



National Industrial Chemicals Notification and Assessment Scheme Proposal for Regulatory Reform of Industrial Nanomaterials

Public Discussion Paper – October 2009

Have Your Say Questionnaire

All submissions will be placed on the NICNAS's website. For submissions made by individuals, all personal details other than your name will be removed from your submission before it is published on the NICNAS website. Confidential material contained within submissions should be clearly marked. Reasons for a claim to confidentiality must be included in the submission coversheet. Where possible confidential material will be redacted from information published on the NICNAS website.

1. What is the significance and/or consequence of this working definition for 'industrial nanomaterials'?

The definition is too broad and different to that used in Attachment 7. It needs to be narrowed to "particulates" or in some way as to distinguish between films/interfaces and other materials with only one nano-dimension.

2. How do you think the proposal to limit access to exemptions for nano-forms of new chemicals will contribute to protecting health and the environment?

This is unclear because the effects are unclear. The approach taken is a precautionary one.

3. Describe any ways in which you think self-assessment by an independent third party could be used to effectively achieve the same results?

How does "self-assessment" by a "third party" work? Seems a contradiction to me.

4. If in R&D, what, if any, practical issues arise from the proposed administrative amendment for annual reporting of R&D exemptions? Would it require a significant increase in reporting? If so – how much?

No significant increase in reporting.

5. What are your views on the impact of the proposal to regulate nano-forms of new chemicals with the above changes to the permit and certificate categories? Can you identify additional advantages or disadvantages?

The burden of effort for permits will fall on NICNAS. How will particle size data be collected and by whom?

6. What are your views on a system that is sufficiently flexible to amend permit conditions where new data indicates a new risk profile?

Appears sensible.

7. What are your views on the impact of the proposal for mandatory once-off, use specific reporting for nano-forms of 'existing chemicals'? Can you identify additional advantages or disadvantages?

This could be a major imposition and could be a nightmare to regulate. Existing users may suddenly find themselves under a high imposition of data collection/materials expertise/procedures/uncertainty for materials that have been in common use for a very long time. What specific definitions and procedures will be used to determine whether something is "nano" and a risk or not? How will this be enforced?

8. Explain how you think the potential burden of once-off, use specific reporting could or could not balance community expectations in relation to health and environmental standards?

Community expectations are likely to be very high, but the uncertainty around the issue raised in Q7 will also be high. There are bound to be either omissions leading to community backlash or over-regulation leading to industry backlash. Which way to lean?

9. What are your views on making the information gathered through streams 1A and 1B publicly available?

As long as origin/use confidentiality is maintained, no problem.

10. What are the advantages and disadvantages of the introduction of a system that required a mandatory notification and assessment program for all nano-forms of existing chemicals? What are the reasons for this answer?

See Q7 and Q8. What standards will be used to assess risk? This needs to be very clear in advance so that commercial users can evaluate cost/reward scenarios.

11. What are current issues that affect the feasibility of such a program?

Acceptable risk definitions will be hard to agree. Infrastructure to support information gathering may be lacking. Existing chemicals may suddenly be reclassified as "nano" and have an increased burden placed on their use based on no good reason.

12. What are your views on making the information gathered from assessments of nano-forms of existing chemicals publicly available?

May spark vexatious debate that could drag the issue into the political arena. As long as NICNAS can stay above that, then there should be no problem.

13. How might an integrated approach provide for more effective regulation of industrial nanomaterials compared to the package of options proposed in sections 3a and 3b?

The difficulty of a "one-size-fits-all" approach to both new and existing chemicals, "nano" or not.

