



04 April 2019

Regulatory Engagement and Planning Branch
Regulatory Practice and Support Division
Email: [REDACTED]

Dear Sir/Madam,

Review of chemical scheduling in relation to cosmetics and fragrance ingredients

Chemistry Australia is the peak national body representing the chemistry industry in Australia. Chemistry Australia members include chemicals manufacturers, importers and distributors, logistics and supply chain partners, raw material suppliers, plastics fabricators and compounders, recyclers, and service providers to the sector and the chemistry and chemical engineering schools of a number of Australian universities.

Australia's entire society – businesses, consumers and governments – along with its natural environment receive enormous benefits associated with the safe, responsible and sustainable use of chemicals. To fulfil the optimal benefits of chemistry, balanced approaches are critical in stewarding effective chemical management.

Chemistry Australia welcomes the opportunity to provide comment on the review of chemical scheduling in relation to cosmetic and fragrance ingredients. Delivering balanced and effective regulation is essential to supporting an innovative, vibrant, productive and sustainable chemicals industry in Australia. Even though the consultation is centred around cosmetic and fragrances, we do consider that most of these proposals have broader application in terms of other scheduled substances and uses. This submission on the consultation paper will focus on the industrial and consumer chemicals perspective in relations to the following four options; identification, low level impurities, derivatives and scheduling adequacy.

Identification of scheduled Substances

Using CAS numbers where possible, would underpin transparent chemical identification and improving compliance with the scheme. The current identification of substances can be ambiguous at times within the Poisons Standard, and careful judgement needs to be made whether scheduling applies to a chemical when the descriptor is generic. The CAS number is a useful way to identify a chemical and is the typical manner used to communicate chemicals by industry.

In addition, a beneficial longer-term strategy would be for the development of an online database, where CAS numbers or the chemical identity can be searched to deliver the scheduling status. We consider that this would improve the current chemical management scheme with greater transparency. Also, it would be very beneficial in driving compliance to many smaller to medium enterprises which may lack expertise to manage the current scheme - a quick and easy tool, to manage compliance.



Presence of low level of impurities

Chemistry Australia strongly supports the notion in adopting cut-off limits on all schedules. Applying the scheduling controls where the product maybe considered benign, can result in hazard fatigue to the end-users in terms of labelling and reduce customer perception to higher risk substances. In addition to the labelling impacts, this overly conservative approach can steward licencing obligations which results in red-tape to businesses and hinders seamless trade of low risk products.

Chemistry Australia considers that schedules that do not have cut-off limits underpinned within the Poison Standard (i.e S7), that the default of 10ppm (0.001%) should be adopted as applied to other schedules. This default value is well below the general hazard cut-offs. Also, where there may be concern for a specific chemical, then a specific contrary limit could be applied through the scheduling of the substance to mitigate the risk, if the default cut-off is considered too high.

Further reforms of S7, which is not addressed in the consultation paper

The policy intent of the poisons control is to protect public health by managing risks from chemicals in domestic use. The application should only apply to those businesses and users involved in the domestic use interface. Chemistry Australia considers that the scheme on S7 has regulatory creep beyond its policy boundary and imposes obligations on where there are no domestic transactions on businesses.

Chemistry Australia strongly considers that there should be no licence obligations applied to businesses, where the supply of substances is not transacted to a domestic interface. Chemical supply chains are complex, and adding licencing burdens with workplace to workplace transactions, hinders trade in Australia and adds no benefit in safety outcomes. There are already performance-based obligations imposed on workplaces in terms of chemical management (WHS) to ensure appropriate handling and storage.

Derivatives

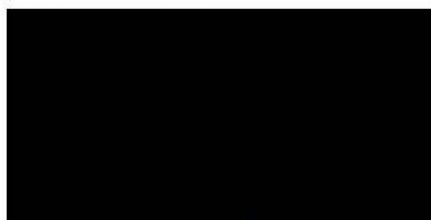
Chemistry Australia supports the option proposed in approving the handling of derivatives within the Poison Standard. We also consider that our comments previous comments in developing an electronic database could also support such an improvement.

Scheduling application adequacy

Chemistry Australia supports the proposed option to improve transparency of the current system in the development of further guidance.

Chemistry Australia is committed to working with the committee on any further information requirements that may be required to support a balanced outcome. For more information or if we can assist this review any further, please don't hesitate to contact me on [REDACTED] or by email at [REDACTED] [\[REDACTED\]@chemistryaustralia.org.au](mailto:[REDACTED]@chemistryaustralia.org.au)

Yours sincerely,



Chemistry Australia