



**Australian Government**  
**Productivity Commission**

# Chemicals and Plastics Regulation

Productivity Commission  
Research Report

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**Publications Inquiries:**

Media and Publications  
Productivity Commission  
Locked Bag 2 Collins Street East  
Melbourne VIC 8003

Tel: (03) 9653 2244  
Fax: (03) 9653 2303  
Email: [maps@pc.gov.au](mailto:maps@pc.gov.au)

**General Inquiries:**

Tel: (03) 9653 2100 or (02) 6240 3200

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***The Productivity Commission***

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# Foreword

Chemicals and plastics play an essential role in our modern economy, but they can present risks for public health, workplace safety, the environment, and national security. Regulation is an important tool in managing these risks, to help ensure that the net benefits to the community of using chemicals and plastics are maximised. Yet chemicals and plastics regulation has long been criticised for its inconsistencies, particularly across jurisdictions, and the impacts these have on effectiveness and efficiency.

In 2006 the Council of Australian Governments (COAG) identified chemicals and plastics as a ‘regulatory hotspot’, and a Ministerial Taskforce was established to develop a streamlined and harmonised national system of chemicals and plastics regulation. COAG also agreed that the Productivity Commission would undertake a study to assist the work of the Taskforce. This report is the culmination of the Commission’s study.

The Taskforce has already developed a range of ‘early harvest’ reforms — informed in part by the Commission’s draft report — which have been endorsed by COAG. The Taskforce has indicated that it will draw on this final report to further develop its reform proposals.

In undertaking this study, the Commission consulted with a wide range of participants from industry, government and the community. It benefited greatly from the willingness of all parties to propose, debate and in the main agree on a series of reforms that will improve community wellbeing.

The study was overseen by Commissioner Mike Woods and Associate Commissioner Siobhan McKenna, with the involvement of Commissioner Angela MacRae in the early stages. The staff research team was headed by Paul Belin.

Gary Banks AO  
Chairman

July 2008

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## Terms of reference

### Productivity Commission Study into Chemicals and Plastics Regulation

#### Preamble

The chemicals and plastics industry is a diverse sector comprising base and feedstock products, speciality and refined chemicals, intermediate goods and components as well as finished products. It plays an important role in manufacturing, with 70 per cent of its outputs used as essential inputs to other manufacturing and industrial sectors (e.g. automotive, building and construction, packaging, medical, agriculture and mineral processing).

#### Background

The Council of Australian Governments (COAG) decided at its meeting on 10 February 2006 that it would:

... establish a ministerial taskforce, with each jurisdiction nominating one responsible Minister, to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation, and reporting progress to COAG by mid 2006 (*Decision 5.8, Attachment B, 10 February 2006 COAG communique*).

The purpose of this study is to inform the work of this Ministerial Taskforce.

Additionally, the Report of the Taskforce on Reducing Regulatory Burdens on Business, *Rethinking Regulation*, made six recommendations regarding the regulation of chemicals and plastics, which are complementary to the COAG decision. In particular, Recommendation 4.58 proposed that COAG establish a high-level taskforce to oversee an independent public review of chemicals and plastics regulation.

The study, the details of which are below, is to have regard to COAG's *Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies*, endorsed in April 1995 and amended in 1997 and 2004.

#### Research Task

The Productivity Commission is requested to undertake a research study examining the current arrangements for the regulation of chemicals and plastics in Australia. In the light of the COAG regulatory principles, the Commission is to assess the impact of current regulation on the productivity and competitiveness of the chemicals and plastics industry, Australian industry and the economy as a whole, together with the effectiveness of the regulations in addressing public health, environmental, and occupational health and safety issues, and substances of national security interest.

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The Commission is to identify measures that could be introduced to achieve a streamlined and harmonised system of national chemicals and plastics regulation and any alternatives to regulation. In this work the Commission is to draw on the recommendations arising from the Report of the Taskforce on Reducing Regulatory Burdens on Business.

