Chemicals and Plastics Regulation

Productivity Commission Issues Paper NICNAS CEF submission

Background – who is the CEF?

The NICNAS Community Engagement Forum (CEF) was established to assist NICNAS address aspects of the community's right to know, in relation to the control and safer use of industrial chemicals. Chaired by the Director of NICNAS, the CEF has six external members – two each nominated by the appropriate national body - appointed by the Parliamentary Secretary for the Minister for Health and Ageing, to represent the interests of worker health and safety, public health and environmental standards and interests.
(More information on the CEF http://www.nicnas.gov.au/Community/CEF_Charter_PDF.pdf)

The CEF's *Community Engagement Charter* *(http://www.nicnas.gov.au/Community/CEF_Charter_PDF.pdf)* outlines the principles and protocols to be followed by NICNAS in the conduct of its work delivering services to its stakeholders and clients and ensuring that it maximises opportunities for effective engagement about industrial chemicals.

This submission will include responses to some, not all, of the questions posed in the *Issues Paper*, as well as some comments where we feel this is warranted.

Overriding comment

Any assessment of 'the impact of current regulation on the productivity and competitiveness of the chemicals and plastics industry' must be qualified against the effectiveness of protecting the environment, public and worker health and safety and include as a fundamental principle the protection of public health, environmental and occupational health and safety in all aspects of any chemical regulatory system. Any recommendations regarding reforms must be based on the principle that this protection will not be diminished or traded off in any way.

Industry must accept that the community has a right to expect that it is afforded the greatest protection from the risks of chemicals. Government must accept that it has a crucial role in regulating in this area to ensure that no chemicals are introduced or manufactured in Australia without adequate information on their potential effects on health and the environment, and that any potential risks are either eliminated or reduced. Consequently there must be a regulatory system in place for the assessment and registration of all chemicals.

1 – Introduction

Relationship to other reviews

There are a number of related reviews listed on page 7 of the Issues Paper. The CEF notes that this list does not include the review of the Hazardous Substances Regulatory Framework undertaken by the Australian Safety and Compensation Council (ASCC) and its predecessor the National Occupational Health and Safety Council.

As a result of the review, drafts of the National Standard and Codes of Practice for the Control of Workplace Hazardous Chemicals were released for public comment (which closed March 2007). The new framework will be a first step in bringing the regulatory requirements for hazardous substances and dangerous goods together in one framework consistent with the Globally Harmonised System for the Classification and Labelling of Chemicals (GHS).

Consequently, Productivity Commission Study must consider the ASCC review.

In addition, in December 2006 an independent review of the Existing Chemicals Program was completed, the objective of which was to improve the efficiency and effectiveness of the program. A tripartite review steering committee (RSC) made up of industry, community and government representatives oversaw three working groups, also tripartite, which looked into the current processes and programs. These working groups made a number of recommendations which were then reviewed by the RSC and collated into a draft report. A nation-wide consultation was then carried out, through the CEF, with a large number of persons attending meetings and also making written submissions. The review process resulted in twenty-three recommendations being made (see *Promoting safer chemical use: towards better regulation of chemicals in Australia. Final Report and Recommendations – PDF 685 Kb* *http://www.nicnas.gov.au/About_NICNAS/Reforms/Review_Of_The_Existing_Chemicals_Program/EC_Review_FINAL_REPORT.pdf*).

This review was supported by both the chemical and plastics industry and the CEF and thus represents broad and authoritative representation and support for this critical review and the recommendations made under them. The ECR should enhance the Productivity Commission's work and not be seen as separate or unrelated. Many of the key recommendations have been referred up to the Chemicals and Plastics Taskforce and therefore must be considered in this study.

2 – Scope of the study

There are a number of 'significant exclusions' to the study, listed on page 8. It is concerning to the CEF that one of the exclusions is 'petroleum and coal product manufacturing'? The rationale for this exclusion is unclear what the full extent of this exclusion is, and as it stands, it would seem to be too broad an exclusion. Many products of petroleum and/or the manufacturing processes are classified as hazardous particularly to worker health and safety.

