



Industrial Chemicals (Notification and Assessment) Regulations 1990

Statutory Rules 1990 No. 231 as amended

made under the

*Industrial Chemicals (Notification and Assessment)
Act 1989*

This compilation was prepared on 1 July 2012
taking into account amendments up to SLI 2012 No. 86

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Contents

| | | |
|-----|---|----|
| 1 | Name of Regulations [see Note 1] | 5 |
| 2 | Definitions | 5 |
| 3 | Prescribed data for the purposes of paragraph (f) of the definition of <i>basic information</i> in section 5 of the Act | 6 |
| 4 | Prescribed data for the purposes of paragraph (g) of the definition of <i>basic information</i> in section 5 of the Act | 8 |
| 4AA | Hazardous chemical definition | 8 |
| 4AB | Prescribed reactants | 9 |
| 4A | <i>Polymer of low concern</i> — number average molecular weight greater than 1 000 and less than 10 000 (Act s 5) | 9 |
| 4B | <i>Polymer of low concern</i> — number average molecular weight that is 10 000 or greater (Act s 5) | 9 |
| 4CA | <i>Polymer of low concern</i> — number average molecular weight less than or equal to 1 000 (Act s 5) | 10 |
| 4C | <i>Polymer of low concern</i> — low charge density (Act s 5) | 10 |
| 4E | <i>Polymer of low concern</i> — when polymer does not dissociate readily (Act s 5) | 11 |
| 4H | <i>Polymer of low concern</i> — when polymer is stable (Act s 5) | 11 |
| 4I | <i>Polymer of low concern</i> — other characteristics (Act s 5) | 11 |
| 4J | Non-hazardous chemical — criteria relating to environmental effect (Act s 5) | 13 |
| 4K | Introduction of non-hazardous chemical — matters to be taken into account (Act s 5) | 14 |
| 5 | Prescribed form of Inventory | 14 |
| 6 | Inspection of Inventory | 15 |
| 6AA | Prescribed period — transfer of industrial chemical from non-confidential section to confidential section (subsection 18A (1) of the Act) | 15 |
| 6AB | Low volume introduction (Act, s. 21) | 15 |
| 6A | Specified information for application of commercial evaluation permit | 17 |
| 6BA | Low volume permit guidelines | 17 |

| | Page |
|---|-----------|
| 6B Prescribed information for application for controlled use permit | 17 |
| 6C Controlled use permit guidelines | 18 |
| 7 Prescribed international inventory of chemicals | 19 |
| 7A Statements by importers of chemicals | 19 |
| 7B Chemicals to which early introduction permit can apply | 19 |
| 8A Prescribed authority (Act s 38 (5) (a)) | 20 |
| 8B Assessment certificates | 20 |
| 8C Prescribed authority (Act s 40G (1) (a) (i)) | 21 |
| 8D Extension of original assessment certificates | 21 |
| 9 Application forms — section 55 of the Act | 22 |
| 9B Prescribed authority (Act s 60F (7) (a)) | 22 |
| 11 Inspection of Material Safety Data Sheets | 22 |
| 11AA Inspection of Register | 22 |
| 11A Search warrants | 22 |
| 11B Prescribed international agreement (Act s 106) | 22 |
| 11C Introduction and export of certain industrial chemicals prohibited without permission (Act s 106) | 23 |
| 12 Inspection of Chemical Gazette | 24 |
| 13 Fees, charges and penalties | 24 |
| 14 When must fees be paid | 25 |
| 15 Remission of fees (Act, s. 110) | 25 |
| 16A Waiver of fees — secondary notification of listed industrial chemicals | 27 |
| 17 Appeal to the Administrative Appeals Tribunal | 27 |
| Schedule 1AA Low volume permit and early introduction permit guidelines | 28 |
| Schedule 1AB Controlled use permit and early introduction permit guidelines | 31 |
| Schedule 1 Forms | 33 |
| Form 1 | 33 |
| Form 2 | 34 |
| Schedule 1A | 36 |
| Schedule 2 Fees, charges and penalties | 38 |
| Schedule 3 Reactive functional groups | 42 |
| Schedule 4 Prescribed reactants | 44 |
| Part 1 Di and Tri Basic Acids | 44 |
| <hr/> | |
| <i>Industrial Chemicals (Notification and Assessment) Regulations 1990</i> | 3 |

| | Page |
|--------------|-------------------------------------|
| Part 2 | Modifiers 45 |
| Part 3 | Monobasic Acids and Natural Oils 46 |
| Part 4 | Polyols 47 |
| Notes | 49 |

1 Name of Regulations [see Note 1]

These Regulations are the *Industrial Chemicals (Notification and Assessment) Regulations 1990*.

2 Definitions

In these Regulations, unless the contrary intention appears:

Act means the *Industrial Chemicals (Notification and Assessment) Act 1989*.

cationic means containing net positively charged atoms or associated groups of atoms covalently linked to its polymer molecule.

comparable agency means:

- (a) the Therapeutic Goods Administration under the *Therapeutic Goods Act 1989*; or
- (b) the Australian Pesticides and Veterinary Medicines Authority under the *Agricultural and Veterinary Chemicals Code Act 1994*; or
- (c) Food Standards Australia New Zealand under the *Food Standards Australia New Zealand Act 1991*; or
- (d) a chemicals notification and assessment scheme operating in a member country of the European Union or the Organisation for Economic Co-operation and Development.

GHS means the document called ‘Globally Harmonised System of Classification and Labelling of Chemicals’, third revised edition, published by the United Nations.

inspection times means between 1000 hours and noon and between 1400 hours and 1600 hours on each day that is not:

- (a) a Saturday or a Sunday; or
- (b) a public holiday:
 - (i) in the place where the Library is located; or
 - (ii) for the purposes of the Australian Public Service in that place.

Library means the library within the National Industrial Chemicals Notification and Assessment Scheme, located at Level 7, 260 Elizabeth Street Surry Hills NSW 2010.

limited application means an application that must be accompanied by a notification statement that contains the matters stated in:

- (a) Parts A and B in the Schedule to the Act; or
- (b) Parts A, B and D in the Schedule to the Act.

natural waterway includes:

- (a) a stream (permanent or ephemeral), river, lake, estuary or coastal water:
 - (i) that is natural; and
 - (ii) where water is present naturally or may flow through or gather; and
- (b) an artificial structure including an irrigation channel, a dam, reservoir, impoundment or holding pond from which water may reach a natural waterway directly.

standard application means an application that must be accompanied by a notification statement that contains the matters stated in:

- (a) Parts A, B and C of the Schedule to the Act; or
- (b) Parts A, B, C and D of the Schedule to the Act; or
- (c) Parts A, B, C and E of the Schedule to the Act; or
- (d) Parts A, B, C, D and E of the Schedule to the Act.

water treatment works means a sewer or similar structure where a chemical is diluted, held or treated before discharge into a natural waterway.

3 Prescribed data for the purposes of paragraph (f) of the definition of *basic information* in section 5 of the Act

- (1) Subject to subregulation (2), for the purposes of paragraph (f) of the definition of ***basic information*** in section 5 of the Act the following physical and chemical data is prescribed:
 - (a) whichever of the melting point, boiling point or freezing point of the chemical is appropriate;

- (b) the chemical's density in kg/m^3 , and:
 - (i) in the case of a gas — its specific gravity where air = 1; and
 - (ii) in the case of a liquid — its liquid density and vapour density;
- (c) the chemical's vapour pressure in kilopascals at 25°C;
- (d) the chemical's solubility in grams per litre in water at 20°C;
- (e) in the case of a chemical whose water solubility exceeds 10^{-6} gms/litre — the degrees of hydrolysis at 25°C at pH values of 4-9 and 1-2;
- (f) in the case of a chemical that dissolves in water without dissociation or association and which is not surface-active — the partition coefficient (n-octanol/water) at 20°C expressed as $\log P^{\text{ow}}$;
- (g) a summary of the information about the adsorption and desorption of the chemical to and from standard soils;
- (h) in the case of a chemical that dissociates in water — the dissociation constant expressed as pKa determined by a specified manner;
- (j)
 - (i) in the case of a chemical that is a solid — the mean particle size and size range including the respirable fraction (1-10 microns); or
 - (ii) in the case of a chemical that is fibrous — fibre length and length range;
- (k) the flash point in °C of the chemical;
- (l) the degree of the chemical's flammability, including:
 - (i) for gases and vapours — the upper and lower limits of flammability in air; and
 - (ia) for solids — the ability to propagate combustion; and
 - (ii) the identity of toxic and hazardous products of the chemical's combustion;
- (m) the minimum temperature for the chemical's auto ignition;
- (n) a summary of the chemical's explosive properties, including the chemical's potential (if any) to detonate as the result of heat, shock or friction;

- (o) a summary of the information about the stability and reactivity of the chemical.
- (2) The data prescribed by subregulation (1) does not include data that has not been made available to the Director.

