

Submission on the Draft Research Report to the Study into Chemicals & Plastics Regulation

Dear Commissioner,

I have listed the following points for your consideration. They are area's which are of significance to me within my field of Compliance co-ordinator for Wacker Chemicals, chemical importer.

Recommendation 4.1

I agree that NICNAS be accountable in a cost benefit manner to ensure we spend our limited funds on evaluating chemicals which have at least GHS hazards (at the full GHS & New Zealand level) and not on unnecessarily reviewing low or no hazardous effect chemicals.

Recommendation 4.4

I agree with 4.4 to accelerate the assessment of existing chemicals, but we need to be careful not to duplicate overseas assessments by Authorities and recognise that REACH will generate a good dataset for many chemicals.

There needs to a feed back mechanism to NICNAS and the ASCC of at least acute incidents involving industrial chemicals that require medical intervention, so that a database is formally built up. NOTE: This should extend, enhance and harmonise the existing incident reporting processes, not start a new one.

New Draft Recommendation 4.7

Where control regulations overlap then there should be a simpler process to bring these chemicals under the non-allowed scheme.

Where one control scheme allows a chemical but another does not but should, (e.g there are some allowed food chemicals (e.g. some emulsifiers) that aren't allowed as industrial chemicals because they are not on the AICS), there should be a simple and cheap process to enable their use under the other control schemes.

Recommendation 5.1

Scheduling of Poisons – I am very pleased to hear that a committee be appointed based on their knowledge and experience (rather than just who they represent).

Add two extra points:

The SUSDP should be available free on the internet and at avoidable cost for hard copies.

The resultant revenue loss for the TGA/OCS should be offset by increased jurisdictional contributions.

A comprehensive CAS No. cross-reference to SUSDP entry should be prepared

Reason: It is cumbersome to search the hard copy SUSDP and its guidelines by exception is not straightforward, and so we require a specialist with long experience to

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extract the appropriate data for us. An electronic version would significantly help. A CAS No. cross-reference would be preferable, to help minimise time taken to classify Scheduled Poisons and to cut down on mis-classification of Scheduled Poisons.

Recommendation 5.2

I strongly agree that we need a model regulation and model code for how Scheduled Poisons are to managed identically in each State and Territory.

Recommendation 5.3

I agree with Scheduled Poisons used industrially being handled under the proposed Workplace Hazardous Chemicals regulations.

However we also need to ensure that Hazardous Substances not currently in the SUSDP used domestically are managed to advise domestic users of the hazardous effects using the same information as would be provided for industrial use.

Recommendation 6.2

I agree we need to follow on the implementation of the GHS, however we need to allow for any products that are already classified, labelled, and with an SDS to the GHS, to be seamlessly allowed to be used in Australia as they come into our possession.

We do not want a system of having to convert from the GHS Haz Subs classification back to the EU Haz Subs classification system. NZ products coming to Australia from July 2008 must be classified to the NZ GHS criteria.

On this basis we can introduce the GHS Haz Subs to start in 2009 but allow much longer phase in times (say an extra 3 years for single substances and then following with an extra 3 years for mixtures, both compared to the EU), which will mean when the current EU Haz Subs system is closed down (expected end 2015) we can realistically allow until end 2018 for industry in Australia to continue classify mixtures to the old EU system (as it will only be 3-5 years out of date).

New Recommendation 6.5

I suggest that whilst environment authorities get their act together, that the workplace hazardous chemicals framework be formally set-up to include Environmental classification, labelling and MSDSs, along with simple requirements to minimise environmental contamination in the event of an incident.

Recommendation 7.2

The ADG Code should not remain with the National Transport Commission as the whole process to create the ADG 7 was handled very poorly by the NTC and they do not have any Dangerous Goods specialists in their organisation. At several crucial times over the years it took to create ADG 7 the NTC lost key staff or key personnel, which caused unacceptable delays to getting the Code completed. The NTC then have published a

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document that is flawed from a sustainability requirement where they added an unnecessary wide black band at the top of each page, which wasted significant amounts of black ink when printing and copying each page of the Code.

I suggest that the ADG Code along with the Australian Explosives Code be managed by the ASCC (formerly NOHSC) and that a clear link to the NTC and Environment Authorities be set up.

Recommendations 7.4

I strongly agree that the ADG Code and AEC Code be available for free electronic download and the hard copies for avoidable cost.

This would mean that all the small companies (consignors, courier companies, prime contractors) who currently avoid purchasing the ADG Code (and piggy back off whatever information they can scrounge) would now have clear access to the requirements of the ADG Code 7th Edition. This would clearly facilitate much better compliance in the bottom end of the system and make it clear to those what they need to do if they want to work in this area.

Recommendations 8.1

I am very concerned about the inability of the various environmental acts at Federal, State and Territory level to require environmentally hazardous chemicals to be classified, labelled and have MSDSs provided. Even now NChEM only addresses what happens at the NICNAS level, but not down at the crucial need for information provision to customers level (which is in MSDSs and on labels).

I suggest that whilst our environment authorities get their act together, there needs to be an agreement that they inform industry on their various websites that classification, labelling and an MSDS with the EU or GHS environmentally hazardous effects is a good way for industry to meet its duty of care to inform its customers.

Recommendations 9.1, 9.2, & 9.3

I agree with these recommendations.

Comment: It is important that there be only ONE list of chemicals of concern covering chemical weapon precursors, illicit drug precursors and chemicals of security concern.

For this to work well, it must be very easy for chemicals listed or chemicals that easily form these listed chemicals, to be identified by administrative chemical company staff.

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Final Comment: If we can not harmonise our States & Territories inside Australia how can we expect to harmonise with the rest of the world. These simple changes will make significant cost savings without any reduction in protection.

Regards,

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