

## **Submission by Professor Ian D. Rae, VIC.**

I should like to make several comments on the material in the section of the Issues Paper on

### The need for coordination within and across jurisdictions

The matters I wish to address arise from my experience as an adviser to NICNAS and to the Department of the Environment and Water Resources (DEWR). Not all of them fit comfortably under the questions posed in the document, but I hope that you will find them of some interest.

1. The consolidation of some functions at Commonwealth level under the four agencies – APVMA, NICNAS, TGA and FSANZ – has been extremely successful in providing the basis for national harmonisation of regulations and, to a less extent, of use. Complete consistency in use regulation is probably too much to hope for, given the range of conditions that are met across Australia and the long-cherished rights of the states.

However, it should be possible to ensure better information flows from Commonwealth to state and territory levels. For the case in point, NICNAS assesses new chemicals on human health and environment grounds. The environment assessments are done, for NICNAS, by staff of the DEWR. Since NICNAS is an agency of the Department of Health and Ageing, its published assessments flow to corresponding departments at state and territory level – that is, health departments (and sometimes departments of workplace relations) but not as a matter of course to environment agencies. Some informal cross-agency links exist at state and territory level, but the valuable information in the NICNAS reports is seldom accessed by state environment agencies. These gaps need to be filled by better distribution mechanisms and coordination at both levels.

2. Further on NICNAS public reporting, there needs to be improved disclosure of chemical information on the Australian Inventory of Chemical Substances (AICS) and in NICNAS reports. While acknowledging some need on the part of industry for confidentiality, the level of disclosure at present is laughably small. For example, the 'Full Public Report' published by NICNAS is almost devoid of chemical information, and entries on the AICS that merely list a trade name or company code the substance are a sham.

3. Addressing the question on page 25 *What international regulatory frameworks or benchmarks should Australia seek to participate in and align itself with*, I would first observe that most of the 38,000 or so chemicals on the AICS have never been assessed, since they were 'grandfathered' onto the Inventory when it was set up in the early 1990s. The Priority Existing Chemical review mechanism allows selective reviews to be undertaken, but most chemicals on the list remain unassessed. I believe that most of them are not, have never been, and are unlikely ever to be sued in Australia, so a major review should be undertaken to purge the list of useless dross so that the real chemicals can be brought into focus. Next, a great deal of information is becoming available from the chemical industry response to the US EPA call for data on High Production Volume (HPV) Chemicals. Even though some of these would not

qualify for HPV status in Australia, advantage should be taken of the existence of these data to upgrade the Australian database and use it in an expanded programme of reviews.. Similarly, in the years ahead, the European REACH programme will deliver large amounts of data, freely available to us, that could be used in Australia.

4. Finally, I should like to comment on the page-26 question *Is the lack of mutual recognition between Australia and New Zealand a major impediment to the chemicals and plastics industry in Australia?* The Australian system (NICNAS) assesses chemicals, whereas the New Zealand system assesses products (which may consist of mixtures of chemicals). There is virtue in each approach and an effort should be made to bring the two systems together by providing cross-referencing of the two inventories. This would no doubt be resisted by industry, since it would disclose which chemicals were contained in which products, but – as with improved labeling in the food industry, for example – there would be an enormous improvement in public confidence of better data were provided.

Thanks you for the opportunity to comment.

**Ian D. Rae**