

The following comments I am submitting on Consultation Paper 2 have been published in the Jan-March 2016 Hazmat & Environment Notes.

### **NICNAS Reform Paper 2: Jeff Simpson's Comment**

The following Comments are still unresolved (or important to be restated) after seeing the Consultation Paper 2 and attending the Melbourne NICNAS Reform Workshop.

**1/** NOTE: It is important this NICNAS Reform must enable Australia to be more innovative and thus be able to have industry and jobs IN Australia, whilst still adequately protecting workers, the public and the environment. This needs to be done at a reduced overall cost to industry, not just a transferred cost from paying NICNAS, to having to pay an in-house specialist to prepare reports and maintain their own business's NICNAS system.

**2/** The NICNAS proposed reforms all makes sense from a pure risk management perspective; and we have been doing this in a basic way, from our NUR exemption chemicals to different amount of information required for each type of permit or registration, BUT I think this process is now going to be a lot more complex for each business to manage internally, and will need very capable (and expensive) specialists to be available to each NICNAS business, or to use NICNAS's paid services to help them meet their obligations

**3/** There are many chemicals in the ECHA Registered Substances Database that have the "Data Lacking" tag where they are not classified as tox or exotox hazardous chemicals. How will this be managed by NICNAS? Will future NICNAS IMAP reviews default to the highest Hazard Bands for these "Data Lacking" endpoints?

**4/** Industry must be able to ask NICNAS for a technical opinion to decide a chemical is an Exempted or Reported Chemical.

(I assume this is a pay for NICNAS Categorisation Service)

**5/** This Exposure Band determination does not ease the work to be done to import chemicals into Australia, as it will generate a much higher level of expectation to import by businesses who have previously given up on importing new chemicals (and will not have the in-house expertise to achieve this new approach).

**6/** Company chemical management software will need to be created or re-written to include tracking uses and release volumes against each use of these chemicals. This will be particularly difficult / expensive for small business.

**7/** It will cost more to track the each chemical's Hazard & Exposure Data against each final product in the market. I suggest that **NICNAS should offer an online system** to companies who don't have the ability to easily upgrade their in-house software systems.

**8/** There will need to be the Hazard Data for each required Hazard Band Criteria endpoint and Exposure Data to be maintained for all Exempted and Reported chemicals.

**9/** There needs to be simple "<1%" management scenarios available so that Australian manufacturers can also take advantage of this concession, so "<1%" is not just available for their overseas business competitors.

E.g. "The chemical (when present at >1% and wanting to use the ≤1% management scenarios) shall only be imported and transported under highly controlled conditions; and stored and processed in an industrial workplace under highly controlled conditions until present at ≤1%."

**10/** "The <1% ingredient should not itself classify the product as a Hazardous Chemical." I suggest the previous sentence be added **OR** another sentence such as "Concentration to be ≤0.1% for CMR chemicals as introduced" criterion, so the product cannot be classified as a GHS Hazardous Chemical to the CMR criteria.

**11/** There is also a case to allow ALL hazardous chemicals that don't cause the manufactured or imported product to be GHS classified, which are well below their lowest GHS classification cut-off concentration, e.g. <50% of the lowest GHS concentration cut-offs, so they have minimal additive hazardous effects with similar hazard chemicals.

**12/** For Exempted Chemicals, NICNAS must at least be provided the Chemical Names / CAS No.s, and if a Hazardous Chemical (e.g. for R&D), so the NICNAS computer can initially do a "double check". This will also enable NICNAS (in later years) to alert these companies that a "non hazardous" chemical has become a Hazardous Chemical. This provides the community a "Responsible Care" assurance that no chemicals are missed out.

**13/** It should be possible for NICNAS to have flexibility to allow a company to postpone a response to a NICNAS Initiated Audit for up to around 3 months, to accommodate industry regulatory workloads or staff not being available (due to leave, sickness, bringing in a specialist, etc).

**14/** As I evaluate it, this Risk Matrix system will transfer the costs from paying NICNAS to review the industry chemical hazard assessments, to costing Industry the same (or maybe more) to prepare them and maintain their NICNAS chemical management system.

**15/** Due to the NICNAS data requirements, all “data lacking” hazard endpoints will be up-rated as hazardous, which will make these chemicals at least Reported, and many Assessed. These will all have added evaluation costs.

**16/** We still need to remember the NICNAS Act & Regulation are about an Inventory of Chemical Substances, not an Inventory of CAS No.s. There are many CAS No.s that should be automatically added to the AICS. Such as where there are mixture CAS No.s, but the individual CAS No.s in the mixture are not on the AICS, but these chemicals are clearly already in Australia.

**17/** The sheer volume of chemicals coming through the IMAP process, and then through the Schedule Poisons process, has not been able to be adequately addressed by industry or the community, due to our not having any extra funding to do this.

It has also caused a massive workload increase for the Schedule Poisons Committee.

**18/** I suggest that the existing chemical review process (IMAP) needs to be done at a rate so that everyone can reasonably make input at the IMAP time of review. The comment periods need to be longer (I suggest 3 months)

### **Serious Concerns about the NICNAS Reforms by the Editor, Hazmat & Environment Notes**

I am seriously concerned that many importing businesses will not be able to manage the complexity of the “reforms”.

I would like to see a system of NICNAS reforms that is much closer to the NZ approach, except that “non-hazardous” chemicals or hazardous chemicals in non-hazardous formulations **must** be tracked, as a “responsible care” assurance for the community to accept the NICNAS Reforms.

For formulated products, **using the New Zealand Group Standard approach**, would mean most formulated products would have **an agreed risk management approach**, if applied in the same way as New Zealand; and I suggest this would be a lot simpler and cheaper than the proposed NICNAS Reforms in Consultation Paper 2 (**for formulated products**).

Then we are only left with the “**single component chemicals**”: Only these high concentration “single component chemicals” would then be managed in the Risk Matrix – Hazard Band vs Exposure Band NICNAS process and then have the Exempted, Reported, Assessed outcomes proposed.

We also need this system to eventually be extended to cover ALL existing Hazardous Chemicals, & so harmonise with NZ.

There are no restrictions on how my comment may be posted or distributed.

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

Regards

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