

# EXPOSURE DRAFT



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## Industrial Chemicals (General) Amendment (2023 Measures No. 1) Rules 2023

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I, Ged Kearney, Assistant Minister for Health and Aged Care and Parliamentary Secretary to the Minister for Health and Aged Care, make the following rules.

Dated 2023

Ged Kearney [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Assistant Minister for Health and Aged Care  
Parliamentary Secretary to the Minister for Health and Aged Care

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## 1 Name

This instrument is the *Industrial Chemicals (General) Amendment (2023 Measures No. 1) Rules 2023*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	2 April 2024.	2 April 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Industrial Chemicals Act 2019*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1 Amendments

Part 1 Record keeping for listed introductions

## Schedule 1—Amendments

### Part 1—Record keeping for listed introductions

#### *Industrial Chemicals (General) Rules 2019*

##### 1 Section 5

Insert:

**eligible INCI plant extract name:** the INCI name for an industrial chemical is an **eligible INCI plant extract name** if:

- (a) the industrial chemical is a plant extract that has not intentionally undergone any chemical processes, or treatments, to change its chemical structure; and
- (b) the INCI name is based on a botanical name for the relevant plant.

##### 2 Subsection 46(1)

Repeal the subsection, substitute:

- (1) For the purposes of paragraph 104(2)(b) of the Act, and subject to subsection (3) of this section, if a circumstance mentioned in column 1 of an item in the following table applies in relation to the listed introduction of an industrial chemical by a person, records of the kind mentioned in column 2 of the item are prescribed in relation to the introduction of the industrial chemical.

Records that must be kept		
	Column 1	Column 2
Item	If ...	the kinds of records that must be kept are ...
1	the CAS number for the industrial chemical is known to the person	(a) the CAS number for the industrial chemical; and (b) the CAS name, IUPAC name or INCI name for the industrial chemical
2	(a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and (b) the CAS name or IUPAC name for the industrial chemical is known to the person	(a) records that indicate that the industrial chemical is listed on the Inventory; and (b) the CAS name or IUPAC name for the industrial chemical
3	(a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and (b) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and (c) an eligible INCI plant extract name for the industrial chemical is known to the person	(a) records that indicate that the industrial chemical is listed on the Inventory; and (b) the eligible INCI plant extract name for the industrial chemical
4	(a) a CAS number for the industrial chemical is not assigned, or the CAS number for	(a) records that indicate that the industrial chemical is listed on the Inventory; and

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Amendments **Schedule 1**  
Record keeping for listed introductions **Part 1**

<b>Records that must be kept</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>If ...</b>
	<b>the kinds of records that must be kept are</b>
	<b>...</b>
	<p>the industrial chemical is not known to the person; and</p> <p>(b) neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person; and</p> <p>(c) the industrial chemical is listed on the Inventory under section 82 or 83 of the Act; and</p> <p>(d) the person was the holder of, or covered by, the assessment certificate in relation to which the industrial chemical was so listed on the Inventory; and</p> <p>(e) the Executive Director is required under subsection 109(1) of the Act to publish an AACN for the industrial chemical</p>
5	<p>none of table items 1 to 4 apply to the introduction</p> <p>(a) records that indicate that the industrial chemical is listed on the Inventory; and</p> <p>(b) the names of any products containing the industrial chemical that are imported into Australia by the person (the <i>introducer</i>); and</p> <p>(c) for an introduction that is neither a flavour blend introduction nor a fragrance blend introduction—the names by which the industrial chemical is known to the introducer; and</p> <p>(d) for an introduction that is a flavour blend introduction or a fragrance blend introduction—the names by which the industrial chemical is known to the introducer, or both of the following:</p> <p>(i) the name of the flavour blend or fragrance blend that the industrial chemical is to be introduced as part of;</p> <p>(ii) records to demonstrate that the industrial chemical is included on the IFRA Transparency List; and</p> <p>(e) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director:</p> <p>(i) the CAS number (if assigned) for the industrial chemical; and</p> <p>(ii) the CAS name or IUPAC name for the industrial chemical; and</p> <p>(f) records of the basis on which the</p>

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## Schedule 1 Amendments

### Part 1 Record keeping for listed introductions

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#### Records that must be kept

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Column 1		Column 2
Item	If ...	the kinds of records that must be kept are ...
		introducer holds the belief mentioned in paragraph (e); and
		(g) subject to subsection (1A) of this section, records to demonstrate:
		(i) the total volume of the industrial chemical introduced by the introducer in a registration year; or
		(ii) the total volume of products that contain the industrial chemical introduced by the introducer in a registration year; or
		(iii) for an introduction that is a flavour blend introduction or a fragrance blend introduction—the total volume of the flavour blend or fragrance blend introduced by the introducer in a registration year; and
		(h) for any products containing the industrial chemical that are imported into Australia by the introducer—records to demonstrate either:
		(i) the maximum concentration of the industrial chemical in each type of product imported; or
		(ii) for an introduction that is a flavour blend introduction or a fragrance blend introduction—the maximum concentration of the flavour blend or fragrance blend in each type of product imported; and
		(i) any known hazard classification for the industrial chemical
6	the terms of the Inventory listing for the industrial chemical include a defined scope of assessment for the industrial chemical	records to demonstrate that the industrial chemical is being introduced or used in accordance with that defined scope
7	the terms of the Inventory listing for the industrial chemical include conditions relating to the introduction or use of the industrial chemical	records to demonstrate that the conditions are being complied with
8	the terms of the Inventory listing for the industrial chemical include specific requirements to provide information to the Executive Director in relation to the introduction of the industrial chemical	records to demonstrate that those requirements are being met

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(1A) For the purposes of paragraph (g) of column 2 of item 5 of the table in subsection (1), a requirement to keep a record to demonstrate a total volume introduced by the introducer in a registration year is met if the introducer keeps a

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Record keeping for listed introductions **Part 1**

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record of the estimated total volume introduced by the introducer in the registration year.

- (1B) For the purposes of subsection (1), if:
- (a) a person does not know the CAS number, CAS name, IUPAC name or eligible INCI plant extract name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

### **3 Subsection 46(3) (table item 3, column 2, paragraph (b))**

Repeal the paragraph, substitute:

- (b) for an introduction that is neither a flavour blend introduction nor a fragrance blend introduction—the names by which the industrial chemical is known to the introducer; and
- (ba) for an introduction that is a flavour blend introduction or a fragrance blend introduction—the names by which the industrial chemical is known to the introducer, or both of the following:
  - (i) the name of the flavour blend or fragrance blend that the industrial chemical is to be introduced as part of;
  - (ii) records to demonstrate that the industrial chemical is included on the IFRA Transparency List; and

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## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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## Part 2—Reporting and record keeping for exempted and reported introductions

### *Industrial Chemicals (General) Rules 2019*

#### 4 Subsection 36(2) (table items 1 to 3)

Repeal the table items, substitute:

- 1 If the CAS name or IUPAC name for the industrial chemical is known to the person:
- (a) the CAS name or IUPAC name for the industrial chemical; and
  - (b) the CAS number (if assigned) for the industrial chemical
- 
- 1A If:
- (a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and
  - (b) the human health exposure band for the introduction is 1 or 2; and
  - (c) the environment exposure band for the introduction is 1; and
  - (d) the INCI name for the industrial chemical is known to the person;
- then:
- (e) the INCI name for the industrial chemical; and
  - (f) the CAS number (if known to the person) for the industrial chemical
- 
- 1B If:
- (a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and
  - (b) either:
    - (i) the human health exposure band for the introduction is 3 or 4; or
    - (ii) the environment exposure band for the introduction is 2, 3 or 4; and
  - (c) an eligible INCI plant extract name for the industrial chemical is known to the person;
- the eligible INCI plant extract name for the industrial chemical
- 
- 2 If:
- (a) none of table items 1 to 1B apply to the introduction; and
  - (b) the total volume of the industrial chemical introduced by the person (the *introducer*) during the registration year is 10 kg or less;
- then:
- (c) the names by which the industrial chemical is known to the introducer; and
  - (d) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director:
    - (i) the CAS number (if assigned) for the industrial chemical; and
    - (ii) the CAS name, IUPAC name or INCI name for the industrial chemical; and
  - (e) a statement as to the reasons for the belief mentioned in paragraph (d)
- 
- 3 If:
- (a) none of table items 1 to 1B apply to the introduction; and
  - (b) the total volume of the industrial chemical introduced by the person during the registration year is greater than 10 kg;
- then:
- (c) the names by which the industrial chemical is known to the person; and
-

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Amendments **Schedule 1**

Reporting and record keeping for exempted and reported introductions **Part 2**

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- (d) the name of the chemical identity holder who has provided to the Executive Director:
- (i) the CAS number (if assigned) for the industrial chemical; and
  - (ii) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical

## **5 Subsections 38(2), 39(2) and 40(2) (table)**

Omit “(including the CAS name or the IUPAC name)” (wherever occurring), substitute “(including the CAS name, the IUPAC name or an eligible INCI plant extract name)”.

