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Department.



Statutory Rules 1990 No. ¹/₁

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Industrial Chemicals (Notification and Assessment) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *Industrial Chemicals (Notification and Assessment) Act 1989*.

Dated 5 July 1990.

BILL HAYDEN
Governor-General

By His Excellency's Command,

Peter Cook

Minister of State for Industrial Relations

Citation

1. These Regulations may be cited as the Industrial Chemicals (Notification and Assessment) Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears:

“the Act” means the *Industrial Chemicals (Notification and Assessment) Act 1989*.

**Prescribed data for the purposes of paragraph (f) of the definition of
"basic information" in section 5 of the Act**

3. (1) Subject to subregulation (2), for the purposes of paragraph (f) of the definition of "basic information" in section 5 of the Act the following physical and chemical data is prescribed:

- (a) whichever of the melting point, boiling point or freezing point of the chemical is appropriate;
- (b) the chemical's density in kg/m^3 , and:
 - (i) in the case of a gas—its specific gravity where air = 1; and
 - (ii) in the case of a liquid—its liquid density and vapour density;
- (c) the chemical's vapour pressure in kilopascals at 25°C;
- (d) the chemical's solubility in grams per litre in water at 20°C;
- (e) in the case of a chemical whose water solubility exceeds 10⁶ gms/litre—the degrees of hydrolysis at 25°C at pH values of 4-9 and 1-2;
- (f) in the case of a chemical that dissolves in water without dissociation or association and which is not surface-active—the partition coefficient (n-octanol/water) at 20°C expressed as $\log P_{ow}$;
- (g) a summary of the information about the adsorption and desorption of the chemical to and from standard soils;
- (h) in the case of a chemical that dissociates in water—the dissociation constant expressed as pKa determined by a specified manner;
- (j)
 - (i) in the case of a chemical that is a solid—the mean particle size and size range including the respirable fraction (1-10 microns); or
 - (ii) in the case of a chemical that is fibrous—fibre length and length range;
- (k) the flash point in °C of the chemical as determined by whichever of the open cup or closed cup method is specified in the notification statement;
- (l) the degree of the chemical's flammability, including:
 - (i) the upper and lower limits of flammability in air; and
 - (ii) the identity of toxic and hazardous products of the chemical's combustion;
- (m) the minimum temperature for the chemical's auto ignition;
- (n) a summary of the information about the chemical's potential (if any) to detonate as the result of heat, shock or friction;
- (o) a summary of the information about the stability and reactivity of the chemical.

(2) The data prescribed by subregulation (1) does not include data that has not been made available to the Director.

Prescribed data for the purposes of paragraph (g) of the definition of "basic information" in section 5 of the Act

4. (1) Subject to subregulation (2), for the purposes of paragraph (g) of the definition of "basic information" in section 5 of the Act, the prescribed data is a summary of the data:

- (a) relating to the health effects or environmental effects of the chemical; and
- (b) referred to in Part C of the Schedule to the Act.

(2) The data prescribed by subregulation (1) does not include data that has not been made available to the Director.

Prescribed form of Inventory

5. For the purposes of subsection 11 (2) of the Act, the Inventory must:

- (a) be divided into a confidential section and non-confidential section; and
- (b) consist of lists of chemicals in the following form:
 - (i) an alphabetical list of the names of chemicals;
 - (ii) a list in numerical order of the Chemical Abstract Service registry number of each chemical;
 - (iii) a list in alphanumerical order of the molecular formula of each chemical.

Inspection of Inventory

6. For the purposes of paragraph 15 (b) of the Act, copies of the non-confidential section of the Inventory may be inspected at:

The Library
Worksafe Australia
Ground Floor
300 Bridge Road
Forest Lodge New South Wales 2037:

between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

Prescribed international inventory of chemicals

7. For the purposes of paragraph 24 (1) (b) of the Act, each of the following is a prescribed international inventory of chemicals:

- (a) The European Inventory of Existing Commercial Chemical Substances (EINECS) issued by the Commission of European Communities;
- (b) The List of Existing Chemical Substances issued by the Ministry of International Trade and Industry, Japan:

- (c) The Existing Chemicals List issued by the Ministry of Labour, Japan:
- (d) Toxic Substances Control List (TSCA) Chemical Substance Inventory issued by the U.S. Environmental Protection Agency, Office of Toxic Substances, Washington DC 20460.