4 Prescribed data for the purposes of paragraph (g) of the definition of *basic information* in section 5 of the Act

- (1) Subject to subregulation (2), for the purposes of paragraph (g) of the definition of *basic information* in section 5 of the Act, the prescribed data is a summary of the data:
 - (a) relating to the health effects or environmental effects of the chemical; and
 - (b) referred to in Parts C and E of the Schedule to the Act.
- (2) The data prescribed by subregulation (1) does not include data that has not been made available to the Director.

4AA Hazardous chemical definition

- (1) This regulation is made for section 5 of the Act.
- (2) A *hazardous chemical* is a chemical that satisfies the criteria for a hazard class under the GHS, but does not include a chemical that satisfies the criteria solely for one of the following hazard classes:
 - (a) flammable gases, category 2;
 - (b) acute toxicity—oral, category 5;
 - (c) acute toxicity—dermal, category 5;
 - (d) acute toxicity—inhalation, category 5;
 - (e) skin corrosion/irritation, category 3;
 - (f) serious eye damage/eye irritation, category 2B;
 - (g) aspiration hazard, category 2;
 - (h) hazardous to the aquatic environment, category acute 1, 2 or 3;
 - (i) hazardous to the aquatic environment, category chronic 1, 2, 3 or 4;
 - (j) hazardous to the ozone layer.

4AB Prescribed reactants

For the definition of *prescribed reactant* in section 5 of the Act, a substance set out in Schedule 4 is prescribed.

4A *Polymer of low concern* — number average molecular weight greater than 1 000 and less than 10 000 (Act s 5)

- (1) A polymer that has a number average molecular weight that is greater than 1 000, but less than 10 000, is a *polymer of low concern* for subparagraph (a) (i) of the definition of that term in section 5 of the Act, if the polymer:
 - (a) has less than 10% by mass of molecules with molecular weight that is less than 500; and
 - (b) has less than 25% by mass of molecules with molecular weight that is less than 1 000; and
 - (c) complies with subregulation (2), (3) or (4).
- (2) The polymer must consist only of low concern reactive functional groups mentioned in column 2 of Schedule 3.
- (3) If the polymer includes moderate concern reactive functional groups mentioned in column 3 of Schedule 3:
 - (a) the groups must have a combined functional group equivalent weight of at least 1 000; and
 - (b) the polymer must include no high concern reactive functional groups mentioned in column 4 of Schedule 3.
- (4) If the polymer includes high concern reactive functional groups mentioned in column 4 of Schedule 3, the groups must have a combined functional group equivalent weight of at least 5 000.

4B *Polymer of low concern* — number average molecular weight that is 10 000 or greater (Act s 5)

A polymer that has a number average molecular weight that is 10 000 or greater is a *polymer of low concern* for subparagraph (a) (i) of the definition of that term in section 5 of the Act, if the polymer:

- (a) has less than 2% by mass of molecules with molecular weight that is less than 500; and
- (b) has less than 5% by mass of molecules with molecular weight that is less than 1 000.

4CA *Polymer of low concern* — number average molecular weight less than or equal to 1 000 (Act s 5)

A polymer that has a number average molecular weight that is less than or equal to 1 000 is a *polymer of low concern* for subparagraph (a) (ii) of the definition of that term in section 5 of the Act, if the polymer has the following characteristics:

- (a) the polymer is made from a prescribed reactant;
- (b) the polymer has molecules that contain 2 or more carboxylic acid ester linkages, one or more of which links internal monomer units together.

4C *Polymer of low concern* — low charge density (Act s 5)

For paragraph (b) of the definition of *polymer of low concern* in section 5 of the Act, a polymer has a low charge density if:

- (a) it is both:
 - (i) not cationic; and
 - (ii) not likely to become cationic in an aquatic environment that has a pH value greater than 4 and less than 9; or
- (b) it is a solid that is:
 - (i) not soluble or dispersible in water; and
 - (ii) to be used only in its solid phase; or
- (c) for a polymer that includes 1 or more cationic groups, the total combined functional group equivalent weight of any cationic group is at least 5 000.

4E *Polymer of low concern* — when polymer does not dissociate readily (Act s 5)

For paragraph (d) of the definition of *polymer of low concern* in section 5 of the Act, a polymer does not dissociate readily if it is not likely to become cationic in an aquatic environment that has a pH value greater than 4 and less than 9.

4H *Polymer of low concern* — when polymer is stable (Act s 5)

For paragraph (e) of the definition of *polymer of low concern* in section 5 of the Act, a polymer is stable under the conditions in which it is used if, under those conditions, it does not readily break down by any process, including the following:

- (a) depolymerisation;
- (b) hydrolysis;
- (c) photodegradation;
- (d) thermal degradation.

4I *Polymer of low concern* — other characteristics (Act s 5)

- (1) For paragraph (f) of the definition of *polymer of low concern* in section 5 of the Act, a polymer must contain as an integral part of its composition at least 2 of the following atomic elements:
 - (a) carbon;
 - (b) hydrogen;
 - (c) nitrogen;
 - (d) oxygen;
 - (e) silicon;
 - (f) sulphur.
- (2) For paragraph (f) of that definition, a polymer must not contain as an integral part of its composition (except as impurities) an atomic element other than the following:
 - (a) aluminium as the monatomic counterion Al^{3+} ;
 - (b) bromine as the monatomic counterion Br^- ;

- (c) bromine covalently bound to carbon;
 - (d) calcium as the monatomic counterion Ca^{2+} ;
 - (e) carbon;
 - (f) chlorine as the monatomic counterion Cl^- ;
 - (g) chlorine covalently bound to carbon;
 - (h) fluorine covalently bound to carbon;
 - (i) hydrogen;
 - (j) iodine as the monatomic counterion I^- ;
 - (k) iodine covalently bound to carbon;
 - (l) magnesium as the monatomic counterion Mg^{2+} ;
 - (m) nitrogen;
 - (n) oxygen;
 - (o) potassium as the monatomic counterion K^+ ;
 - (p) silicon;
 - (q) sodium as the monatomic counterion Na^+ ;
 - (r) sulphur;
 - (s) less than 0.2% (by weight) of any combination of the following atomic elements:
 - (i) boron;
 - (ii) copper;
 - (iii) iron;
 - (iv) lithium;
 - (v) manganese;
 - (vi) nickel;
 - (vii) phosphorus;
 - (viii) tin;
 - (ix) titanium;
 - (x) zinc;
 - (xi) zirconium.
- (3) For paragraph (f) of that definition, a polymer that is capable of absorbing its own weight in water must not have a number average molecular weight that is 10 000 or greater.

4J Non-hazardous chemical — criteria relating to environmental effect (Act s 5)

- (1) For paragraph (c) of the definition of *non-hazardous chemical* in subsection 5 (2) of the Act, the criteria set out in this regulation are prescribed.
- (2) A non-hazardous chemical to which subsection 23 (5), (7) or (9) of the Act applies must:
 - (a) have one of the following characteristics:
 - (i) if the chemical dissolves in water without dissociation or association and is not surface-active, the partition coefficient (n-octanol/water) at 20°C expressed as log P_{ow} must not exceed 3;
 - (ii) the chemical's solubility in water must be more than 1mg/litre;
 - (iii) the chemical's number-average molecular weight (in the case of a polymer) or the chemical's molecular weight (in any other case) must be more than 1 000; and
 - (b) be readily biodegradable in accordance with the test known as a Ready Biodegradability Test mentioned in paragraph (q) of Part C of the Schedule to the Act; and
 - (c) not have a toxicity:
 - (i) to fish, using the test mentioned in paragraph (m) of Part C of the Schedule to the Act, and expressed as an LC_{50} , that is less than 100 mg/litre; and
 - (ii) to aquatic invertebrates, using the test mentioned in paragraph (n) of Part C of the Schedule to the Act, and expressed as an EC_{50} , that is less than 100 mg/litre; and
 - (iii) to algae, using the test mentioned in paragraph (p) of Part C of the Schedule to the Act, and expressed as an EC_{50} , that is less than 100 mg/litre.
- (3) A non-hazardous chemical to which subsection 23 (4) or (6) of the Act applies must meet the criterion mentioned in paragraph (2) (a).
- (4) For a non-hazardous chemical to which section 24A of the Act applies, carbon or silicon must be its largest component.

4K Introduction of non-hazardous chemical — matters to be taken into account (Act s 5)

- (1) For paragraph 5 (3) (g) of the Act and subject to subregulation (2), the Director must take account of the likelihood of the chemical being released:
 - (a) into a water treatment works at a rate more than:
 - (i) 10 kilograms each year from an individual source; or
 - (ii) 50 kilograms in total; or
 - (b) directly into a natural waterway.
- (2) Paragraph (1) (a) does not apply if:
 - (a) subsection 23 (4) or (6) of the Act applies to the chemical and:
 - (i) the chemical meets the criteria mentioned in paragraphs 4J (2) (b) and (c); and
 - (ii) the person who introduces the chemical has information available that shows that those criteria are met; or
 - (b) subsection 23 (5), (7) or (9) of the Act applies to the chemical.