## **6 Subsection 41(2) (table items 1 and 2)**

Repeal the table items, substitute:

- 1 If the CAS name or IUPAC name for the industrial chemical is known to the person:
- (a) the CAS name or IUPAC name for the industrial chemical; and
  - (b) any other names by which the industrial chemical is known to the person; and
  - (c) the CAS number (if assigned) for the industrial chemical
- 

- 1A If:
- (a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and
  - (b) an eligible INCI plant extract name for the industrial chemical is known to the person; the eligible INCI plant extract name for the industrial chemical
- 

- 2 If neither table item 1 nor 1A applies to the introduction:
- (a) the names by which the industrial chemical is known to the person; and
  - (b) the name of the chemical identity holder who has provided to the Executive Director:
    - (i) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical; and
    - (ii) the CAS number (if assigned) for the industrial chemical

## **7 Subsection 42A(2) (table item 4, column headed “Prescribed information”, paragraph (d))**

Repeal the paragraph, substitute:

- (d) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director:
- (i) the CAS number (if assigned) for the industrial chemical; and
  - (ii) the CAS name, IUPAC name or INCI name for the industrial chemical;
- (e) a statement as to the reasons for the belief mentioned in paragraph (d)

## **8 Subsection 43(2) (table items 1 to 4)**

Repeal the table items, substitute:

- 1 If the CAS name or IUPAC name for the industrial chemical is known to the person:
- (a) the CAS name or IUPAC name for the industrial chemical; and
  - (b) any other names by which the industrial chemical is known to the person; and
  - (c) the CAS number (if assigned) for the industrial chemical
- 

- 1A If:
- (a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and
-

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(b) the human health exposure band for the introduction is 1, 2 or 3; and

(c) the environment exposure band for the introduction is 1 or 2; and

(d) the INCI name for the industrial chemical is known to the person;

then:

(e) the INCI name for the industrial chemical; and

(f) the CAS number (if known to the person) for the industrial chemical

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1B If:

(a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and

(b) either:

(i) the human health exposure band for the introduction is 4; or

(ii) the environment exposure band for the introduction is 3 or 4; and

(c) an eligible INCI plant extract name for the industrial chemical is known to the person;

the eligible INCI plant extract name for the industrial chemical

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2 If none of table items 1 to 1B apply to the introduction:

(a) the names by which the industrial chemical is known to the person; and

(b) the name of the chemical identity holder who has provided to the Executive Director:

(i) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical; and

(ii) the CAS number (if assigned) for the industrial chemical

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3 If:

(a) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical is known to the person; and

(b) the industrial chemical is a UVCB substance; and

(c) either:

(i) the human health exposure band for the introduction is 4; or

(ii) the environment exposure band for the introduction is 3 or 4;

the UVCB substance description of the industrial chemical

---

4 If:

(a) neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person; and

(b) the industrial chemical is a UVCB substance; and

(c) either:

(i) the human health exposure band for the introduction is 4; or

(ii) the environment exposure band for the introduction is 3 or 4;

the name of the chemical identity holder who has provided to the Executive Director the UVCB substance description of the industrial chemical

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## 9 Subsection 43(2) (table item 16)

Repeal the table item, substitute:

16 If:

(a) the human health exposure band for the introduction is 1, 2 or 3; and

(b) the environment exposure band for the introduction is 1 or 2;

whether the introduction is known to the person to be a specified class of introduction to which subsection 7(2), (3) or (4) applies, and, if so, which such class

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17 If:

(a) the human health exposure band for the introduction is 4; or

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- (b) the environment exposure band for the introduction is 3 or 4;  
whether the introduction is a specified class of introduction to which subsection 7(2), (3) or (4) applies, and, if so, which such class

## 10 At the end of section 43

Add:

- (4) For the purposes of item 16 of the table in subsection (2), if:
- (a) a person does not know whether an introduction is a specified class of introduction to which subsection 7(2), (3) or (4) applies; but
  - (b) it would be reasonably practicable for the person to find out that the introduction is such a class;
- the person is taken to know that the introduction is that class.
- (5) For the purposes of subsection (2), if:
- (a) a person does not know the CAS number, CAS name, IUPAC name or INCI name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

## 11 Subsection 47(2) (heading)

Repeal the heading, substitute:

*Certain names for industrial chemical known to person*

## 12 Subsection 47(2)

Omit “If the proper name”, substitute “If the CAS name, the IUPAC name or an eligible INCI plant extract name”.

## 13 Paragraphs 47(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) if the CAS number for the industrial chemical is known to the person:
  - (i) the CAS number for the industrial chemical; and
  - (ii) the CAS name, IUPAC name or INCI name for the industrial chemical;
- (b) if a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person—the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical;

## 14 After subsection 47(2)

Insert:

- (2A) For the purposes of subsection (2), if:
- (a) a person does not know the CAS number, CAS name, IUPAC name or eligible INCI plant extract name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

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## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### 15 Subsection 47(3)

Repeal the subsection, substitute:

*Certain names for industrial chemical not known to person*

- (3) If neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person (the *introducer*), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of record are prescribed:
- (a) the names by which the industrial chemical is known to the introducer;
  - (b) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director:
    - (i) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical; and
    - (ii) the CAS number (if assigned) for the industrial chemical;
  - (c) records of the basis on which the introducer holds the belief mentioned in paragraph (b) of this subsection;
  - (d) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
  - (e) records to demonstrate which of subsections 26(2), (5), (6) and (7) of this instrument applies to the introduction;
  - (f) if subsection 26(2) of this instrument applies to the introduction—records to demonstrate that the requirements of that subsection are being met;
  - (g) if subsection 26(5), (6) or (7) of this instrument applies to the introduction:
    - (i) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the requirements of subsection 26(5), (6) or (7) of this instrument (as the case requires) are being met; and
    - (ii) records of the basis on which the introducer believes that the requirements of subsection 26(5), (6) or (7) of this instrument (as the case requires) are being met; and
    - (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i) of this paragraph.

#### 16 Subsection 48(2) (heading)

Repeal the heading, substitute:

*Certain names for industrial chemical known to person*

#### 17 Subsection 48(2)

Omit “knows the proper name”, substitute “knows the CAS name, the IUPAC name or an eligible INCI plant extract name”.

#### 18 Paragraph 48(2)(b)

Omit “either the CAS name or the INCI name”, substitute “the CAS name, IUPAC name or INCI name”.

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## 19 Paragraph 48(2)(c)

Omit “the proper name for the industrial chemical (including the CAS name or the IUPAC name)”, substitute “the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical”.

## 20 After subsection 48(2)

Insert:

(2A) For the purposes of subsection (2), if:

- (a) a person does not know the CAS number, CAS name, IUPAC name or eligible INCI plant extract name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

## 21 Subsection 48(3)

Repeal the subsection, substitute:

*Certain names for industrial chemical not known to person*

- (3) If neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person (the *introducer*), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of records are prescribed:
- (a) if the total volume of the industrial chemical introduced by the introducer in a registration year is 10 kg or less—the number of industrial chemicals that are introduced by the introducer in accordance with subsection 26(3) of this instrument where the total volume introduced by the introducer in a registration year is 10 kg or less;
  - (b) if the total volume of the industrial chemical introduced by the introducer in a registration year is greater than 10 kg:
    - (i) the names by which the industrial chemical is known to the introducer; and
    - (ii) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical, and the CAS number (if assigned) for the industrial chemical; and
    - (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (ii) of this paragraph;
  - (c) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
  - (d) if the industrial chemical is a solid, or is in a dispersion, at the time of introduction and the total volume of the industrial chemical introduced by the introducer in a registration year is greater than 10 kg:
    - (i) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the industrial chemical does not consist of

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### Part 2 Reporting and record keeping for exempted and reported introductions

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solid particles, in an unbound state or as an aggregate or agglomerate, where at least 50% (by number size distribution) of the particles have at least one external dimension in the nanoscale; and

- (ii) records of the basis on which the introducer believes that the industrial chemical does not consist of solid particles, in an unbound state or as an aggregate or agglomerate, where at least 50% (by number size distribution) of the particles have at least one external dimension in the nanoscale; and
- (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i) of this paragraph;
- (e) records to demonstrate that the requirements of subsection 26(3) of this instrument are being met.

#### 22 Paragraph 49(2)(a)

Repeal the paragraph, substitute:

- (a) if the person first introduces the industrial chemical before 1 July 2020— records of a kind specified in subsection (2B); or

#### 23 Paragraph 49(2)(b)

Omit “the proper name”, substitute “the CAS number, CAS name or IUPAC name”.