Given that much of the products from the Plastics and Chemicals industry originate from petroleum and their residues are known to be toxic and bio-accumulative, there are no valid reasons to exclude the entire petroleum and coal product manufacturers from this study. In addition, when many of the by-products from this industry contribute to our waste streams and enter our food chains and given there are very few health and environmental protections standards, ie NEPMs, to monitor and control any adverse impacts it seems illogical to ignore their role in this study.

The CEF therefore argues for the inclusion of Petroleum based products in the study.

Figure 1 – page 10
It is acknowledged that current chemicals regulation in Australia is complex, and that a schematic summary would be useful, this figure does not appear to be accurate. For example, the ASCC provides input into the risk assessments for industrial chemicals to NICNAS, and there is insufficient information on transport and environmental regulation.

Box 2 – Types of regulation
The CEF would like to point out that the definition in the Issues Paper for 'self-regulation' is a particular one in that industry not only 'formulates rules, standards and codes of conduct', but is also 'solely responsible for [their] enforcement'. In our view, this is more like 'de-regulation' because government appears to have no role at all, and any such rules, etc, could only be voluntary. In other sectors, for example in occupational health and safety, 'self-regulation' more closely resembles what this Issues Paper classifies as 'co-regulation'. Use in this paper of the definition as per Box 2 could cause confusion in the wider community.

3 – Issues for comment

The case for change

There is clearly a case for change. The CEF agrees with the statement in the Issues Paper 'The current regulatory structure for chemicals and plastics involves a complex web of regulators dealing with a multifactoral set of objectives.' There are gaps, duplications and inconsistencies.

In other areas however, for example recognition of international standards and approval processes, there has been good work done recently by NICNAS and we look forward to further improvements.

The complexity of the system obviously creates a 'burden' for industry – but industry must also acknowledge that it must bear some burden in order to provide protection to workers, the community and the environment. In the area of labelling, for example, industry must accept the importance of ensuring that labels must provide the appropriate information to users to ensure that hazards can be correctly identified and appropriate risk controls implemented. Labels cannot be solely a marketing tool.

In any discussion of the 'burden' or 'cost' of regulation, or indeed in any discussion of the 'case for change', there must be consideration of the burden to the community of complex regulation. When regulation is difficult to understand, or difficult to implement, or even difficult to administer and ensure compliance with, then there are going to be inevitable costs to workers, the community and the environment. The Productivity Commission must recognise the 'burden' is not only a financial one to industry, but a very serious one to the community: to the health and safety of workers and the public, to the environment (flora and fauna).

Reform has been difficult, despite the many reviews and good intentions of the various agencies. There are many reasons for this, including that complexity of the system itself, which evolved over time and has no overarching body. Nevertheless, even under the current system, there should be no reason why there are variations in State and Territory regulations. In some cases there have been requirements for proposed nationally developed model standards to be put through further processes (eg another round of tripartite consultations, another RIS, another round of public comment), resulting in the regulations finally adopted not being consistent with the original models.

The process for the development of new, or revision of current, regulations should be done once, at the national level. This needs to be properly consultative, open and transparent, with the full involvement of all the State and Territory jurisdictions and the key stakeholders. There should be one RIS and then the final model standards and codes should be adopted consistently by each jurisdiction.

COAG has acknowledged some of these impediments and is working towards ensuring common uptake of national instruments as part of ensuring harmonisation. It has requested the ASCC to:

> *develop strategies to improve the development and uptake of national occupational health and safety standards with particular emphasis on the following:*
>
> i. *reducing the time taken to develop national OHS standards*
> ii. *undertaking State/Territory consultation with local stakeholders in parallel with national consultation to inform the development of the national standard and ensure agreement to nationally consistent arrangements, and*
> iii. *agreeing specific time frames for implementation so that each jurisdiction will implement the standard or code within an agreed time frame.*

Work is progressing on developing a national OHS framework agreement (a 'core elements' document). This work could provide a useful 'blueprint' for how to progress work in this area.

