

Draft National Standard Environmental Risk Management of Industrial Chemicals

Comment by Jeff Simpson, Haztech Environmental, 5 May 2016

The Outcome I want is:

A National Standard Environmental Risk Management of Chemicals (with exemptions allowed for other Chemical Control schemes where the environmental risks are already managed).

A National Standard I want would immediately introduce the Environmental Hazard requirements under the UN GHS for the Classification & Labelling of Chemicals, which would mean that all environmentally hazardous chemical products (to the aquatic environment and the ozone layer) would be identified to everyone importing, manufacturing, formulating, transporting, storing, handling, using, recycling and disposing of these chemical products. The SDSs would then include the classifications, labelling and management information.

It is very important that the National Standard Environmental Risk Management of Chemicals I want be harmonised (or be easily able to be harmonised) with the NZ requirements for Hazardous Substances, and that Australia and NZ work to common set of Risk Management Standards, which can be achieved by modifying as needed, the existing 210 NZ Group Standards, plus additional NZ Site & Storage Condition documents.

It is also very important in the outcome I want that the reform of NICNAS introduces the pragmatic approach of NZ with use of their NZ Group Standards, plus additional NZ Site & Storage Condition documents to achieve the risk management needed to manage new chemicals (and eventually all chemicals to be included). To comprehensively manage the risks of all chemicals, NZ would need businesses to additionally identify the “non-hazardous” chemicals that they introduce into NZ every year so there can be a simple computer check to pick up hazardous chemicals or chemicals that change to hazardous. This would satisfy the Trans Tasman Mutual Recognition Agreement (TTMRA).

In the outcome I want, where some chemicals are found to require extra controls (i.e. they can't be allocated to a Group Standard), or there are found to be significant environmental hazards from existing chemicals or products, then additional evaluation by NICNAS and the NZ EPA would be needed only for these situations.

In the outcome I want, as the UN GHS for the Classification & Labelling of Chemicals includes more environmental hazards (e.g. to bees, birds, sensitive plants) that these are incorporated in timely manner into the National Standard for both AU and NZ.

Jeff Simpson's discussion and comments that follow, are made to enable Australia to meet the above outcome I want, and are based on my interpretation of the Draft National Standard and Discussion Paper, attending the Melbourne Workshop on Monday 11th April 2016, my long term efforts to try and get in place a Classification, Labelling, SDS and management system for Environmentally Hazardous chemical products, and liaising with colleagues.

Documents are from: www.environment.gov.au/protection/chemicals-management/national-standard/discussion-paper-consultation *Comment is to be emailed to:* Chemicals.Management@environment.gov.au

1/ In Glossary of Terms: A chemical substance does not include an article; or a radioactive chemical; or a mixture.

1a/ Comment: These exclusions contain environmentally hazardous chemicals (e.g. an article that weathers in use and in the environment releasing environmentally hazardous chemicals; a radioactive chemical needs to be managed for its environmental hazards, but this excludes them; a mixture may mitigate or enhance environmental hazards) but these exclusions cannot be managed under this National Standard, but the community would expect these to be managed.

2/ In Glossary of Terms: Industrial Chemical does not include any chemical that is e.g. an agricultural chemical, veterinary chemical, therapeutic chemical or a food chemical.

2a/ Comment: But the community expects these chemicals (as they can have serious environmental hazards), to be managed with Labelling, SDS, controls etc.

2b/ Question: Does this National Standard manage these chemicals when they become wastes and no longer have any of these uses? As I interpret it, wastes from these original uses fall outside the agricultural chemical etc definitions above, and so I suggest would be deemed to be industrial chemicals to be managed by this National Standard.

2c/ Question: Should this standard have a wider scope and be renamed the “National Standard Environmental Risk Management of Chemicals”, which is the outcome I want.

3/ In Glossary of Terms: Risk Assessment – This is currently restricted to only NICNAS doing Risk Assessments.

3a/ Comment: If the community is to get a streamlined (<5yrs maximum suggested) assessment of all chemicals, implemented for environmental hazards, then this Risk Assessment function needs to be carried out by industry. At least

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for the GHS aquatic environmental hazards, and then in a systematic way to add other environmental hazards, as these are agreed for the GHS and the local AU / NZ joint jurisdictions.

In Australia NICNAS would be the Risk Assessor for Chemicals of high environmental concern (New Chemicals & Existing Chemicals) and for non-aquatic environmental hazards of at least moderate concern (e.g. to Bees, Birds, Sensitive Plants).

4/ In the Draft National Standard: The Draft National Standard proposes 8 Schedules that chemicals will need NICNAS to review and allocate chemicals into (*Jeff Simpson* - like the existing Schedule Poisons review process that receives NICNAS IMAP & New Chemical reports). Industry will then need to work with the decisions via the Decision Maker's risk management advice.

4a/ Comment: The use of the term "streamlined approach to environmental risk management" only applies to the individual chemicals assessed by NICNAS and the Authority then processes these individual (non-mixture) chemicals through to the Decision Maker.

In my opinion the "streamlined" process will take decades to address the individual chemicals, plus the Draft National Standard scope does not address the chemical mixtures that are in use in Australia, which will probably change how environmentally hazardous chemicals in these mixtures will then affect the environment.