5 Prescribed form of Inventory

For the purposes of subsection 11 (2) of the Act, the Inventory must:

- (a) be divided into a confidential section and non-confidential section; and
- (b) consist of lists of chemicals in the following form:
 - (i) the names of the chemicals in the same order as the sequence of the names followed by the Chemical Abstracts Service;
 - (ii) the Chemical Abstracts Service numbers of the chemicals in the same order as those numbers or, if those numbers are not available, in accordance with an alternative numbering system;
 - (iii) the molecular formulas of the chemicals in the same order as the sequence of the formulas followed by the Chemical Abstracts Service.

6 Inspection of Inventory

- (1) For paragraph 15 (b) of the Act, copies of the non-confidential section of the Inventory may be inspected by the public at the Library during inspection times.
- (2) For paragraph 15 (b) of the Act, the fee is \$35.

6AA Prescribed period — transfer of industrial chemical from non-confidential section to confidential section (subsection 18A (1) of the Act)

For the purposes of subsection 18A (1) of the Act, the prescribed period is the period of 56 days commencing on 7 August 1997.

6AB Low volume introduction (Act, s. 21)

- (1) For subparagraph 21 (4) (b) (i) of the Act, the requirements set out in this regulation are prescribed.
 - (1A) For subparagraph 21 (4) (b) (ii) of the Act, the requirements set out in subregulations (4), (7A), (8) and (9) are prescribed.
 - (1B) For subparagraph 21 (6) (c) (iv) of the Act, the requirements set out in subregulations (2) to (4) and (7A), (8) and (9) are prescribed.
- (2) The chemical must not be used in the cosmetic as:
 - (a) a preservative; or
 - (b) a colouring agent; or
 - (c) an ultraviolet filter.
- (3) The chemical must not be prohibited or restricted for use as a cosmetic, or for use in cosmetics:
 - (a) in the European Union under Council Directive 76/768/EEC as in force on 1 November 2011; or
 - (b) in the United States of America under the Federal Food, Drug, and Cosmetic Act as in force on 1 November 2011.

- (4) The chemical must comply with any law of the Commonwealth, a State or a Territory that relates, whether expressly or by implication, to the manufacture or importation of the chemical.
- (5) If the chemical is present in the cosmetic at a concentration of 1% or more, the person who introduces the chemical must have information that indicates that the chemical will be safe for use by potentially high-risk groups (including, for example, infants, elderly persons and atopic persons), consistent with the anticipated pattern of consumer exposure.
- (5A) If the chemical is introduced in a cosmetic in an amount that is greater than 10 kilograms but not greater than 100 kilograms in a period of 12 months, the person who introduces the chemical must give to the Director:
 - (a) the material safety data sheet relevant to the chemical or product containing the chemical; and
 - (b) the label to be attached to the packaging of the chemical or product containing the chemical.
- (6) The person who introduces the chemical must notify the Director in writing of the introduction.
- (7) The notification under subregulation (6) must include:
 - (a) in relation to a chemical that is introduced in a cosmetic at a concentration of 1% or more and in an amount that is greater than 10 kilograms but not greater than 100 kilograms in a period of 12 months:
 - (i) a statement setting out each requirement of subregulations (2) to (5A) and how that requirement is complied with; and
 - (ii) a declaration that the contents of the notification are correct as far as the person knows; and
 - (b) in relation to a chemical that is introduced in a cosmetic at a concentration of less than 1% and in an amount that is greater than 10 kilograms but less than 100 kilograms in a period of 12 months:
 - (i) a statement setting out each requirement of subregulations (2) to (4) and (5A) and how that requirement is complied with; and

- (ii) a declaration that the contents of the notification are correct as far as the person knows.
- (7A) The person who introduces the chemical must keep in writing, for 5 years after the introduction, all information available to the person about occupational health and safety, public health matters and the environmental effects of the chemical.
- (8) The information kept under subregulation (7A) must be produced to the Director on request.
- (9) For subregulation (7A), information is taken to be available to a person if, having regard to the person's abilities, experience, qualifications and other attributes, the person ought reasonably to have been aware of the information.

6A Specified information for application of commercial evaluation permit

For the purposes of paragraph 21D (2) (b) of the Act, the following information is specified:

- (a) the matters set out in subparagraphs 6 (a) (i) to (iv) of Part B of the Schedule to the Act; and
- (b) the matters set out in items 7, 8 and 11 of Part B of the Schedule to the Act; and
- (c) a summary of the chemical's health effects and environmental effects.

6BA Low volume permit guidelines

For subparagraph 21U (2) (b) (ii) of the Act, the guidelines set out in Schedule 1AA are prescribed.

6B Prescribed information for application for controlled use permit

For paragraph 22C (2) (e) of the Act, the following information about the chemical must be supplied in the application:

- (a) the matters set out in items 1 and 13 of Part B of the Schedule to the Act;

- (b) if the chemical is to be introduced in an amount that is greater than 10 tonnes in a period of 12 months:
 - (i) information about the matters set out in Part C of the Schedule to the Act that is available to the applicant; and
 - (ii) for a chemical that is to be used as an ultraviolet filter in a cosmetic to be applied to the skin — information about the matters set out in Part E of the Schedule to the Act that is available to the applicant;
- (c) if the chemical is a polymer, the matters relating to the polymer's molecular weight set out in items 2, 3 and 4 of Part D of the Schedule to the Act;
- (d) whether the chemical is, or contains, a hazardous chemical;
- (e) whether the chemical has been notified and assessed in a foreign country;
- (f) the concentration amount of the chemical in the product containing the chemical;
- (g) the safety procedures to be observed when handling and storing the chemical;
- (h) the procedures to be adopted to control or limit the release of the chemical, or waste products resulting from the chemical, into the environment or workplace;
- (i) for an application for a controlled use permit by an applicant who intends to export the chemical — the details of the country to which the chemical is to be exported;
- (j) the Material Safety Data Sheet in relation to the chemical or the product containing the chemical;
- (k) the label to be attached to the packaging of the chemical or the product containing the chemical.

6C Controlled use permit guidelines

For subparagraph 22F (1) (b) (ii) of the Act, the guidelines set out in Schedule 1AB are prescribed for an application for a controlled use permit by an applicant who does not intend to export all of the chemical.

7 Prescribed international inventory of chemicals

For the purposes of paragraph 24 (1) (b) of the Act, each of the following is a prescribed international inventory of chemicals:

- (a) The European Inventory of Existing Commercial Chemical Substances (EINECS) issued by the Commission of European Communities;
- (b) The List of Existing Chemical Substances issued by the Ministry of International Trade and Industry, Japan;
- (c) The Existing Chemicals List issued by the Ministry of Labour, Japan;
- (d) Toxic Substances Control Act (TSCA) Chemical Substance Inventory issued by the U.S. Environmental Protection Agency, Office of Toxic Substances, Washington DC 20460.

7A Statements by importers of chemicals

- (1) The importer of a chemical must keep a statement in accordance with subregulation (2) together with documents relating to the chemical that are relevant commercial documents within the meaning of section 240 of the *Customs Act 1901*.
- (2) The statement must be in writing and specify:
 - (a) whether the chemical is, or contains, an industrial chemical; and
 - (c) whether the chemical is a new industrial chemical; and
 - (d) whether there is an assessment certificate under subsection 39 (1) or (1A) of the Act in force in relation to the chemical; and
 - (e) in the case of a chemical to which paragraph (b) or (d) does not apply — whether subsection 21 (2) of the Act applies to the chemical.

7B Chemicals to which early introduction permit can apply

For paragraph 30A (1A) (c) of the Act, the criteria are:

- (a) set out in:

- (i) clauses 2 and 3 of Schedule 1AA; or
 - (ii) clause 2 of Schedule 1AB; and
- (b) the requirement that the introduction of the chemical is consistent with the reasonable protection of occupational health and safety, public health and the environment, taking into account the following matters:
 - (i) the proposed nature of the use of the chemical;
 - (ii) the extent of the proposed use of the chemical;
 - (iii) the effect of the chemical on the environment;
 - (iv) the effect of the chemical on occupational health and safety and public health;
 - (v) the structure and activity of the chemical;
 - (vi) whether, in Australia or overseas, the chemical is the subject of:
 - (A) investigations initiated by a person because of concerns about a possible adverse effect on occupational health and safety, public health or the environment; or
 - (B) action taken by a person to control the use of, or access to, the chemical.

8A Prescribed authority (Act s 38 (5) (a))

For paragraph 38 (5) (a) of the Act, the Department of Sustainability, Environment, Water, Population and Communities is the prescribed authority of the Commonwealth.

8B Assessment certificates

For subsections 39 (1) and (1A) of the Act, an assessment certificate must contain the following:

- (a) the name of the applicant;
- (b) particulars of the chemical (other than exempt information);
- (c) a statement that the applicant has complied with the requirements of the Act regarding the notification of the chemical;

- (d) a statement that the chemical has been assessed under the Act;
- (e) a statement that a notice has been, or is to be, published in the Chemical Gazette stating that the public report about the chemical is available;
- (f) the date of publication of the notice mentioned in paragraph (e).

8C Prescribed authority (Act s 40G (1) (a) (i))

For subparagraph 40G (1) (a) (i) of the Act, the Department of Sustainability, Environment, Water, Population and Communities is the prescribed authority of the Commonwealth.

