



FACT SHEET

This fact sheet provides a guide to industry on which industrial chemicals are considered within the scope of NICNAS registration ie. relevant industrial chemicals.

Which Industrial Chemicals are within the scope of NICNAS Registration?

Relevant Industrial Chemicals

NICNAS registration applies to the introduction (ie. import and/or manufacture) of relevant industrial chemicals. Under Section 80B of the *Industrial Chemicals (Notification and Assessment) Act 1989* (the Act), you are required to register with NICNAS if you import and/or manufacture relevant industrial chemicals or products containing relevant industrial chemicals for commercial purposes.

The Act refers to industrial chemicals that are considered to be within the scope of NICNAS registration as **relevant industrial chemicals**.

Relevant industrial chemicals are defined by exclusion of other types of chemicals. We therefore do not have a list of relevant industrial chemicals. If a chemical does not belong to any of the following excluded categories, it is considered a relevant industrial chemical:

- a chemical intended for an **excluded use**;
- a **naturally-occurring** chemical;
- **biological material**;
- an **incidentally-produced** chemical; or
- a **reaction intermediate**.

The highlighted terms have very specific meanings in the Act. Their definitions in the Act are given in the boxes below. We will clarify/illustrate their meanings with some questions that are frequently asked about them.

? *I import plastic resins. These are used to make food containers and polyethylene films for wrapping food. Is this considered to be food use (meaning the resins are then excluded from NICNAS Registration)?*

These plastic resins would fit the food use category only if they were actually used as food. The making of food containers or food wraps from plastic resins is an industrial process and the resins used for such a purpose are considered to be relevant industrial chemicals.

excluded use means sole use as an agricultural or veterinary chemical, or a constituent of an agricultural or veterinary chemical, or therapeutic use, or use as an ingredient or component in the preparation, or manufacture, of goods for therapeutic use, or use as food intended for consumption by humans, or animals, or a constituent of such food, or use as a food additive.

? *I import chemicals which have both an excluded use (i.e. agricultural and veterinary, or therapeutic, or food use) and an industrial use. Do I include them in my estimate of relevant industrial chemicals?*

If you are absolutely certain that these chemicals are put solely to an excluded use (and can show this in case of an audit), you do not have to include them for NICNAS Registration. However, if the chemical is put to both excluded and industrial uses, you will have to estimate the percentage of the chemical value for the non-excluded use for NICNAS Registration purposes. It is not enough to know that a chemical can have an excluded use. Your registration estimate should be based on the use to which you know the chemical will actually be put

? *A lot of chemicals are derived from natural sources, are they considered to be naturally-occurring?*

Many substances do come from natural origins but this does not mean they meet the definition of 'naturally-occurring'. What has to be considered is the process involved in deriving or extracting these substances. As you can see from the Act's definition, only mechanical processes are allowed if substances are considered to retain their naturally-occurring status. If a chemical process is used in deriving a substance (e.g. calcination), that substance will no longer qualify as naturally-occurring.

naturally-occurring chemical means an unprocessed chemical occurring in a natural environment, or a chemical occurring in a natural environment, being a substance that is extracted by manual, mechanical, or gravitational means, dissolution in water, flotation, or a process of heating for the sole purpose of removing uncombined water, without a change in chemical substance.

? *The chemical I import or manufacture is a by-product of a chemical process. Is this chemical considered to be incidentally-produced?*

No. An important characteristic of incidentally-produced chemicals is that they do not have any commercial value. This rules out chemicals that are imported and those that are sold or used in making other chemicals to be sold. For example, as calomel is produced as waste of a smelting process some people think it may be considered as incidentally-produced; however, as the substance has both industrial uses and commercial value it is considered a relevant industrial chemical.

biological material does not include a whole plant or a whole animal.

incidentally-produced chemical means a chemical that is produced as a result of the exposure of another chemical to light, heat, or other environmental conditions, in the course of handling or storage, or the occurrence of a chemical reaction during the manufacture, or use of, another chemical, but does not include a chemical whose production has commercial value for a person manufacturing, handling, storing, or using that other chemical.

reaction intermediate means a substance that is produced in the course of a chemical reaction, and has a transient existence; and does not become a major component of the reaction mixture, and is not removed from the reaction system.

? *What about a reaction intermediate?*

A reaction intermediate is a stepping-stone between a parent substance and a final product – a chemical on the way to becoming another chemical. Note the Act further specifies that it exists only temporarily and does not leave the reaction system. Therefore no imported chemicals can possibly be reaction intermediates, nor can manufactured chemicals which are sold or used in making chemicals that are to be sold.

Examples of relevant industrial chemicals

Following are some examples of products included in NICNAS Registration:

paints, dyes, pigments, inks, toners, adhesives, plastics, cement, lubricants, soaps, detergents, essential oils, cosmetics, toiletries, laboratory chemicals, specialty chemicals, and chemicals used in petroleum and mineral processing.

If you are unsure whether the chemicals you import or manufacture are relevant industrial chemicals, NICNAS staff will be happy to provide you with assistance. Please contact NICNAS on 1800 638 528 or 02 8577 8800 or email to info@nicnas.gov.au.