The CEF supports a review of the regulatory system to streamline it and ensure consistency, but any changes must ensure increased protections for worker and public health and the environment.

While the system is complex, there are additional burdens for the environment and for community health due to the many *absences* of regulatory tools available to protect health and environment. The burden of chemical and plastics waste on the environment and the associated impacts to health and sustainability require urgent attention and recognition. Industry and government do not include these often unseen but no less burdensome costs or their profound impacts on the planet in terms of the now widely recognised problem of intense climate change.

The need for effectiveness

The problems that chemicals and plastics regulation address, or seek to address, must be the elimination/reduction of risk to worker and public health and the environment. Government has a responsibility to protect the community and must regulate and ensure compliance with regulation. There can be no real alternative… to suggest that government intervention '*may be justified … depending on the overall costs and benefits'* is unacceptable.

Risk prevention, contrary to the statement on page 13 of the Issues Paper, ***is possible*** – though hazard prevention may not be.

Regulation of chemicals under the OHS regime is broadly risk-based – employers must apply controls to eliminate the risks posed. If it is not practicable to eliminate the risks, then they must be reduced as far as practicable. This must be the aim; not to reduce the risks to 'acceptable' levels – acceptable to whom? To the industry? To Government? Or to the Community? No doubt the level of 'acceptability' would not be the same.

In any case, as noted in the paper, the essential first step ***is*** to identify the chemicals which are hazardous. Australia has committed to implementing the GHS, which will standardise the information required for labels and SDS – very important information needed by users to identify hazards. What action then needs to be taken to eliminate/reduce the risks will depend on a number of specific workplace related factors: amount of chemical, process, conditions, exposure to workers and others, methods of disposal, etc.

With regards to whether the 'burden' of regulation is 'commensurate with the problems caused by chemicals and plastics', the CEF would point out that chemicals and plastics must be properly regulated and the level of regulation must be such that it provides proper protection. When regulation doesn't achieve this outcome, those who bear the greatest burden are the workers who are exposed in the first instance, and then the community and the environment. The burden is great – the WHO has calculated that there are at least 3,800 deaths in Australia as a result of work-related cancers.

With the current system being so complex, and there being inadequate monitoring and compliance activities, workers, the community, the environment are at risk – and thus improving the system, making it more effective and efficient will improve compliance and improve control of risks. However, we do not want to see the perceived financial burden to industry being shifted so that the burden to the community is increased. Any changes to the regulatory system must be beneficial to all parties.

The CEF does not believe that the regulatory system is 'sufficiently flexible' not so much 'to incorporate and respond to changing knowledge and understanding of issues over time', but rather to take into account what we would call 'emerging issues'. There are two issues in particular: the advancement in the area of nanotechnology and the increasing concerns with regard to Multiple Chemical Sensitivity (MCS).

Nanotechnology:
There is an ever-increasing use of and interest in nanotechnology. The Australian Government has made a large amount of money available to promote research and development in this technology. Yet there is no regulation in place to even require industry to provide information on what is being done in the country, where nanomaterials are being imported/ developed/manufactured/used, much less legislation to protect human health and the environment. There are many problems, for example, lack of knowledge with regard to measuring exposure, how the intrinsic characteristics of chemicals once reduced to nano form change, how the body reacts to them, how it disposes of them and so on. Of the funding being made available, only a very small percentage has been earmarked for occupational and public health and the environment. There is a total regulatory void when it comes to nanotechnology and this is not acceptable. Any review of the current system must ensure that nanomaterials are adequately regulated. There is a total regulatory void when it comes to nanotechnology and this is not acceptable.

