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

|  |
| --- |
| **Relevant industrial chemical** |
| Class name: Perfluorooctanoic acid (PFOA), including any of its branched isomers, its salts and any related compound that contains a linear or branched perfluoroheptyl (C7F~~H~~15C) group and which can degrade to linear or branched PFOA. Notwithstanding the above, the following are not PFOA-related compounds:  (i) C8F17-X, where X = F, Cl, Br;  (ii) fluoropolymers that are covered by CF3 [CF2]n-R’, where R’=any group, n >16;  (iii) perfluoroalkyl carboxylic acids and their derivatives with ≥ 8 perfluorinated carbons;  (iv) perfluoroalkane sulfonic acids and perfluoro phosphonic acids and their derivatives with ≥ 9 perfluorinated carbons;  (v) perfluorooctane sulfonic acid and its derivatives (PFOS), as listed in this register. |
| **Risk management measures including prohibitions and restrictions** |
| (a) This entry comes into effect on 1 July 2025. |
| (b) The import, export and manufacture of the chemical (whether on its own or in mixtures or in articles) are prohibited except: |
| (i) in circumstances where the chemical is present as unintentional trace contamination at the following levels (to be reviewed by the department by 1 July 2027):  (a) a level equal to or below 0.025 mg/kg for PFOA and its salts; or  (b) a level equal to or below 1 mg/kg for any individual PFOA-related compound or a combination of PFOA-related compounds; or  (c) a level equal to or below 0.8 mg/kg for PFOA and its salts present in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) when already installed in systems, including both mobile and fixed systems; or |
| (ii) for research or laboratory purposes; or |
| (iii) if a hazardous waste permit authorises the import or export of the chemical. |
| (c) The use of the chemical (whether on its own or in mixtures or in articles), is prohibited except: |
| (i) in circumstances where the chemical is present as unintentional trace contamination at the following levels (to be reviewed by the department by 1 July 2027):  (a) a level equal to or below 0.025 mg/kg for PFOA and its salts; or  (b) a level equal to or below 1 mg/kg for any individual PFOA-related compound or a combination of PFOA-related compounds; or  (c) a level equal to or below 0.8 mg/kg for PFOA and its salts present in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) when already installed in systems, including both mobile and fixed systems; or |
| (ii) for research or laboratory purposes; or |
| (iii) in circumstances in which the article is already in use on or before 1 July 2025. |
| **(d) Producers and holders of waste must undertake all reasonably practicable measures to avoid contamination of non-PFOA waste with this chemical and must not dilute PFOA waste to lower the PFOA concentration below relevant waste handling and disposal thresholds.** |
| **(e) Waste consisting of, containing or contaminated by the chemical at a concentration that is equal to, or greater than, 1 mg/kg for PFOA and its salts or 40 mg/kg for the sum of PFOA–related compounds must be either:**  **(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**  **(ii) ~~stored~~ 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.** |
| **(f) Waste containing or contaminated by the chemical at a concentration of less than 1 mg/kg for PFOA and its salts or 40 mg/kg for the sum of PFOA-related compounds 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.** |
| **(g) Disposal of waste must not lead to recovery, recycling, reclamation or re-use of the chemical, subject to paragraph (h).** |
| **(h) In carrying out disposal, the chemical may be isolated from the waste, provided that the chemical is subsequently disposed of in accordance with paragraphs (e) and (f).** |
| **(i) If an activity in relation to the chemical, or an article containing the chemical, is not permitted under paragraph (b) or (c), a holder of a stockpile of the chemical must:**  **(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 (e) and (f); and**  **(iii) comply with all relevant laws that apply in the relevant jurisdiction.** |
| **(j) The IChEMS Minimum Standards must be complied with.** |

|  |
| --- |
| **Terms defined in the Register instrument** |
| ***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*.  ***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*](https://www.legislation.gov.au/Details/F2022L01436).  ***Schedule 7 risk characteristics*** has the same meaning as in the [*Industrial Chemicals Environmental Management (Register) Principles 2022*](https://www.legislation.gov.au/Details/F2022L01436).  ***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 a set level 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*** |
| ***end use*** for an industrial chemical has the same meaning as in the Industrial Chemicals Act.  ***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.  ***State*** includes the Northern Territory and the Australian Capital Territory. |

|  |
| --- |
| **Terms defined in the *Industrial Chemicals Act 2019*** |
| ***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.  ***industrial use*** means a use other than (or in addition to) one of the following uses:  (a) use as an agricultural chemical product (within the meaning of the Agvet Code) or in the preparation of such a product;  (b) use as a veterinary chemical product (within the meaning of the Agvet Code) or in the preparation of such a product;  (c) use as a substance or mixture of substances mentioned in paragraph 5(4)(a) of the Agvet Code (which deals with substances or mixtures of substances prepared by a pharmacist or veterinary surgeon) or in the preparation of such a substance or mixture of substances;  (d) use as a therapeutic good (within the meaning of the *Therapeutic Goods Act 1989*) or in the preparation of such a good;  (e) use as food intended for consumption by humans or in the preparation of such food;  (f) use as feed intended for consumption by animals or in the preparation of such feed;  (g) any use prescribed by the rules for the purposes of this paragraph.  ***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);  (l) activities relating to an end use for the industrial chemical;  (m) any other activity prescribed by the rules for the purposes of this paragraph;  but does not include an activity prescribed by the rules for the purposes of this definition. |