#### 24 Paragraph 49(2)(c)

Omit “the proper name for the industrial chemical is not”, substitute “neither the CAS number, nor the CAS name, nor the IUPAC name, for the industrial chemical is”.

#### 25 Subsection 49(2) (note)

Repeal the note.

#### 26 After subsection 49(2)

Insert:

- (2A) For the purposes of paragraph (2)(b), if:
  - (a) a person does not know the CAS number, CAS name or IUPAC name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;the person is taken to know that number or name.

*Industrial chemicals first introduced before 1 July 2020*

- (2B) For the purposes of paragraph (2)(a), the specified kinds of record are:
  - (a) the CAS name and CAS number for the listed polymer (within the meaning of subsection 26(4)); or
  - (b) if the person (the *introducer*) does not know the CAS name and CAS number for the listed polymer (within the meaning of subsection 26(4)):
    - (i) the name by which the listed polymer is known to the introducer; and
    - (ii) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director the CAS name and CAS number (if assigned); and

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(iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (ii).

(2C) For the purposes of paragraph (2B)(a), if:

- (a) a person does not know the CAS number or CAS name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

## 27 Subsection 49(3) (heading)

Repeal the heading, substitute:

*Certain names for industrial chemical known to person*

## 28 Subparagraph 49(3)(a)(ii)

Omit “either the CAS name or the INCI name”, substitute “the CAS name, IUPAC name or INCI name”.

## 29 Paragraph 49(3)(b)

Omit “the proper name for the industrial chemical (including the CAS name or the IUPAC name)”, substitute “the CAS name or IUPAC name for the industrial chemical”.

## 30 Subsection 49(4)

Repeal the subsection, substitute:

*Certain names for industrial chemical not known to person*

- (4) For the purposes of paragraph (2)(c), the following kinds of record are specified:
- (a) the names by which the industrial chemical is known to the person (the *introducer*);
  - (b) records to demonstrate that none of subsections 25(2) to (4) apply to the introduction;
  - (c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the following to the Executive Director:
    - (i) records to demonstrate that the requirements of subsection 26(4) are being met;
    - (ii) the CAS name or IUPAC name for the industrial chemical;
    - (iii) the CAS number (if assigned) for the industrial chemical;
  - (d) records of the basis on which the introducer believes that the requirements of subsection 26(4) are being met;
  - (e) records of the basis on which the introducer holds the belief mentioned in paragraph (c).

## 31 Subsection 50(2) (heading)

Repeal the heading, substitute:

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## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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*Certain names for industrial chemical known to person*

#### 32 Subsection 50(2)

Omit “If the proper name”, substitute “If the CAS name or IUPAC name”.

#### 33 Paragraphs 50(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) if the CAS number for the industrial chemical is known to the person:
  - (i) the CAS number for the industrial chemical; and
  - (ii) the CAS name, IUPAC name or INCI name for the industrial chemical;
- (b) if a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person—the CAS name or IUPAC name for the industrial chemical;

#### 34 After subsection 50(2)

Insert:

- (2A) For the purposes of paragraph (2)(a), if:
  - (a) a person does not know the CAS number, CAS name or IUPAC name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;the person is taken to know that number or name.

#### 35 Subsection 50(3)

Repeal the subsection, substitute:

*Certain names for industrial chemical not known to person*

- (3) If neither the CAS name nor the IUPAC name for the industrial chemical is known to the person (the *introducer*), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of record are prescribed:
  - (a) the names by which the industrial chemical is known to the introducer;
  - (b) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
  - (c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the following to the Executive Director:
    - (i) the CAS name or IUPAC name for the industrial chemical;
    - (ii) the CAS number (if assigned) for the industrial chemical;
    - (iii) the CAS numbers and CAS names for the substrate chemical (within the meaning of paragraph 26(8)(a) of this instrument) and all other industrial chemicals involved in the reaction at the surface of the substrate chemical;
    - (iv) records to demonstrate that the requirements of paragraphs 26(8)(c) and (d) of this instrument are being met;
  - (d) records of the basis on which the introducer believes that the requirements of subsection 26(8) of this instrument are being met;

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- (e) records of the basis on which the introducer holds the belief mentioned in paragraph (c) of this subsection.

## 36 Subsections 51(2) and (3)

Repeal the subsections, substitute:

### *General requirements*

- (2) For the purposes of paragraph 104(2)(b) of the Act, and subject to subsection (3) of this section, the kinds of record mentioned in an item of the following table are prescribed.

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### **Record keeping for other introductions where the highest indicative risk is very low risk— general requirements**

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<b>Item</b>	<b>Prescribed kinds of records</b>
1	If the CAS number for the industrial chemical is known to the person: (a) the CAS number for the industrial chemical; and (b) the CAS name, IUPAC name or INCI name for the industrial chemical
2	If: (a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and (b) the CAS name or IUPAC name for the industrial chemical is known to the person; the CAS name or IUPAC name for the industrial chemical
3	If: (a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and (b) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and (c) an eligible INCI plant extract name for the industrial chemical is known to the person; the eligible INCI plant extract name for the industrial chemical
4	If none of table items 1 to 3 apply to the introduction: (a) the names by which the industrial chemical is known to the person (the <i>introducer</i> ); and (b) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director: (i) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical; and (ii) the CAS number (if assigned) for the industrial chemical; and (c) records of the basis on which the introducer holds the belief mentioned in paragraph (b)
5	The names of any products containing the industrial chemical that are imported into Australia by the person
6	If: (a) the industrial chemical is a UVCB substance; and (b) either: (i) the human health exposure band for the introduction is 4; or (ii) the environment exposure band for the introduction is 3 or 4; then: (c) the UVCB substance description of the industrial chemical; or (d) both:

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# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### Record keeping for other introductions where the highest indicative risk is very low risk— general requirements

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Item	Prescribed kinds of records
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|--|--|
|  | <ul style="list-style-type: none"><li>(i) the name of another person whom the person (the <i>introducer</i>) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director the UVCB substance description of the industrial chemical; and</li><li>(ii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i)</li></ul> |
|--|--|
- 

- |   |   |
|---|---|
| 7 | <p>If:</p> <ul style="list-style-type: none"><li>(a) the industrial chemical is a high molecular weight polymer; and</li><li>(b) the human health exposure band for the introduction is 4;</li></ul> <p>then:</p> <ul style="list-style-type: none"><li>(c) records to demonstrate the polymer molecular weight details of the industrial chemical; or</li><li>(d) the following:<ul style="list-style-type: none"><li>(i) the name of another person whom the person (the <i>introducer</i>) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate the polymer molecular weight details of the industrial chemical;</li><li>(ii) records of the basis on which the introducer believes that the industrial chemical is a high molecular weight polymer;</li><li>(iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i)</li></ul></li></ul> |
|---|---|
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|---|--|
| 8 | <p>Both:</p> <ul style="list-style-type: none"><li>(a) the indicative human health risk for the introduction; and</li><li>(b) the indicative environment risk for the introduction</li></ul> |
|---|--|
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- |   |   |
|---|---|
| 9 | <p>If the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical is known to the person—records to demonstrate that the introduction is not covered by any of the following provisions:</p> <ul style="list-style-type: none"><li>(a) section 25;</li><li>(b) items 1, 2, 3, 7 or 8 of the table in subsection 28(1);</li><li>(c) items 1, 2, 3, 4, 5, 10 or 11 of the table in subsection 29(1)</li></ul> |
|---|---|
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|----|--|
| 10 | <p>If table item 9 does not apply to the introduction:</p> <ul style="list-style-type: none"><li>(a) records to demonstrate that the introduction is not covered by any of the following provisions:<ul style="list-style-type: none"><li>(i) section 25;</li><li>(ii) items 1, 2, 3, 7 or 8 of the table in subsection 28(1);</li><li>(iii) items 1, 2, 3, 4, 5, 10 or 11 of the table in subsection 29(1); or</li></ul></li><li>(b) the following:<ul style="list-style-type: none"><li>(i) the name of another person whom the person (the <i>introducer</i>) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the introduction is not covered by any of the provisions mentioned in paragraph (a);</li><li>(ii) records of the basis on which the introducer believes that the introduction is not covered by any of the provisions mentioned in paragraph (a);</li><li>(iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i)</li></ul></li></ul> |
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|----|-------------------------------------|
| 11 | Whether the industrial chemical is: |
|----|-------------------------------------|
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Reporting and record keeping for exempted and reported introductions **Part 2**

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## Record keeping for other introductions where the highest indicative risk is very low risk— general requirements

