



COOPERATIVE ARRANGEMENT BETWEEN THE NATIONAL INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT SCHEME OF THE DEPARTMENT OF HEALTH AND AGEING OF AUSTRALIA AND THE DEPARTMENT OF THE ENVIRONMENT OF CANADA AND THE DEPARTMENT OF HEALTH OF CANADA RELATED TO ENHANCING TECHNICAL COOPERATION AND SHARING INFORMATION ON INDUSTRIAL CHEMICALS

THE NATIONAL INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT SCHEME OF THE DEPARTMENT OF HEALTH AND AGEING (NICNAS) OF AUSTRALIA AND THE DEPARTMENT OF THE ENVIRONMENT OF CANADA AND THE DEPARTMENT OF HEALTH OF CANADA hereinafter referred to as "the Participants",

WISHING to enhance their expertise and their technical cooperation with the aim of protecting human health and the environment,

HAVE COME to the following arrangement:

1. OBJECTIVE

The key objective of this Cooperative Arrangement (the "Arrangement") is to achieve efficiencies of resources in new and existing industrial chemical reviews, for the Participants to gain increased knowledge of each others risk assessment and management approaches and practices, facilitate exchange of operational experience to strengthen regulatory capacities on mutual interest matters and to lead to greater harmonisation where appropriate with the aim of protecting human health and the environment.

2. SCOPE

- (a) The Participants will, *inter alia*, exchange information on their respective industrial chemical regimes, work cooperatively through projects of mutual benefit, share assessment and management related resources, and adopt, when desirable and where possible, consistent practices and regulatory approaches.
- (b) The Participants will focus on areas of mutual interest, in particular:
 - (i) Expanding knowledge, information sharing and development of guidance materials, in particular with regard to the risk assessment of industrial chemicals;
 - (ii) Exchanging operational experience to strengthen regulatory capacities through training programs and exchange of staff, in particular with regard to the risk assessment of industrial chemicals;

- (iii) Providing, when desirable and when possible, relevant information on risk management approaches and sharing of relevant contact points for exchange of chemicals risk management experiences;
 - (iv) Advancing scientific tools concerning the development of models, databases and other scientific resources in support of effective and valid assessments;
 - (v) Exchanging information on emerging issues and risks arising from these; and
 - (vi) Exploring opportunities for further collaboration.
- (c) The Participants will post this Arrangement on their respective websites.

3. POTENTIAL BENEFITS

The Participants expect the potential benefits of this Arrangement to include but not be limited to the following:

- (i) More efficient use of resources by making greater use of work carried out by the other Participants, such as sharing hazard assessments and working towards greater harmonisation of approaches, without compromising their respective governments from making sound decisions associated with the risk assessment and management of chemicals;
- (ii) Greater exchange of scientific, technical policy and regulatory expertise;
- (iii) Communication of materials or technical guidance on programs and approaches established within their respective institutional mandates, as appropriate;
- (iv) Exchange of operational experience as well as experience in strengthening regulatory capacities;
- (v) Promotion of dependable informal discussions on relevant regulatory issues;
- (vi) Reduction of duplication of efforts in areas of mutual interest such as review of new and existing chemicals;
- (vii) Economy of government scientific resources associated with the assessment and notification of new industrial chemicals;
- (viii) Expansion of national perspectives on industrial chemical notification, assessment and risk management;

- (ix) Improvement of risk assessment through the use of best available scientific methods e.g. appropriate use of (Quantitative) Structure Activity Relationship (Q)SAR) tools;
- (x) Provision of greater access to external scientific expertise;
- (xi) For new chemical notifications in Australia, facilitate the implementation of foreign scheme provisions under the *Industrial Chemicals (Notification and Assessment) Act 1989*; and
- (xii) Facilitation of the implementation of a strategic approach to the management of chemicals of global concern including safer alternatives to chemicals of concern.

4. ROLES

The Participants will:

- (i) Work cooperatively to achieve the objective of this Arrangement;
- (ii) Identify strategies that foster cooperative problem solving;
- (iii) Perform their respective roles and activities in accordance with the Work Plan attached to this Arrangement (the "Work Plan"), as amended from time to time;
- (iv) Communicate on a regular basis, including through reports, email, regular meetings and teleconferences, in relation to this Arrangement generally and in relation to each area of cooperation set out in the Work Plan;
- (v) Remain flexible and open to new ideas; and
- (vi) Respect and recognise one another's differing views.

5. SPECIAL ISSUES

- (a) *Maintaining Equivalent Protection of Confidential Business Information (CBI)* – The Participants understand that in their respective countries, national legislation provides protection of information submitted by industry. Failing to protect this information could adversely affect markets and investments that Industry make to develop new industrial chemicals. The Participants will only disclose CBI or deal with intellectual property in a manner consistent with the applicable law and policy of their respective countries.
- (b) *Exchanging Information* – The Participants understand that strict procedures for exchanging information are necessary to ensure that the safeguards identified above within their respective systems are not compromised.

- (c) *Reporting to Stakeholders* – The Participants are aware of the significant role that stakeholders will play in the success of this Arrangement, particularly when the results are promoted internationally. The Participants will regularly consult and inform stakeholders as appropriate.

6. COSTS

The Participants will each provide their own resourcing and financial contributions for any activities carried out under this Arrangement unless they decide otherwise.

7. STATUS

This Arrangement is not legally binding and does not create rights or obligations under national or international law.

8. MISCELLANEOUS

- (a) This Arrangement will take effect two (2) weeks after its signature by the last Participant.
- (b) This Arrangement will remain valid for five years and will be renewed automatically for five year periods unless the Participants decide otherwise in writing.
- (c) The Participants will review this Arrangement on a regular basis to ensure that the objectives are being met in a mutually satisfactory way.
- (d) A Participant may terminate this Arrangement by providing 6 months prior notice, in writing, to the other Participants. The Participants may amend this Arrangement at any time, upon their mutual written consent.

- (e) This Arrangement supersedes the *Cooperative Arrangement between the Commonwealth of Australia, as represented by the Director, National Industrial Chemicals Notification and Assessment Scheme (NICNAS) of Australia and the Department of the Environment of Canada and the Department of Health of Canada, on the Subject of Sharing Information on New Industrial Chemicals*, signed at Marrickville on March 2, 2007; at Gatineau on April 13, 2007; and at Ottawa on May 15, 2007.

SIGNED in triplicate at _____ on this _____ day of _____ 2011,
at _____ on this _____ day of _____ 2011, and at _____
on this _____ day of _____ 2011, in the English and French languages, each
version being equally valid.

FOR THE DEPARTMENT OF ENVIRONMENT OF CANADA

FOR THE DEPARTMENT OF HEALTH OF CANADA

**FOR THE NATIONAL INDUSTRIAL CHEMICALS NOTIFICATION
AND ASSESSMENT SCHEME, AUSTRALIAN GOVERNMENT
DEPARTMENT OF HEALTH AND AGEING AUSTRALIA**