Prescribed information—summary report

8. For the purposes of paragraph 35 (2) (d) of the Act, an abstract of the summary of health, safety and environmental matters contained in the assessment report is prescribed.

Application forms—section 55 of the Act

9. (1) For the purposes of subsection 55 (1) of the Act, Form 1 in Schedule 1 is prescribed.

(2) For the purposes of subsection 55 (2) of the Act, Form 2 in Schedule 1 is prescribed.

Inspection of reports

10. For the purposes of subsection 78 (1) of the Act, copies of the full public report about a chemical may be inspected by the public at:

The Library
Worksafe Australia
Ground Floor
300 Bridge Road
Forest Lodge New South Wales 2037:

between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

Inspection of Material Safety Data Sheets

11. For the purposes of subsection 78 (2) of the Act, copies of the Material Safety Data Sheet (if any) for a chemical may be inspected by the public at:

The Library
Worksafe Australia
Ground Floor
300 Bridge Road
Forest Lodge New South Wales 2037:

between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

Inspection of Chemical Gazette

12. For the purposes of section 107 of the Act, copies of each Chemical Gazette that contains a notice under the Act may be inspected at:

The Library
Worksafe Australia
Ground Floor
300 Bridge Road
Forest Lodge New South Wales 2037:

between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

Fees

13. (1) The fee in column 3 of an item in Schedule 2 is prescribed for the purposes of the provision of the Act specified in column 2 of that item.

(2) For the purposes of paragraph 110 (1) (e) of the Act, the following fees are prescribed in relation to an application relating to an industrial chemical:

(a) if the application is an application in relation to which a notification statement in accordance with:

(i) Parts A, B and C in the Schedule to the Act: or

(ii) Parts A, B, C and D in the Schedule to the Act:

must be lodged—\$8,000:

(b) if the application is an application in relation to which a notification statement in accordance with:

(i) Parts A and B in the Schedule to the Act: or

(ii) Parts A, B and D in the Schedule to the Act: and

must be lodged—\$4,500.

(3) For the purposes of paragraph 110 (1) (p) of the Act, the following fees are prescribed in relation to an application relating to an industrial chemical:

(a) if the application:

(i) is lodged with, or would otherwise be required to be lodged with, a notification statement in accordance with:

(A) Parts A, B and C in the Schedule to the Act: or

(B) Parts A, B, C and D in the Schedule to the Act:
and

(ii) is lodged with an assessment report in relation to that industrial chemical under an approved foreign scheme:

\$4,000:

(b) if the application:

(i) is lodged with, or would otherwise be required to be lodged with, a notification statement in accordance with:

(A) Parts A and B in the Schedule to the Act: or

(B) Parts A, B and D in the Schedule to the Act: and

- (ii) is lodged with an assessment report in relation to that industrial chemical under an approved foreign scheme: \$1,000.

Waiver of fees

14. (1) Subject to subregulation (3), if the Director receives 2 or more applications under subsection 55 (1) of the Act in relation to the same chemical, the Director may, in respect of each application, waive so much of the fee prescribed as payable under subregulation 13 (1) in relation to each application as the Director thinks fit.

(2) Subject to subregulation (3), if the Director receives 2 or more applications under subsection 55 (2) of the Act in relation to the same chemical, the Director may, in respect of each application, waive so much of the fee prescribed as payable under subregulation 13 (1) in relation to each application as the Director thinks fit.

(3) If:

- (a) the Director receives 2 or more applications in relation to the same chemical under subsection 55 (1) or (2) of the Act, as the case may be; and
- (b) the Director decides to waive part of the fee otherwise payable with each application;

the total of the fees paid in relation to those applications must equal the amount of the fee prescribed under subregulation 13 (1) in relation to a single application under subsection 55 (1) or (2) of the Act, as the case may be.

Remission of fees

15. Where:

- (a) an application, statement, nomination or notification has been lodged and the prescribed fee has been paid; and
- (b) the application, statement, nomination or notification is withdrawn before:
 - (i) the Minister:
 - (A) has granted a permit under section 30 of the Act; or
 - (B) has approved a foreign scheme under subsection 43 (3) of the Act; or
 - (ii) the Director:
 - (A) has made a decision in relation to an application under subsection 14 (3), 17 (3) or 19 (7) or section 25, 29, 37, 40, 42, 45, 50, 60, 66 or 89 of the Act; or
 - (B) has given an assessment certificate under section 39 of the Act; or

- (C) has given an authorisation under section 22 of the Act; or
 - (D) has waived or varied a requirement under section 24 of the Act; or
 - (E) has published a notice under section 65 of the Act;
- the Director may, if he or she thinks fit, remit any part or the whole of the fee paid in respect of that application, statement, nomination or notification.