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Item	Prescribed kinds of records
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	(a) imported; or (b) manufactured in Australia
12	The maximum total volume of the industrial chemical the person intends to introduce in a registration year
13	Records to demonstrate the end use for the industrial chemical
14	If item 1, 3 or 5 of the table in subclause 1(1) of Schedule 1 to this instrument applies to the introduction—the maximum concentration of the industrial chemical at introduction and at each end use
15	Both: (a) the human health exposure band for the introduction; and (b) the exposure band criteria on which the exposure band is based
16	If item 1A, 2 or 4 of the table in subclause 1(1) of Schedule 1 to this instrument applies to the introduction: (a) the human health categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the human health categorisation volume specified in item 1A, 2 or 4 of the table (as the case requires)
17	Whether the introduction of the industrial chemical involves a designated kind of release into the environment and, if so, which kind
18	Both: (a) the environment exposure band for the introduction; and (b) the exposure band criteria on which the exposure band is based
19	If item 1, 2 or 3 of the table in subclause 3(1) of Schedule 1 to this instrument applies to the introduction: (a) the environment categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the environment categorisation volume specified in item 1, 2 or 3 of the table (as the case requires)
20	Records to demonstrate any known hazard classification for the industrial chemical
21	Any human health hazard characteristics of the industrial chemical that are known to the person
22	Any environment hazard characteristics of the industrial chemical that are known to the person
23	If: (a) the highest indicative risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and (b) the person has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics; that detailed information
24	If: (a) the highest indicative risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and (b) the person (the <i>introducer</i> ) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics; the following: (c) the outcomes of the information specified in the Guidelines to demonstrate the absence of

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# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### Record keeping for other introductions where the highest indicative risk is very low risk— general requirements

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Item	Prescribed kinds of records
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the hazard characteristics;

- (d) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (e) records of the basis on which the introducer holds the belief, mentioned in paragraph (d), that the person mentioned in that paragraph:
    - (i) has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics; and
    - (ii) would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director
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25 Whether the introduction is a specified class of introduction and, if so:

- (a) which such class; and
  - (b) if the specified class of introduction is of a kind mentioned in column 1 of an item in the table in subsection (4)—records of the kind mentioned in column 2 of the item
- 

Note 1: For the definition of *known hazard classification*, *polymer molecular weight details* and *UVCB substance description*, see section 5.

Note 2: For when the introduction of an industrial chemical involves a *designated kind of release into the environment*, see subclause 3(2) of Schedule 1.

- (2A) For the purposes of subsection (2), if:
- (a) a person does not know the CAS number, CAS name, IUPAC name or eligible INCI plant extract name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

*Alternative record keeping requirements where human health exposure band is 1 or 2 and environment exposure band is 1*

- (3) If the human health exposure band for the introduction is 1 or 2, and the environment exposure band for the introduction is 1, for the purposes of paragraph 104(2)(b) of the Act, the prescribed records in relation to the introduction are:
- (a) records of the kind prescribed by subsection (2) of this section in relation to the introduction; or
  - (b) the kinds of record mentioned in an item of the following table.

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#### Record keeping for other introductions where the highest indicative risk is very low risk—human health exposure band 1 or 2 and environment exposure band 1

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Item	Prescribed kinds of records
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1 If the CAS number for the industrial chemical is known to the person:

- (a) the CAS number for the industrial chemical; and
  - (b) the CAS name, IUPAC name or INCI name for the industrial chemical
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2 If:

- (a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and
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## Record keeping for other introductions where the highest indicative risk is very low risk—human health exposure band 1 or 2 and environment exposure band 1

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Item	Prescribed kinds of records
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	(b) the CAS name or IUPAC name for the industrial chemical is known to the person; the CAS name or IUPAC name for the industrial chemical
3	If: (a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person; and (b) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and (c) the INCI name for the industrial chemical is known to the person; the INCI name for the industrial chemical
4	If: (a) a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person (the <i>introducer</i> ); and (b) neither the CAS name, nor the IUPAC name, nor the INCI name, for the industrial chemical is known to the introducer; the following: (c) the names by which the industrial chemical is known to the introducer; (d) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director: (i) the CAS number (if assigned) for the industrial chemical; and (ii) the CAS name, IUPAC name or INCI name for the industrial chemical; (e) records of the basis on which the introducer holds the belief mentioned in paragraph (d)
5	The names of any products containing the industrial chemical that are imported into Australia by the person
6	Both: (a) the indicative human health risk for the introduction; and (b) the indicative environment risk for the introduction
7	Records to demonstrate that the introduction is not covered by any of the following provisions of this instrument: (a) section 25; (b) items 1, 2, 3, 7 or 8 of the table in subsection 28(1); (c) items 1, 2, 3, 4, 5, 10 or 11 of the table in subsection 29(1)
8	Whether the industrial chemical is: (a) imported; or (b) manufactured in Australia
9	The maximum total volume of the industrial chemical the person intends to introduce in a registration year
10	Records to demonstrate the end use for the industrial chemical
11	If item 1 or 3 of the table in subclause 1(1) of Schedule 1 to this instrument applies to the introduction—the maximum concentration of the industrial chemical at introduction and at each end use
12	Both: (a) the human health exposure band for the introduction; and (b) the exposure band criteria on which the exposure band is based

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# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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**Record keeping for other introductions where the highest indicative risk is very low risk—human health exposure band 1 or 2 and environment exposure band 1**

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Item	Prescribed kinds of records
13	If item 1A or 2 of the table in subclause 1(1) of Schedule 1 to this instrument applies to the introduction: (a) the human health categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the human health categorisation volume specified in item 1A or 2 of the table (as the case may be)
14	Both: (a) the environment exposure band for the introduction; and (b) the exposure band criteria on which the exposure band is based
15	If item 1 of the table in subclause 3(1) of Schedule 1 to this instrument applies to the introduction: (a) the environment categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the environment categorisation volume specified in item 1 of the table
16	Records to demonstrate any known hazard classification for the industrial chemical
17	Any human health hazard characteristics of the industrial chemical that are known to the person
18	Any environment hazard characteristics of the industrial chemical that are known to the person
19	Records to demonstrate the absence of: (a) human health hazard characteristics in human health hazard band C; and (b) environment hazard characteristics in environment hazard bands C and D
20	Whether the introduction is known to the person to be a specified class of introduction to which subsection 7(2), (3) or (4) applies and, if so: (a) which such class; and (b) if the specified class of introduction is of a kind mentioned in column 1 of an item in the table in subsection (4) of this section—records of the kind mentioned in column 2 of the item

Note: For the definition of *known hazard classification*, see section 5.

- (3A) For the purposes of item 20 of the table in subsection (3), if:
- (a) a person does not know whether an introduction is a specified class of introduction to which subsection 7(2), (3) or (4) applies; but
  - (b) it would be reasonably practicable for the person to find out that the introduction is such a class;
- the person is taken to know that the introduction is that class.
- (3B) For the purposes of subsection (3), if:
- (a) a person does not know the CAS number, CAS name, IUPAC name or INCI name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.

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## 37 Subsection 51(4)

Omit “item 22 of the table in subsections (2) and (3)”, substitute “item 25 of the table in subsection (2) and item 20 of the table in subsection (3),”.

## 38 Subsection 51(5)

Repeal the subsection, substitute:

(5) If:

(a) the person (the *introducer*) is required to keep records of the information (the *relevant information*) mentioned in column 2 of item 2, 3 or 4 of the table in subsection (4), or paragraph (b) of column 2 of item 5 of that table; and

(b) the introducer does not know the relevant information;

the introducer must keep a record of:

(c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the relevant information to the Executive Director; and

(d) the basis on which the introducer holds the belief mentioned in paragraph (c) of this subsection.

## 39 Subparagraph 52(2)(a)(ii)

Omit “either the CAS name or the INCI name”, substitute “the CAS name, IUPAC name or INCI name”.

## 40 Paragraph 52(2)(b)

Omit “or the IUPAC name)”, substitute “, the IUPAC name or an eligible INCI plant extract name)”.

## 41 Paragraph 52(3)(c)

Repeal the paragraph, substitute:

(c) the following:

(i) the name of another person whom the person (the *introducer*) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the introduction is not covered by any of the provisions of section 25, items 1 to 3 of the table in subsection 28(1), or items 1 to 5 of the table in subsection 29(1) of this instrument;

(ii) records of the basis on which the introducer believes that the introduction is not covered by any of the provisions mentioned in subparagraph (i);

(iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i);

## 42 Subsection 52(3) (note)

Repeal the note.

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## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### 43 Subparagraph 53(2)(a)(ii)

Omit “either the CAS name or the INCI name”, substitute “the CAS name, IUPAC name or INCI name”.

#### 44 Paragraph 53(2)(b)

Omit “or the IUPAC name”, substitute “, the IUPAC name or an eligible INCI plant extract name”.