The Commission is to:

1. Investigate and document the current system of regulation of chemicals and plastics in Australia, including the interrelationships between the Australian, State and Territory government agencies, and local government layers of regulation, and the effect of these relationships on economic, public health and safety, occupational health and safety, and environmental outcomes. In examining these relationships, issues such as duplication and inconsistency both within and across jurisdictions should be identified. In particular, an assessment should be conducted of the impact of regulation on productivity and competitiveness.
2. Investigate the degree to which Australian regulations diverge from accepted standards (both international and those applying in similar jurisdictions overseas) and the costs and benefits of those variations. In doing so, the Commission should examine Australia's implementation of the United Nations' Globally Harmonised System of Classification and Labelling of Chemicals, and take into account the work underway to achieve mutual recognition and harmonisation with New Zealand in relation to industrial chemicals under the Trans-Tasman Mutual Recognition Arrangement.
3. Examine the efficiency of existing arrangements for security-sensitive ammonium nitrate, recognising that the requirement to achieve the Government's national security outcomes cannot be diminished, and having regard to the work being progressed by COAG's Review of Hazardous Materials.
4. Report on the efficiency and effectiveness of current institutional and regulatory frameworks for chemicals and plastics regulation in Australia in achieving economic, public health and safety, occupational health and safety, and environmental outcomes.
5. Make recommendations for reforms to regulations and regulatory arrangements and the establishment of a best practice governance framework including options to enhance national uniformity and consistency, to streamline data requirements and assessments processes to reduce unnecessary compliance burdens, and for alternatives to regulation.

In undertaking the study, the Commission is to prepare an issues paper, consult widely with all relevant stakeholders (including Australian Government agencies, State and Territory agencies, chemical supply and user industries, consumer and community groups) and prepare a draft report.

## **Timeframe**

The Commission is to report within 12 months of commencing the study and its report is to be published.

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## **Industry Definition**

For the purposes of this study, the Chemicals and Plastics industry is considered to comprise ANZSIC 2006 Groups 18 and 19 (less 184 (Pharmaceutical and Medicinal Product Manufacturing)).

PETER COSTELLO  
Received 27 July 2007

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# Contents

<b>Foreword</b>	<b>III</b>
<b>Terms of reference</b>	<b>IV</b>
<b>Contents</b>	<b>VII</b>
<b>Abbreviations</b>	<b>XV</b>
<b>Glossary</b>	<b>XXI</b>
<b>Overview</b>	<b>XXV</b>
<b>Recommendations</b>	<b>XLI</b>
<b>Additional actionable proposals</b>	<b>LI</b>
<b>1 What is this study about?</b>	<b>1</b>
1.1 What the Commission has been asked to do	2
1.2 Why was it initiated?	2
1.3 Scope of the study	3
1.4 How is this study linked to other reviews?	6
1.5 Conduct of the study	10
<b>2 Study methodology and evaluative criteria</b>	<b>13</b>
2.1 The rationale for regulation	14
2.2 Interpretation of assessment criteria	17
2.3 Applying the assessment criteria	19
<b>3 National policy formulation and system governance</b>	<b>29</b>
3.1 Background	30
3.2 A best practice governance framework	32
3.3 Policy development and regime oversight	34
3.4 Developing a national chemicals policy	45
<b>4 National hazard and risk assessment</b>	<b>53</b>
4.1 The case for regulatory assessment of chemicals	54
4.2 Regulatory arrangements for industrial chemicals	55
4.3 Effectiveness and efficiency of industrial chemicals assessment	59

