



Industrial Chemicals Environmental Management (Register) Instrument 2022

I, Rachel Burgess, as delegate of the Minister for the Environment and Water, make the following instrument.

Dated 14 December 2022

Rachel Burgess
Acting Assistant Secretary
Chemicals Management Branch
Department of Climate Change, Energy, the Environment and Water

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1 Name

This instrument is the *Industrial Chemicals Environmental Management (Register) Instrument 2022*.

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	The day after this instrument is registered.	16 December 2022

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 22(1) of the *Industrial Chemicals Environmental Management (Register) Act 2021*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) AACN;
- (b) CAS number;
- (c) generalised end use;
- (d) relevant industrial chemical;
- (e) scheduling decision.

In this instrument:

Act means the *Industrial Chemicals Environmental Management (Register) Act 2021*.

disposal has the same meaning as in the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

Note: Other grammatical forms of “disposal” (such as “disposed of”) have a corresponding meaning (see section 18A of the *Acts Interpretation Act 1901*).

environmental release means any introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine.

hazardous waste export permit means an export permit within the meaning of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

hazardous waste import permit means an import permit within the meaning of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

IChEMS Minimum Standards means the IChEMS Minimum Standards agreed to by Commonwealth, State and Territory environmental regulators as published by the Department and as existing from time to time.

industrial use has the same meaning as in the Industrial Chemicals Act.

relevant agency includes:

- (a) a department, agency or authority of the Commonwealth; and
- (b) a State government body.

Schedule 6 risk characteristics has the same meaning as in the *Industrial Chemicals Environmental Management (Register) Principles 2022*.

Schedule 7 risk characteristics has the same meaning as in the *Industrial Chemicals Environmental Management (Register) Principles 2022*.

stockpile of a relevant industrial chemical means an accumulation of substances, mixtures or articles that contains, or consists of, the chemical.

waste has the same meaning as in the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

5 Register of scheduling decisions for relevant industrial chemicals

- (1) This instrument establishes a register (the ***Register***) of scheduling decisions for relevant industrial chemicals that have been made or varied by the Minister under Division 2 of Part 2 of the Act.

Note: The Register does not create prohibitions, restrictions or obligations that are enforceable in judicial or other proceedings (see subsection 22(4) of the Act).

- (2) The Register has 7 Schedules as follows:
 - (a) Schedule 1—Relevant industrial chemicals that are not appropriate for listing in the other Schedules;
 - (b) Schedule 2—Relevant industrial chemicals that are unlikely to cause harm to the environment;
 - (c) Schedule 3—Relevant industrial chemicals that have the potential to cause harm to the environment;
 - (d) Schedule 4—Relevant industrial chemicals that may cause harm to the environment;
 - (e) Schedule 5—Relevant industrial chemicals that are likely to cause harm to the environment;
 - (f) Schedule 6—Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with essential uses;
 - (g) Schedule 7—Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses.

- (3) Each Schedule of the Register:

- (a) sets out the scheduling decisions for the relevant industrial chemicals identified in the Schedule; and
- (b) may also set out other information such as explanatory information relating to a scheduling decision for a relevant industrial chemical.

Note: A scheduling decision for a relevant industrial chemical includes, among other things, a decision to list a relevant industrial chemical in a particular Schedule or Schedules of the Register (see subsection 11(3) of the Act).

Clause 1

Schedule 1—Relevant industrial chemicals that are not appropriate for listing in the other Schedules

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that are not appropriate for listing in the other Schedules

(1) The following table sets out scheduling decisions for each relevant industrial chemical identified in column 1 of the table.

Note: A relevant industrial chemical may be identified in a single way or 2 or more ways, including, for example, by specifying the CAS number for the chemical. However, the AACN for the chemical must be used to identify the chemical in certain circumstances (see subsection 14(1) of the Act).

(2) Column 2 of the table specifies risk management measures for the following:

- (a) each relevant industrial chemical identified in column 1 of the table;
- (b) a product containing such a chemical.