8D Extension of original assessment certificates

For the purposes of subsection 40H (2) of the Act, an assessment certificate endorsed to indicate that it is an extension of an original assessment certificate must contain the following:

- (a) the name of the applicant for the original assessment certificate;
- (b) the name of the importer or manufacturer who applied for extension of the original assessment certificate;
- (c) particulars of the chemical (other than exempt information);
- (d) a statement that the applicant for the original assessment certificate had complied with the requirements of the Act regarding the notification of the chemical;
- (e) a statement that the chemical has been assessed under the Act;
- (f) the date of publication, in the Chemical Gazette, of the notice that stated the original public report about the chemical was available;
- (g) a statement that a notice has been, or is to be, published in the Chemical Gazette stating that the public report incorporating modifications is available;
- (h) the date of publication of the notice mentioned in paragraph (g).

9 Application forms — section 55 of the Act

- (1) For the purposes of subsection 55 (1) of the Act, Form 1 in Schedule 1 is prescribed.
- (2) For the purposes of subsection 55 (2) of the Act, Form 2 in Schedule 1 is prescribed.

9B Prescribed authority (Act s 60F (7) (a))

For paragraph 60F (7) (a) of the Act, the Department of Sustainability, Environment, Water, Population and Communities is the prescribed authority of the Commonwealth.

11 Inspection of Material Safety Data Sheets

For the purposes of section 78 of the Act, copies of the Material Safety Data Sheet (if any) for a chemical may be inspected by the public at the Library during inspection times.

11AA Inspection of Register

For the purposes of subsection 80C (4) of the Act, the Register may be inspected by the public at the Library during inspection times.

11A Search warrants

For the purposes of subsection 87 (2) of the Act, the form of search warrant in Schedule 1A is prescribed.

11B Prescribed international agreement (Act s 106)

- (1) For paragraph 106 (1) (a) of the Act, the following are prescribed international agreements:
 - (a) the Rotterdam Convention;
 - (b) the Stockholm Convention.
- (2) In this regulation and regulation 11C:
Rotterdam Convention means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at

Rotterdam on 10 September 1998, as amended by any amendment of the Convention that has entered into force for Australia.

Stockholm Convention means the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 23 May 2001, as amended by any amendment of the Convention that has entered into force in Australia.

11C Introduction and export of certain industrial chemicals prohibited without permission (Act s 106)

- (1) This regulation applies to each of the following industrial chemicals, being chemicals that are the subject of the Rotterdam Convention:
 - (a) each of the following kinds of polybrominated biphenyls:
 - (i) hexabromobiphenyl;
 - (ii) octabromobiphenyl;
 - (iii) decabromobiphenyl;
 - (b) tris (2,3-dibromopropyl) phosphate;
 - (c) polychlorinated biphenyls;
 - (d) polychlorinated terphenyls;
 - (e) tetraethyl lead;
 - (f) tetramethyl lead.
- (2) The export of an industrial chemical mentioned in subregulation (1) is prohibited unless the Director has given written permission for the export at or before the time of the proposed export.
- (3) The introduction of an industrial chemical mentioned in subparagraph (1) (a) (i), (ii) or (iii) or paragraph (1) (f) is prohibited unless the Director has given written permission for its introduction at or before the time of the proposed introduction.

Note Section 21 of the Act (which relates to the introduction of new industrial chemicals) may also apply to the introduction of an industrial chemical mentioned in subparagraph (1) (a) (i), (ii) or (iii).

- (4) The introduction of the industrial chemical mentioned in paragraph (1) (e) is prohibited unless:
- (a) the Director has given written permission for its introduction at or before the time of the proposed introduction; or
 - (b) the industrial chemical is introduced in aviation gasoline (avgas), or for use in the production of avgas; or
 - (c) the industrial chemical is introduced:
 - (i) in leaded fuel, or in a fuel additive; and
 - (ii) by a person in respect of whom an approval granted under subsection 13 (1) of the *Fuel Quality Standards Act 2000* is in force at the time of the introduction; and
 - (iii) for the purpose of a supply that is specified in the approval.

- (5) For subregulation (4):

fuel has the meaning given by subregulation 3 (2) of the *Fuel Quality Standards Regulations 2001*.

fuel additive has the meaning given by subregulation 3 (3) of the *Fuel Quality Standards Regulations 2001*.

supply has the meaning given by subsection 4 (1) of the *Fuel Quality Standards Act 2000*.

Note Subsection 106 (5) of the Act provides that a person who introduces or exports an industrial chemical in contravention of a regulation made for the purposes of subsection 106 (1), or of a condition or restriction prescribed by such a regulation, is guilty of an offence.

12 Inspection of Chemical Gazette

For the purposes of section 107 of the Act, copies of each Chemical Gazette that contains a notice under the Act may be inspected by the public at the Library during inspection times.

13 Fees, charges and penalties

The fees, charges and penalties payable under the Act are set out in Schedule 2.

14 When must fees be paid

A fee prescribed under regulation 13 must be paid at the time of lodgement of the application, statement, nomination or notification to which it relates.

15 Remission of fees (Act, s. 110)

- (1) Subject to subregulations (2) and (3), if:
- (a) an application, statement, nomination or notification has been lodged and the prescribed fee has been paid; and
 - (b) the application, statement, nomination or notification is withdrawn before:
 - (i) the Minister:
 - (A) has granted a permit under section 30 of the Act; or
 - (B) has approved a foreign scheme under subsection 43 (3) of the Act; or
 - (ii) the Director:
 - (A) has made a decision in relation to an application under subsection 14 (3), 17 (3) or 19 (7) or section 25, 29, 37, 40, 42, 45, 50, 60, 66 or 89 of the Act; or
 - (B) has given an assessment certificate under section 39 of the Act; or
 - (C) has given an authorisation under section 22 of the Act; or
 - (D) has waived or varied a requirement under section 24 of the Act; or
 - (E) has published a notice under section 65 of the Act;

the Director may, if he or she thinks fit, remit any part or the whole of the fee paid in respect of that application, statement, nomination or notification.

- (2) In exercising a discretion under subregulation (1), the Director must take into account the cost of any completed phase of the process of assessing or deciding the application, statement, nomination or notification.

- (3) If an application, statement, nomination or notification to which paragraph (1) (a) applies is withdrawn before consideration of it has begun:
 - (a) subregulation (1) does not apply; and
 - (b) 90% of the prescribed fee paid on the application, statement, nomination or notification must be repaid to the person or persons who paid it.
- (4) If:
 - (a) a person lodges an application or notification and pays the prescribed fee; and
 - (b) the Director considers that more information is needed to enable the Director to assess or otherwise process the application or notification; and
 - (c) the Director considers the person can give the information to the Director; and
 - (d) the Director gives the person a written notice specifying the information needed and requiring the person to give the information to the Director; and
 - (e) the person fails, within the time (of at least 14 days) specified in the written notice for giving the information:
 - (i) to give the Director the information; or
 - (ii) to satisfy the Director that the person cannot give some or all of the information;

the person is taken to have withdrawn the application or notification, and the Director must repay the prescribed fee minus the screening fee.
- (5) The *screening fee* is an amount equal to 15% of the prescribed fee.
- (6) The Director may remit a part, or the whole, of a fee paid for an application made under subsection 30A (1) of the Act for a chemical mentioned in paragraph 30A (1A) (a) or (b) of the Act.

16A Waiver of fees — secondary notification of listed industrial chemicals

For subsection 110 (5) of the Act, the Director may wholly or partly waive any fee that would otherwise be payable by a person under paragraph 110 (1) (s) of the Act, if the fee is payable in relation to a notification of a listed industrial chemical.

17 Appeal to the Administrative Appeals Tribunal

- (1) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Director made in the exercise of the Director's powers under subregulation 15 (1) or (4) or regulation 16A.
- (2) In subregulation (1), *decision* has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Schedule 1AA Low volume permit and early introduction permit guidelines

(regulations 6BA and 7B)

1 Purpose of guidelines

These guidelines set out:

- (a) for regulation 6BA — matters that the Director must consider for an application under subparagraph 21U (2) (b) (ii) of the Act for a low volume permit, if the total quantity of the chemical proposed to be introduced is not more than 1 000 kg; and
- (b) for regulation 7B — criteria for a chemical or class of chemicals, other than a polymer of low concern or a non-hazardous chemical, for which an application may be made under subsection 30A (1A) of the Act for an early introduction permit.

Note For paragraph (a), these guidelines only apply to the proposed introduction of more than 100 kg and up to 1 000 kg — see Act, s 21U (2) (c).