---

4.4	Consolidation of chemical assessment regimes	87
<b>5</b>	<b>Public health</b>	<b>93</b>
5.1	Poisons scheduling and regulation	95
5.2	Controls on chemicals in consumer articles	106
5.3	Labelling requirements for consumer products	115
5.4	Diversion of chemicals to illicit-drug manufacture	125
5.5	Food safety	129
<b>6</b>	<b>Occupational health and safety</b>	<b>137</b>
6.1	The case for regulating workplace chemicals	138
6.2	The regulatory framework	139
6.3	Effectiveness of workplace chemicals regulations	148
6.4	Efficiency of workplace chemicals regulations	152
6.5	A single system for all workplace chemicals	156
6.6	Reforms to the national OHS framework	165
<b>7</b>	<b>Transport safety</b>	<b>169</b>
7.1	The case for regulating the transport of dangerous chemicals	170
7.2	The current regulatory framework	171
7.3	Assessment of current regulations	179
7.4	Options for reform	185
<b>8</b>	<b>Regulation of agricultural and veterinary chemical products</b>	<b>199</b>
8.1	Regulatory arrangements for agricultural and veterinary chemicals	200
8.2	Effectiveness and efficiency of agricultural and veterinary chemicals assessment	204
8.3	The case for national regulation of agricultural and veterinary chemical use	218
<b>9</b>	<b>Managing the impact of chemicals on the environment</b>	<b>229</b>
9.1	The case for regulating for the environment	230
9.2	Overview of regulatory arrangements	232
9.3	The effectiveness and efficiency of environmental protection regulation	242
9.4	A Framework for National Chemicals Environmental Management	253
<b>10</b>	<b>National security: regulation of ammonium nitrate</b>	<b>267</b>
10.1	The case for regulating ammonium nitrate	268

---

10.2	The principles and practices of regulating ammonium nitrate in Australia	271
10.3	Assessing the SSAN regulatory regime	279
10.4	Improving the SSAN arrangements	287
10.5	Addressing the security risks associated with other chemicals	291
<b>11</b>	<b>Reforming national approaches</b>	<b>299</b>
11.1	Introduction	299
11.2	National approaches to chemicals policy	300
11.3	The way ahead	308
<b>A</b>	<b>Conduct of the Study</b>	<b>309</b>
<b>B</b>	<b>Industry definition</b>	<b>315</b>
<b>C</b>	<b>History and economic profile of the industry</b>	<b>333</b>
C.1	History of the industry	333
C.2	Border protection	334
C.3	The chemicals and plastics life cycle	335
C.4	The chemicals and plastics manufacturing industry	335
C.5	The use of chemicals and plastics	339
C.6	Employment	341
C.7	Location of activity	342
C.8	Imports and exports	342
C.9	The global industry	346
<b>D</b>	<b>Major hazard facilities</b>	<b>347</b>
D.1	Background	347
D.2	The regulatory framework	348
D.3	Adoption and implementation of the National Standard and Code	350
D.4	Existing mechanisms to address concerns about interjurisdictional inconsistency	355
D.5	The case for reform	356
D.6	Potential reform areas for consideration	357
<b>E</b>	<b>Compliance and administration costs</b>	<b>359</b>
E.1	Background and purpose	359
E.2	Compliance costs can reduce firms' profitability and unduly influence production decisions	361

E.3	Regulatory arrangements can have anti-competitive outcomes	369
E.4	The introduction of safer or more effective chemicals can be impeded	372
E.5	Reforms can add to the regulatory burden	375
E.6	Cross-cutting issues	379
E.7	Administration costs	381
<b>F</b>	<b>Funding mechanisms for chemicals and plastics regulatory agencies</b>	<b>385</b>
F.1	National Industrial Chemicals Notification and Assessment Scheme	386
F.2	Australian Pesticides and Veterinary Medicines Authority	388
F.3	Jurisdictional control of use of agvet chemicals	390
F.4	Office of Chemical Safety	390
F.5	National Drugs and Poisons Schedule Committee	391
F.6	Food Standards Australia New Zealand	391
F.7	National Residue Survey	392
F.8	Australian Safety and Compensation Council	393
F.9	National Transport Commission	393
F.10	Australian Maritime Safety Authority	394
F.11	Civil Aviation Safety Authority	395
F.12	Australian Competition and Consumer Commission	395
<b>G</b>	<b>Labelling</b>	<b>397</b>
G.1	Labelling regulation in Australia	397
G.2	Effectiveness and efficiency of labelling regulation	402
	<b>References</b>	<b>417</b>
	<b>Boxes</b>	
1.1	Types of regulation	4
1.2	The Chemicals and Plastics Action Agenda	7
2.1	Information failures and the regulatory responses in the market for chemicals and plastics	15
2.2	Assessing hazards and risks and managing the risks	16
2.3	Components of economic efficiency	18
2.4	Checklist for assessing regulatory quality	21
2.5	Estimating excess regulatory burden	24
3.1	The Uhrig Review of corporate governance	45