(3) Column 3 of the table sets out any explanatory information relating to the scheduling decision for each relevant industrial chemical identified in column 1 of the table.

Scheduling decisions for relevant industrial chemicals		
Column 1	Column 2	Column 3
Relevant industrial chemical	Risk management measures	Explanatory information
AACN: 2-Propenoic acid, 2-methyl-, butyl ester, polymers with alkyl methacrylate, substituted-methylethyl-terminated hydrogenated polyalkene methacrylate, Me methacrylate and styrene	The IChEMS Minimum Standards must be complied with.	

Schedule 2—Relevant industrial chemicals that are unlikely to cause harm to the environment

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that are unlikely to cause harm to the environment

(1) The following table sets out scheduling decisions for each relevant industrial chemical identified in column 1 of the table.

Note: A relevant industrial chemical may be identified in a single way or 2 or more ways including, for example, by specifying the CAS number for the chemical. However, the AACN for the chemical must be used to identify the chemical in certain circumstances (see subsection 14(1) of the Act).

(2) Column 2 of the table specifies the following for each relevant industrial chemical identified in column 1 of the table:

- (a) if subsection 14(2) of the Act applies in relation to the chemical—one or more generalised end uses for the chemical;
- (b) otherwise—one or more end uses for the chemical.

(3) Column 3 of the table specifies risk management measures for the following:

- (a) each relevant industrial chemical identified in column 1 of the table;
- (b) a product containing such a chemical.

(4) Column 4 of the table sets out any explanatory information relating to the scheduling decision for each relevant industrial chemical identified in column 1 of the table.

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Risk management measures	Explanatory information
Chemical name: Siloxanes and Silicones, di-Me, hydroxy-terminated, polymers with 3-(trimethoxysilyl)-N-[3-(trimethoxysilyl)propyl]	Hair care products	The IChEMS Minimum Standards must be complied with.	

Schedule 2 Relevant industrial chemicals that are unlikely to cause harm to the environment

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Risk management measures	Explanatory information
-1-propanamine			
CAS number: 189959-16-8			
Chemical name: 2-Oxazolidinone, 3-ethenyl-5-methyl-	(a) printing inks; (b) 3D printing; (c) coatings for industrial use.	The IChEMS Minimum Standards must be complied with.	
CAS number: 3395-98-0			

Schedule 3—Relevant industrial chemicals that have the potential to cause harm to the environment

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that have the potential to cause harm to the environment

(1) The following table sets out scheduling decisions for each relevant industrial chemical identified in column 1 of the table.

Note: A relevant industrial chemical may be identified in a single way or 2 or more ways including, for example, by specifying the CAS number for the chemical. However, the AACN for the chemical must be used to identify the chemical in certain circumstances (see subsection 14(1) of the Act).

(2) Column 2 of the table specifies the following for each relevant industrial chemical identified in column 1 of the table:

- (a) if subsection 14(2) of the Act applies in relation to the chemical—one or more generalised end uses for the chemical;
- (b) otherwise—one or more end uses for the chemical.

(3) Column 3 of the table specifies risk management measures for the following:

- (a) each relevant industrial chemical identified in column 1 of the table;
- (b) a product containing such a chemical.

(4) Column 4 of the table sets out any explanatory information relating to the scheduling decision for each relevant industrial chemical identified in column 1 of the table.

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Risk management measures	Explanatory information
Chemical name: 13-Oxabicyclo[10.1.0]trideca-4,8-diene, (1R,4E,8Z,12R)-rel-	(a) cosmetic and household products; (b) air fresheners (sprays and aerosols); (c) electrical air fresheners;	The IChEMS Minimum Standards must be complied with.	A Predicted No-Effect Concentration of 74 µg/L was derived in an Australian Industrial Chemicals Introduction Scheme assessment.