2 All chemicals (including polymers other than those with number average molecular weight that is 1 000 or greater)

For a chemical, including polymers other than those with number average molecular weight that is 1 000 or greater, the matters, or criteria, are that the chemical:

- (a) is:
 - (i) not a hazardous chemical; or
 - (ii) a hazardous chemical that is classified under the GHS as ‘skin irritant, category 2’; or
 - (iii) a hazardous chemical that is classified under the GHS as ‘eye irritant, category 2A’; and

- (b) does not have a toxicity:
 - (i) to fish, using the test mentioned in paragraph (m) of Part C of the Schedule to the Act, and expressed as an LC₅₀, that is less than 100 mg/litre; and
 - (ii) to aquatic invertebrates, using the test mentioned in paragraph (n) of Part C of the Schedule to the Act, and expressed as an EC₅₀, that is less than 100 mg/litre; and
 - (iii) to algae, using the test mentioned in paragraph (p) of Part C of the Schedule to the Act, and expressed as IC₅₀, that is less than 100 mg/litre; and
- (c) either:
 - (i) is not a dangerous good; or
 - (ii) is a dangerous good that is a Class 3 flammable liquid as defined in the ADG Code.

3 Polymers with number average molecular weight that is 1 000 or greater

For a polymer with number average molecular weight that is 1 000 or greater, the matters, or criteria, are that the polymer:

- (a) has less than 10% by mass of molecules with molecular weight that is less than 500; and
- (b) has less than 25% by mass of molecules with molecular weight that is less than 1 000; and
- (c) has low charge density, as defined in Regulation 4C; and
- (d) does not have any of the following hazard classes under the GHS:
 - (i) acute toxicity, category 1, 2 or 3;
 - (ii) skin corrosion, category 1A, 1B or 1C;
 - (iii) serious eye damage, category 1;
 - (iv) respiratory sensitisation, category 1A or 1B;
 - (v) skin sensitisation, category 1A or 1B;
 - (vi) germ cell mutagenicity, category 1A, 1B or 2;
 - (vii) carcinogenicity, category 1A, 1B or 2;
 - (viii) reproductive toxicity, category 1A, 1B or 2;
 - (ix) adverse effects on or via lactation;

- (x) specific target organ toxicity—single exposure, category 1 or 2;
- (xi) specific target organ toxicity—repeated exposure, category 1 or 2.

Schedule 1AB Controlled use permit and early introduction permit guidelines

(regulations 6C and 7B)

1 Purpose of guidelines

These guidelines set out:

- (a) for regulation 6C — matters that the Director must consider for an application under subparagraph 22F (1) (b) (ii) of the Act for a controlled use permit, if the applicant does not intend to export all of the chemical; and
- (b) for regulation 7B — criteria for a chemical or class of chemicals, other than a polymer of low concern or a non-hazardous chemical, for which an application may be made under subsection 30A (1A) of the Act for an early introduction permit.

2 Intended use

The matters, or criteria, are that:

- (a) the chemical does not have any of the following hazard classes under the GHS:
 - (i) acute toxicity, category 1, 2 or 3;
 - (ii) skin corrosion, category 1A, 1B or 1C;
 - (iii) serious eye damage, category 1;
 - (iv) respiratory sensitisation, category 1A or 1B;
 - (v) skin sensitisation, category 1A or 1B;
 - (vi) germ cell mutagenicity, category 1A, 1B or 2;
 - (vii) carcinogenicity, category 1A, 1B or 2;
 - (viii) reproductive toxicity, category 1A, 1B or 2;
 - (ix) adverse effects on or via lactation;
 - (x) specific target organ toxicity—single exposure, category 1 or 2;

- (xi) specific target organ toxicity—repeated exposure, category 1 or 2;
- (b) the chemical does not have a toxicity:
 - (i) to fish, using the test mentioned in paragraph (m) of Part C of the Schedule to the Act, and expressed as an LC₅₀, that is equal to or less than 10 mg/litre; and
 - (ii) to aquatic invertebrates, using the test mentioned in paragraph (n) of Part C of the Schedule to the Act, and expressed as an EC₅₀, that is equal to or less than 10 mg/litre; and
 - (iii) to algae, using the test mentioned in paragraph (p) of Part C of the Schedule to the Act, and expressed as IC₅₀, that is equal to or less than 10 mg/litre; and
- (c) for human exposure:
 - (i) there are no exposures to consumers or the general public inherent in the proposed manufacturing, processing or uses of the chemical; and
 - (ii) any worker exposure that is likely to occur will be adequately controlled through use of engineering controls, work practices and personal protective equipment; and
- (d) for environmental exposure, all routine releases from manufacture, processing and use (including releases associated with cleaning of equipment and from disposal or cleaning of containers and packaging) have been considered and adequate controls are in place to ensure:
 - (i) no ambient release to surface water resulting in concentrations of the chemical above 1 part per billion; and
 - (ii) no ambient release to air above 1 microgram per cubic metre average annual concentration; and
 - (iii) no release to land or landfill unless the chemical has negligible potential for migration to groundwater.

Schedule 1 Forms

(regulation 9)

Form 1

**APPLICATION FOR ASSESSMENT OF A CHEMICAL UNDER
SUBSECTION 55 (1) OF THE *INDUSTRIAL CHEMICALS
(NOTIFICATION AND ASSESSMENT) ACT 1989***

Name of applicant:

Address of applicant:

Details of chemical:

- (1) Chemical name of chemical: (a)
- (2) Name or names by which the chemical is known: (b)
- (3) Name or names under which the chemical is marketed by applicant: (c)
- (4) Chemical Abstract Service Number: (d)
- (5) Molecular formula:
- (6) Structural Formula:
- (7) Gram-molecular weight:

.....

(Signature of applicant)

(e)

(a) insert the chemical name of the chemical:

(i) in the case of a pure chemical:

(A) the name to be used in the Australian Inventory of Chemical Substances, that is the Chemical Abstracts (CA) Preferred Index Name; or

(B) if such a name is not available — the name to be used by the International Union for Pure and Applied Chemistry; and

(ii) in any other case — as complete a description of the chemical as is practicable; and

- (iii) in the case of a biopolymer, include a description of the biological source of the biopolymer
- (b) insert the name or names by which the chemical is known or identified in scientific or technical literature
- (c) insert the name or names under which applicant markets, or intends to market, the chemical
- (d) insert the number assigned to the chemical by the service known as the Chemical Abstract Service
- (e) insert date

Form 2

APPLICATION FOR ASSESSMENT OF A CHEMICAL UNDER SUBSECTION 55 (2) OF THE *INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) ACT 1989*

Name of applicant:

Address of applicant:

Details of chemical:

- (1) Chemical name of chemical: (a)
- (2) Name or names by which chemical is known: (b)
- (3) Name or names under which chemical is marketed by applicant: (c)
- (4) Chemical Abstract Service Number: (d)
- (5) Molecular formula:
- (6) Structural Formula:
- (7) Gram-molecular weight:

.....
(Signature of applicant)

(e)

- (a) insert the chemical name of the chemical:
 - (i) in the case of a pure chemical:
 - (A) the name to be used in the Australian Inventory of Chemical Substances, that is the Chemical Abstracts (CA) Preferred Index Name; or

- (B) if such a name is not available — the name to be used by the International Union for Pure and Applied Chemistry; and
- (ii) in any other case — as complete a description of the chemical as is practicable; and
- (iii) in the case of a biopolymer, include a description of the biological source of the biopolymer
- (b) insert the name or names by which the chemical is known or identified in scientific or technical literature
- (c) insert the name or names under which the applicant markets, or intends to market, the chemical
- (d) insert the number assigned to the chemical by the service known as the Chemical Abstract Service
- (e) insert date

Schedule 1A

(regulation 11A)

COMMONWEALTH OF AUSTRALIA

Industrial Chemicals (Notification and Assessment) Act 1989

SEARCH WARRANT UNDER SUBSECTION 87 (2)

TO (*name and address of inspector*), an inspector within the meaning of section 5 of the *Industrial Chemicals (Notification and Assessment) Act 1989* ('the Act'):

This warrant is issued on the basis that:

- (a) an information on oath has been laid before me alleging that there are reasonable grounds for suspecting that there may be upon or in the premises mentioned below a particular thing that may afford evidence as to the commission of an offence against the Act (within the meaning of subsection 87 (8) of the Act); and
- (b) the information set out those grounds; and
- (c) I have been given, either orally or by affidavit, the further information (if any) that I required concerning the grounds on which the issue of this warrant was being sought; and
- (d) I am satisfied that there are reasonable grounds for issuing this warrant.

The purpose for which this warrant is issued is to authorise you to do each of the matters set out below in relation to the following offence, namely (*state nature of the offence in relation to which the entry and search are authorised*).

This warrant authorises you, with assistance, and by such force, as is necessary and reasonable, * at any time of the day or night / * during the following hours of the day or night (*specify the hours*):

- (a) to enter the premises at (*address*); and
- (b) to search the premises for a particular thing (*specify the thing*), being a thing of the kind described below, that may afford evidence as to the commission of the offence; and

(c) if you find the thing on or in the premises — to seize the thing.
The kind of things to be seized is as follows: *(description of the kind of things to be seized)*.

THIS WARRANT CEASES TO HAVE EFFECT ON *(date not later than one month after the day of issue of the warrant)*.

Issued by me *(full name and designation of magistrate)*.

On *(date)* .