---

3.2	COAG guidelines for the creation of new ministerial councils	48
4.1	The Australian Inventory of Chemical Substances	57
4.2	Features of an effective and efficient chemical assessment scheme	60
4.3	Participant examples on NICNAS application data costs	72
4.4	Some international harmonisation initiatives by NICNAS	81
4.5	Participant views on amalgamating NICNAS and APVMA	89
5.1	The Standard for the Uniform Scheduling of Drugs and Poisons	97
5.2	Reforms to cosmetics regulation	119
5.3	Multiple Chemical Sensitivity	124
6.1	ASCC model regulations, standards and codes of practice that apply to workplace chemicals and plastics	145
6.2	Implementation of the GHS in Europe	162
6.3	The Commission's 2004 report on national OHS frameworks	167
7.1	Self-regulation of chemicals and plastics transport	179
8.1	Criteria for approving applications	202
8.2	State and territory inconsistencies in regulating aerial pesticide applicators	221
9.1	Examples of legacies caused by chemical contamination of the environment	231
9.2	International treaties and chemical regulation	235
9.3	Environmental information on Material Safety Data Sheets	241
9.4	Examples of quantitative evidence of environmental outcomes relating to regulated chemicals and plastics	244
9.5	The Framework for National Chemicals Environmental Management (NChEM) (EPHC 2006b) proposes key reforms to improve the environmental management of chemicals in Australia	254
10.1	International approaches to regulating ammonium nitrate	270
10.2	Explosives legislation	284
10.3	Review of Hazardous Materials — Draft Report on Chemicals of Security Concern	292
11.1	A national governance framework for policy and standard setting	301
D.1	Overview of the National Standard for the Control of Major Hazard Facilities	349
D.2	Some examples of inconsistencies across jurisdictions	352
E.1	Impacts of unnecessary regulatory burden on firms	360

---

E.2	Interjurisdictional inconsistency in control-of-use regulations: aerial application	363
E.3	Burden of unique Australian labelling requirements	364
E.4	PACIA cost estimates for compliance with National Pollutant Inventory requirements	368
E.5	PACIA case study: the Illicit Drug Code and treatment of ammonia gas	371
E.6	PACIA case study: self-assessment of polymers of low concern	377
E.7	Summary of results of ACCORD Australasia survey	380
G.1	Labelling schemes in Australia	398
G.2	Issues, findings and recommendations relevant to labelling	404
<b>Figures</b>		
5.1	Food regulation system	131
C.1	Life cycle of chemicals and plastics	336
C.2	Industry value added (1989-90 = 100)	338
C.3	Real growth in industry value added between 1989-90 and 2005-06	339
<b>Tables</b>		
3.1	Intergovernmental arrangements	36
3.2	Selected institutional arrangements for chemicals regulation	40
4.1	Assessment fees for non-polymer chemicals	71
4.2	Patent applications, by industry group	76
4.3	Key similarities and differences between NICNAS and APVMA	88
4.4	Responsibilities for aspects of hazard and risk assessment, by regime	90
6.1	Rates of workplace injury and fatalities, international comparisons, 2004	149
6.2	Rates of claims for workers' compensation, per million hours worked, Australia, 1997-98 to 2005-06	149
6.3	Responses to 3M Australia inquiries about MSDS for obsolete products	155
6.4	ASCC estimates of the costs of implementing the new system	157
8.1	Registration fees for new pesticide products	210
8.2	Major differences between state and territory regulations on pesticide use	220
9.1	Self-regulatory agreements	242
9.2	GHS environmental hazard classifications and labelling	250
10.1	SSAN legislation by jurisdiction	274