The costs to the environment and health and therefore government from the proliferation of nanotechnology in Australia have not been adequately investigated or addressed. Insufficient funds have been directed to investigating the health impacts of nanomaterials, particularly where they can enter the body and pass straight into the blood stream. Given that the government has found it difficult to legislate and protect the public from fine particles (eg pm2.5), there is justifiably great concern about the impending release of nanomaterials into the air, water and food chain.

Multiple Chemical Sensitivity
This is an issue of great concern to the community and there has been insufficient action on behalf of the regulators. Our present understanding of this disorder is limited to an awareness that it is brought about by exposure to chemicals. It is highly problematic for the sufferers, largely due to their inability to avoid chemical exposure in public places or workplaces, and its prevalence is increasing. Policies are difficult to implement to alleviate their exposure related symptoms, or indeed to reduce its onset in others. Australia has an obligation to these people to uphold a solid regulatory framework that serves to protect human health. Such a regulatory system must promote safe chemicals, safety in their manufacture, usage and disposal, and it must ensure high levels of compliance.

How effective are the regulations?
It is difficult to judge how effective the current regulations are for a number of reasons, not least of which is insufficient monitoring by the various regulatory authorities and the jurisdictions. In addition to this, the level of compliance activity varies between jurisdictions and departments.

In December 2007 a major public consultation exercise to review the assessment of existing chemicals was undertaken by the CEF on behalf of NICNAS. One of the recommendations was to 'Examine the feasibility of a nationally co-ordinated system of surveillance monitoring and post market reporting'. Essentially, there was widespread agreement that there should be a system in place, and that in the first instance there should be a feasibility study done in partnership with community, industry and government. (see: *Promoting safer chemical use: towards better regulation of chemicals in Australia. Final Report and Recommendations – PDF 685 Kb* *http://www.nicnas.gov.au/About_NICNAS/Reforms/Review_Of_The_Existing_Chemicals_Program/EC_Review_FINAL_REPORT.pdf)*

Responses to 'major adverse outcomes'
If there are 'major adverse outcomes' in Australia and it is found that the current legislation is insufficient, then there is obviously a need for government/s to legislate to prevent any future such occurrences. For example, Victoria became the first jurisdiction to introduce Major Hazard regulations and regime as a direct result of the Esso Longford fire and explosion. As a result of a number of international catastrophic events (Piper Alpha in the North Sea and Bhopal, India), the ILO had developed and adopted the Prevention of Major Industrial Accidents Convention in 1993. The ACTU and its affiliates have supported Australia adopting the Convention, but the Australian government has not done so. It was not until such an event occurred here that one of the jurisdictions introduced legislation. This was not a 'short-term' response, but something that Australian jurisdictions should have already introduced. Since then, some other jurisdictions have introduced and implemented similar regulations.

In addition in WA, the chemical disaster at the Waste Control facility demonstrated that the management and regulation of waste chemicals is poor and insufficiently regulated as severe public and environmental impacts were witnessed and documented there. There must be adequate protection for public health and the environment from adverse waste chemical incidences and a clear regulatory system to control their release to the environment. Many MCS sufferers start their illness with a single intense exposure…such as these one off accidents and disasters. Furthermore, low-level constant exposure to chemicals also contributes to the incidence and severity of MCS and requires further investigation prior to any reduction in the regulatory burden for the chemicals industry.

Gaps
As noted earlier, neither nanotechnology nor MCS are adequately covered by the existing regulatory system.

While the National Framework for Chemical Environmental Management (NchEM) has addressed some of the issues regarding the environmental aspects of chemicals and plastics, there is a serious short-coming in that it in no way covers human health. The CEF applauds this program initiated by Environment ministers, and is monitoring its implementation and effect with interest. The CEF is however, greatly disappointed that the decision was not made to expand this review to include human health impacts, despite this being a key recommendation of both the Radcliffe and Allen reports which examined the regulatory system for agricultural chemicals(1, 2). Participants at the NchEM roundtables highlighted the review shortcomings and stressed the need to include human health considerations.