(signature of magistrate)

* Omit whichever is inapplicable

Schedule 2 Fees, charges and penalties

(regulation 13)

| Item | Fees, charges and penalties | \$ |
|------|---|-------|
| 1 | Fee for application under section 13B of the Act that is made after 28 days of the giving of an assessment certificate | 750 |
| 2 | Fee for application under subsection 14 (3) of the Act for the inclusion of a chemical in the confidential section | 3 500 |
| 3 | Fee for application under subsection 17 (3) of the Act to be the holder of a confidence | 700 |
| 4 | Fee for application under subsection 18A (1) of the Act for the transfer of a chemical to the confidential section | 2 100 |
| 5 | Fee for statement under subsection 19 (4) of the Act setting out the reasons why a chemical should not be transferred to the non-confidential section | 3 500 |
| 6 | Fee for application under section 21B of the Act: | |
| | (a) for a commercial evaluation permit | 4 000 |
| | (b) for renewal of a commercial evaluation permit | 2 000 |
| 7 | Fee for application under section 21P, 21ZB, 22O, 25, 29, 30A, 40D, 42, 45, 50, 60, 66 or 89 of the Act that information be treated as exempt information | 1 100 |
| 8 | Fee for application under section 21R of the Act: | |
| | (a) for a low volume permit | 4 000 |
| | (b) for renewal of a low volume permit | 2 000 |
| 9 | Fee for application under section 22B of the Act: | |
| | (a) for a controlled use permit | 4 000 |
| | (b) for renewal of a controlled use permit | 2 000 |

| Item | Fees, charges and penalties | \$ |
|--|---|--------|
| 10 | Fee for application under section 23 of the Act for an assessment certificate for a chemical: | |
| | (a) other than an application to which subsection 41 (3) or 44 (1) of the Act applies: | |
| | (i) for a standard application | 16 800 |
| | (ii) for a limited application | 12 000 |
| | (iii) for an application for a polymer of low concern | 5 600 |
| | (b) to which paragraph 41 (3) (d) of the Act applies | 10 400 |
| | (c) to which subsection 44 (1) of the Act applies: | |
| | (i) for a standard application | 12 300 |
| | (ii) for a limited application | 9 000 |
| | (iii) for an application for a polymer of low concern | 3 500 |
| | (d) that is accompanied by an assessment by a comparable agency: | |
| | (i) for a standard application | 13 400 |
| | (ii) for a limited application | 9 600 |
| | (iii) for an application for a polymer of low concern | 4 500 |
| | (e) that is accompanied by an assessment made under section 32 of the Act of a chemical that is similar to the chemical that is the subject of the application: | |
| | (i) for a standard application | 10 100 |
| | (ii) for a limited application | 7 200 |
| | (iii) for an application for a polymer of low concern | 3 400 |
| | (f) that is made at the same time as an application for a similar chemical that has the same or similar uses: | |
| | (i) for a standard application | 4 000 |
| | (ii) for a limited application, or an application for a polymer of low concern | 2 500 |
| <i>Industrial Chemicals (Notification and Assessment) Regulations 1990</i> | | 39 |

| Item | Fees, charges and penalties | \$ |
|------|---|--------|
| 11 | Fee for application under section 23A of the Act for a self-assessed assessment certificate for a chemical: | |
| | (a) for a polymer of low concern | 3 900 |
| | (b) for a non-hazardous chemical that is a synthetic polymer with a number average molecular weight that is 1 000 or greater, other than a polymer of low concern | 9 700 |
| | (c) for any other non-hazardous chemical | 10 400 |
| 12 | Fee for application under section 24 of the Act to vary the requirements of section 23 of the Act | 2 600 |
| 13 | Fee for application under section 30 of the Act for an introduction permit | 8 500 |
| 14 | Fee for application under section 30A of the Act for an early introduction permit | 2 300 |
| 15 | Fee for application under section 37 of the Act for the variation of an assessment report | 4 100 |
| 16 | Fee for application under section 40 of the Act for the variation of a public report | 4 100 |
| 17 | Fee for application under section 40A of the Act for extension of an original assessment certificate | 5 100 |
| 18 | Fee for nomination of a foreign scheme under subsection 43 (3) of the Act | 7 100 |
| 19 | Fee for secondary notification required under section 65: | |
| | (a) for a notification relating to a new industrial chemical, other than a polymer of low concern | 9 600 |
| | (b) for a notification relating to a new industrial chemical that is a polymer of low concern | 4 200 |
| 20 | Fee for application for registration under section 80F of the Act | 395 |
| 21 | Fee for application for renewal of registration under subsection 80KA (1) or 80KB (2) of the Act | 395 |
| 22 | Registration charge under paragraph 80T (2) (a) of the Act | 1 462 |
| 40 | <i>Industrial Chemicals (Notification and Assessment) Regulations 1990</i> | |

| Item | Fees, charges and penalties | \$ |
|------|--|--------|
| 23 | Registration charge under paragraph 80T (2) (b) of the Act | 13 905 |
| 24 | Late renewal penalty under subsection 110A (1) of the Act: | |
| | (a) for the renewal of a registration under paragraph 80T (2) (a) of the Act | 185 |
| | (b) for the renewal of a registration under paragraph 80T (2) (b) of the Act | 1 430 |
| | (c) for any other renewal | 100 |

Schedule 3 Reactive functional groups

(regulation 4A)

| Item | Low concern | Moderate concern | High concern |
|------|--|---|--|
| 1 | Carboxylic acid | | Pendant acrylates and methacrylates |
| 2 | Aliphatic hydroxyl | | Aziridines |
| 3 | Unconjugated olefinic considered 'ordinary' (that is, unconjugated olefinic not specifically activated by being part of a larger functional group or by other activating influences) | | Carbodi-imides |
| 4 | Butenedioic acid | | Halosilanes, Hydrosilanes, Alkoxysilanes |
| 5 | Conjugated olefinic groups contained in naturally occurring fats, oils and carboxylic acids | Conjugated olefinic groups not contained in naturally occurring fats, oils and carboxylic acids | Hydrazines |
| 6 | Blocked isocyanates (including ketoxime-blocked isocyanates) | | Isocyanates, isothiocyanates |
| 7 | Thiols | | Alpha or beta lactones |
| 8 | Unconjugated nitriles | | Vinyl sulfones or analogous compounds |

| Item | Low concern | Moderate concern | High concern |
|------|--|------------------|--|
| 9 | Halogens (except reactive halogen-containing groups such as benzylic or allylic halides) | | Acid halides |
| 10 | | | Acid anhydrides |
| 11 | | | Aldehydes |
| 12 | | | Hemiacetals |
| 13 | | | Methylolamides, amines or ureas |
| 14 | | | Cyanates |
| 15 | | | Epoxides |
| 16 | | | Unsubstituted positions ortho and para to phenolic hydroxyl |
| 17 | | | Allyl ethers |
| 18 | | | Imines (ketimines and aldimines) |
| 19 | | | Partially-hydrolysed acrylamides |
| 20 | | | Other reactive functional groups not in the low or moderate concern groups |

Schedule 4 Prescribed reactants

(regulation 4AB)

Part 1 Di and Tri Basic Acids

| Item | Substance | CAS no. |
|------|--|------------|
| 101 | 1,2-Benzenedicarboxylic acid | 88-99-3 |
| 102 | 1,3-Benzenedicarboxylic acid | 121-91-5 |
| 103 | 1,3-Benzenedicarboxylic acid, dimethyl ester | 1459-93-4 |
| 104 | 1,4-Benzenedicarboxylic acid | 100-21-0 |
| 105 | 1,4-Benzenedicarboxylic acid, diethyl ester | 636-09-9 |
| 106 | 1,4-Benzenedicarboxylic acid, dimethyl ester | 120-61-6 |
| 107 | 1,2,4-Benzenetricarboxylic acid | 528-44-9 |
| 108 | Butanedioic acid | 110-15-6 |
| 109 | Butanedioic acid, diethyl ester | 123-25-1 |
| 110 | Butanedioic acid, dimethyl ester | 106-65-0 |
| 111 | 2-Butenedioic acid (E)- | 110-17-8 |
| 112 | Decanedioic acid | 111-20-6 |
| 113 | Decanedioic acid, diethyl ester | 110-40-7 |
| 114 | Decanedioic acid, dimethyl ester | 106-79-6 |
| 115 | Dodecanedioic acid | 693-23-2 |
| 116 | Fatty acids, C18-unsaturated, dimers | 61788-89-4 |
| 117 | Heptanedioic acid | 111-16-0 |
| 118 | Heptanedioic acid, dimethyl ester | 1732-08-7 |
| 119 | Hexanedioic acid | 124-04-9 |
| 120 | Hexanedioic acid, dimethyl ester | 627-93-0 |
| 121 | Hexanedioic acid, diethyl ester | 141-28-6 |
| 122 | Nonanedioic acid | 123-99-9 |
| 123 | Nonanedioic acid, dimethyl ester | 1732-10-1 |

| Item | Substance | CAS no. |
|------|-----------------------------------|-----------|
| 124 | Nonanedioic acid, diethyl ester | 624-17-9 |
| 125 | Octanedioic acid | 505-48-6 |
| 126 | Octanedioic acid, dimethyl ester | 1732-09-8 |
| 127 | Pentanedioic acid | 110-94-1 |
| 128 | Pentanedioic acid, dimethyl ester | 1119-40-0 |
| 129 | Pentanedioic acid, diethyl ester | 818-38-2 |
| 130 | Undecanedioic acid | 1852-04-6 |

