



## YOUR OBLIGATIONS UNDER NICNAS

The information presented should be used as a guide only and should not be relied on for legal advice. Persons should refer to the *Industrial Chemicals (Notification and Assessment) Act 1989* (the Act), and the Industrial Chemicals (Notification and Assessment) Regulations 1990 which can be accessed via the Comlaw website of the Australian Attorney-General's Department at <http://www.comlaw.gov.au>

This guide provides a brief overview of key legal obligations that apply to importers, manufacturers and exporters of industrial chemicals. More detailed information can be obtained from the NICNAS website: <http://www.nicnas.gov.au/>.

## ABOUT NICNAS

The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) is the Australian Government's regulatory body for industrial chemicals. It was established in 1990 under the Act to aid in the protection of people at work, the public and the environment from the harmful effects of industrial chemicals.

## REGISTRATION

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

The registration Tier that applies to you depends on the value of the industrial chemicals you import and/or manufacture.

Registration Level	Total value of industrial chemicals introduced annually
Tier 1	\$1 - \$499,999
Tier 2	\$500,000 - \$4,999,999
Tier 3	\$5,000,000 or more

For more information see <http://www.nicnas.gov.au/Industry/Registration.asp>

## NOTIFICATION AND ASSESSMENT

If you intend to import and/or manufacture an industrial chemical in Australia you need to find out if the chemical:

1. is a new industrial chemical in Australia;
2. is subject to calls for information;

3. has a condition of use;
4. is declared as a priority existing chemical (PEC); or,
5. was previously assessed by NICNAS and is therefore subject to secondary notification provisions.

The Australian Inventory of Chemical Substances (AICS) is a key tool which lists the chemicals that are available for use in Australia. 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. Failure to comply with the conditions could lead to unsafe use.

To find out how to search AICS visit

[http://www.nicnas.gov.au/Industry/AICS/How\\_To\\_Search\\_AICS.asp](http://www.nicnas.gov.au/Industry/AICS/How_To_Search_AICS.asp)

As the on-line version of AICS contains only non-confidential listings, you will need to have NICNAS search the confidential listings for you.

### **New Chemicals**

An industrial chemical is considered to be a new industrial chemical if it is not listed on AICS or if its importation and/or manufacture is subject to a condition of use. By law, all new industrial chemicals must be notified and assessed by NICNAS before they can be imported or manufactured in Australia. There are certain notification exemptions specified in the Act but these also have certain reporting obligations.

To find out more about new chemicals requirements see

[http://www.nicnas.gov.au/Industry/New\\_Chemicals.asp](http://www.nicnas.gov.au/Industry/New_Chemicals.asp)

### **Existing Chemicals**

An existing chemical is an industrial chemical other than a new industrial chemical. NICNAS requires importers and/or manufacturers to provide information on existing chemicals of interest.

Existing chemicals are assessed on a priority basis as concerns arise about their health and environmental effects. An industrial chemical is declared a priority existing chemical (PEC) by notice in the *Chemical Gazette*. Once declared, all those who wish to continue to import and/or manufacture the PEC must apply for assessment of the chemical. In all but exceptional cases, applicants can continue to import or manufacture the chemical while it is a PEC. The information that must be provided by the applicant listed in the notice.

To find out more about existing chemicals and which chemicals are currently under assessment requirements see [http://www.nicnas.gov.au/Industry/Existing\\_Chemicals.asp](http://www.nicnas.gov.au/Industry/Existing_Chemicals.asp)

### **Assessed Chemicals**

For some chemicals, changes in circumstances may occur which necessitate a reassessment of the chemical - that is, a secondary notification and assessment. The onus is on the importer and/or manufacturer to inform the Director when a change in circumstance occurs. The Director may then decide to initiate a secondary notification

by placing a notice in the *Chemical Gazette*. This may apply to all importers and/manufacturers of the chemical or only to those specified in the notice. The notice will specify the information to be provided in the notification.

## **TREATIES**

NICNAS has put in place administrative and legislative measures to ensure that Australia meets its obligations under international agreements.

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention) came into effect for Australia on 18 August 2004. Under the Rotterdam Convention certain hazardous industrial chemicals are subject to national and international import and export controls. Visit the link <http://www.nicnas.gov.au/Treaties.asp>

The Stockholm Convention on Persistent Organic Pollutants (POPS) came into effect for Australia on 18 August 2004. In the January 2004 *Chemical Gazette* ([http://www.nicnas.gov.au/Publications/Chemical\\_Gazette/Chemical\\_Gazette\\_January\\_2004.asp](http://www.nicnas.gov.au/Publications/Chemical_Gazette/Chemical_Gazette_January_2004.asp)), NICNAS advised industry that it would undertake the screening of new industrial chemicals to identify potential POPS chemicals. Additional data could also be required on persistence and/or bioaccumulation.