



WORKING GROUP ON THE ENVIRONMENTAL RISK MANAGEMENT OF CHEMICALS

REPORT TO STAKEHOLDERS APRIL 2004

WHAT IS THE WORKING GROUP ON THE ENVIRONMENTAL RISK MANAGEMENT OF CHEMICALS?

The Working Group on the Environmental Risk Management of Chemicals (the Working Group) is a group of senior environment agency officers tasked by the Environment Protection and Heritage Council (EPHC) of Ministers to ensure that risks to the environment are appropriately considered in current chemical management processes in Australia. The Working Group is also seeking to improve environmental outcomes through projects that include work on access to chemical information, monitoring and reporting of chemical impacts, and education.

The need for the Group arose from work conducted by the National Chemicals Taskforce. The Taskforce reported to the EPHC in May 2003.

In reviewing the report of the Taskforce, Ministers noted the complexities of chemical management and agreed on the need for greater consideration of the environment in chemicals decision making. Ministers established the Working Group to address the environmental gap.

More information about the National Chemicals Taskforce, including a copy of its report to Ministers and a summary of stakeholder consultations and concerns, can be found on the EPHC website at <www.ephc.gov.au>.

WHAT ARE THE WORKING GROUP'S TERMS OF REFERENCE?

The full text of the Working Group's terms of reference is appended to this report. In summary the EPHC Ministers have asked the Working Group to:

- As a priority, develop a proposal for a national environmental risk management framework that provides for the safe and ecologically sustainable use of chemicals and complements existing national frameworks that already address chemical risks (eg from the perspective of worker health and safety, food safety);
- Further investigate, scope and report on options (including consideration of costs and resourcing) for:
 - mechanisms to establish and maintain a national environmental information system
 - mechanisms to develop national environmental benchmarks and standards
 - mechanisms for optimal cross-sectoral consultation to provide advice to Council on priority national issues and concerns in chemical management
 - potential coordinated public education and information campaigns on chemicals, especially household chemicals
 - gaps in investigating adverse chemical impacts on the Australian environment.

WHO IS ON THE WORKING GROUP?

The Working Group is chaired by a member of the EPHC Standing Committee, Lisa Corbyn, Director General of the Department of Environment and Conservation NSW (DEC). Ms Corbyn also chaired the National Chemicals Taskforce. Environment agencies in each State and Territory, the Commonwealth and New Zealand all contribute members to the Working Group. The Working Group also has contact with senior officials representing the Ministerial Councils for Primary Industries, Workplace Relations and Health. Secretariat support is provided by the DEC NSW.

The Working Group is looking to work with stakeholders on its key projects (see below).

WHAT IS THE WORKING GROUP DOING?

The Working Group has met twice, in July and December 2003. Its first meeting focused on development of a work program to address the issues identified in the National Taskforce's report. Its second meeting considered progress with that work program and the need for adjustments or refinements. The context for the work program is outlined below.

Work program context - the issues

The Taskforce report to EPHC resulted from research and consultation to investigate chemical management frameworks in Australia and to scope the issues associated with, and the need for, a national approach to ecologically sustainable chemicals management.

In addressing its terms of reference, the Taskforce investigated the range of chemical management frameworks and tools currently operating in Australia; noting recent reviews; developments in Australia and overseas; and ongoing work to enhance those frameworks. The Taskforce consulted widely with industry, community groups and regulators to identify those issues and gaps where action by Environment Ministers could most effectively accelerate Australia's progress towards best practice in chemicals management.

The Taskforce noted that Australia, like most developed countries, has developed separate assessment and registration systems covering industrial, agricultural and veterinary, therapeutic and food additive chemicals. It also has national frameworks for managing chemical risks in transport and workplaces; setting residue standards in food and produce; limiting access to certain poisons; and managing aspects of environmental quality and monitoring. The complex interrelationships between these frameworks reflect the prevalence of chemicals in our daily lives, the variety of uses to which we put them, and the broad range of human and environmental exposures.

The challenge is to ensure that these systems are linked by common principles and coordination mechanisms that reduce the complexity where possible, avoid duplication of effort, provide mutually reinforcing feedback, and deliver consistent outcomes for human health, the environment and trade.

The Taskforce concluded that, while Australia had made significant progress towards best practice chemicals management, there was room for improvement in our approaches to:

- policy frameworks
- legislation and administrative infrastructure
- assessments
- managing exposures to chemical risks
- monitoring and research and
- information, education and public participation.

The need to foster closer communication and coordinated approaches among jurisdictions and portfolios in relation to the environmental risk management of chemicals was identified as a key issue.

The work program

The above issues cover an extensive reform agenda. To progress reform across such a broad range of elements, the Working Group is pursuing a strategic approach, utilising existing reform processes being pursued by other Ministerial Councils where possible. The Chair of EPHC has written to the Chairs of relevant Ministerial Councils to obtain working contacts.

