



August 27, 2012

NICNAS Review
Department of Health and Ageing
MDP 88
GPO Box 9848
CANBERRA ACT 2601
Submitted via email to: NICNAS.review@health.gov.au

RE: Discussion Paper - Review of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) (June 2012)

To Whom It May Concern:

The Global Industry Council for FluoroTechnology (FluoroCouncil) appreciates the opportunity to submit comments on the June 2012 discussion paper developed pursuant to the review of the National Industrial Chemicals Notification and Assessment Scheme (“NICNAS”) being conducted as a Better Regulation Ministerial Partnership between the Minister for Finance and Deregulation and the Minister for Health and Ageing. The FluoroCouncil previously provided input on this review on December 13, 2011. We continue to support this review at the Ministerial level and offer the comments below for consideration. In addition, the FluoroCouncil offers support for the comments provided on August 10 by Plastics and Chemicals Industries Association (PACIA).

The FluoroCouncil is a global membership organization representing the world’s leading manufacturers of fluoropolymers, fluorotelomers, and other fluorinated surfactants and surface property modification agents.¹ The FluoroCouncil has a fundamental commitment to product stewardship and, as part of its mission, addresses science and public policy issues related to fluoro-technology. In addition, there are FluoroCouncil members that actively participate on the NICNAS Technical Working Group on Perfluorinated Chemicals.

The original solicitation for comment on the NICNAS Review specifically asked commenters to identify potential case studies that could be used to “illustrate/clarify key issues” regarding current NICNAS policy and procedure. In response, the FluoroCouncil recommended that the NICNAS Review examine how new products that would substitute for long-chain perfluorinated chemicals (“LCPFCs”) have been, and are being, assessed and regulated by the Australian government.² We

¹ The FluoroCouncil’s members are Arkema France, Asahi Glass Co., Ltd., Clariant International, Ltd., Daikin Industries, Ltd., DuPont Company, and Solvay Specialty Polymers.

² A definition of long-chain perfluorinated chemicals can be found at the OECD Web Portal on Perfluorinated Chemicals: www.oecd.org/ehs/pfc.

continue to believe that the Australian government's approach to the LCPFC alternative products would offer an excellent case study for examining how NICNAS policy and procedure responds to important new technology. FluoroCouncil and its members stand willing to work with NICNAS, and any other relevant parties, to help develop the information and analysis that would make such an effort productive.

On January 8, 2012, the FluoroCouncil also provided comments to NICNAS on the agency's approach to defining non-dispersive and wide dispersive uses and notification and assessment of new chemical substances containing a perfluorocarbon chain (14 October draft documents circulated to the NICNAS Technical Working Group on Perfluorinated Chemicals). The FluoroCouncil comments focused on fundamental concerns with policy issues raised by the documents:

- NICNAS's proposed approach was inconsistent with basic principles of risk assessment science and does not take into account a new chemical substance's hazard and exposure characteristics comprehensively.
- NICNAS's proposed approach was not consistent with global policies on dispersive uses, which generally allow LCPFC alternatives into commerce while obligating manufacturers to conduct further testing to inform further refinement of health and environmental profiles over time.
- NICNAS's approach may impede industry's transition away from LCPFCs by creating sufficient regulatory uncertainty to effectively stop the adoption of new perfluorinated chemicals in Australia.

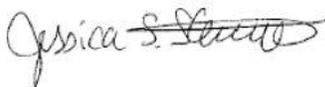
These documents and the concerns that they raise led us to recommending an examination of how NICNAS policy and procedures respond to commercially and environmentally important new technology. We continue to support that recommendation.

The FluoroCouncil also supports the recommendations offered by PACIA to:

- Accept the outcomes of assessments from recognized overseas regulators
- Fix the system for consideration of chemicals of low regulatory concern
- Implement the NICNAS focused Productivity Commission recommendations

We again wish to thank the ministries involved in the NICNAS review for this opportunity to comment. Please contact me at jessica.steinhilber@fluorocouncil.com or +1-202-249-6737 with any questions to further discuss these comments. Thank you for your attention to this matter.

Sincerely,



Jessica S. Steinhilber
Executive Director