



27 September 2023

(23-6451)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department of Climate Change, Energy, the Environment and Water Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Australian WTO TBT Enquiry Point Office of Global Trade Negotiations Department of Foreign Affairs and Trade Canberra ACT 0221 AUSTRALIA tbt.enquiry@dfat.gov.au +61 2 6261 1111
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): <ul style="list-style-type: none">• Decabromodiphenyl ether (decaBDE) and nonabromodiphenyl ether (nonaBDE)• Octabromodiphenyl ether (octaBDE), heptabromodiphenyl ether (heptaBDE) and hexabromodiphenyl ether (hexaBDE)• Pentabromodiphenyl ether (pentaBDE) and tetrabromodiphenyl ether (tetraBDE)• Hexabromocyclododecane (HBCDD)
5. Title, number of pages and language(s) of the notified document: Proposed chemical management standards for Persistent Organic Pollutants; (15 page(s), in English)
6. Description of content: The Industrial Chemicals Environmental Management Standard (IChEMS) has been developed by all Australian governments to efficiently and effectively manage the risks of industrial chemicals to the environment, while providing consistent requirements for businesses across Australia. The IChEMS Register records standards for the environmental management of chemicals, including risk management measures for specific industrial uses. In turn, the Australian federal government and each state and territory government will enact legislation to implement the standards in their jurisdictions. The proposed decisions will assign the following chemicals, and mixtures and articles containing the chemicals, to Schedule 7 of the Register. This will prohibit their import,

manufacture, use and export in Australia, with exceptions for unintentional trace contamination, research, environmentally sound disposal, and for articles in use prior to the date of effect of the decision.

- Octabromodiphenyl ether, heptabromodiphenyl and hexabromodiphenyl ether
- Pentabromodiphenyl ether and tetrabromodiphenyl ether
- Hexabromocyclododecane

The proposed decisions will assign the following chemicals, and mixtures and articles containing the chemicals, to Schedule 6 of the Register. This will prohibit their import, manufacture, use and export in Australia, with limited exceptions for unintentional trace contamination, research, environmentally sound disposal, and for articles in use prior to the date of effect of the decision.

Some uses considered to be essential are also excepted from the decisions. These essential uses are outlined below.

- Decabromodiphenyl ether and nonabromodiphenyl ether, except when used for the following essential uses:
 - spare parts for aircraft that were manufactured prior to 1 January 2027 (until the end of the service life of the aircraft); or
 - aircraft (until 1 January 2027,); or
 - polyurethane foam for building insulation (until 1 January 2027); or
 - electric and electronic equipment (until 1 January 2027); or
 - spare parts for motor vehicles that were manufactured prior to 2019 (until 1 January 2036); or
 - textile products (other than clothing and toys) that require anti-flammable characteristics (until 1 January 2027).

7. Objective and rationale, including the nature of urgent problems where applicable: The proposed scheduling decisions aim to:

- Enact standards for Stockholm Convention listed persistent organic pollutants (POPs) that have industrial uses and which Australia has not yet ratified.
- Facilitate ratification of the Stockholm Convention listings of the chemicals, allowing Australia to fulfil its obligations under the Convention.
- Achieve better protection of the environment through improved management of the environmental risks posed by industrial chemicals.
- Provide a nationally consistent, transparent, predictable and streamlined approach to environmental risk management of industrial chemicals for governments, industry and the community.

8. Relevant documents:

- [Decision for consultation – DecaBDE and nonaBDE \[DOCX 2.70MB\] \[PDF 225KB\]](#)
- [Decision for consultation – OctaBDE, heptaBDE and hexaBDE \[DOCX 44.2KB\] \[PDF 203KB\]](#)
- [Decision for consultation – PentaBDE and tetraBDE \[DOCX 2.69MB\]\[PDF 220KB\]](#)
- [Decision for consultation – HBCDD \[DOCX 44.9KB\] \[PDF 219KB\]](#)

Further supporting documents are available at: [Consultation hub | Public comments on IChEMS proposed decisions - Climate Change \(dcceew.gov.au\)](#)

9.	Proposed date of adoption: By 31 December 2023 Proposed date of entry into force: 1 July 2024 (OctaBDE, heptaBDE and hexaBDE; pentaBDE and tetraBDE; and HBCDD) or 1 July 2025 (DecaBDE and nonaBDE)
10.	Final date for comments: 60 days from notification
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: <ul style="list-style-type: none">• Consultation hub Public comments on IChEMS proposed decisions - Climate Change (dcceew.gov.au)• Further information on IChEMS is available at: Industrial Chemicals Environmental Management Standard - IChEMS - DCCEEW