

Reference: H06/00890

13 July 2006

Dr Margaret Hartley
Director
NICNAS
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Dear Dr Hartley

NICNAS Existing Chemicals Program Review

Thankyou for the opportunity to comment on the proposed model for the NICNAS Existing Chemicals Program Review. These comments were formulated with input from other Victorian Government agencies.

Overall, the proposed changes to improve the work on Priority Existing Chemicals (PEC) are generally supported. However, there are concerns with some aspects of the proposals. In a general sense, it is not clear how any of the proposals that will impose duties on various external parties will be enforced. Experience has shown that a duty that is not balanced with appropriate enforcement mechanisms is of limited value.

There are also specific issues. Please find attached a table setting out detailed comments on the 20 proposals that NICNAS has put forward for the review. Of particular concern is proposal 19. It is Victoria's experience that chemical safety schemes have to be an intrinsic part of the wider regulatory effort and not stand alone. The Major Hazard Facilities Regulations is an excellent example of how this can be achieved. Additionally, WorkSafe Victoria would be very concerned if as a result of proposal 19 there was affect on WorkSafe Victoria's ability to administer the Dangerous Goods Act and OHS (Hazardous Substances) Regulations.

It is also recognised that there are quite a few steps involved for NICNAS moving forward and that these would require a great deal of consultation. It is in this spirit that these comments are made.

Table – Specific Comments on Proposals

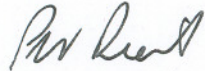
Proposal	Comments and/or Concerns	Suggestions
1	Endorsed.	
2	Endorsed.	
3	Endorsed in principle. As noted in the discussion paper, many of the entries on the HSIS have already been assessed internationally.	NICNAS work with ASCC to ensure the priorities from the HSIS are those where the international assessment can be improved upon, e.g. dated assessment, no environmental considerations etc
4	Endorsed in principle.	Sensitisers should be added to CMR hazards, due to their sizable OHS impacts.
5	Endorsed in principle.	The use of the Canadian information is supported but the methodology used would need to be available and explained to stakeholders.
6	Endorsed in principle. It is noted that this proposal is only for scoping purposes at this stage.	ASCC are also scoping a similar system for hazard exposures. In the long term there would be advantages in having any such systems compatible.
7	Endorsed.	
8	Endorsed.	
9	Endorsed.	
10	Endorsed in principle. It is not clear from the paper who will be required to provide the information. Also, information such as worker exposure is not common and difficult to identify, making enforcement problematic.	NICNAS should provide more detail on the particular information-gathering powers sought.

Proposal	Comments and/or Concerns	Suggestions
11	Endorsed in principle. Using cooperative arrangements with industry associations and the like has been a successful model used by WorkSafe Victoria on numerous projects.	This proposal should focus on cooperative arrangements and not include a option for a registration system for "chemicals of concern".
12	Endorsed.	
13	Endorsed in part. It is not clear why it is considered that concerns are not being captured via the MOU group. Contact with the other agencies in Victoria has indicated that this is not an issue. The necessary regulatory action issue is addressed against proposal 20.	A practical who's who is a good idea. However, the agencies that are not directly represented on NICNAS's MOU group often have equivalent forums with other commonwealth agencies. Therefore there is not likely to be any increased involvement in this area.
14	Endorsed.	
15	Endorsed.	
16	Endorsed.	
17	Endorsed.	
18	Not endorsed. This proposal is of a very prescriptive nature and so is incompatible with the general philosophy of performance-based legislation. It is not clear what is meant by "high hazard/high risk "	See suggestions for proposal 20.
19	Not endorsed. These powers are best left with the state-based agencies so that the chemical safety issues are seen as part of a holistic approach to occupational and environmental health and safety, not at an individual chemical level.	An excellent example of the need to look beyond issues with individual chemicals is the approach to major hazard facilities in Victoria.

Proposal	Comments and/or Concerns	Suggestions
20	Endorsed in principle.	Phrasing recommendations as action statements will only partly address this problem. The actions that follow need to be coordinated and consistent with the respective legislative powers. An appropriate model is that used by ASCC for National Compliance Campaigns. This sets a priority area at a high policy level and then implements a consistent, nation-wide campaign using technical resources for the regulatory authorities.

Any queries concerning this matter can be directed to Ross Bootes, Manager Occupational Hygiene, on (03) 9641 1745 or ross_bootes@workcover.vic.gov.au.

Yours sincerely



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