

## Dechlorane Plus – DRAFT DECISION

[For incorporation in] Industrial Chemicals Environmental Management (Register) Instrument 2022

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

The risk management measures including prohibitions and restrictions apply to the relevant industrial chemical; and a mixture or article containing such a chemical.

The draft standards are based on information from the decision of the Conference of Parties to the Stockholm Convention on Persistent Organic Pollutants (POP) to list Dechlorane Plus® (DP®) in Annex A of the convention, with time-limited exemptions ([SC-11/10](#)). The department has also referred to the [AICIS Risk Evaluation](#) and the POP Review Committee's (POPRC) [Risk Management Evaluation for Dechlorane Plus](#). The decision structure is modelled on the [Industrial Chemicals Environmental Management \(Register\) Amendment \(2023 Measure No.1\) Instrument 2023](#) entry for the schedule 6 chemical deca-BDE.

<b>Relevant industrial chemical</b>
Chemical name: Dechlorane Plus® and its two constituent isomers, <i>syn</i> -Dechlorane Plus and <i>anti</i> -Dechlorane Plus (DP®, <i>syn</i> -DP and <i>anti</i> -DP)  CAS numbers: 13560-89-9 (DP), 135821-03-3 ( <i>syn</i> -DP), 135821-74-8 ( <i>anti</i> -DP)
<b>Risk management measures including prohibitions and restrictions</b>
(a) This entry comes into effect on 1 July 2026.
(b) The chemical has the following essential uses in Australia: <ul style="list-style-type: none"> <li>(i) aerospace and space applications (until 1 July -2031); or</li> <li>(ii) defence applications (to be reviewed by the department after 1 July 2031); or</li> <li>(iii) replacement parts, where the chemical was originally used in the manufacture of those parts, for: <ul style="list-style-type: none"> <li>a. aerospace and space applications (until the end of the service life of the articles or 1 July 2044, whichever comes earlier); or</li> <li>b. defence applications (until the end of the service life of the articles, subject to review by the department after 1 July 2044); or</li> <li>c. motor vehicles (until the end of the service life of the articles or 1 July 2044, whichever comes earlier); or</li> <li>d. stationary industrial machines for use in agriculture, forestry and construction (until the end of the service life of the articles or 1 July 2044, whichever comes earlier); or</li> <li>e. marine, garden, forestry and outdoor power equipment (until the end of the service life of the articles or 1 July 2044, whichever comes earlier); or</li> <li>f. in-vitro diagnostic devices (until the end of the service life of the articles, subject to review by the department after 1 July 2041); or</li> <li>g. instruments for analysis, measurements, control, monitoring, testing, production and inspection (until the end of the service life of the articles or 1 July 2044, whichever comes earlier).</li> </ul> </li> </ul>
(c) The manufacture of the chemical is prohibited except for research or laboratory purposes.
(d) The import and export of the chemical (whether on its own or in mixtures or in articles) are prohibited except: <ul style="list-style-type: none"> <li>(i) in circumstances where the chemical is present as unintentional trace contamination at a level at which the chemical cannot be meaningfully used (to be reviewed by the department after 1 July 2027); or</li> <li>(ii) for research or laboratory purposes; or</li> <li>(iii) if a hazardous waste permit authorises the import or export of the chemical or a mixture or an article containing the chemical; or</li> <li>(iv) for motor vehicles that contain the chemical, that were manufactured before 1 July 2026; or</li> <li>(v) for the purpose of an essential use.</li> </ul>
(e) The use of the chemical (whether on its own or in mixtures or in articles) is prohibited except: <ul style="list-style-type: none"> <li>(i) in circumstances where the chemical is present as unintentional trace contamination at a level at which the chemical cannot be meaningfully used (to be reviewed by the department after 1 July 2027); or</li> <li>(ii) for research or laboratory purposes; or</li> </ul>

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(iii)	in circumstances in which the article is already in use on or before 1 July 2026; or
(iv)	for the purpose of an essential use.
(f)	The import, export and manufacture of the chemical (whether on its own or in mixtures or in articles) must adhere to applicable laws of the Commonwealth for the control of industrial chemicals.
(g)	The use of the chemical (whether on its own or in mixtures or in articles) must adhere to applicable laws of the Commonwealth or of the relevant State for the control of industrial chemicals.
(h)	Importers and manufacturers must determine and provide information on the concentration by weight of the chemical, whether on its own, in a mixture, or in an article to the supply chain.
(i)	Importers, manufacturers and users must keep the following information up-to-date and must produce this information if requested by a relevant agency: <ul style="list-style-type: none"> <li>(i) information on the identity of the chemical, the concentration by weight, and the mixtures and articles it is used in; and</li> <li>(ii) a justification for the use; and</li> <li>(iii) details on the conditions of use and safe disposal.</li> </ul>
(j)	Importers and manufacturers must make the identity and quantity of the chemical placed on the Australian market publicly available and accessible. This information must be updated every year.
(k)	Producers and holders of waste must undertake all reasonably practicable measures to avoid contamination of waste not already containing the chemical with these substances; and must not dilute waste containing the chemical to lower the concentration below relevant waste handling and disposal thresholds.
(l)	Waste consisting of, containing or contaminated with the chemical at a concentration that is equal to, or greater than [100, 500 or 1000] mg/kg (limit to be reviewed by the department by 1 July 2027) must be either: <ul style="list-style-type: none"> <li>(i) treated 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 exhibit Schedule 6 or Schedule 7 risk characteristics, or</li> <li>(ii) managed or disposed of in an environmentally sound manner as authorised under a law of the Commonwealth or a law of a State, where treatment in accordance with subparagraph (i) is not the environmentally preferable option.</li> </ul>
(m)	Waste consisting of, containing or contaminated with the chemical at a concentration that is less than [100, 500 or 1000] mg/kg (limit to be reviewed by the department by 1 July 2027) must be managed or disposed of in an environmentally sound manner as authorised under a law of the Commonwealth or a law of a State.
(n)	Disposal must not lead to recovery, recycling, reclamation or re-use of the chemical, subject to paragraph (o).
(o)	In carrying out disposal, the chemical may be isolated from the waste, provided that it is subsequently disposed of in accordance with paragraphs (l) and (m).
(p)	If an activity in relation to the chemical (whether on its own or in a mixture), or an article containing the chemical, is not permitted under paragraph (c), (d), or (e) a holder of a stockpile of the chemical must: <ul style="list-style-type: none"> <li>(i) notify the relevant agency responsible for environmental protection of the nature and size of the stockpile; and</li> <li>(ii) manage that stockpile as waste in accordance with paragraphs (l) and (m); and</li> <li>(iii) comply with all relevant laws that apply in the relevant jurisdiction.</li> </ul>
(q)	The IChEMS Minimum Standards must be complied with.

