

Existing Chemicals Information Sheet

CHEMICALS 'BANNED' OR SEVERELY RESTRICTED IN AUSTRALIA

The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) often receives enquiries from people interested in finding out which chemicals are 'banned' in Australia. This document has been prepared as a general guide only, to assist members of the public, and other interested persons who want to find out which chemicals are restricted in Australia and the nature of the restrictions. The main focus of this information sheet is chemicals used for industrial purposes, although some information is provided on controls imposed on chemicals used for other purposes.

We often assume that chemicals are "allowed" or "banned" and that there are easily accessible lists of banned chemicals. In reality the controls imposed by governments on chemicals are more complex than this, and usually take into account the way in which the chemical is used.

Who Approves the Use of Chemicals?

For many categories of chemical use, only chemicals on a specified list are permitted. For instance, only chemicals on the NICNAS Australian Inventory of Chemical Substances (AICS) are approved for industrial use in Australia. If it is not listed on the AICS, a chemical must be assessed as a new chemical before approval for use in Australia for industrial use (some minor exemptions apply).

In Australia the different categories of chemical use are covered by four major Commonwealth schemes of registration and assessment. These are NICNAS (for industrial chemicals), the Australian Pesticides and Veterinary Medicine Authority - APVMA (formerly the National Registration Authority for Agricultural and Veterinary Chemicals), the Therapeutic Goods Administration – TGA (for medicines and medicinal products), and Food Standards Australia and New Zealand –FSANZ (for food additives and contaminants). In addition, other controls focus on chemicals at various stages of their lifecycles or on particular hazards. These include controls on transport and storage, occupational health and safety, environmental management, public health safeguards and management of waste.

The majority of restrictions on chemicals in Australia are contained in state and territory legislation, but may reflect codes of practice developed at a national level. This helps to make controls more uniform throughout Australia.

Some other chemical controls result from the listing of particular chemicals under international Conventions. Examples of these are the Chemical Weapons Convention and the Montreal Protocol on Substances that Deplete the Ozone Layer.

Therefore there is no a single list of banned chemicals, but several useful sources for information about restrictions on chemicals.

While many chemicals present hazards, they can still be used if appropriate controls are in place. Chemicals where the hazards have been determined as too great have been phased out of use e.g. polychlorinated biphenyls (PCBs). From 31 December 2003, all variants of asbestos will no longer be allowed in Australia, with specific exemptions.

Sources of Information on Chemical Restrictions in Australia

Import / Export

The Customs (Prohibited Imports) Regulations 1956 and the Customs (Prohibited Exports) Regulations 1958 list goods, substances and classes of substances that are either prohibited absolutely or prohibited unless special conditions, restrictions or requirements are complied with.

Workplace

The National Occupational Health and Safety Commission (NOHSC) prepares national standards covering many aspects of safe use of chemicals in the workplace. These standards become law when they are adopted by state and territory governments. Stringent restrictions on occupational use apply to chemicals in Schedule 2 and 3 of the National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC: 1005(1994)] and to those cancer-causing chemicals listed in Schedules 1 and 2 of the National Model Regulations for the Control of Scheduled Carcinogenic Substances [NOHSC:1011(1995)]. The NOHSC National Standard for the Storage of and Handling of Workplace Dangerous Goods [NOHSC:1015 (2001)] uses the same classification categories as in Transport (below).

Public Health

Chemicals are included in different Schedules and Appendices of the Standard for the Uniform Scheduling of Drugs and Poisons. The National Drugs and Poisons Schedule Committee is responsible for determining the classification and scheduling of substances for inclusion in the Standard. The Standard contains nine Schedules, although currently Schedule 1 is not used. The controls imposed on these substances, including restrictions on their availability, flow from the Schedule in which the substance is included. For example, substances classified under Schedule 7 are considered dangerous poisons and must not be used for domestic or home garden use. The Appendices of the Standard supplement the Schedules by setting out additional controls or requirements. For example, the manufacture, possession, sale or use of substances classified under Schedule 9 are prohibited except when used for some specific purposes. Additionally, Appendix C lists substances of such danger to health as to warrant prohibition of sale, supply and use but are not illegal drugs included in Schedule 9. The Standard is given legal effect through adoption into state and territory drugs and poisons legislation. More information on the Standard can be found at: <http://www.tga.gov.au/ndpsc/susdp.htm>

Transport

The Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) sets out technical requirements, such as packaging and labelling specifications, and guidelines relating to the transport of explosives, infectious substances, radioactive materials, waste products and other environmentally hazardous substances. It is adopted under all state and territory legislation implementing the Road Transport Reform (Dangerous Goods) Regulations 1997. The Code also contains a list of substances considered too dangerous to transport.

International Conventions

Montreal Protocol on Substances that Deplete the Ozone Layer 1987

In Australia, responsibility for implementing this convention is shared between the Australian government, and state/territory governments. The *Ozone Protection Act 1989* (Cwlth) prohibits the unlicensed manufacture, import and export of ozone depleting substances. Substances controlled are listed in Schedule 1 of the Act. While the Australian government is responsible for controlling the import, export and manufacture of these substances, state and territory governments regulate the supply, sale and use of ozone depleting substances. Further information can be found at: <http://www.ea.gov.au/atmosphere/ozone/index.html> and at <http://www.unep.org/ozone>.

Stockholm Convention on Persistent Organic Pollutants (POPS)

POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. Annex 1 to the Convention contains a list of chemicals that member countries, in implementing the Convention, are obliged to prohibit and/or eliminate, Annex 2 contains a list of chemicals that member countries are obliged to impose restrictions on. The Convention is not in force as yet. More information, including the text of the Convention, is at <http://www.pops.int/>

PIC ('Prior Informed Consent') Convention

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the PIC Convention) is concerned with international trade in industrial chemicals and pesticides which are restricted or banned by individual countries in order to protect human health or the environment. The Convention provides information about chemicals that have already been banned or severely restricted in one or more member countries. This assists countries in making their own decisions about the import of those chemicals. Annex III of the Convention lists chemicals that have been banned or severely restricted in one or more countries. The Convention has not come into force as yet. More information on the Convention can be found at a website of the United Nations Environment Program (UNEP) at <http://www.pic.int>

The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal

Australia's obligations under the Basel Convention are implemented by the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (Cwlth). Export, import, or transit of hazardous wastes through Australia require a permit. A guide to which wastes are controlled by the Act

has been prepared by the Australian Government Department of the Environment and Heritage and is at: <http://www.ea.gov.au/industry/hwa/pubs/gdwaste98.pdf>. More specific information on the international movements of particular classes of hazardous waste may be obtained directly from the Hazardous Waste Section through e-mail at hwa@ea.gov.au.

Chemical Weapons Convention

The Chemical Weapons Convention is an international treaty that bans the development, production, possession or use of chemical weapons, and requires the destruction of existing weapons. Australia's CWC obligations are implemented through the *Chemical Weapons Prohibition Act 1994* (Cwlth) and regulations. There are three Schedules of controlled chemicals with those in Schedule 1 being subject to the greatest restrictions. Details of these chemicals and associated control measures in Australia can be found at <http://www.dfat.gov.au/cwco>.