Current processes for assessing existing industrial chemicals
As part of its commitment to continuing improvement, NICNAS has a program of reforms and as noted, recently accepted the recommendations of an independent review of its existing chemical assessment program. In undertaking this review, NICNAS acknowledged that there have been problems and has given a commitment to improve them. Even a cursory glance at the recommendations will reveal that NICNAS is seeking to streamline its systems, use as much internationally available material as possible, increase bilateral agreements with other countries, diversify the type and level of assessments to be more in line with the level of risk, improve the relationship with the State/Territories, and much more. The implementation of these recommendations will lead to a better, more effective and more efficient existing chemical assessment program.

Alternatives to government regulation

The CEF re-iterates that 'self-regulation' as defined in the Issues Paper, is not an alternative to the current regulatory system. The very substantial human cost of harmful exposure of workers, the general public and the environment to chemicals makes it necessary for government to establish and enforce minimum standards that will prevent the adverse impact of chemicals. The majority of claims of 'over-regulation' will have come from the industry – not from the community or worker organisations., and therefore merely represent the perspective of industry.

The paper states that self-regulation is 'probably least effective where it matters most – in relation to rogue businesses' - but in doing so puts too much emphasis on what is only a small part of the picture. Rogue businesses will not respond to self-regulation – government has a clear role in enforcement. However, there are other limitations to the effectiveness of 'self-regulation':

1. Small to medium enterprises (SMEs) have limited capacity to implement self-regulation. They do not have access to information or resources to implement this approach.
2. Even large enterprises will operate to the level required by the regulatory regime in the country they are operating in. That is, 'their own rules' vary from country to country, having far lower standards in countries where standards are not mandated. A case in point is Union Carbide factory in Bhopal India where the greatest industrial catastrophe of all time took place in 1994. Union Carbide (now a subsidiary of the Dow Chemical Company) is a multinational company with chemical plants all over the world. More would and should have been expected from such a company.

Industry should be encouraged to continue to develop and implement codes and guidance for the control of chemicals. However, these industry codes must be developed against performance outcomes and standards established by government. Where performance falls short of these standards, government must take action to enforce and even penalise where necessary. Without government enforcement there will not be an imperative for many companies to comply.

It must be remembered that chemical standards are different to other types of regulation – unlike almost everything else, chemical standards are tied to and hooked up with international standards. Our government has commitments, many of which have not been delivered on. The government cannot resile from its responsibilities in this area, not only to the international community, but to the Australian community.

Access to information

It is crucial that adequate and appropriate information is made available to workers and the general community. The most important source of information for the workplace is the safety data sheet produced by manufacturers, as this allows for identification of hazard and control of risk. For this reason, Australia must remain firm in its commitment to adopt GHS.

For the general public, the information must be correct, relevant and understandable. Again, lack of any regulation mandating providing information on whether any of the chemicals are in nano form is a concern to the CEF. In the PEC Review, NICNAS identified a number of strategies to improve the quality and appropriateness of information to the public, including different types of information and delivery in various formats and forums.

Consultation

Consultation in relation to chemical risk must and in some sectors does, occur at two levels: firstly during the development of legislation and standards at a national or jurisdictional level and also when applying the legislation and standards at individual workplaces. While there is general

agreement that consultation is necessary and desirable, too often the consultation has been more in appearance than fact.

At both levels consultation will only be effective if:

- there is complete, detailed and relevant information available
- there are sufficient resources (time, expertise) to enable an informed response to the information provided
- there are truly representative participants involved in the consultation.

The recent NICNAS review of the assessment of Priority Existing Chemicals involved an extensive exercise in public consultation - carried out jointly by NICNAS and the CEF. The very genuine attempt resulted in a high number of submissions from the general public and demonstrated the importance of planning in advance and committing the necessary resources. Many lessons were learnt during this exercise. The process is being written up with a view to promoting such planned consultation for future reviews.