10.2	Summary of SSAN licensing of activities by jurisdiction	276
10.3	Summary of SSAN licensing charges by jurisdiction	278
11.1	National reforms in chemicals and plastics regulation	304
A.1	Submissions received	310
A.2	Visits	312
A.3	Roundtable participants	313
A.4	Draft report workshop on the impact of chemicals on the environment - participants	314
B.1	Industrial gas manufacturing — ANZSIC	315
B.2	Basic organic chemical manufacturing — ANZSIC	316
B.3	Basic inorganic chemical manufacturing — ANZSIC	318
B.4	Synthetic resin and synthetic rubber manufacturing - ANZSIC	319
B.5	Other basic polymer manufacturing — ANZSIC	320
B.6	Fertiliser manufacturing - ANZSIC	321
B.7	Pesticide manufacturing — ANZSIC	321
B.8	Human pharmaceutical and medicinal product manufacturing — ANZSIC	322
B.9	Veterinary pharmaceutical and medicinal product manufacturing — ANZSIC	323
B.10	Cleaning compound manufacturing — ANZSIC	324
B.11	Cosmetic and toiletry preparation manufacturing — ANZSIC	325
B.12	Photographic chemical product manufacturing — ANZSIC	326
B.13	Explosive manufacturing — ANZSIC	326
B.14	Other basic chemical product manufacturing not elsewhere classified — ANZSIC	327
B.15	Polymer film and sheet packaging material manufacturing — ANZSIC	327
B.16	Rigid and semi-rigid polymer product manufacturing — ANZSIC	328
B.17	Polymer foam product manufacturing — ANZSIC	328
B.18	Tyre manufacturing — ANZSIC	329
B.19	Adhesive manufacturing — ANZSIC	329
B.20	Paint and coatings manufacturing — ANZSIC	330
B.21	Other polymer product manufacturing — ANZSIC	331
B.22	Natural rubber product manufacturing — ANZSIC	332
C.1	Chemicals and plastics industry, industry value added, 2005-06	337
C.2	Use of chemicals and plastics, 2001-02	340

---

C.3	Industry value added by state and territory, 2001-02	342
C.4	Proportion of supply of chemicals and plastics that is imported, 2001-02	343
C.5	Imports of chemicals and plastics, 2006-07	344
C.6	Exports of chemicals and plastics, 2001-02	345
C.7	Exports of chemicals and plastics, 2006-07	345
D.1	Administration and enforcement of MHF regulations	351
D.2	Classification fees across jurisdictions, selected PACIA member companies	355
E.1	PACIA reporting cost estimates: National Pollutant Inventory	369
E.2	Science Industry Australia estimates of reporting costs associated with low regulatory concern chemicals	376
E.3	AEISG estimated costs to the explosives industry arising from SSAN regulation	379
E.4	Costs of regulating agvet chemicals	383
F.1	Funding methods for bodies regulating chemicals and plastics	387
G.1	Labels inform chemical users on risk management	403
G.2	National and international consistency of labelling schemes	408
G.3	Label assessment and compliance processes	412
G.4	Current and proposed labelling requirements for chemicals in Australia	414

---

# Abbreviations

## Abbreviations

AAT	Administrative Appeals Tribunal
AATSE	Australian Academy of Technological Sciences and Engineering
ABS	Australian Bureau of Statistics
ACA	Australian Consumers' Association
ACCA	Agricultural Chemical Control Area
ACCC	Australian Competition and Consumer Commission
ADG Code	Australian Code for the Transport of Dangerous Goods by Road & Rail (also known as Australian Dangerous Goods Code)
AEC	Australian Explosives Code
AEISG	Australian Explosives Industry and Safety Group
AERP	Adverse Experience Reporting Program
AFER	Australian Forum of Explosives Regulators
AFS	Anti-fouling Systems
AGVET	Agricultural and veterinary
AHMAC	Australian Health Ministers' Advisory Council
AHMC	Australian Health Ministers' Conference
AICS	Australian Inventory of Chemical Substances
ALGA	Australian Local Government Association
AMSA	Australian Maritime Safety Authority
ANAO	Australian National Audit Office
ANFO	Ammonium Nitrate-Fuel Oil