Schedule 3 Relevant industrial chemicals that have the potential to cause harm to the environment

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Risk management measures	Explanatory information
CAS number: 55722-64-0	(d) candles; (e) fine fragrances.		This concentration is not a regulatory limit or standard. It can be used to inform risk assessment, monitoring and evaluation.
Chemical name: 4-Pentenal, 5-cyclohexyl-2,4-dimethyl-, (4E)- CAS number: 1449104-34-0	(a) cosmetic and household products; (b) air fresheners (sprays and aerosols); (c) electrical air fresheners; (d) candles; (e) fine fragrances.	The IChEMS Minimum Standards must be complied with.	A Predicted No-Effect Concentration of 8.11 µg/L was derived in an Australian Industrial Chemicals Introduction Scheme assessment. This concentration is not a regulatory limit or standard. It can be used to inform risk assessment, monitoring and evaluation.

Schedule 4—Relevant industrial chemicals that may cause harm to the environment

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that may cause harm to the environment

Note: This Schedule is intentionally blank.

Schedule 5 Relevant industrial chemicals that are likely to cause harm to the environment

Clause 1

Schedule 5—Relevant industrial chemicals that are likely to cause harm to the environment

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that are likely to cause harm to the environment

Note: This Schedule is intentionally blank.

Schedule 6—Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with essential uses

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with essential uses

Note: This Schedule is intentionally blank.

Clause 1

Schedule 7—Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

Note: See section 5.

1 Scheduling decisions for relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

- (1) The following table sets out scheduling decisions for each relevant industrial chemical identified in column 1 of the table.

Note: A relevant industrial chemical may be identified in a single way or 2 or more ways including, for example, by specifying the CAS number for the chemical. However, the AACN for the chemical must be used to identify the chemical in certain circumstances (see subsection 14(1) of the Act).

- (2) Column 2 of the table specifies the following for each relevant industrial chemical identified in column 1 of the table:
- (a) if subsection 14(2) of the Act applies in relation to the chemical—one or more generalised end uses for the chemical;
 - (b) otherwise—one or more end uses for the chemical.
- (3) Column 3 of the table specifies:
- (a) prohibitions or restrictions relating to the following:
 - (i) each relevant industrial chemical identified in column 1 of the table;
 - (ii) a product or article containing such a chemical; and
 - (b) risk management measures for the following:
 - (i) each relevant industrial chemical identified in column 1 of the table;
 - (ii) a product or article containing such a chemical.
- (4) Column 4 of the table sets out any explanatory information relating to the scheduling decision for each relevant industrial chemical specified in column 1 of the table.

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
Class name: Hexabromobiphenyl, being chemical compounds based on the biphenyl structural element, where 6 hydrogen atoms have been replaced by bromine atoms.		<p>(a) This entry comes into effect on 1 July 2023.</p> <p>(b) The importation and manufacture of, and end uses for, the chemical (whether on its own or in mixtures) are prohibited except:</p> <ul style="list-style-type: none"> (i) in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (ii) for research or laboratory purposes; or (iii) if a hazardous waste import permit authorises the importation of the chemical. <p>(c) The importation, manufacture and use of an article containing the chemical are prohibited except:</p> <ul style="list-style-type: none"> (i) in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (ii) for research or laboratory purposes; or (iii) if a hazardous waste import permit authorises the importation of the article; or (iv) in circumstances in which the article is already in use on or before 1 July 2023. <p>(d) The exportation of the chemical (whether on its own or in mixtures), or an article containing the chemical, is prohibited except:</p> <ul style="list-style-type: none"> (i) for the chemical—in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical 	