#### 45 Paragraph 53(2)(i)

Repeal the paragraph, substitute:

(i) if:

- (i) the indicative environment risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and
- (ii) the person (the *introducer*) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;

the following:

- (iii) the outcomes of the information specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (iv) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (v) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (vi) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director;

#### 46 Paragraph 53(3)(c)

Repeal the paragraph, substitute:

(c) the following:

- (i) the name of another person whom the person (the *introducer*) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the introduction is not covered by any of the provisions of section 25, items 1 to 3 of the table in subsection 28(1), or items 1 to 5 of the table in subsection 29(1) of this instrument;
- (ii) records of the basis on which the introducer believes that the introduction is not covered by any of the provisions mentioned in subparagraph (i);

- (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i);

## 47 Paragraph 53(3)(h)

Repeal the paragraph, substitute:

(h) if:

- (i) the indicative environment risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and
- (ii) the person (the *introducer*) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;

the following:

- (iii) the outcomes of the information specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (iv) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (v) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (vi) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director;

## 48 Subsection 53(5)

Repeal the subsection, substitute:

(5) If:

- (a) the person (the *introducer*) is required to keep records of the information (the *relevant information*) mentioned in column 2 of item 2 or 3 of the table in subsection (4); and
- (b) the introducer does not know the relevant information;

the introducer must keep a record of:

- (c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the relevant information to the Executive Director; and
- (d) the basis on which the introducer holds the belief mentioned in paragraph (c) of this subsection.

## 49 Subparagraph 54(2)(a)(ii)

Omit “either the CAS name or the INCI name”, substitute “the CAS name, IUPAC name or INCI name”.

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## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### 50 Paragraph 54(2)(b)

Omit “or the IUPAC name)”, substitute “, the IUPAC name or an eligible INCI plant extract name)”.

#### 51 Paragraph 54(2)(g)

After “item” (wherever occurring), insert “1A,”.

#### 52 Paragraph 54(2)(j)

Repeal the paragraph, substitute:

(j) if:

- (i) the indicative human health risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and
- (ii) the person (the *introducer*) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;

the following:

- (iii) the outcomes of the information specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (iv) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (v) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- (vi) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director;

#### 53 Paragraphs 54(3)(c) and (d)

Repeal the paragraphs, substitute:

(c) the following:

- (i) the name of another person whom the person (the *introducer*) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the introduction is not covered by any of the provisions of section 25, items 1 to 3 of the table in subsection 28(1), or items 1 to 5 of the table in subsection 29(1) of this instrument;
- (ii) records of the basis on which the introducer believes that the introduction is not covered by any of the provisions mentioned in subparagraph (i);

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- (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i);
- (d) if the industrial chemical is a high molecular weight polymer and the human health exposure band for the introduction is 4—records to demonstrate the polymer molecular weight details of the industrial chemical, or all of the following:
  - (i) the name of another person whom the person (the *introducer*) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate the polymer molecular weight details of the industrial chemical;
  - (ii) records of the basis on which the introducer believes that the industrial chemical is a high molecular weight polymer;
  - (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i);

## 54 Paragraph 54(3)(f)

After “item” (wherever occurring), insert “1A,”.

## 55 Paragraph 54(3)(i)

Repeal the paragraph, substitute:

- (i) if:
    - (i) the indicative human health risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and
    - (ii) the person (the *introducer*) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
- the following:
- (iii) the outcomes of the information specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (iv) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (v) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (vi) records of the basis on which the introducer holds the belief, mentioned in subparagraph (iv), that the person mentioned in that subparagraph would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director;

## 56 Subsection 54(3) (note)

Repeal the note.

# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

---

#### 57 Subsection 54(5)

Repeal the subsection, substitute:

(5) If:

(a) the person (the *introducer*) is required to keep records of the information (the *relevant information*) mentioned in column 2 of item 1, 2, 3 or 4 of the table in subsection (4), or paragraph (b) of column 2 of item 5 of that table; and

(b) the introducer does not know the relevant information;

the introducer must keep a record of:

(c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the relevant information to the Executive Director; and

(d) the basis on which the introducer holds the belief mentioned in paragraph (c) of this subsection.

#### 58 Subsection 55(2) (heading)

Repeal the heading, substitute:

*Certain names for industrial chemical known to person*

#### 59 Subsection 55(2)

Omit “If the proper name”, substitute “If the CAS name, the IUPAC name or an eligible INCI plant extract name”.

#### 60 Paragraphs 55(2)(a) and (b)

Repeal the paragraphs, substitute:

(a) if the CAS number for the industrial chemical is known to the person:

(i) the CAS number for the industrial chemical; and

(ii) the CAS name, IUPAC name or INCI name for the industrial chemical;

(b) if a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person—the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical;

#### 61 Subsection 55(3)

Repeal the subsection, substitute:

*Certain names for industrial chemical not known to person*

(3) If neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person (the *introducer*), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of records are prescribed:

(a) the names by which the industrial chemical is known to the introducer (which must include the name included in the pre-introduction report for the industrial chemical);

# EXPOSURE DRAFT

Amendments **Schedule 1**

Reporting and record keeping for exempted and reported introductions **Part 2**

- (b) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
- (c) if the industrial chemical is a solid, or is in a dispersion, at the time of introduction and the total volume of the industrial chemical introduced by the introducer in a registration year is greater than 100 kg:
  - (i) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the industrial chemical does not consist of solid particles, in an unbound state or as an aggregate or agglomerate, where at least 50% (by number size distribution) of the particles have at least one external dimension in the nanoscale; and
  - (ii) records of the basis on which the introducer believes that the industrial chemical does not consist of solid particles, in an unbound state or as an aggregate or agglomerate, where at least 50% (by number size distribution) of the particles have at least one external dimension in the nanoscale; and
  - (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i);
- (d) records to demonstrate that the requirements of subsection 27(2) or (3) of this instrument (as the case requires) are being met.

## 62 Subsection 57(2)

Repeal the subsection, substitute:

### *General requirements*

- (2) For the purposes of paragraph 104(2)(b) of the Act, and subject to subsection (2A) of this section, the kinds of record mentioned in an item of the following table are prescribed.

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### **Record keeping for other introductions where the highest indicative risk is low risk—general requirements**

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<b>Item</b>	<b>Prescribed kinds of record</b>
1	If the CAS number for the industrial chemical is known to the person: <ul style="list-style-type: none"><li>(a) the CAS number for the industrial chemical; and</li><li>(b) the CAS name, IUPAC name or INCI name for the industrial chemical</li></ul>
2	If a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person: <ul style="list-style-type: none"><li>(a) the CAS name or IUPAC name for the industrial chemical; or</li><li>(b) the names by which the industrial chemical is known to the person (which must include the name included in the pre-introduction report for the industrial chemical)</li></ul>
3	The names of any products containing the industrial chemical that are imported into Australia by the person
4	Either: <ul style="list-style-type: none"><li>(a) records to demonstrate that the introduction is not covered by any of the provisions of section 25, items 1 to 3 of the table in subsection 28(1), or items 1 to 5 of the table in subsection 29(1) of this instrument; or</li><li>(b) the following:<ul style="list-style-type: none"><li>(i) the name of another person whom the person (the <i>introducer</i>) referred to in</li></ul></li></ul>

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# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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#### Record keeping for other introductions where the highest indicative risk is low risk—general requirements

---

Item	Prescribed kinds of record
	subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the introduction is not covered by any of the provisions mentioned in paragraph (a); (ii) records of the basis on which the introducer believes that the introduction is not covered by any of the provisions mentioned in paragraph (a); (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i)
5	If the industrial chemical is a high molecular weight polymer and the human health exposure band for the introduction is 4: (a) records to demonstrate the polymer molecular weight details of the industrial chemical; or (b) the following: (i) the name of another person whom the person (the <i>introducer</i> ) referred to in subsection (1) believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate the polymer molecular weight details of the industrial chemical; (ii) records of the basis on which the introducer believes that the industrial chemical is a high molecular weight polymer; (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i)
6	Records to demonstrate the end use for the industrial chemical
7	If item 1, 3 or 5 of the table in subclause 1(1) of Schedule 1 applies to the introduction—the maximum concentration of the industrial chemical at introduction and at end use
8	If item 1A, 2 or 4 of the table in subclause 1(1) of Schedule 1 applies to the introduction: (a) the human health categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the human health categorisation volume specified in item 1A, 2 or 4 of the table (as the case requires)
9	If item 1, 2 or 3 of the table in subclause 3(1) of Schedule 1 applies to the introduction: (a) the environment categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the environment categorisation volume specified in item 1, 2 or 3 of the table (as the case requires)
10	If the introduction of the industrial chemical involves a designated kind of release into the environment—which designated kind of release into the environment
11	Records to demonstrate any known hazard classification for the industrial chemical
12	If: (a) the highest indicative risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and (b) the person has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics; that detailed information
13	If: (a) the highest indicative risk for the introduction is determined on the basis of the absence of certain hazard characteristics; and (b) the person (the <i>introducer</i> ) does not have detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard

# EXPOSURE DRAFT

Amendments **Schedule 1**  
Reporting and record keeping for exempted and reported introductions **Part 2**

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## Record keeping for other introductions where the highest indicative risk is low risk—general requirements

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Item	Prescribed kinds of record
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characteristics;

the following:

- (c) the outcomes of the information specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (d) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics;
  - (e) records of the basis on which the introducer holds the belief, mentioned in paragraph (d), that the person mentioned in that paragraph:
    - (i) has detailed information, including full study reports, of the kind specified in the Guidelines to demonstrate the absence of the hazard characteristics; and
    - (ii) would, if requested to do so by the introducer following a request by the Executive Director, give that detailed information to the Executive Director
- 

- |    |  |
|----|--|
| 14 | If the introduction is of a kind mentioned in column 1 of an item in the table in subsection (3)—records of the kind mentioned in column 2 of the item |
|----|--|
- 

Note: For when the introduction of an industrial chemical involves a *designated kind of release into the environment*, see subclause 3(2) of Schedule 1.