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ANZECC	Australian and New Zealand Environment and Conservation Council
ANZFA	Australia New Zealand Food Authority (predecessor of FSANZ)
ANZSIC	Australian and New Zealand Standard Industrial Classification
APVMA	Australian Pesticides and Veterinary Medicines Authority
AQIS	Australian Quarantine and Inspection Service
ARA	Australian Retailers Association
ASCC	Australian Safety and Compensation Council
ASIC	Australian Securities and Investments Commission
ASIO	Australian Security Intelligence Organisation
ATA	Australian Trucking Association
ATC	Australian Transport Council
CAP	Competent Authorities Panel
CASA	Civil Aviation Safety Authority
CCOs	Chemical Control Orders
COAG	Council of Australian Governments
CPAASG	Chemicals and Plastics Action Agenda Steering Group
CPLG	Chemicals and Plastics Leadership Group
CRP	Chemical Review Program
CSC	Chemicals of Security Concern
CSMF	Chemical Security Management Framework
CWG	Chemicals Working Group
DAFF	Australian Government Department of Agriculture, Fisheries and Forestry
DDT	Dichloro-Diphenyl-Trichloroethane
DEFRA	UK Department for Environment, Food and Rural Affairs
DEH	Australian Government Department of the Environment and Heritage
DEW	Australian Government Department of the Environment and Water Resources

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DEWHA	Australian Government Department of Environment, Water, Heritage and the Arts
DITR	Australian Government Department of Industry, Tourism and Resources
DITRDLG	Australian Government Department of Infrastructure, Transport, Regional Development and Local Government
DOFA	Australian Government Department of Finance and Administration
DOHA	Australian Government Department of Health and Ageing
DOTARS	Australian Government Department of Transport and Regional Services
DPMC	Australia Government Department of the Prime Minister and Cabinet
EC	European Commission
EHO	Environmental Health Officer
EPA	Environmental Protection Agency
EPHC	Environment Protection and Heritage Council
EPHCCWG	Environment Protection and Heritage Council Chemicals Working Group
EPHCNCT	Environment Protection and Heritage Council National Chemicals Taskforce
EPHSC	Environment Protection and Heritage Standing Committee
ERAs	Environmentally-relevant activities
ERMA	NZ Environmental Risk Management Authority
EU	European Union
FBIA	Food and Beverage Importers Association
FSANZ	Food Standards Australia New Zealand
GHS	Globally Harmonised System of Classification and Labelling of Chemicals
GMO	Genetically-modified organism
HSIS	Hazardous Substances Information System
HSRF	Hazardous Substances Regulatory Framework

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HWSA	Hazardous Substances Information System
IAC	Industries Assistance Commission
ICAO	International Civil Aviation Organisation
IGA	Intergovernmental agreement
IGAE	Intergovernmental Agreement on the Environment
ITGS	International Trade in Goods and Services
IVA	Industry Value Added
LRCC	Low-regulatory-concern chemicals
MCCA	Ministerial Council on Consumer Affairs
MHF	Major hazard facility
MHF WG	Major Hazard Facilities Working Group
MOU	Memorandum of understanding
MRL	Maximum residue level
MSDS	Material Safety Data Sheet
MULO	Minor Use Liaison Office
NACTSO or NCTSO	National Counter Terrorism Security Office
NAP	National Action Plan for Addressing Dioxins in Australia
NCC	National Competition Council
NCCTG	National Coordinating Committee on Therapeutic Goods
NCHEM	National Chemicals Environmental Management
NCO	Notifiable Chemical Order
NDPSC	National Drugs and Poisons Schedule Committee
NEPC	National Environment Protection Council
NEPM	National Environment Protection Measure
NFF	National Farmers' Federation
NICNAS	National Industrial Chemicals Notification and Assessment Scheme
NOHSC	National Occupational Health and Safety Commission
NOPSA	National Offshore Petroleum Safety Authority

