



Consultation outcomes

Reform of industrial chemicals environmental management in NSW

The draft **Environmental Legislation Amendment (Hazardous Chemicals) Bill 2024** (draft Bill) was open for public consultation over a six-week period during October and November 2023.

The draft Bill proposes changes to the *Protection of the Environment Operations Act 1997* (POEO Act) to strengthen the regulation of industrial chemicals in NSW. The key changes include:

- implementing new national standards for managing the environmental risks of industrial chemicals — the Industrial Chemicals Environmental Management Standard (IChEMS)
- enhancing regulatory oversight of emerging problem chemicals through chemical use notices, which require users of a specified chemical to provide information to the EPA about their use of the chemical
- streamlining the NSW regulatory framework for managing industrial chemicals by transferring key provisions of the *Environmentally Hazardous Chemicals Act 1985* (EHC Act) to the POEO Act, and repealing the EHC Act.

This document provides an overview of the consultation process, including a summary of who we heard from and the key issues raised.

What did we do?

- Public submission process — Have your say webpage
- Draft Bill and accompanying explanatory paper published on the EPA website and provided to stakeholders for review
- Mailout to councils, licence holders, industry and peak bodies
- Consultation publicised via the EPA website and *EPA Connect* newsletter

Who did we hear from?

Five submissions were received from businesses or peak bodies.

What did we hear?

All submissions supported the reforms contained in the draft Bill. Some submissions sought to further understand how the reforms would operate in practice. These comments mainly focused on the reforms associated with implementing IChEMS in NSW.

Key issues identified in the submissions included:

- questions around the licensing threshold for the new activity of ‘environmentally hazardous chemicals’ under Schedule 1 of the POEO Act
- the need for appropriate lead times to implement IChEMS scheduling decisions and questions around specific definitions under Commonwealth legislation (a comment forwarded to the Commonwealth for its consideration)
- questions relating to the roles and responsibilities of government agencies within NSW and the Commonwealth in regulating industrial chemicals, and the need for the implementation of IChEMS to be coordinated across states and territories
- questions around the application of chemical use notices and the need for preliminary consultation with industry on any proposals.

Further information

For further information about the reforms, please visit www.epa.nsw.gov.au/your-environment/chemicals/regulating-chemicals-nsw/changes-to-the-regulation-of-industrial-chemicals

For further information about IChEMS, see the Commonwealth Department of Climate Change, Energy, the Environment and Water website at www.dcceew.gov.au/environment/protection/chemicals-management/national-standard

Should you have any questions, please email nswchemicalsreforms@epa.nsw.gov.au.

NSW Environment Protection Authority

Website epa.nsw.gov.au

Email info@epa.nsw.gov.au

**Report pollution and environmental incidents
Environment Line:**

131 555 (NSW only) or info@epa.nsw.gov.au
See also epa.nsw.gov.au

EPA 2024P4531 | 1039 | June 2024

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