*Alternative record keeping requirements where human health exposure band is 1, 2 or 3 and environment exposure band is 1 or 2*

- (2A) If the human health exposure band for the introduction is 1, 2 or 3, and the environment exposure band for the introduction is 1 or 2, for the purposes of paragraph 104(2)(b) of the Act, the prescribed records in relation to the introduction are:
  - (a) records of the kind prescribed by subsection (2) of this section in relation to the introduction; or
  - (b) the kinds of record mentioned in an item of the following table.

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## Record keeping for other introductions where the highest indicative risk is low risk—human health exposure band 1, 2 or 3 and environment exposure band 1 or 2

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Item	Prescribed kinds of record
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- |   |   |
|---|---|
| 1 | If the CAS number for the industrial chemical is known to the person: <ul style="list-style-type: none"><li>(a) the CAS number for the industrial chemical; and</li><li>(b) the CAS name, IUPAC name or INCI name for the industrial chemical</li></ul>   |
| 2 | If a CAS number for the industrial chemical is not assigned, or the CAS number for the industrial chemical is not known to the person: <ul style="list-style-type: none"><li>(a) the CAS name or IUPAC name for the industrial chemical; or</li><li>(b) the names by which the industrial chemical is known to the person (which must include the name included in the pre-introduction report for the industrial chemical)</li></ul> |
| 3 | The names of any products containing the industrial chemical that are imported into Australia by the person   |
| 4 | Records to demonstrate that the introduction is not covered by any of the provisions of section 25, items 1 to 3 of the table in subsection 28(1), or items 1 to 5 of the table in subsection 29(1) of this instrument  |
-

# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 2 Reporting and record keeping for exempted and reported introductions

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**Record keeping for other introductions where the highest indicative risk is low risk—human health exposure band 1, 2 or 3 and environment exposure band 1 or 2**

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Item	Prescribed kinds of record
5	Records to demonstrate the end use for the industrial chemical
6	If item 1, 3 or 5 of the table in subclause 1(1) of Schedule 1 applies to the introduction—the maximum concentration of the industrial chemical at introduction and at end use
7	If item 1A, 2 or 4 of the table in subclause 1(1) of Schedule 1 applies to the introduction: (a) the human health categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the human health categorisation volume specified in item 1A, 2 or 4 of the table (as the case requires)
8	If item 1 or 2 of the table in subclause 3(1) of Schedule 1 applies to the introduction: (a) the environment categorisation volume for the industrial chemical; and (b) records to demonstrate that that volume does not exceed the environment categorisation volume specified in item 1 or 2 of the table (as the case requires)
9	Records to demonstrate any known hazard classification for the industrial chemical
10	If the highest indicative risk for the introduction is determined on the basis of the absence of certain hazard characteristics—records to demonstrate the absence of the hazard characteristics
11	If the introduction is known to the person to be of a kind mentioned in column 1 of an item in the table in subsection (3)—records of the kind mentioned in column 2 of the item

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*Additional record keeping obligations for certain kinds of introductions*

### 63 Subsection 57(3)

Omit “paragraph (2)(n)”, substitute “item 14 of the table in subsection (2) and item 11 of the table in subsection (2A)”.

### 64 Subsection 57(4)

Repeal the subsection, substitute:

(4) If:

- (a) the person (the *introducer*) is required to keep records of the information (the *relevant information*) mentioned in column 2 of item 2, 3, 4 or 5 of the table in subsection (3), or paragraph (b) of column 2 of item 6 of that table; and

- (b) the introducer does not know the relevant information;

the introducer must keep a record of:

- (c) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give the relevant information to the Executive Director; and
- (d) the basis on which the introducer holds the belief mentioned in paragraph (c) of this subsection.

## Part 3—Manufactured soaps

### *Industrial Chemicals (General) Rules 2019*

#### **65 Section 14 (after the heading)**

Insert:

- (1) For the purposes of subsection 11(4) of the Act, an introduction of an industrial chemical is an excluded introduction if subsection (2) or (3) of this section applies to the introduction.

#### **66 Section 14**

Omit “For the purposes of subsection 11(4) of the Act, an introduction of an industrial chemical is an excluded introduction”, substitute “(2) This subsection applies to the introduction of an industrial chemical”.

#### **67 At the end of section 14**

Add:

- (3) This subsection applies to the introduction of an industrial chemical by a person if:
  - (a) the introduction of the industrial chemical by the person occurs only by manufacture; and
  - (b) the industrial chemical is manufactured by the person in a saponification reaction using:
    - (i) a fat or an oil; and
    - (ii) aqueous sodium hydroxide or aqueous potassium hydroxide; and
  - (c) the fat or oil is listed on the Inventory; and
  - (d) the total volume of the fat or oil used by the person to manufacture the industrial chemical in a registration year does not exceed 10 kg.

#### **68 Subsection 26(1)**

Omit “(8)”, substitute “(9)”.

#### **69 At the end of section 26**

Add:

##### *Introduction of manufactured soap*

- (9) This subsection applies to the introduction of an industrial chemical by a person if:
  - (a) the introduction of the industrial chemical by the person occurs only by manufacture; and
  - (b) the industrial chemical is manufactured by the person in a saponification reaction using:
    - (i) a fat or an oil; and
    - (ii) aqueous sodium hydroxide or aqueous potassium hydroxide; and

# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 3 Manufactured soaps

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- (c) the total volume of the fat or oil used by the person to manufacture the industrial chemical in a registration year does not exceed 100 kg.

#### **70 At the end of section 37**

Add:

- ; (f) the introduction of the industrial chemical is covered by subsection 26(9) of this instrument (manufactured soap).

#### **71 After section 50**

Insert:

#### **50A Introductions of manufactured soap**

- (1) This section applies if an introduction of an industrial chemical by a person is an exempted introduction in accordance with subsection 26(9).

Note: Subsection 26(9) deals with introductions of manufactured soaps.

- (2) For the purposes of paragraph 104(2)(b) of the Act, the following kinds of record are prescribed:
  - (a) the names by which the fat or oil mentioned in subparagraph 26(9)(b)(i) of this instrument are known to the person;
  - (b) records to demonstrate that the requirements of subsection 26(9) of this instrument are being met.

## Part 4—Low-risk flavour or fragrance blend introductions

### *Industrial Chemicals (General) Rules 2019*

#### **72 Subsection 27(1)**

After “(4)”, insert “, (5A)”.

#### **73 Paragraph 27(5)(a)**

Repeal the paragraph, substitute:

- (a) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical;
- (aa) the CAS number (if assigned) for the industrial chemical;

#### **74 After subsection 27(5)**

Insert:

- (5A) This subsection applies to the introduction of an industrial chemical by a person if:
- (a) the introduction of the industrial chemical is either:
    - (i) a flavour blend introduction; or
    - (ii) a fragrance blend introduction; and
  - (b) either:
    - (i) the concentration of the industrial chemical at introduction and at end use is 1% or less, and the total volume of the industrial chemical introduced by the person in a registration year does not exceed 1,000 kg; or
    - (ii) the total volume of the industrial chemical introduced by the person in a registration year does not exceed 10 kg; and
  - (c) the introduction is not for an end use in a personal vaporiser; and
  - (d) the industrial chemical is not known by the person to satisfy the criteria for any of the following hazard classes in the GHS:
    - (i) germ cell mutagenicity;
    - (ii) carcinogenicity;
    - (iii) reproductive toxicity; and
  - (e) the industrial chemical is not known by the person to be persistent, bioaccumulative and toxic (within the meaning of subsection (8)); and
  - (f) the industrial chemical is not known by the person to cause adverse effects mediated by an endocrine mode of action (within the meaning given by the Guidelines); and
  - (g) when the pre-introduction report for the industrial chemical is given to the Executive Director by the person, the industrial chemical is included on the IFRA Transparency List; and
  - (h) use of the industrial chemical is in accordance with the IFRA Standards, published by the International Fragrance Association (also known as the IFRA), and as existing from time to time.