It should be noted that while new regulatory proposals are subject to regulatory impact statements (RISs), these are about having to justify the introduction of any new regulation in terms of financial costs and benefits – and too often this is limited to industry. The non-financial costs of not regulating, eg human and environmental costs, are often underestimated. These non-financial costs end up being borne by society and in the long term costing society potentially many times the financial costs to industry (eg through the public health system, the social security system, the loss of trade due to potential damage to Australia's 'clean and green' image and so on).

The CEF supports government actively consulting with our Indigenous communities on chemicals and plastics regulation.

The need for efficiency

The need for reform is not financial only. Non-economic costs are difficult to quantify and therefore be considered properly. Some of the inefficiencies noted in the paper, such as the complexity of the system being a barrier to entry for new firms, new products or new chemicals, are being addressed, by NICNAS at least. However, any changes to reduce or remove the barriers must ensure that only safe new chemicals are introduced to Australia.

There have been a number of reforms to the NICNAS Act (for example the LRCC reforms) that have been the result of industry-identified barriers to the introduction of new chemicals. If there are unwarranted time delays with assessments, then the regulatory authorities must be better resourced.

The need for coordination within and across jurisdictions

The need is clear, and as noted earlier, has been recognised in the area of OHS, with considerable work and effort being carried out to ensure that this will occur through the development of a strategy and a common/core elements document. It may be that overarching entity to ensure co-ordination would be effective. As well as a simplified and more consistently implemented system nationally, the community would also like to see more consistent and higher levels of compliance activity.

COAG should put in place a much more rigorous approach to ensuring national uniformity in all areas of chemical regulation. The process should be: nationally developed draft 'model' instruments, followed by national consultation, a national RIS and agreement on the national standard. Individual jurisdictions and their stakeholders must be held accountable for uniformly

adopting this standard by an agreed time. There should be no variation in technical or process requirements between jurisdictions.

Implementation and administration of regulation
The Issues Paper poses a number of questions regarding whether improvements can be made to the administration of chemicals regulation. The CEF again points to the on-going reform activities of NICNAS to improve its efficiency and effectiveness:

- streamlining information requirements
- seeking continuous improvement of completing assessments
- investigating increase in use of international data – where this is useful and of an acceptable standard. It is important that data be measured against the Australian environment and conditions which vary enormously from those of many other countries.
- review of regulation and amendments (eg LRCC)

The CEF does not agree that there should be greater use of 'self-assessments'.

The CEF does not believe that Australia has had a culture of 'regulate first and ask questions later' – rather the opposite. In many cases we believe we have had to 'count the bodies' or prove the damage before government has taken action to regulate. Examples of this include asbestos and Organochlorins.

The CEF does not believe that there is sufficient monitoring of compliance nor enforcement of the requirements under the legislation.

Leveraging international linkages
As noted above, there has been considerable work done to increase cooperation with other countries, reach agreements regarding use of international assessments and data, and establish bi-lateral agreements.

The CEF supports these activities, as long as where necessary more information is sought and provided where chemical risks and hazards *cannot* 'be treated generically across different countries' because of Australian-specific circumstances and conditions (eg weather, environment, pests, usage, etc).

GHS
As discussed above, the GHS should be implemented across all sectors of chemical and plastics regulation. It is a classification and information system that is not in conflict with any of the sectors or their specific regulatory needs (including Agvet chemicals and scheduled drugs and poisons).

Where the hazard-based elements of the GHS labelling requirements are seen as insufficient (for example for Agvet chemicals and scheduled drugs and poisons) additional risk-based phrases could be added, based on the approved uses. The information content of hazard-based and risk-based components of the label are compatible.

With regard to *when* Australia adopts GHS, the CEF believes that we should wait until some of our major trading partners have or are about adopt the system. This would enable Australian manufacturers and importers to utilise overseas classification, labelling and SDS information – avoiding duplication and cost. However, we should not wait for all or even most of our trading partners to adopt the GHS, as any delay will continue the current regulatory maze. The GHS will provide a sound foundation for bringing a about a consolidation and simplification of the regulatory framework for chemicals.

