories Pty Ltd

Equipment and Packaging Suppliers

DSL Packaging

Hydro Nova Controls

Visypak Industrial Packaging

Business Management and Marketing

E-Three & Associates Pty Ltd

Logistics

StarTrackExpress Pty Ltd

Legal and Business Management

Middletons Lawyers

Graphic Design and Creative

Tonic Creative

Regulatory and Technical Consultants

Cintox Pty Ltd

Competitive Advantage

Engel Hellyer & Partners Pty Ltd

Robert Forbes & Associates

Sue Akeroyd & Associates

June 2006

Attachment 2



Australian Government
Department of Health and Ageing
NICNAS

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UPDATE OF THE AUSTRALIAN HIGH VOLUME INDUSTRIAL CHEMICALS LIST

Dear Ms Capanna,

The purpose of this letter is to advise your Association and its members of the upcoming Call for Information for the update of the Australian High Volume Industrial Chemicals List (HVICL) in the May edition of the *Chemical Gazette*.

Background

As an OECD member country, Australia must contribute to the assessment of industrial chemicals carried out under the OECD Existing Chemicals Programme. In June 1999, the OECD decided to base the future determination of individual country contributions to the Programme on national production of high volume chemicals.

In July 2002, NICNAS completed and published the first Australian HVICL. The list contains information about the volume of the chemicals manufactured or imported at high volumes in Australia, which industries introduce the chemicals, and general uses of the chemicals. The list, available at http://www.nicnas.gov.au/Industry/High_Volume_Industrial_Chemicals.asp, has proved to be a useful source of information, for both NICNAS and the community.

To ensure information about High Volume Industrial Chemicals is accurate and current, NICNAS will be updating the HVICL over coming months.

Call for Information

NICNAS will issue a Call for Information in the *Chemical Gazette* in May 2006 in accordance with sections 48 and 65 of the *Industrial Chemicals Notification and Assessment Act* (the Act). Companies will have 2 months from the date of publication of the Call for Information to report on industrial chemicals introduced above the threshold during the 2005 calendar year or the 2004/05 financial year.

Who needs to report?

Reporting is mandatory for all companies manufacturing and/or importing industrial chemicals in a quantity greater than 20 tonnes/year/company. The threshold for reporting of chemicals in mixtures/products is 100 tonnes/year/company.

The provisions under the Act for requesting confidentiality for commercial information will apply.

Further guidance on HVIC Reporting and HVIC Reporting Forms will be available on the NICNAS website from May 2006.

Please circulate to your members as appropriate.

HVIC Project Officer

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NICNAS

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http://www.nicnas.gov.au/Industry/High_Volume_Industrial_Chemicals.asp.

Attachment 3



Australian Government
Department of Health and Ageing
NICNAS

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Dear Bronwyn

Thank you for your facsimile of the 4 May 2006 concerning the upgrade of the Australian High Volume Chemicals List (HVICL). I apologise for the delay in responding. Please find my response to your concerns below.

1. The HVICL is one of national priority and relates to the objectives of the Act set out in section 3 (a) and (d), which state:

“3. The object of this Act is to provide for a national system of notification and assessment of industrial chemicals for the purposes of:

- (a) aiding in the protection of the Australian people and the environment by finding out the risks to occupational health and safety, to public health and to the environment that could be associated with the importation, manufacture or use of the chemicals; and, ...
- (d) collecting statistics in relation to the chemicals;


being a system under which information about the properties and effects of the chemicals is obtained from importers and manufacturers of the chemicals.”

2. Given the objectives of the Act, and noting that the volume of chemicals introduced is a well-established surrogate for exposure, collecting statistics on chemicals introduced into Australia in high volumes is an important step in assessing the risks to occupational health and safety, to public health and to the environment.
3. In light of the above (1 & 2), section 48 2 (d) is the appropriate power under which HVICL data is sought and compels introducers under section 48 (1) (c) to provide: *the names of industrial chemicals that are introduced by persons in specified quantities in a specified period*. The reference to section 65 is also included to cover all chemicals that have been assessed previously by NICNAS but for which HVICL may apply. Any consideration of a new risk assessment would be made under this section as a Secondary Notification rather than a Priority Existing Chemical.

Australia's contribution to OECD HPV Chemicals Programme is secondary to the above considerations, however, I note that as a member country of the OECD, Australia is obliged to share the responsibilities and benefits of being a member. Please find attached a copy Article 3 of the Convention of the OECD (Attachment 1) stipulating the requirements of members to co-operate and provide information when requested.

Please contact Mr Lewis Norman on (02) 8577 8854 if you have any further questions.

Yours sincerely



Dr. Margaret Hartley
Director
NICNAS

13 June 2006

Attachment 1

Article 3 of the Convention of the Organisation for Economic Co-operation and Development

With a view to achieving the aims set out in Article 1 and to fulfilling the undertakings contained in Article 2, the Members agree that they will:

- (a) keep each other informed and furnish the Organisation with the information necessary for the accomplishment of its tasks;
- (b) consult together on a continuing basis, carry out studies and participate in agreed projects;
and
- (c) co-operate closely and where appropriate take co-ordinated action.