Note: The IFRA Standards could in 2023 be viewed on the website for the International Fragrance Association (<http://www.ifrafragrance.org>).

# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 4 Low-risk flavour or fragrance blend introductions

#### 75 Section 42

Repeal the section, substitute:

#### 42 Low-risk flavour or fragrance blend introductions

- (1) This section applies if an introduction of an industrial chemical by a person is a reported introduction in accordance with subsection 27(4) or (5A).

Note: Subsections 27(4) and (5A) deal with low-risk flavour blend introductions and fragrance blend introductions.

- (2) For the purposes of paragraph 97(2)(b) of the Act, the information mentioned in an item of the following table is prescribed.

#### Pre-introduction reports for low-risk flavour or fragrance blend introductions

Item	Prescribed information
1	The name of the flavour blend or fragrance blend that the industrial chemical is to be introduced as part of
2	If the CAS name or IUPAC name for the industrial chemical is known to the person: (a) the CAS name or IUPAC name for the industrial chemical; and (b) any other names by which the industrial chemical is known to the person; and (c) the CAS number (if assigned) for the industrial chemical
3	If: (a) neither the CAS name nor the IUPAC name for the industrial chemical is known to the person; and (b) an eligible INCI plant extract name for the industrial chemical is known to the person; the eligible INCI plant extract name for the industrial chemical
4	If neither the CAS name, nor the IUPAC name, nor an eligible INCI plant extract name, for the industrial chemical is known to the person (the <i>introducer</i> ): (a) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director: (i) the CAS number (if assigned) for the industrial chemical; and (ii) the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical; and (b) a statement as to the reasons for the belief mentioned in paragraph (a)
5	A statement as to whether subsection 27(4) or (5A) applies to the introduction
6	A declaration that the requirements of subsection 27(4) or (5A) (as the case may be) are being met for the introduction.

- (3) For the purposes of subsection (2), if:
- (a) a person does not know the CAS number, the CAS name, the IUPAC name or an eligible INCI plant extract name for an industrial chemical; but
  - (b) it would be reasonably practicable for the person to find out that number or name;
- the person is taken to know that number or name.
- (4) A person may prepare a single pre-introduction report for all the industrial chemicals in a flavour blend or a fragrance blend that are to be introduced in accordance with subsection 27(4) or (5A).

## 76 Section 56

Repeal the section, substitute:

### 56 Low-risk flavour or fragrance blend introductions

- (1) This section applies if an introduction of an industrial chemical by a person is a reported introduction in accordance with subsection 27(4) or (5A).

Note: Subsections 27(4) and (5A) deal with low-risk flavour blend introductions and fragrance blend introductions.

*Introductions in accordance with subsection 27(4)*

- (2) If the introduction is a reported introduction in accordance with subsection 27(4), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of record are prescribed:

- (a) the name of the flavour blend or fragrance blend (as the case requires) that the industrial chemical is to be introduced as part of;
- (b) the names of any products containing the flavour blend or the fragrance blend that are imported into Australia by the person;
- (c) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
- (d) if the CAS name, the IUPAC name or an eligible INCI plant extract name for the industrial chemical is known to the person—records to demonstrate that the requirements of subsection 27(4) of this instrument are being met;
- (e) if paragraph (d) of this subsection does not apply—the following:
  - (i) records of the basis on which the person (the *introducer*) believes that the requirements of subsection 27(4) of this instrument are being met;
  - (ii) the name of a person whom the introducer believes on reasonable grounds would, if requested to do so by the introducer following a request by the Executive Director, give to the Executive Director records to demonstrate that the requirements of paragraphs 27(4)(d) and (e) of this instrument have been met;
  - (iii) records of the basis on which the introducer holds the belief mentioned in subparagraph (i) of this paragraph;
  - (iv) records of the basis on which the introducer holds the belief mentioned in paragraph (a) of item 4 of the table in subsection 42(2) of this instrument;
- (f) records to demonstrate either:
  - (i) the total volume of the flavour blend or fragrance blend introduced by the person in a registration year; or
  - (ii) the total volume of products that contain the flavour blend or fragrance blend introduced by the person in a registration year;
- (g) records to demonstrate:
  - (i) each type of product at end use that is introduced by the person and contains the flavour blend or the fragrance blend; and
  - (ii) the maximum concentration of the flavour blend or the fragrance blend in each type of product at end use.

Note: For the purposes of paragraph (g), a type of product at end use is a reference to the specific kind of product at end use. For example, an industrial chemical might have an end use in cosmetics, but the type of product at end use may be shampoo.

# EXPOSURE DRAFT

## Schedule 1 Amendments

### Part 4 Low-risk flavour or fragrance blend introductions

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#### *Introductions in accordance with subsection 27(5A)*

- (3) If the introduction is a reported introduction in accordance with subsection 27(5A), for the purposes of paragraph 104(2)(b) of the Act, the following kinds of record are prescribed:
- (a) the name of the flavour blend or fragrance blend (as the case requires) that the industrial chemical is to be introduced as part of;
  - (b) the names of any products containing the flavour blend or the fragrance blend that are imported into Australia by the person;
  - (c) records to demonstrate that none of subsections 25(2) to (4) of this instrument apply to the introduction;
  - (d) records to demonstrate that the requirements of subsection 27(5A) of this instrument are being met;
  - (e) records to demonstrate the total volume of the industrial chemical introduced by the person in a registration year does not exceed the amount referred to in subparagraph 27(5A)(b)(i) or (ii) of this instrument (as the case may be);
  - (f) records to demonstrate:
    - (i) each type of product at end use that is introduced by the person and contains the flavour blend or the fragrance blend; and
    - (ii) the maximum concentration of the flavour blend or the fragrance blend in each type of product at end use;
  - (g) if item 4 of the table in subsection 42(2) of this instrument applies to the introduction—records of the basis on which the person holds the belief mentioned in paragraph (a) of that item.

Note: For the purposes of paragraph (f), a type of product at end use is a reference to the specific kind of product at end use. For example, an industrial chemical might have an end use in cosmetics, but the type of product at end use may be shampoo.

## Part 5—Controlled use circumstances

### *Industrial Chemicals (General) Rules 2019*

#### **77 Section 5 (definition of *consumer end use*)**

Repeal the definition.

#### **78 Subsection 43(2) (after table item 9)**

Insert:

- 9A If item 1A of the table in subclause 1(1) of Schedule 1 applies to the introduction—details of the control measures referred to in paragraphs (d), (e) and (f) of that item

#### **79 Subclause 1(1) of Schedule 1 (after table item 1)**

Insert:

- 1A (a) the introduction of the industrial chemical does not involve a designated kind of human exposure; and 1  
(b) the introduction of the industrial chemical is not for any consumer end use; and  
(c) the human health categorisation volume for the industrial chemical does not exceed 25 kg; and  
(d) during introduction and use of the industrial chemical, either or both of the following measures (*control measures*) to eliminate or minimise exposure of persons to the industrial chemical are implemented:  
(i) the industrial chemical is isolated from any person who could be exposed to it;  
(ii) engineering controls (including a mechanical device or process); and  
(e) if, after implementing the control measures referred to in paragraph (d) of this item, exposure of persons to the industrial chemical could still occur, that potential exposure is minimised, so far as is reasonably practicable, by the implementation of additional suitable control measures, including the provision and use of suitable personal protective equipment; and  
(f) the industrial chemical is subject to the control of the person who introduces the industrial chemical

#### **80 Subclause 1(1) of Schedule 1 (table item 2, column headed “If...”, paragraph (c))**

Omit “item 1 does”, substitute “items 1 and 1A do”.

#### **81 Subclause 1(1) of Schedule 1 (table items 4 to 6, column headed “If...”, paragraph (c))**

After “1,”, insert “1A,”.

#### **82 Subclause 1(1) of Schedule 1 (note)**

Omit “definitions of *consumer end use* and”, substitute “definition of”.

# EXPOSURE DRAFT

Schedule 1 Amendments

Part 5 Controlled use circumstances

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## 83 At the end of clause 1 of Schedule 1

Add:

- (3) For the purposes of the table in subclause (1), *consumer end use*, for an industrial chemical, means an end use for the industrial chemical that involves making the industrial chemical available to the general public:
  - (a) on its own; or
  - (b) in combination with one or more other industrial chemicals; or
  - (c) as part of an article (other than where the industrial chemical undergoes a chemical change to produce the article).
  
- (4) To avoid doubt, each of the following end uses for an industrial chemical involves making the industrial chemical available to the general public for the purposes of subclause (3):
  - (a) an end use that involves using the industrial chemical in an inhabited residential building;
  - (b) an end use that involves using the industrial chemical (either on its own or in combination with one or more other industrial chemicals) in an area that is accessible to the general public before the chemical has been rendered unavailable for human exposure.