Conclusions and recommendations

1. Australia must continue to have a regulatory system for the registration and assessment of chemicals.

2. The Productivity Commission Study must take into account the ASCC review into Hazardous Substances and the NICNAS review into existing chemicals.

3. Exclusions: Petroleum based products must be included in the study.

4. The system is currently complex, and has gaps, duplications and inconsistencies. There is, therefore, a good argument that it must be simplified – but any changes can only be in such a way that does not diminish the current levels of protection for worker and community health and the environment. A simpler system will be easier for industry to comply with and for government to regulate.

   Any discussion of the 'burden' or 'cost' of regulation, or indeed in any discussion of the 'case for change', there must be consideration of the burden to the community – both of overly complex regulation or on the other hand, inadequate regulation.

   The CEF supports a review of the regulatory system to streamline it and ensure consistency, but any changes must ensure increased protections for worker and public health and the environment.

5. There are gaps in the current system, which is not sufficiently flexible to accommodate certain changes in either technology or knowledge. The CEF has identified nanotechnology and multiple chemical sensitivity (MCS) in particular. This shortcoming must be addressed in any review of the regulatory system. Any review of the current system must ensure that nano-materials are adequately regulated.

6. The Productivity Commission should consider the work currently being done to harmonise the OHS regulatory regime in Australia – eg the development of a 'core elements' document, etc.

7. It is Government's responsibility to protect the community: in order to do so, it must regulate chemicals and must ensure industry compliance with regulation. 'Self-regulation' is not an alternative that is in any way acceptable to the community.

8. The CEF, and the general community, believes that the current level of monitoring of compliance with regulation is inadequate. Nor is the level of enforcement activity adequate. Government must increase this activity, for example by establishing a nationally co-ordinated system of surveillance monitoring and post market reporting.

9. In the view of the CEF, there is no alternative to government regulation. While industry should be encouraged to develop industry standards, codes and guidance materials, these must be an adjunct to government regulation – at the most, an element of 'co-regulation'.

10. The provision of appropriate and timely information is crucial. Industry must provide information to government and to the community; and government must also provide information to the community. This information, in the first instance, must be hazard-based, in order to allow proper risk assessments to be made. For the general community, the information must be correct, relevant and understandable. A good start will be the

implementation of the GHS.

11. Consultation must occur both at the development stage of regulation and at the implantation stage. Government must ensure that consultation is genuine by ensuring it provides complete, detailed and relevant information; commits adequate resources to it and consults with appropriate representatives.

12. The CEF supports government actively consulting with our Indigenous communities on chemicals and plastics regulation.

13. COAG should take a leading role and put in place a much more rigorous approach to ensuring national uniformity in all areas of chemical regulation. The process should be a follows: nationally developed draft 'model' instruments, followed by national consultation, a national RIS and agreement on a national standard. The individual jurisdictions and their stakeholders are then held accountable for uniformly adopting this standard by an agreed time. There should be no variation in technical or process requirements between jurisdictions.

14. The CEF does not support a greater use of 'self-assessments'.

15. While the CEF supports increasing cooperation with other countries, agreements regarding use of international assessments and data, and establishing bi-lateral agreements, on the proviso that where necessary more information is sought and provided where chemical risks and hazards *cannot* 'be treated generically across different countries' because of Australian-specific circumstances and conditions (eg weather, environment, pests, usage, etc).

16. The CEF recommends that Australia implemented GHS across all sectors of chemical and plastics regulation.

References

1. Allen Consulting Group. A National Risk Assessment Management System for AgVet Chemicals: Positioning for the Future. Stratetgic Review. Canberra: National Regulatory Authority; 2002 September 2002.

2. Radcliffe JC. Pesticide use in Australia. Melbourne: Australian Academy of Technological Sciences and Engineering; 2002 March 2002.