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## Terms defined in the Register instrument

The following terms are to be defined in the Register:

**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 nonroutine.

**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*.

**hazardous waste permit** means a permit granted under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* or the *Hazardous Waste (Regulation of Export and Imports) (OECD Decision) Regulations 1996*.

**ICHEMS Minimum Standards** means the minimum standards agreed to by Commonwealth, State and Territory environmental regulators as published by the [Environment] Department and as existing from time to time.

**industrial use** has the same meaning as in the *Industrial Chemicals Act 2019*.

**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.

**unintentional trace contamination** means circumstances where a chemical is present unintentionally and unavoidably below the level specified in the entry for that chemical in this instrument at which the chemical cannot be meaningfully used.

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

Terms defined in the *Industrial Chemicals Environmental Management (Register) Act 2021*

**CAS number** for an industrial chemical has the same meaning as in the *Industrial Chemicals Act 2019*

**end use** for an industrial chemical has the same meaning as in the *Industrial Chemicals Act 2019*.

**Environment Department** means the Department administered by the Minister administering this Act.

**relevant industrial chemical** means:

- (a) a particular industrial chemical; or
- (b) a particular class of industrial chemicals.

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**State** includes the Northern Territory and the Australian Capital Territory.

**Terms defined in the *Industrial Chemicals Act 2019* that influence our intent**

**article** means an object that:

- (a) is produced for use for a particular purpose, being a purpose that requires that the object have a particular shape, surface or design; and
  - (b) is formed to that shape, surface or design during production; and
  - (c) undergoes no change of chemical composition when used for that purpose except as an intrinsic aspect of that use;
- but does not include an object of a kind prescribed by the rules for the purposes of this definition.

**end use**, for an industrial chemical, means a purpose to which the industrial chemical can be applied.

**manufacture** an industrial chemical means do any of the following:

- (a) produce the industrial chemical in the course of a chemical reaction;
  - (b) extract the industrial chemical from a natural environment, with or without chemical change;
  - (c) extract the industrial chemical from a UVCB substance;
  - (d) produce or extract the industrial chemical in circumstances prescribed by the rules for the purposes of this paragraph;
- but does not include producing or extracting the industrial chemical as described in paragraphs (a), (b) or (c) in circumstances prescribed by the rules for the purposes of this definition.

**use**, for an industrial chemical, includes any of the following activities involving the industrial chemical:

- (a) processing;
- (b) formulating;
- (c) storing;
- (d) transporting;
- (e) filling into containers;
- (f) transferring from a container to another container;
- (g) handling;
- (h) mixing;
- (i) sampling and testing;
- (j) producing an article;
- (k) releasing into the environment (with or without prior treatment);

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<p>(l) activities relating to an end use for the industrial chemical;</p> <p>(m) any other activity prescribed by the rules for the purposes of this paragraph;</p> <p>but does not include an activity prescribed by the rules for the purposes of this definition.</p>
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<p>Terms defined in the <i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i></p>
<p><b>disposal</b> means an operation specified in Annex IV to the <a href="#">Basel Convention</a>.</p> <p><b>environmentally sound management</b>, in relation to hazardous waste, has the meaning given by section 4E:</p> <p>a reference in this Act to the <b>environmentally sound management</b> of hazardous waste is a reference to taking all practicable steps to ensure that the waste is managed in a manner that will protect human health, and the environment, against the adverse effects that may result from the waste.</p> <p><b>hazardous waste export permit</b> means a permit under section 17 (<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>) permitting the export of hazardous waste.</p> <p><b>hazardous waste import permit</b> means a permit under section 17 (<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>) permitting the import of hazardous waste.</p> <p><b>waste</b> means a substance or object that:</p> <p>(a) is proposed to be disposed of; or</p> <p>(b) is disposed of; or</p> <p>(c) is required by a law of the Commonwealth, a State or a Territory to be disposed of.</p>