## Part 6—Persistent organic pollutants

### *Industrial Chemicals (General) Rules 2019*

#### **84 Subsection 25(2)**

Repeal the subsection, substitute:

*Introduction of industrial chemical subject to an international agreement or arrangement etc.*

- (2) Subject to subsection (2A), this subsection applies to the introduction of an industrial chemical by a person if:
- (a) the industrial chemical is listed in:
    - (i) Annex III to the Rotterdam Convention; or
    - (ii) Part 1 of Annex A, B or C to the Stockholm Convention; or
  - (b) the Persistent Organic Pollutants Review Committee (within the meaning of the Stockholm Convention) has decided that it is satisfied that the screening criteria specified in Annex D of that Convention have been fulfilled in relation to the industrial chemical; or
  - (c) the Executive Director is satisfied:
    - (i) as a result of deciding whether or not to issue an assessment certificate for the industrial chemical; or
    - (ii) based on an evaluation under Part 4 of the Act relating to the introduction of the industrial chemical;that the screening criteria specified in Annex D of the Stockholm Convention have been fulfilled in relation to the industrial chemical.
- (2A) Subsection (2) does not apply to the introduction of an industrial chemical by a person if:
- (a) the industrial chemical is to be introduced solely for use in research or analysis; and
  - (b) the total volume of the industrial chemical introduced by the person in a registration year does not exceed 100 kg.

# EXPOSURE DRAFT

Schedule 1 Amendments

Part 7 Designated fluorinated chemicals

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## Part 7—Designated fluorinated chemicals

### *Industrial Chemicals (General) Rules 2019*

#### 85 Section 5

Insert:

*designated fluorinated chemical* means an industrial chemical that contains a sequence of atoms (whether linear, branched or cyclic) to which all of the following paragraphs apply:

- (a) subject to paragraph (b), the sequence consists only of at least 4, but no more than 20, fluorinated carbon atoms, none of which are fluorinated carbon atoms that are part of conjugated double bonds;
- (b) if the sequence is broken in any place, the break consists only of a single atom or single substituted atom;
- (c) the sequence includes at least one perfluorinated methyl group (CF<sub>3</sub>) or perfluorinated methylene group (CF<sub>2</sub>).

*fluorinated carbon atom* means a carbon atom attached to at least one fluorine atom.

#### 86 Paragraph 7(3)(e)

Omit “contains a sequence of greater than or equal to 4, but no more than 20, fully fluorinated carbon atoms”, substitute “is a designated fluorinated chemical”.

#### 87 Subsection 28(1) (table item 1, column headed “If...”)

Omit “contains a sequence of greater than or equal to 4, but no more than 20, fully fluorinated carbon atoms”, substitute “is a designated fluorinated chemical”.

#### 88 Subsection 29(1) (table item 1, column headed “If...”)

Omit “contains a sequence of greater than or equal to 4, but no more than 20, fully fluorinated carbon atoms”, substitute “is a designated fluorinated chemical”.

# EXPOSURE DRAFT

Amendments **Schedule 1**  
Human health hazard band C **Part 8**

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## Part 8—Human health hazard band C

### *Industrial Chemicals (General) Rules 2019*

#### **89 Clause 2 of Schedule 1 (before table item 1)**

Insert:

- 1AA (a) is an inorganic arsenic compound; or C  
(b) contains beryllium, cadmium, chromium (VI), lead or nickel

# EXPOSURE DRAFT

Schedule 1 Amendments

Part 9 Annual declarations

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## Part 9—Annual declarations

### *Industrial Chemicals (General) Rules 2019*

#### 90 After paragraph 44(c)

Insert:

- ; (d) if any of the introductions by the person were exempted introductions—  
each type of exempted introduction.

## Part 10—Persistent, bioaccumulative and toxic chemicals

### *Industrial Chemicals (General) Rules 2019*

#### 91 Paragraph 27(6)(f)

Omit “given by the Guidelines”, substitute “of subsection (8)”.

#### 92 At the end of section 27

Add:

- (8) For the purposes of this section, an industrial chemical is *persistent, bioaccumulative and toxic* if the industrial chemical is:
- (a) persistent within the meaning of the document (the *Australian PBT Criteria*) titled Australian Environmental Criteria for Persistent, Bioaccumulative and/or Toxic Chemicals published by the Environment Department and as existing from time to time; and
  - (b) bioaccumulative within the meaning of the Australian PBT Criteria; and
  - (c) toxic within the meaning of the Australian PBT Criteria.

Note: The Australian PBT Criteria could in 2023 be viewed on the Environment Department’s website (<http://www/dcceew.gov.au>).

# EXPOSURE DRAFT

Schedule 1 Amendments  
Part 11 Particles

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## Part 11—Particles

### *Industrial Chemicals (General) Rules 2019*

#### **93 Subparagraph 27(6)(d)(ii)**

Omit “particles, in an unbound state or as an aggregate or agglomerate, any of which”, substitute “solid particles, in an unbound state or as an aggregate or agglomerate, where any of the particles”.

#### **94 Amendments of listed provisions—particles**

Before “particles” (first occurring), insert “solid” in the following provisions:

- (a) subparagraph 7(3)(c)(ii);
- (b) paragraph 26(3A)(a);
- (c) subparagraph 26(8)(c)(ii);
- (d) subparagraph 27(2)(b)(i);
- (e) subparagraph 27(3)(b)(ii);
- (f) subsection 28(1) (table items 3 and 7, column headed “If...”, subparagraph (a)(ii));
- (g) subsection 29(1) (table items 3 and 10, column headed “If...”, subparagraph (a)(ii));
- (h) subsection 41(2) (table item 5A, column headed “Prescribed information”);
- (i) paragraph 48(2)(da);
- (j) paragraph 55(2)(d).

## Part 12—Biological chemicals

### *Industrial Chemicals (General) Rules 2019*

#### **95 Section 5 (definition of *biological chemical*)**

Repeal the definition, substitute:

*biological chemical* means an industrial chemical that:

- (a) is extracted from a living or once-living organism, without further modification; or
- (b) is produced by a living or once-living organism, without further modification; or
- (c) is a living or once-living organism, without further modification.

# EXPOSURE DRAFT

Schedule 1 Amendments  
Part 13 Application provisions

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## Part 13—Application provisions

### *Industrial Chemicals (General) Rules 2019*

#### 96 In the appropriate position in Chapter 8

Insert:

## Part 2—Application provisions relating to the Industrial Chemicals (General) Amendment (2023 Measures No. 1) Rules 2023

### 82 Definitions for this Part

In this Part:

*amending instrument* means the *Industrial Chemicals (General) Amendment (2023 Measures No. 1) Rules 2023*.

*commencement day* means the day the amending instrument commences.

### 83 Record keeping for listed introductions

Subsection 46(1) of this instrument, as substituted by Part 1 of Schedule 1 to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.

### 84 Reporting and record keeping for exempted and reported introductions

- (1) The amendments of Chapter 3 of this instrument made by Part 2 of Schedule 1 to the amending instrument apply in relation to:
  - (a) a declaration made under section 96A of the Act on or after the commencement day; and
  - (b) a report given under section 97 of the Act, or varied under section 98 of the Act, on or after the commencement day.
- (2) The amendments of Chapter 4 of this instrument made by Part 2 of Schedule 1 to the amending instrument apply in relation to an introduction of an industrial chemical on or after the commencement day.

### 85 Manufactured soaps

The amendments of sections 14 and 26 of this instrument made by Part 3 of Schedule 1 to the amending instrument apply in relation to an introduction of an industrial chemical on or after the commencement day.

## 86 Low-risk flavour or fragrance blend introductions

- (1) Subsection 27(5A) of this instrument, as inserted by Part 4 of Schedule 1 to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.
- (2) Section 42 of this instrument, as substituted by Part 4 of Schedule 1 to the amending instrument, applies in relation to a report given under section 97 of the Act, or varied under section 98 of the Act, on or after the commencement day.
- (3) Section 56 of this instrument, as substituted by Part 4 of Schedule to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.

## 87 Controlled use circumstances

The amendments of this instrument made by Part 5 of Schedule 1 to the amending instrument apply in relation to an introduction of an industrial chemical on or after the commencement day.

## 88 Persistent organic pollutants

Subsection 25(2) of this instrument, as substituted by Part 6 of Schedule 1 to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.

## 89 Designated fluorinated chemicals

The definition of *designated fluorinated chemical* in section 5 of this instrument, as inserted by Part 7 of Schedule 1 to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.

## 90 Human health hazard band C

Item 1AA of the table in clause 2 of Schedule 1 to this instrument, as inserted by Part 8 of Schedule 1 to the amending instrument, applies in relation to an introduction of an industrial chemical on or after the commencement day.

## 91 Annual declarations

Section 44 of this instrument, as amended by Part 9 of Schedule 1 to the amending instrument, applies in relation to a declaration made under section 99 of the Act on or after the commencement day.