Concerns about environmental gaps with current chemical assessment schemes are being taken up directly with assessment agencies. Issues raised with the Taskforce that relate to matters that are already under consideration by the EPHC's Waste Working Group have been referred to that group. The Working Group has also made early contact with industry and will seek to work cooperatively with industry's own reform priorities.

On 2 October 2003 Ministers endorsed a work program of five key projects to be progressed by the Working Group. The projects are:

1. national environmental risk management framework for chemicals
2. national environmental information system
3. education/information on household chemicals
4. national environmental criteria for chemicals and the environment
5. national approach to fill gaps in investigating adverse chemical impacts on the Australian environment.

THE PROJECTS

1. National environmental risk management framework for chemicals

The aim of this project is to develop a national framework for dealing with chemicals from an environment perspective, to complement existing frameworks such as those for worker safety and food safety. The project will consider a range of matters including: triggers for national action; consistency of environmental assessment across chemical streams (agvet, industrial, therapeutic); consistency of regulatory responses to assessed hazards and risks; linkages to other frameworks; and streamlining management and information systems.

It is anticipated that the framework may be ready for implementation by 2006. It will be designed to:

- bring consistency across jurisdictions
- ensure environmental issues are considered from the outset by assessment agencies
- streamline regulation
- increase public and industry confidence in chemical management systems.

The focus of the framework will be on linking and refining existing systems, filling gaps where needed. It will need to identify environmental priorities and criteria/triggers for consistent national action, as well as set benchmarks and national monitoring approaches to provide continuous feedback and review mechanisms.

A summary of potential key elements of a framework is outlined below. Comments are invited from stakeholders.

SUMMARY OF PROPOSED KEY ELEMENTS.

- 1 Agreement between Environment Ministers to implement an environmental risk management framework under which chemicals will be subject to agreed best practice and consistent environmental risk assessment, leading to agreed environmental hazard classification, which will in turn lead to a consistent environmental risk management response across all jurisdictions, and a consistent approach to monitoring and reporting. This framework agreement to include:
 - Priority/emerging issues process – cooperative mechanism e.g. Chemicals in the Environment Forum (possibly through Standing Committee) to identify and prioritise chemical issues of environmental concern, including those arising through national assessment/review processes or international convention obligations. This forum would also monitor and review the framework, ensure feedback to assessment agencies and update guidance materials (see below).
 - Environmental risk assessment – agreement to conduct best practice chemical assessment in accordance with framework (assessment methodology to be developed in consultation with assessment agencies and may be amended from time to time).
 - Environmental hazard classification – agreement to classify environmental hazards in accordance with framework (as with assessment methods, agreed classifications may be amended from time to time).
 - Hazard/Risk Management Guide – agreement to specific environmental controls by jurisdictions for each hazard category (e.g. Category X = releases will be regulated to ensure agreed environmental criteria are met; Category Y = no release to the environment allowed, etc).
 - Enforcement/implementation/compliance agreement – agreement on how controls under the hazard management guide will be regulated, and compliance encouraged and measured.
 - Environmental impact monitoring agreement – agreement to a national approach to impact monitoring, including reporting, information sharing, feedback loops with assessment agencies.
 - Guidance materials, which would need to be amended from time to time by agreement among signatories to reflect best practice, including:
 - Environmental Assessment Guide for Chemicals – agreed methods for assessing the environmental impact of chemicals (developed in consultation with assessment agencies).
 - Environmental Hazard Classification Guide for Chemicals – bases upon which an assessment would lead to an agreed hazard classification, leading to consistent controls (developed in consultation with other chemical management agencies e.g. work safety agencies, and consistent with Australia’s adoption of the Globally Harmonised System for Classification and Labeling of Chemicals)
 - Environmental Impact Monitoring Guide – agreed approach to monitoring impacts.
2. Supporting agreements to ensure effective incorporation of the framework into cross-portfolio functions. This will include agreements between EPHC and other Ministerial Councils (Primary Industries, Workplace Relations, Health).

The Working Group considers that the above elements will deliver a solid framework for environmental management of chemicals passing through existing national assessment regimes. Further work is under way to flesh out the details, in consultation with government, industry and community stakeholders. Issues requiring further discussion include:

- chemicals released as by-products of industrial processes
- regional environmental differences
- community involvement and right-to-know
- chemicals in products.

While the framework will be a fundamental reform to be delivered by Ministers, it will take time to develop. Some of its elements (e.g. environmental criteria/chemical concentration standards) will also need to be developed in parallel. Accordingly the Working Group has proposed the following shorter-term deliverables (projects 2-5), to flesh out elements of the framework and to address other priority concerns identified by Ministers.

2 National environmental information system

In the past there has been no simple way to access the wide range of available information about chemicals. To remedy this situation the Working Group has developed a national environmental information system that provides a public internet “shop-front” for information about chemicals and the environment.

The National Chemical Information Gateway was launched by Environment Ministers in April 2004 and is now a live resource for all stakeholders. The Gateway is housed on the website of the Commonwealth Department of Environment and Heritage and can be accessed at www.deh.gov.au/chemicals-gateway.