This streamlined "authority" approach does NOT meet the community's expectations to have ALL environmentally hazardous products identified, and communicated on how they need to be managed, in a reasonable time.

For GHS aquatic environmental hazards the community would expect a maximum of 5 years have classification, labelling, SDSs and management to be fully in place (and preferably within 2 years). For other environmental hazards (e.g. Bee, Bird, Plant hazards), as they become included in the GHS, the community would expect these hazards to be fully in place within 5 years of the original GHS revision that included them.

4b/ Comment: I don't like the use of the term "Schedule" as it is too close to the term we use for Poisons Schedules. I suggest using the term **ERM Hazard Level 1 to 8** so there are no term overlap. (ERM Hazard Level = Environmental Risk Management Level).

4c/ Comment: The Draft National Standard is not clear on how chemicals are selected for review. I have assumed that if NICNAS is to be the only Assessor the Standard ONLY means New Chemicals that have Hazards that will need to be Assessed by NICNAS, and Existing Chemicals that have been highlighted as sufficiently Environmentally Hazardous to need NICNAS assessment.

4d/ Comment: In my opinion the Draft National Standard should be set up around having industry determine the GHS environmental aquatic hazards and provide Labelling and SDSs so they are easily identified and managed. I suggest this should include a requirement to inform to NICNAS the chemicals and mixtures which classify into the current ERM Levels 6, 7 and 8 (for aquatic hazards).

4e/ Comment: The Draft National Standard approach looks too complex to me and too Authority dependent to be able to quickly manage all the environmentally hazardous chemicals that need to be covered. The community expects ALL chemicals (including ALL chemical mixtures) to be reviewed for environmental hazards so that these are managed within a maximum period of 5 years

Suggestion: We need a process where industry self classifies, at least for aquatic environmental hazards.

4f/ Comment: There is no advice in the Draft National Standard of how the existing GHS aquatic hazard labelling and SDS aquatic hazard communication should be used to communicate to business, users and the public. The rest of the world has or is, already implemented / is implementing this, and many businesses have this in place in Australia, as they have a liability to communicate and manage these hazards to meet Common Law obligations to inform, even though our Australian environmental authorities have not been able to implement a regulated system).

4g/ Comment: The set of conditions (in the Draft National Standards) for how an Environmentally Scheduled chemical should be managed, reminds me of the NZ Group Standards approach, which manages ALL hazards from chemicals (except chemicals with no hazards, or chemicals that don't fit into the scope of any NZ Group Standard) and already manages aquatic environmental hazards & other environmental hazards. There are currently about 210 of these NZ Group Standards, plus additional NZ Site & Storage Condition documents, which I expect could be modified to appropriately manage the hazards of the Intermediate Concern Environmental Hazards (currently ERM Hazard Levels 3 to 6).

Whatever our Australian Environmental Authorities come up with, they need to build on the GHS aquatic hazard classifications and be closely aligned with pragmatic international approaches and changes to tighter controls on the

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very environmentally hazardous chemicals, such as the NZ Group Standards plus NZ Site & Storage Condition approach, for managing environmentally hazardous chemicals.

4h/ Comment: Communication of environmental hazards would be more efficiently and effectively achieved by the National Draft Standard requiring the GHS environmental classification and labelling to be used in Australia.

Such a National Standard will require a nationally harmonised approach to adoption and implementation, so that the same situation for variable ways of some jurisdictions adopting the GHS H&S Classification & Labelling (& SDSs) does not occur.

This would then enable NICNAS to apply the National Standard in a similar way to how NICNAS reviews the health and safety issues of chemicals, which are then managed under the Workplace Health and Safety Regulations.

4i/ Some of the benefits expected from the current NICNAS reform process for introducing new chemicals into Australia are unlikely to be achieved if a non-internationally harmonised extra layer of environmental regulation (different to the UN GHS Criteria and requirements) is added, which will discourage the introduction of new chemicals in Australia.

4j/ The 8 ERM Levels (Schedules) (if we use this approach) may need to be changed to help users to better understand the Levels.

Five schedules might work: The Bottom 2 so everyone can differentiate no issue chemicals from the next level up of minor issue chemicals. The Top 2 so everyone can differentiate Prohibited chemicals from the next level down of Restricted chemicals. Then one Schedule for the chemicals in between that have environmental issues, that will need to be properly managed for their specific environmental issues and associated other chemical issues, where there may be many different management requirements. Additional "Group Standards" could be created as needed.

5/ In the Guidance: There is guidance in Appendix B of how the existing GHS aquatic hazard classifications mesh into their proposed 8 Schedules (ERM Hazard Levels).

5a/ This needs to set up so that industry can easily implement the specific GHS aquatic criteria for Classification & Labelling of Chemicals (& the SDSs to include management information) so this aspect can be quickly implemented). Additional criteria need to be introduced as this criteria becomes published in the UN GHS for the Classification & Labelling of Chemicals document.

This document may be used and modified by anyone to make their own comment on the Draft National Standard

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e.g. Posting on the web, distribution by email, hardcopy documents are all unrestricted methods.

Regards

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