

May 10, 2018

Dear Secretary,

I am a alcohol and other drug counsellor with over a decade of clinical experience working in major Sydney metropolitan hospitals. Never in my entire career has any patient approached me with concerns about the overuse of alkyl nitrites or expressed difficulty quitting them. Concerns are usually related to accidental dermal exposures or 'spills' which could be easily addressed with some better packaging regulations.

Furthermore, the scheduling of alkyl nitrites seems to fall beyond the scope of the TGA. The TGA regulates substances being sold/advertised/brought to market for therapeutic purposes. It should not be involved in the scheduling of substances often used recreationally as 'party drugs' such as alcohol, caffeine and tobacco (or nicotine), unless those products are being sold with therapeutic claims.

Substances such as alcohol, tobacco (or nicotine) and alkyl nitrites should be subject to regulation, not via the SUSMP, but other means including: minimum legal age limits, licencing, labelling, advertising and taxation laws.

Like the 'party drug' alcohol, which is unscheduled despite being classified as a Group 1 Carcinogen (the highest classification of carcinogenicity) by the World Health Organisation¹, alkyl nitrites fall into a category of substances not being used for therapeutic purposes. The TGA should consider that placing alkyl nitrites in Schedule 9 of the poisons standard may have serious consequences for people involved in the use and distribution of these substances just as it would if 'beverage' alcohol were to be placed in the same schedule. Police would be granted powers to search and arrest people who are using/in possession of them and courts would also have the authority to impose legal sanctions.

¹

<https://canceraustralia.gov.au/publications-and-resources/position-statements/lifestyle-risk-factors-and-primary-prevention-cancer/lifestyle-risk-factors/alcohol>

The prohibition of ever increasing numbers of drugs has enormous personal, social and economic costs (see 'Prohibition Isn't Free Foundation' <http://prohibitionisntfree.org/> and 'Count the Costs' <https://www.tdpf.org.uk/campaign/count-costs>). The prohibition of these drugs greases the wheels of organised crime, fuels gangland shootings and other crime (putting police and the general public at risk) and undermines good manufacturing practices (resulting in contaminated drugs). It has also led to criminal sanctions for millions of Australians for no other reason than they have a drug preference that differs from the preferences of the majority.

I urge the TGA to consider the role their scheduling decisions play in the enforcement of Australia's drug laws and the ruinous impact these laws have on our communities and lives of the individuals within them. A seemingly innocuous administrative decision, in this case a decision to amend the SUSMP, can have negative downstream harms for a large number of Australian consumers which may limit their employment, travel and life opportunities and, at worst, result in a serious fine and jail sentence.

For these reasons I do not support the proposed amendment to the SUSMP for alkyl nitrites.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.