Part 2 Modifiers

| Item | Substance | CAS no. |
|------|--|------------|
| 201 | Acetic acid, 2,2'-oxybis- | 110-99-6 |
| 202 | 1-Butanol (other than 1-butanol that is used to manufacture a polyester with maleic or fumaric acid) | 71-36-3 |
| 203 | Cyclohexanol | 108-93-0 |
| 204 | Cyclohexanol, 4,4'-(1-methylethylidene)bis | 80-04-6 |
| 205 | Ethanol, 2-(2-butoxyethoxy)- | 112-34-5 |
| 206 | 1-Hexanol | 111-27-3 |
| 207 | Methanol, hydrolysis products with trichlorohexylsilane and trichlorophenylsilane | 72318-84-4 |
| 208 | 1-Phenanthrenemethanol, tetradecahydro-1,4a-dimethyl-7-(1-methylethyl)- | 13393-93-6 |
| 209 | Phenol, 4,4'-(1-methylethylidene)bis-, polymer with 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxy)methylene]]bis[oxirane] | 25036-25-3 |
| 210 | Siloxanes and Silicones, dimethyl, diphenyl, polymers with phenyl silsesquioxanes, methoxy-terminated | 68440-65-3 |

| Item | Substance | CAS no. |
|------|--|------------|
| 211 | Siloxanes and Silicones, dimethyl, methoxy phenyl, polymers with phenyl silsesquioxanes, methoxy-terminated | 68957-04-0 |
| 212 | Siloxanes and Silicones, methyl phenyl, methoxy phenyl, polymers with phenyl silsesquioxanes, methoxy- and phenyl-terminated | 68957-06-2 |
| 213 | Silsesquioxanes, phenyl propyl | 68037-90-1 |

Part 3 Monobasic Acids and Natural Oils

| Item | Substance | CAS no. (if any) |
|------|--|------------------|
| 301 | Benzoic acid | 65-85-0 |
| 302 | Canola oil | 120962-03-0 |
| 303 | Coconut oil | 8001-31-8 |
| 304 | Corn oil | 8001-30-7 |
| 305 | Cottonseed oil | 8001-29-4 |
| 306 | Dodecanoic acid | 143-07-7 |
| 307 | Fats and glyceridic oils, anchovy | 128952-11-4 |
| 308 | Fats and glyceridic oils, babassu | 91078-92-1 |
| 309 | Fats and glyceridic oils, herring | 68153-06-0 |
| 310 | Fats and glyceridic oils, menhaden | 8002-50-4 |
| 311 | Fats and glyceridic oils, sardine | 93334-41-9 |
| 312 | Fats and glyceridic oils, oiticica | 8016-35-1 |
| 313 | Fatty acids, C ₁₆₋₁₈ and C ₁₈ -unsaturated | 67701-08-0 |
| 314 | Fatty acids, castor-oil | 61789-44-4 |
| 315 | Fatty acids, coco | 61788-47-4 |
| 316 | Fatty acids, dehydrated castor-oil | 61789-45-5 |
| 317 | Fatty acids, linseed oil | 68424-45-3 |
| 318 | Fatty acids, safflower oil | 93165-34-5 |
| 319 | Fatty acids, soya | 68308-53-2 |

| Item | Substance | CAS no. (if any) |
|------|---|------------------|
| 320 | Fatty acids, sunflower oil | 84625-38-7 |
| 321 | Fatty acids, sunflower-oil, conjugated | 68953-27-5 |
| 322 | Fatty acids, tall-oil | 61790-12-3 |
| 323 | Fatty acids, tall-oil, conjugated | |
| 324 | Fatty acids, vegetable oil | 61788-66-7 |
| 325 | Glycerides, C ₁₆₋₁₈ and C ₁₈ -unsaturated | 67701-30-8 |
| 326 | Heptanoic acid | 111-14-8 |
| 327 | Hexanoic acid | 142-62-1 |
| 328 | Hexanoic acid, 3,3,5-trimethyl- | 3302-10-1 |
| 329 | Linseed oil | 8001-26-1 |
| 330 | Linseed oil, oxidised | 68649-95-6 |
| 331 | Nonanoic acid | 112-05-0 |
| 332 | Oils, Cannabis | |
| 333 | Oils, palm kernel | 8023-79-8 |
| 334 | Oils, perilla | 68132-21-8 |
| 335 | Oils, walnut | 8024-09-7 |
| 336 | Safflower oil | 8001-23-8 |
| 337 | Soybean oil | 8001-22-7 |
| 338 | Sunflower oil | 8001-21-6 |
| 339 | Tung oil | 8001-20-5 |

Part 4 Polyols

| Item | Substance | CAS no. |
|------|---------------------------|----------|
| 401 | 1,3-Butanediol | 107-88-0 |
| 402 | 1,4-Butanediol | 110-63-4 |
| 403 | 1,4-Cyclohexanedimethanol | 105-08-8 |
| 404 | 1,2-Ethanediol | 107-21-1 |
| 405 | Ethanol, 2,2'-oxybis- | 111-46-6 |

| Item | Substance | CAS no. |
|------|---|------------|
| 406 | 1,6-Hexanediol | 629-11-8 |
| 407 | 1,3-Pentanediol, 2,2,4-trimethyl- | 144-19-4 |
| 408 | 1,2-Propanediol | 57-55-6 |
| 409 | 1,3-Propanediol, 2,2-bis(hydroxymethyl)- | 115-77-5 |
| 410 | 1,3-Propanediol, 2,2-dimethyl- | 126-30-7 |
| 411 | 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)- | 77-99-6 |
| 412 | 1,3-Propanediol, 2-(hydroxymethyl)-2-methyl | 77-85-0 |
| 413 | 1,3-Propanediol, 2-methyl | 2163-42-0 |
| 414 | 1,2,3-Propanetriol | 56-81-5 |
| 415 | 1,2,3-Propanetriol, homopolymer | 25618-55-7 |
| 416 | 2-Propen-1-ol, polymer with ethenylbenzene | 25119-62-4 |

Table of Instruments

Notes to the *Industrial Chemicals (Notification and Assessment) Regulations 1990*

Note 1

The *Industrial Chemicals (Notification and Assessment) Regulations 1990* (in force under the *Industrial Chemicals (Notification and Assessment) Act 1989*) as shown in this compilation comprise Statutory Rules 1990 No. 231 amended as indicated in the Tables below.

Table of Instruments

| Year and number | Date of notification in <i>Gazette</i> or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|-----------------|---|--|--|
| 1990 No. 231 | 12 July 1990 | 17 July 1990 | |
| 1990 No. 440 | 21 Dec 1990 | 21 Dec 1990 | — |
| 1991 No. 165 | 28 June 1991 | 28 June 1991 | — |
| 1992 No. 29 | 7 Feb 1992 | 7 Feb 1992 | — |
| 1992 No. 245 | 29 July 1992 | 4 Aug 1992 | — |
| 1992 No. 282 | 8 Sept 1992 | 8 Sept 1992 | — |
| 1993 No. 35 | 24 Feb 1993 | 1 Mar 1993 | — |
| 1994 No. 21 | 18 Feb 1994 | 18 Feb 1994 | — |
| 1994 No. 320 | 6 Sept 1994 | 12 Sept 1994 | — |
| 1994 No. 368 | 1 Nov 1994 | 1 Nov 1994 | — |
| 1994 No. 454 | 30 Dec 1994 | 30 Dec 1994 | — |
| 1995 No. 81 | 9 May 1995 | 9 May 1995 | — |
| 1995 No. 358 | 30 Nov 1995 | 1 Dec 1995 | R. 8 |
| 1997 No. 181 | 1 July 1997 | 1 July 1997 | — |
| 1997 No. 193 | 9 July 1997 | 9 July 1997 | — |
| 1997 No. 203 | 7 Aug 1997 | 7 Aug 1997 | — |
| 1997 No. 419 | 24 Dec 1997 | 30 Dec 1997 | — |
| 1999 No. 224 | 29 Sept 1999 | 29 Sept 1999 | — |
| 2002 No. 9 | 21 Feb 2002 | 21 Feb 2002 | — |
| 2002 No. 58 | 28 Mar 2002 | Schedule 2: 1 Apr 2002 (see r. 2 (b)) Remainder: 28 Mar 2002 | — |
| 2003 No. 121 | 19 June 2003 | 19 June 2003 | — |
| 2003 No. 150 | 26 June 2003 | 1 July 2003 | — |
| 2003 No. 192 | 31 July 2003 | 31 July 2003 | — |
| 2004 No. 158 | 25 June 2004 | 1 July 2004 | — |