The Gateway will be an evolving information site. In the first instance it links to existing environmental databases and chemical information sites. Over time the gateway will provide a platform for new information, including that which will flow from other Working Group projects (for example information relating to chemical criteria, monitoring and reporting).

3 Education/Information on household chemicals

Ministers have called for an education and information campaign for householders to supplement chemical management programs within industry sectors. Householders use large volumes of oils, paints, solvents, and smaller amounts of cleaning products, personal care products, pesticides and medicines, all of which can find their way into stormwater, sewers, waterways, waste processing facilities and landfills with subsequent environmental and health effects.

2004 is the Year of the Built Environment and the Working Group is looking to progress household chemical education in support of this theme. [For information about the Year of the Built Environment go to <www.builtenvironment2004.org.au/ybe>.]

4 National environmental criteria for chemicals and the environment

A significant issue identified by the national Taskforce is the lack of readily accessible national environmental criteria to support a nationally consistent approach to chemicals management.

In the first instance the Working Group will produce a publicly assessable reference guide of environmental criteria for chemicals that will act as a single point on line resource for all stakeholders with an interest in chemicals management in the environment.

The guide will include a listing of existing environmental criteria. A technical advisory group has been assembled to assist the Working Group. Stage two of the project will involve assessing gaps in existing criteria and developing proposals for addressing them.

5 National approach to fill gaps in investigating adverse chemical impacts on the Australian environment.

Timely and meaningful monitoring of adverse chemical impacts on the Australian environment is an important factor in ensuring accurate environmental assessment, accessible community information and effective risk management.

The Working Group is addressing this issue in two ways, focusing in the first instance on:

1. Discussions with the Australian Pesticides and Veterinary Medicines Authority (APVMA) about its adverse experience reporting program model and how the model might be applied to cover chemicals other than pesticides, with the aim of possibly establishing an adverse experiences reporting regime for all chemicals.
2. A desktop audit of existing chemical monitoring programs and approaches, including exploration of options for addressing gaps and introducing efficiencies.

WHAT HAPPENS NEXT?

The Working Group will continue to progress these five key projects and will provide regular progress reports to stakeholders via updates on the EPHC website - <www.ephc.gov.au/ephc/chemicals_mgt.html>.

It is anticipated that the environmental risk management framework for chemicals will take several years to develop, and may be ready for implementation by 2006. The Working Group's other projects will be progressed in the intervening time.

HOW CAN I GET INVOLVED?

The Working Group is keen involve stakeholders in its work. You can participate by providing general comments at any time to the contact officer (details below), or directly in response to the progress reports that will be released from time to time.

Alternatively, stakeholders may wish to become involved more specifically with particular project work. The Working Group is happy to liaise with stakeholders on effective arrangements for such participation.

If you wish to provide comment or participate in a particular project please contact the Working Group.

CONTACT DETAILS:

If you require further information about the Working Group on the Environmental Risk Management of Chemicals and its work, or if you wish to discuss liaison arrangements, please contact:

Ms Liz Moore
Chemicals Policy Section
Department of Environment and Conservation NSW
PO Box A290
SYDNEY SOUTH NSW 1232
mooree@epa.nsw.gov.au
Phone: (02) 9995 5982
Fax: (02) 9995 5936

EPHC WORKING GROUP ON THE ENVIRONMENTAL RISK MANAGEMENT OF CHEMICALS

TERMS OF REFERENCE

Having regard to the issues identified in the National Chemicals Taskforce Scoping Paper, the Working Group on the Environmental Risk Management of Chemicals is required to:

1. as a priority, develop a proposal for a national environmental risk management framework for chemicals that provides for the safe and ecologically sustainable use of chemicals and complements the existing national frameworks addressing chemical risks from the public health, transport, work safety, food safety and trade perspectives
2. further investigate, scope and report on options to address:
 - a. mechanisms to establish and maintain a national environmental information system incorporating currently available information and additional information where gaps are identified (eg NPI, agvet use database, adverse effects registers);
 - b. mechanisms to develop national environmental benchmarks and standards that enable the outcomes of chemical management strategies to be assessed, and facilitate coordinated jurisdictional reporting of outcomes;
 - c. mechanisms for optimal cross-sectoral consultation to provide advice to Council on priority national issues and concerns in chemical management;
 - d. the need for and potential cost efficiencies from coordinated public education and information campaigns on chemicals, especially household chemicals;
 - e. a national program to fill gaps in investigating adverse chemical impacts on the Australian environment.
3. In addressing the above Terms of Reference, the Working Group is required to:
 - a. consider the costs of establishing and maintaining the required mechanisms and available resourcing options including:
 - the potential to utilise existing mechanisms on a shared funding basis with other portfolios
 - opportunities to source external funding
 - b. consult broadly with relevant government agencies, industry and the community
4. Report back to Council at its next meeting, including a work plan, budget and advice about priorities in addressing the issues identified in 2 above.