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NRA	National Registration authority for Agricultural and Veterinary Chemicals (predecessor of APVMA)
NRS	National Registration Scheme for agricultural and veterinary chemicals
NRTC	National Road Transport Commission
NTC	National Transport Commission
OASCC	Office of the Australian Safety and Compensation Council
OBPR	Office of Best Practice Regulation
OCS	Office of Chemical Safety
OECD	Organisation for Economic Co-operation and Development
OGTR	Office of the Gene Technology Regulator
OHS	Occupational health and safety
PACIA	Plastics and Chemicals Industries Association
PC	Productivity Commission
PCBs	Polychlorinated biphenyls
PECs	Priority Existing Chemicals
PIHC	Primary Industries Health Committee
PIMC	Primary Industries Ministerial Council
PISC	Primary Industries Standing Committee
POPs	Persistent Organic Pollutants
PSIC	Product Safety and Integrity Committee
PVC	Polyvinyl chloride
QSAR	Quantitative Structure Activity Relationship
RIS	Regulation impact statement
SCCRHM	Steering Committee for the COAG Review of Hazardous Materials
SCOC	Standing Committee on Chemicals
SDS	Safety data sheet
SITC	Standard International Trade Classification
SSAN	Security sensitive ammonium nitrate
SUSDP	Standard for the Uniform Scheduling of Drugs and Poisons

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SUSMP	Standard for the Uniform Scheduling of Medicines and Poisons
TGA	Therapeutic Goods Administration
UHL	Unsupervised handling licence
UN	United Nations
VMDA	Veterinary Manufacturers and Distributors Association
WRMC	Workplace Relations Ministers' Council

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# Glossary

Article	Means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition (examples include furniture, electrical appliances or motor vehicles).
Allergy	A state of physical hypersensitivity to certain things, such as pollens, food, and fruits, which are normally harmless. Hayfever, asthma, and hives are common allergies.
Chemical	A substance produced by or used in a chemical process.
Corrosive	A substance or mixture that can eat away the surface of a solid, especially of metals, by chemical action.
Cosmetic	A substance or preparation intended for placement in contact with any external part of the human body with a view to cleaning the body, maintaining or protecting it, or altering the body's appearance.
Cost recovery	Fees and charges related to the provision of government goods and services (including regulation) to the private and other non-government sectors of the economy.
Explosive	A solid or liquid substance (or mixture of substances) which is capable by chemical reaction of producing gas at such a temperature, pressure and speed to cause damage to the surroundings.
Hazard	Anything (including work practices or procedures) that has the potential to harm the health or safety of a person.
HAZOP study	A hazard and operability study is used to identify process and operational hazards, evaluate safeguards and make recommendations for improving safety.

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Label	Directions for the product's safe and effective use, which are attached to the product or its container.
Maximum residue limit (MRL)	The maximum concentration of a chemical residue allowed in or on a food, agricultural commodity, or animal feed, resulting from the registered use of an agricultural or veterinary chemical.
Oxidizing	An oxidizing substance or mixture is one that, while not necessarily combustible on its own, may cause or contribute to the combustion of other material.
Plastic	Any of a group of synthetic or natural organic materials which may be shaped when soft and then hardened, including many types of resins, resinoids, polymers, cellulose derivatives, casein materials, and proteins.
Poison	A non-pharmaceutical ingredient, compound, material or preparation which may cause death, illness or injury and includes any ingredient, compound, material or preparation referred to in a schedule to the current Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP).
Polymer	A natural or man-made material formed by combining units, called monomers, into long chains. The word polymer means many parts. Examples include starch (which has many sugar units), polyethylene (which has many ethylene units) and polystyrene (which has many styrene units).
Precautionary principle	Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (Principle 15 of the Rio Declaration, 1992 UN Conference on Environment and Development).
Preparation	Mixtures or solutions composed of two or more substances.
Risk	Risk is the likelihood that harm will occur as a result of exposure to a hazard.