Schedule 7 Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<ul style="list-style-type: none">cannot be meaningfully used; or(ii) for the article—in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or(iii) if a hazardous waste export permit authorises the exportation of the chemical or the article. <p>(e) Producers and holders of waste must undertake all reasonably practicable measures to avoid contamination of the waste with the chemical.</p> <p>(f) Waste consisting of, containing or contaminated by the chemical at a concentration that is equal to, or greater than, 50 mg/kg must be disposed of, as soon as reasonably practicable, either:</p> <ul style="list-style-type: none">(i) in such a way as to ensure that the chemical is destroyed or irreversibly transformed so that the remaining waste and environmental releases do not contain chemicals that have Schedule 6 risk characteristics or Schedule 7 risk characteristics; or(ii) as authorised under a law of the Commonwealth or a State, where treatment in accordance with subparagraph (i) is not the environmentally preferable option. <p>(g) Waste consisting of, containing or contaminated by the chemical at a concentration of less than 50 mg/kg must be disposed of, as soon as reasonably practicable, in an environmentally sound manner as authorised under a</p>	

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<p>law of the Commonwealth or a State.</p> <p>(h) Disposal must not lead to recovery, recycling, reclamation or re-use of the chemical on its own, subject to paragraph (i).</p> <p>(i) In carrying out disposal, the chemical may be isolated from the waste, provided that it is subsequently disposed of in accordance with paragraphs (f) and (g).</p> <p>(j) If an activity in relation to the chemical, or an article containing the chemical, is not permitted under paragraph (b), (c) or (d), a holder of a stockpile of the chemical must:</p> <ul style="list-style-type: none"> (i) notify the relevant agency responsible for environmental protection of the nature and size of the stockpile; and (ii) manage that stockpile as waste in accordance with paragraphs (f) and (g); and (iii) comply with all relevant laws that apply in the relevant jurisdiction. <p>(k) The IChEMS Minimum Standards must be complied with.</p>	
<p>Chemical name:</p> <p>1,3-Butadiene, 1,1,2,3,4,4-hexachloro-</p> <p>CAS number:</p> <p>87-68-3</p>		<p>(a) This entry comes into effect on 1 July 2023.</p> <p>(b) The importation and manufacture of, and end uses for, the chemical (whether on its own or in mixtures) are prohibited except:</p> <ul style="list-style-type: none"> (i) in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or 	

Schedule 7 Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		(ii) for research or laboratory purposes; or (iii) if a hazardous waste import permit authorises the importation of the chemical. (c) The importation, manufacture and use of an article containing the chemical are prohibited except: (i) in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (ii) for research or laboratory purposes; or (iii) if a hazardous waste import permit authorises the importation of the article; or (iv) in circumstances in which the article is already in use on or before 1 July 2023. (d) The exportation of the chemical (whether on its own or in mixtures), or an article containing the chemical, is prohibited except: (i) for the chemical—in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (ii) for the article—in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (iii) if a hazardous waste export permit authorises the exportation of the chemical or the article. (e) Producers and holders of waste must undertake all	

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<p>reasonably practicable measures to avoid contamination of the waste with the chemical.</p> <p>(f) Waste consisting of, containing or contaminated by the chemical at a concentration that is equal to, or greater than, 100 mg/kg must be disposed of, as soon as reasonably practicable, either:</p> <p>(i) in such a way as to ensure that the chemical is destroyed or irreversibly transformed so that the remaining waste and environmental releases do not contain chemicals that have Schedule 6 risk characteristics or Schedule 7 risk characteristics; or</p> <p>(ii) as authorised under a law of the Commonwealth or a State, where treatment in accordance with subparagraph (i) is not the environmentally preferable option.</p> <p>(g) Waste consisting of, containing or contaminated by the chemical at a concentration of less than 100 mg/kg must be disposed of, as soon as reasonably practicable, in an environmentally sound manner as authorised under a law of the Commonwealth or a State.</p> <p>(h) Disposal must not lead to recovery, recycling, reclamation or re-use of the chemical on its own, subject to paragraph (i).</p> <p>(i) In carrying out disposal, the chemical may be isolated from the waste, provided that it is subsequently disposed of in accordance with paragraphs (f) and (g).</p> <p>(j) If an activity in relation to the chemical, or an article</p>	