Table of Instruments

| Year and number | Date of notification in <i>Gazette</i> or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|------------------------|--|---|---|
| 2004 No. 239 | 6 Aug 2004 | 9 Aug 2004 (see r. 2 and <i>Gazette</i> 2004, No. S320) | — |
| 2004 No. 246 | 12 Aug 2004 | 18 Aug 2004 (see r. 2) | — |
| 2004 No. 388 | 23 Dec 2004 | 23 Dec 2004 | — |
| 2005 No. 130 | 16 June 2005 (see F2005L01456) | 1 July 2005 | — |
| 2005 No. 257 | 16 Nov 2005 (see F2005L03470) | 17 Nov 2005 | — |
| 2006 No. 78 | 19 Apr 2006 (see F2006L01169) | Rr. 1–3 and Schedule 1: 20 Apr 2006 Remainder: 1 July 2006 | — |
| 2006 No. 155 | 27 June 2006 (see F2006L01791) | 1 July 2006 | — |
| 2007 No. 146 | 8 June 2007 (see F2007L01341) | 1 July 2007 | — |
| 2008 No. 115 | 20 June 2008 (see F2008L01320) | 1 July 2008 | — |
| 2008 No. 236 | 3 Dec 2008 (see F2008L03863) | 4 Dec 2008 | — |
| 2009 No. 139 | 25 June 2009 (see F2009L01720) | 1 July 2009 | — |
| 2010 No. 175 | 29 June 2010 (see F2010L01726) | 1 July 2010 | — |
| 2011 No. 260 | 9 Dec 2011 (see F2011L02623) | 10 Dec 2011 | — |
| 2012 No. 86 | 28 May 2012 (see F2012L01092) | 1 July 2012 | — |

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| R. 1 | rs. 1999 No. 224 |
| R. 2 | am. 1990 No. 440; 1997 No. 419; 2002 No. 58; 2008 No. 236; 2011 No. 260; 2012 No. 86 |
| R. 3 | am. 2011 No. 260 |
| R. 4 | am. 2011 No. 260 |
| R. 4AA | ad. 1997 No. 419 rs. 2004 No. 239 am. 2008 No. 236; 2011 No. 260 rs. 2012 No. 86 |
| R. 4AB | ad. 2002 No. 58 |
| Heading to r. 4A | rs. 2004 No. 239 |
| R. 4A | ad. 1993 No. 35 am. 1997 No. 419 rs. 2002 No. 58 am. 2004 No. 239 |
| Heading to r. 4B | rs. 2004 No. 239 |
| R. 4B | ad. 2002 No. 58 am. 2004 No. 239 |
| R. 4CA | ad. 2004 No. 239 |
| Heading to r. 4C | rs. 2004 No. 239 |
| R. 4C | ad. 2002 No. 58 am. 2004 No. 239 |
| R. 4D | ad. 2002 No. 58 rep. 2004 No. 239 |
| R. 4E | ad. 2002 No. 58 rs. 2004 No. 239 |
| R. 4F | ad. 2002 No. 58 rep. 2004 No. 239 |
| R. 4G | ad. 2002 No. 58 rep. 2004 No. 239 |
| Heading to r. 4H | rs. 2004 No. 239 |
| R. 4H | ad. 2002 No. 58 am. 2004 No. 239 |
| Heading to r. 4I | rs. 2004 No. 239 |
| R. 4I | ad. 2002 No. 58 am. 2004 No. 239 |
| R. 4J | ad. 2004 No. 239 am. 2011 No. 260 |
| R. 4K | ad. 2004 No. 239 am. 2011 No. 260 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 5 | am. 1990 No. 440 |
| R. 6 | am. 1990 No. 440 rs. 1991 No. 165 am. 2003 No. 150 |
| R. 6AA | ad. 1997 No. 203 |
| R. 6AB | ad. 1997 No. 419 am. 2004 No. 239; 2008 No. 236; 2011 No. 260 |
| R. 6A..... | ad. 1992 No. 245 am. 2003 No. 121 |
| R. 6BA | ad. 2008 No. 236 |
| R. 6B..... | ad. 2006 No. 78 am. 2008 No. 236; 2011 No. 260 |
| R. 6C..... | ad. 2008 No. 236 |
| R. 7 | am. 1990 No. 440 |
| R. 7AA | ad. 1993 No. 35 rep. 2004 No. 239 |
| R. 7A..... | ad. 1990 No. 440 am. 2004 No. 239 |
| R. 7B..... | ad. 1997 No. 419 rep. 2004 No. 239 ad. 2008 No. 236 |
| R. 7C..... | ad. 1997 No. 419 rep. 2004 No. 239 |
| R. 8 | rs. 1993 No. 35 am. 1997 No. 193 rep. 2011 No. 260 |
| R. 8A..... | ad. 1993 No. 35 rs. 1997 No. 193 am. 2002 No. 58 rs. 2008 No. 236 am. 2011 No. 260 |
| R. 8B..... | ad. 1993 No. 35 am. 2004 No. 239; 2011 No. 260 |
| R. 8C..... | ad. 1997 No. 193 am. 2002 No. 58 rs. 2008 No. 236 am. 2011 No. 260 |
| R. 8D..... | ad. 1997 No. 193 am. 2011 No. 260 |
| R. 9A..... | ad. 1997 No. 203 rep. 2011 No. 260 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 9B..... | ad. 1997 No. 203 am. 2002 No. 58 rs. 2008 No. 236 am. 2011 No. 260 |
| R. 10 | am. 1990 No. 440 rs. 1991 No. 165 rep. 2011 No. 260 |
| R. 11 | am. 1990 No. 440 rs. 1991 No. 165 am. 2011 No. 260 |
| R. 11AA | ad. 1997 No. 193 am. 2012 No. 86 |
| R. 11AAA | ad. 1997 No. 203 rep. 2003 No. 192 |
| R. 11AB | ad. 1997 No. 193 am. 2003 No. 192 rs. 2004 No. 158 am. 2006 No. 155; 2007 No. 146; 2010 No. 175 rep. 2012 No. 86 |
| Note to R. 11AB..... | rs. 2006 No. 155 rep. 2012 No. 86 |
| R. 11A..... | ad. 1994 No. 21 |
| R. 11B..... | ad. 1997 No. 193 am. 2002 No. 58 rs. 2004 No. 246 am. 2008 No. 236 |
| R. 11C..... | ad. 2004 No. 246 am. 2005 No. 257 |
| R. 12 | am. 1990 No. 440 rs. 1991 No. 165 |
| R. 12A..... | ad. 1994 No. 368 rs. 1995 No. 358 rep. 2002 No. 58 |
| R. 12B..... | ad. 1994 No. 368 rep. 1995 No. 358 |
| R. 12C..... | ad. 1994 No. 368 rs. 1995 No. 358 rep. 2002 No. 58 |
| R. 13 | am. 1993 No. 35; 1994 No. 320; 1997 Nos. 181 and 203; 1999 No. 224; 2003 No. 150; 2004 Nos. 158 and 388; 2005 No. 130; 2006 No. 78; 2007 No. 146; 2008 No. 115; 2009 No. 139; 2010 No. 175; 2011 No. 260 rs. 2012 No. 86 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 14 | rs. 1992 No. 29 am. 1992 No. 282 rs. 1994 No. 368; 1997 No. 181 am. 2012 No. 86 |
| Heading to r. 15 | am. 1997 No. 419 |
| R. 15 | am. 1992 No. 29; 1994 No. 368; 1997 No. 419; 1999 No. 224; 2008 No. 236; 2012 No. 86 |
| R. 16 | rs. 1992 No. 282 rep. 1994 No. 368 ad. 1995 No. 358 am. 2002 No. 9 rep. 2002 No. 16 |
| R. 16A | ad. 1999 No. 224 |
| R. 17 | ad. 1992 No. 29 am. 1995 No. 81; 1995 No. 358; 1997 No. 419; 2002 No. 58; 2012 No. 86 |
| R. 18 | ad. 2003 No. 192 rep. 2012 No. 86 |
| Schedule 1AA | |
| Schedule 1AA | ad. 2008 No. 236 am. 2012 No. 86 |
| Schedule 1AB | |
| Schedule 1AB | ad. 2008 No. 236 am. 2012 No. 86 |
| Schedule 1 | |
| Schedule 1 | am. 1993 No. 35; 1997 No. 419 |
| Form 1A | ad. 1993 No. 35 am. 1997 No. 419 rs. 2002 No. 58 rep. 2004 No. 239 |
| Form 1 | 1990 No. 231 |
| Form 2 | 1990 No. 231 |
| Schedule 1A | |
| Schedule 1A | ad. 1994 No. 21 |
| Schedule 2 | |
| Schedule 2 | am. 1992 No. 245; 1993 No. 35; 1994 Nos. 320, 368 and 454; 1997 Nos. 181, 193, 203 and 419; 1999 No. 224 rs. 2003 No. 150 am. 2003 No. 192; 2004 No. 158; 2004 Nos. 239 and 388; 2005 No. 130; 2006 No. 78 rs. 2006 No. 78; 2007 No. 146; 2008 No. 115; 2009 No. 139; 2010 No. 175; 2012 No. 86 |
| Schedule 3 | |
| Schedule 3 | ad. 2002 No. 58 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected

How affected

Schedule 4

Schedule 4 ad. 2002 No. 58