



Australian Government

Department of Health

National Industrial Chemicals

Notification and Assessment Scheme

NICNAS to AICIS: Transitions



March 2020



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Transitional arrangements



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Industrial Chemicals (Notification and Assessment) Act 1989



Industrial Chemicals Act 2019

**Janus, the Roman god of
transitional provisions**



The purpose of transitionals

■ ICNA Act



↑ Stakeholder

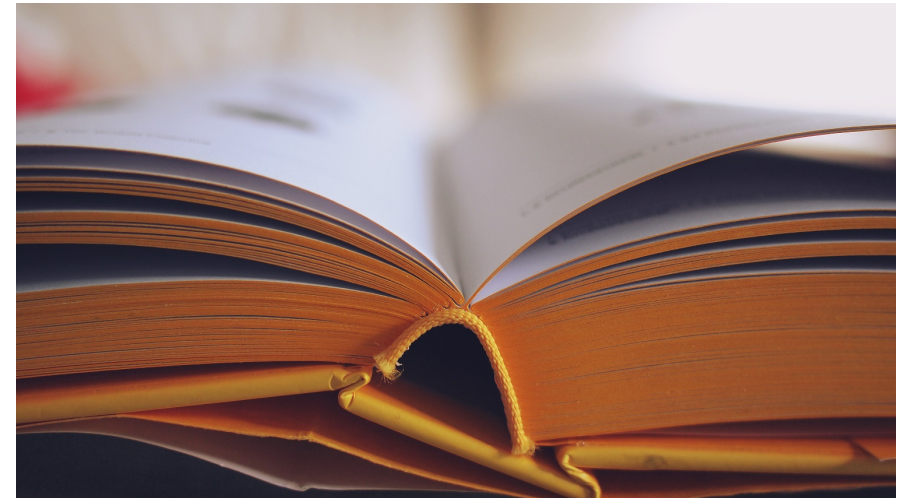
■ IC Act





Transitional law

- **ICNA Act** (NICNAS)
- **Transitional Act and Rules**
- **IC Act** (AICIS)
- **IC Rules** (if needed)
- **ICNA Regulations** (if needed)





What do you need to do?

- It will just happen!
 - No need to apply
 - No need to be officially informed
-
- But it's the introducer's responsibility to ensure continued compliance



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Inventory transitions



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AICS

- Non-industrial chemicals
- Various conditions
- Secondary notification
- Confidential AICS
- Exempt info



Janus, the Roman god of transitional provisions

AICIS Inventory

- Removing non-industrial chemicals
- Terms and conditions
- AACN and GEU
- 5-yearly CBI review
- 'Confidentialised' listings



Inventory listings

- **Industrial** chemicals on AICS -> AIC (new Inventory)
 - Removing non-industrial chemicals
- 'Particulars' on AICS -> **terms** of the listing
 - Some AICS particulars -> **scope of assessment** on new Inventory
 - Some AICS particulars -> **condition** of introduction or use on new Inventory
 - Which is which? See Schedules to **Transitional Rules**
- **Secondary notification** conditions on AICS -> information requirements (**term** on new Inventory)



Confidential Inventory listings

- Only 1 list in the new Inventory
- CBI protected by substitute terms
 - AICIS Approved Chemical Name
 - Generalised End Use
- Confidential Inventory – completely hidden
- Transitional confidential listing
 - 'Confidential' to replace each term of listing
 - Still subject to search by genuine would-be introducers
 - Still subject to 5-yearly review of CBI protection





Transitional 'confidential' listings

- Confidential AICS listings will transition
- Transitioned certificate – and confidence – holders can apply
- 'Transitional' certificates
 - Applied for under NICNAS, issued under AICIS
- If no application is made -> list full chemical name





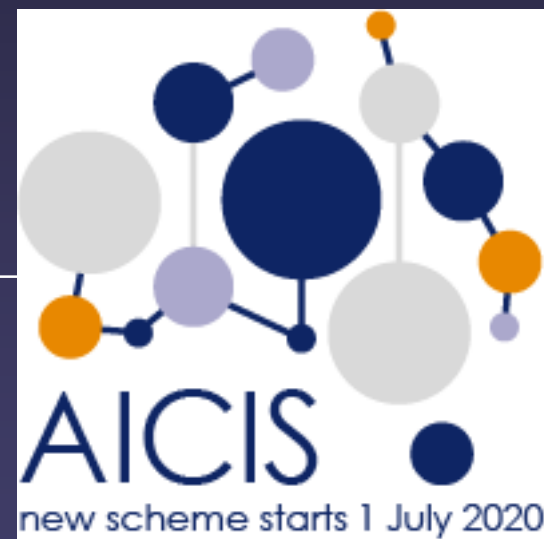
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New chemicals / Unlisted introductions



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Assessment Certificates

Extension certificates

- Persons covered

Secondary notification obligations

- Specific information obligations

Variation

- By application or following Evaluation
- Use trade name if applicable
- No publication of Assessment Statement



Pending assessment application

What's 'pending'?

- In progress
- Includes data variation request

Report

- NICNAS Assessment Report
- (Not AICIS Assessment Statement)

Conditions

- No consultation
- Not restricted

Power to refuse

- No

Exempt information

- Use trade name on certificate

Defined scope of assessment

- Not used



Permits

CEC permits

- CEA
- Remaining period on permit
- Renewal = variation
- Pending renewal = variation

Low Volume and Controlled Use Permits

- Assessment certificate
- Time-limited
 - 30/06/22 or remaining period
- No Inventory listing

Variation/cancellation of transitioned LVC/CUP

- No Assessment Statement will be published



Exemptions

Continue to be Authorised under AICIS

- Any complying introductions up to 31/8/22
- After this you **MUST** categorise

(taken to be) **Exempted**

- <100 kg pa R&D

(taken to be) **Reported**
(without the reporting)

- <1%
- Non hazardous
- Cosmetic

(taken to be)
Reported (without the reporting)

- <100 kg pa
- No unreasonable risk
- Cosmetic



Registration and Rotterdam

ICNA Rotterdam approvals

- Essentially authorised under the new Act

Annual declarations

- AICIS: registration year
- Transitional arrangements: Include 1/7/20-31/8/20 for 20/21 declarations



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May transitionals be ever in your favour



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Until 30 June 2022

- More transitional rules can be made
- 'Without limitation'
- Can be retrospective
- May not:
 - Create an offence or penalty
 - Provide powers of arrest, entry, search or seizure
 - Impose a tax or set appropriation





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Thank you!

Our new website from 1 July:
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