Schedule 7 Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<p>containing the chemical, is not permitted under paragraph (b), (c) or (d), a holder of a stockpile of the chemical must:</p> <ul style="list-style-type: none"> (i) notify the relevant agency responsible for environmental protection of the nature and size of the stockpile; and (ii) manage that stockpile as waste in accordance with paragraphs (f) and (g); and (iii) comply with laws relating to the chemical that apply in the relevant jurisdiction. <p>(k) The IChEMS Minimum Standards must be complied with.</p>	
<p>Class name:</p> <p>Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene and any combination of those chemicals.</p>		<p>(a) This entry comes into effect on 1 July 2023.</p> <p>(b) The importation and manufacture of, and end uses for, the chemical (whether on its own or in mixtures) are prohibited except:</p> <ul style="list-style-type: none"> (i) in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or (ii) for research or laboratory purposes; or (iii) if a hazardous waste import permit authorises the importation of the chemical. <p>(c) The importation, manufacture and use of an article containing the chemical are prohibited except:</p> <ul style="list-style-type: none"> (i) in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be 	

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<p>meaningfully used; or</p> <p>(ii) for research or laboratory purposes; or</p> <p>(iii) if a hazardous waste import permit authorises the importation of the article; or</p> <p>(iv) in circumstances in which the article is already in use on or before 1 July 2023.</p> <p>(d) The exportation of the chemical (whether on its own or in mixtures), or an article containing the chemical, is prohibited except:</p> <p>(i) for the chemical—in circumstances where the chemical is present unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or</p> <p>(ii) for the article—in circumstances where the chemical is present in the article unintentionally and unavoidably at a level at which the chemical cannot be meaningfully used; or</p> <p>(iii) if a hazardous waste export permit authorises the exportation of the chemical or the article.</p> <p>(e) Producers and holders of waste must undertake all reasonably practicable measures to avoid contamination of the waste with the chemical.</p> <p>(f) Waste consisting of, containing or contaminated by the chemical at a concentration that is equal to, or greater than, 10 mg/kg must be disposed of, as soon as reasonably practicable, either:</p> <p>(i) in such a way as to ensure that the chemical is destroyed or irreversibly transformed so that the</p>	

Schedule 7 Relevant industrial chemicals that are likely to cause serious or irreversible harm to the environment with no essential uses

Clause 1

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		<p>remaining waste and environmental releases do not contain chemicals that have Schedule 6 risk characteristics or Schedule 7 risk characteristics; or</p> <p>(ii) as authorised under a law of the Commonwealth or a State, where treatment in accordance with subparagraph (i) is not the environmentally preferable option.</p> <p>(g) Waste consisting of, containing or contaminated by the chemical at a concentration of less than 10 mg/kg must be disposed of, as soon as reasonably practicable, in an environmentally sound manner as authorised under a law of the Commonwealth or a State.</p> <p>(h) Disposal must not lead to recovery, recycling, reclamation or re-use of the chemical on its own, subject to paragraph (i).</p> <p>(i) In carrying out disposal, the chemical may be isolated from the waste, provided that it is subsequently disposed of in accordance with paragraphs (f) and (g).</p> <p>(j) If an activity in relation to the chemical, or an article containing the chemical, is not permitted under paragraph (b), (c) or (d), a holder of a stockpile of the chemical must:</p> <p>(i) notify the relevant agency responsible for environmental protection of the nature and size of the stockpile; and</p> <p>(ii) manage that stockpile as waste in accordance with paragraphs (f) and (g); and</p>	

Scheduling decisions for relevant industrial chemicals			
Column 1	Column 2	Column 3	Column 4
Relevant industrial chemical	End uses or generalised end uses	Prohibitions, restrictions and risk management measures	Explanatory information
		(iii) comply with laws relating to the chemical that apply in the relevant jurisdiction. (k) The IChEMS Minimum Standards must be complied with.	