

25 September 2019

The Secretary  
Medicines & Poisons Scheduling  
Office of Chemical Safety  
GPO Box 9848  
CANBERRA ACT 2601

Email: [chemicals.scheduling@health.gov.au](mailto:chemicals.scheduling@health.gov.au)

Dear Sir/Madam,

### **Proposed amendments to the Poisons Standard – Carbon Monoxide**

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, as supply chains are complex and can involve multiple partners through a products lifecycle.

Chemistry Australia welcomes the opportunity to provide comment on the proposed amendments to poison scheduling of Carbon Monoxide in Schedule 6 and 7. However, Chemistry Australia is very concerned about the above proposal as it could impose significant trading barriers and regulatory consequences throughout the economy. Our reasons are stipulated below.

#### **1. Scheduling is a national classification system that controls how medicines and poisons are made available to the public.**

The public access to carbon monoxide is not available, therefore scheduling is inappropriate or unnecessary. Carbon Monoxide has legitimate uses for industrial purposes only (refer to Appendix 1) and the risk management control is legislated by workplace laws. The Australian Government Guide to Regulation<sup>1</sup>, notes under its ten principles, that, 'Policy makers must consult with each other to avoid creating cumulative or overlapping regulatory burdens.' The scheduling of carbon monoxide adds complexity and we consider it is overreaching beyond the terms of the Poison Standard scope, which is to mitigate public risks of consumer products.

Furthermore, Chemistry Australia recognises that mental health is a whole-of-community issue and needs to be considered in a holistic manner that considers the legitimate uses and whether the reforms will achieve effective outcomes. Intentional misuse of a substance is a secondary action and this proposal does

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<sup>1</sup> [The Australian Government Guide to Regulation, 2014](#)

not address the primary issue which may have many complex causes and motivations. The misuse of industrial chemicals, even if scheduled will impose a cost and burden to industry, without achieving any significant benefit, as it doesn't prevent deliberate motivated misuse.

Therefore, Chemistry Australia doesn't support the inclusion of carbon monoxide in the Poison Standard as it creates a more complex environment with chemical management, without any net benefit in terms of risk management – it adds red-tape.

## **2. Major impacts to products with Carbon Monoxide in Schedule 7**

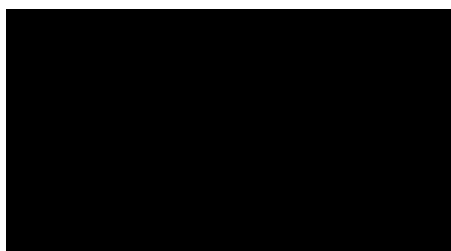
Under the proposed arrangements, we also consider that this will inadvertently impose over burdensome controls containing very low levels of Carbon Monoxide, which could inadvertently create unnecessary restrictions in the marketplace for many products.

Case Study on S7: Carbon monoxide is present at very low levels in the atmosphere. Under the Schedule 7, there is no cut-off threshold, therefore any product with an atmospheric headspace in its packaging would technically be considered a Dangerous Poison. This has the inadvertent potential to remove a significant proportion of products from the marketplace and must be avoided.

## **Conclusion**

The role of the Poison Standard is to control the availability to the public. Carbon monoxide has no legitimate uses in a public setting, therefore it's inclusion into the Poison Standard creates regulatory obstacles, without any potential benefits, as motivated misuse is difficult to legislate against. Therefore, we don't support the inclusion of Carbon Monoxide into the Poison Standard.

Yours sincerely,



## **Appendix 1 – Extract from ECHA <sup>i</sup>website**

### **Consumer Uses**

ECHA has no public registered data indicating whether or in which chemical products the substance might be used.

### **Industrial Uses**

This substance is used in the following products: fuels, laboratory chemicals, metal surface treatment products, polymers and semiconductors.

This substance has an industrial use resulting in manufacture of another substance (use of intermediates).

This substance is used in the following areas: formulation of mixtures and/or re-packaging and municipal supply (e.g. electricity, steam, gas, water) and sewage treatment.

This substance is used for the manufacture of: chemicals, plastic products, metals, fabricated metal products and electrical, electronic and optical equipment.

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<sup>i</sup> <https://echa.europa.eu/substance-information/-/substanceinfo/100.010.118>

