

**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'?**

..industrial materials intentionally produced, manufactured or engineered to have specific properties or specific composition, and one or more dimensions typically between 1 and 100 nanometres...

We agree with this definition. Of importance is the use of the term 'intentionally produced' to exclude from consideration the very low levels of nanomaterials that are unintentionally produced during the dispersion of pigments when manufacturing paint.

Also of significance is that the working definition as written embraces the polymer latexes that have been used in waterborne paints. Such materials have been in use by consumers for over 40 years with no noted ill effects due to particle size. We consider that the existing NICNAS rules governing the registration of new polymers are sufficient for such materials. See response to question 4.

- 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?**

We agree with the exemptions outlined in the NICNAS proposal and support the retention of an exemption for R&D activities.

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

We don't understand this question. How can activity initiated through an independent third party be "self-assessment"? Should the question refer to assessment by an independent third party? We don't see the need for an independent third party. NiCNAS is ideally equipped to carry out the assessment work.

- 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?

We support the need for NICNAS to be aware of R&D activity undertaken in this area. The proposed amendment would have very little impact on our annual reporting requirements.

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?

Dulux Australia develops latex dispersions for use as binders in waterbased paints and these are generally on the order of 100 nanometres in particle size. Such binders have been present in waterbased paints in Australia for over 40 years with no noted ill effects related to their particle size. We have an active research programme in this area and as such latexes for waterborne coatings are continuing to evolve.

We think it is fair and reasonable for NICNAS to take a cautious approach to regulating nano forms of new chemicals, however as outlined above we believe latexes should be continued to be treated as low risk materials for regulatory purposes.

We understand that NICNAS wish to define criteria based on the level and type of 'nano' material (<100 nm) in a dispersion that will trigger certain information requirements. In light of the above discussion regarding the low health and environmental risks associated with latex binders we believe that the information requirements for these materials should consequently be low. We would be concerned if the time and cost requirements for testing (particularly biological testing) were severe and consider such a regulatory approach may stifle innovation in this area.

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

We agree that the system should be flexible to take account of new information concerning the risk profiles of materials as it becomes available.

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?

Voluntary calls for information will generally have limited success, as noted in the proposal document. We support the different streams suggested as a way to gather information from introducers of nano forms of existing chemicals, as long as the time and cost required to provide such information was not excessive.

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?

The community needs to have faith that NICNAS are performing their key function of safeguarding the health of the Australian people and the environment. We believe the

likely burden on industry for the proposed reporting would be minor and as such feel this is a valuable process to undertake.

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

As outlined for q. 8, the community's faith in NICNAS is important and therefore we feel it is reasonable to provide transparency by making the gathered information publicly available. Care should be exercised in the correct communication of the data to the public however, so as not to create undue alarm or concern where it is not warranted.

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?

While we support this proposal in principal, as outlined in q. 5 we believe that due consideration should be given to the health and environmental concerns for different nanomaterials. Waterborne latex binders that have a fraction of their whole in the nano range (<100 nm) have been in use for many years without ill effect and as such the process for notification of such materials should not be unduly onerous.

The same consideration should be applied to the suppliers of materials to the paint industry. Any additional regulatory costs borne by these suppliers will flow through to paint manufacturers, thereby potentially affecting the level of innovation in the industry and also the cost of paint to the end consumer.

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

See answer to q. 10.

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

See answer to q. 9.

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?

As an ongoing approach to the regulation of nanomaterials this is worthy of consideration.