



FACT SHEET

This fact sheet provides information about the relevance of the paint industry to NICNAS requirements. These notes also give a guide to help you estimate the total value of introduction (ie. import and/or manufacture) of industrial chemicals.

PAINTS

NICNAS regulates paint

Paints (including coating materials such as enamels, varnishes and lacquers) are made up of industrial chemicals; they are subject to certain requirements under the *Industrial Chemicals (Notification and Assessment) Act 1989* (the Act), including NICNAS registration requirements.

These requirements apply to you if you:

- import paints;
- import chemicals which will be used in the making of paints; and/or,
- manufacture paints or chemicals which are then used in the making of paints.

Relevance to the paint industry

Paints and resins are defined as relevant industrial chemicals ie within the scope of NICNAS registration. The circumstance under which an imported chemical is excluded from NICNAS registration requirements is when it meets the definition of a naturally occurring chemical.

‘Naturally-occurring’ is tightly defined under the Act, and that a substance derived or extracted from natural sources may not itself qualify as a ‘naturally-occurring’ chemical. Thus, while the natural varieties of pigments, such as raw ochres, umbers and siennas, are excluded from NICNAS registration, their calcined forms (i.e. burnt ochres, burnt umbers and burnt siennas) are included.

Under the Act, only mechanical processes are permissible if substances are to retain their naturally occurring status. All synthetic equivalents of naturally occurring chemicals are, by definition, industrial chemicals included in NICNAS registration considerations.

For more information on which chemicals are within the scope of NICNAS registration refer to the Fact Sheet on [Relevant Industrial Chemicals](#).

NICNAS registration

NICNAS registration requirements apply to persons/companies importing and/or manufacturing relevant industrial chemicals or products containing relevant industrial chemicals.

All importers and/or manufacturers of relevant industrial chemicals for commercial purposes must register with NICNAS, regardless of the amount of industrial chemicals imported or manufactured in that registration year. A registration year runs from 1 September to 31 August in the following year.

There are three levels of registration. Your registration level and hence registration cost is based on the total value of relevant industrial chemicals imported and/or manufactured each year. [Further details such as fees and charges can be found in the NICNAS Registration brochure.](#)

If you import paints, the requirements are straightforward: the import value of the paints should be used in your NICNAS registration calculations. The import value is the customs value in Australian dollars, plus the duty paid, and the cost of insurance and freight.

If you produce paint, you should examine the different stages of production and see if introduction occurs at any of them. Do you import any of the ingredients (resins, plasticisers, pigments, extenders, dispersion agents or other additives) you use in your production? Is there a stage in the process where a relevant industrial chemical is manufactured?

If you import any of the chemicals you use in paint making, they should all be included in your NICNAS registration calculations. This includes raw materials going into the paint and chemicals used in processing, e.g. solvents for cleaning. The import value is the customs value in Australian dollars, plus the duty paid and the cost of insurance and freight.

If you manufacture any of the chemicals you use in the paint making process, then these manufactured substances, as relevant industrial chemicals, and should be included in your NICNAS registration calculations. NICNAS registration requirements apply whether these manufactured chemicals are on-sold or used in paint production within the same company.

Examples of ingredients commonly manufactured by paint producers are the various resins. The raw materials used in the making of resins, eg. anhydrides, glycerol, acrylates, melamine and butanol, are relevant industrial chemicals included in your NICNAS registration estimations. The resulting resins formed from these raw materials are also relevant industrial chemicals and are in fact different substances. Manufacture has occurred. The manufactured resins are subject to NICNAS registration considerations.

A guide to estimating the total value of manufactured chemicals

Using again the above example of resin manufacturing, the cost of manufacturing the resins should be taken as the manufactured chemical value. This would include all your raw materials, **regardless** of where you source them. However, you should not double dip. If you import the raw materials for resin manufacture **and** you have already taken these into account (as value of imported chemicals) in your NICNAS registration calculations, then you should exclude this value from the cost of your manufacture. The costs of locally purchased ingredients are included.

Mechanical processing versus manufacture

It is important that you examine each stage in the paint production process carefully to see if introduction of a relevant industrial chemical has occurred. Mechanical processes which do not involve chemical reactions are not considered to be manufacture. Thus the mechanical mixing of ingredients, as in dispersion, should

not be counted for NICNAS registration purposes. Likewise, the pulverisation of ingredients in the making of powder coatings should be excluded.

Australian Inventory of Chemical Substances (AICS)

AICS is the legal instrument which lists chemicals available for use in Australia without notification and assessment by NICNAS. Some chemicals may only be available for specified/conditional use. It is important that you are aware of any conditions or restrictions that may apply to chemicals you import and/or manufacture or plan to export.

An industrial chemical is considered to be a new industrial chemical if it is not listed on AICS. By law, all new industrial chemicals must be notified and assessed by NICNAS before they can be imported or manufactured in Australia. If you introduce (that is, import or manufacture) a chemical or chemical product, you need to ensure the chemical, or all the ingredients in the product, are listed on the AICS.

AICS is composed of two sections: non confidential and confidential section. To find out if a chemical is listed on the non confidential section of AICS, you can search AICS online available at www.nicnas.gov.au or request NICNAS to carry out the search for you. A service charge applies only to requests for NICNAS to search the non confidential section.

For further information about notification and assessment requirements, please refer to the *Handbook for Notifiers* available at www.nicnas.gov.au/publications/handbook/

If you have any queries about assessment, and NICNAS registration requirements for paint products, please contact NICNAS on 1800 638 528 or 02 8577 8800 or email to info@nicnas.gov.au.