Payment of fees

16. The fees prescribed under regulation 13 must be paid at the time the application, statement, nomination or notification is lodged.

SCHEDULE 1

Regulation 9

Form 1

APPLICATION FOR ASSESSMENT OF A CHEMICAL UNDER SUBSECTION
55 (1) OF THE *INDUSTRIAL CHEMICALS (NOTIFICATION AND
ASSESSMENT) ACT 1989*

Name of applicant:

Address of applicant:

Details of chemical:

- (1) Chemical name of chemical: (a)
- (2) Name or names by which the chemical is known: (b)
- (3) Name or names under which the chemical is marketed by applicant: (c)
- (4) Chemical Abstract Service Number: (d)
- (5) Molecular formula:
- (6) Structural Formula:
- (7) Gram-molecular weight:

.....
(Signature of applicant)
(e)

-
- (a) insert the chemical name of the chemical:
 - (i) in the case of a pure chemical:
 - (A) the name to be used in the Australian Inventory of Chemical Substances, that is the Chemical Abstracts (CA) Preferred Index Name; or
 - (B) if such a name is not available—the name to be used by the International Union for Pure and Applied Chemistry; and
 - (ii) in any other case—as complete a description of the chemical as is practicable; and
 - (iii) in the case of a biopolymer, include a description of the biological source of the biopolymer

SCHEDULE 1—continued

- (b) insert the name or names by which the chemical is known or identified in scientific or technical literature
- (c) insert the name or names under which applicant markets, or intends to market, the chemical
- (d) insert the number assigned to the chemical by the service known as the Chemical Abstract Service
- (e) insert date

Form 2

APPLICATION FOR ASSESSMENT OF A CHEMICAL UNDER SUBSECTION
55 (2) OF THE INDUSTRIAL CHEMICALS (NOTIFICATION AND
ASSESSMENT) ACT 1989

Name of applicant:

Address of applicant:

Details of chemical:

- (1) Chemical name of chemical: (a)
- (2) Name or names by which chemical is known: (b)
- (3) Name or names under which chemical is marketed by applicant: (c)
- (4) Chemical Abstract Service Number: (d)
- (5) Molecular formula:
- (6) Structural Formula:
- (7) Gram-molecular weight:

.....
(Signature of applicant)

(e)

- (a) insert the chemical name of the chemical:
- (i) in the case of a pure chemical:
- (A) the name to be used in the Australian Inventory of Chemical Substances, that is the Chemical Abstracts (CA) Preferred Index Name; or
- (B) if such a name is not available—the name to be used by the International Union for Pure and Applied Chemistry; and
- (ii) in any other case—as complete a description of the chemical as is practicable; and
- (iii) in the case of a biopolymer, include a description of the biological source of the biopolymer
- (b) insert the name or names by which the chemical is known or identified in scientific or technical literature
- (c) insert the name or names under which the applicant markets, or intends to market, the chemical
- (d) insert the number assigned to the chemical by the service known as the Chemical Abstract Service
- (e) insert date

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SCHEDULE 2

Regulation 13

FEEs

Column 1 Item No.	Column 2 Provision of the Act	Column 3 Fee
		\$
1	Paragraph 110 (1) (a)	1,500
2	Paragraph 110 (1) (b)	250
3	Paragraph 110 (1) (c)	1,000
4	Paragraph 110 (1) (d)	500
5	Paragraph 110 (1) (f)	500
6	Paragraph 110 (1) (g)	500
7	Paragraph 110 (1) (h)	4,000
8	Paragraph 110 (1) (j)	500
9	Paragraph 110 (1) (k)	500
10	Paragraph 110 (1) (m)	4,000
11	Paragraph 110 (1) (n)	3,000
12	Paragraph 110 (1) (q)	25,000
13	Paragraph 110 (1) (r)	28,000
14	Paragraph 110 (1) (s)	4,500

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1 1990.

12 July/