

PFOS chemicals – DECISION FOR CONSULTATION
[For incorporation in] Industrial Chemicals Environmental Management Register

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: Perfluorooctane sulfonic acid (PFOS), including any of its branched isomers, its salts, perfluorooctane sulfonyl fluoride, and any substance containing a linear or branched perfluorooctane sulfonyl moiety and capable of degrading to PFOS (linear or branched).
Risk management measures including prohibitions and restrictions
(a) This entry comes into effect on 1 July 2025.
(b) The import, manufacture and use of the chemical (whether on its own or in mixtures) are prohibited except:
<p>(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):</p> <p>(a) a level equal to or below 0.025 mg/kg for PFOS and its salts; or</p> <p>(b) a level equal to or below 1 mg/kg for any individual PFOS-related compound or a combination of PFOS-related compounds; or</p> <p>(c) a level equal to or below 0.8 mg/kg for PFOS and its salts present in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) already installed in systems, including both mobile and fixed systems); or</p>
(ii) for research or laboratory purposes; or
(iii) if a hazardous waste import permit authorises the import of the chemical.
(c) The import, manufacture and use of an article containing the chemical are prohibited except:
<p>(i) in circumstances where the chemical is present in the article as unintentional trace contamination at the following levels (to be reviewed by the department by 1 July 2027):</p> <p>(a) a level equal to or below 0.025 mg/kg for PFOS and its salts; or</p> <p>(b) a level equal to or below 1 mg/kg for any individual PFOS-related compound or a combination of PFOS-related compounds; or</p>
(ii) for research or laboratory purposes; or
(iii) if a hazardous waste import permit authorises the import of the article; or
(iv) in circumstances in which the article is already in use on or before 1 July 2025.
(d) The export of the chemical (whether on its own or in mixtures), or an article containing the chemical, is prohibited except:
<p>(i) for the chemical – 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):</p> <p>(a) a level equal to or below 0.025 mg/kg for PFOS and its salts; or</p> <p>(b) a level equal to or below 1 mg/kg for any individual PFOS-related compound or a combination of PFOS-related compounds; or</p>
<p>(ii) for the article – in circumstances where the chemical is present in the article as unintentional trace contamination at the following levels (to be reviewed by the department by 1 July 2027):</p> <p>(a) a level equal to or below 0.025 mg/kg for PFOS and its salts; or</p> <p>(b) a level equal to or below 1 mg/kg for any individual PFOS-related compound or a combination of PFOS-related compounds; or</p>
(iii) if a hazardous waste export permit authorises the export of the chemical or the article.
(e) Producers and holders of waste must undertake all reasonably practicable measures to avoid contamination of non-PFOS waste with this chemical and must not dilute PFOS waste with non-PFOS waste to lower the PFOS concentration below relevant waste handling and disposal thresholds.
(f) Waste consisting of, containing or contaminated by the chemical at a concentration that is equal to, or greater than, 1 mg/kg for PFOS and its salts and 40 mg/kg for the sum of PFOS-related compounds must be either:

<p>(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</p> <p>(ii) stored 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.</p>
<p>(g) Waste containing or contaminated by the chemical at a concentration of less than 1 mg/kg for PFOS and its salts and 40 mg/kg for the sum of PFOS-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.</p>
<p>(h) Disposal of waste 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 the chemical 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>

Terms defined in the Register instrument

The following terms are to be defined in the Register:

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

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 IChEMS 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*.

manufacture 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 a set level at which the chemical cannot be meaningfully used.

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

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.

<p>end use for an industrial chemical, means a purpose to which the industrial chemical can be applied.</p> <p>industrial use means a use other than (or in addition to) one of the following uses:</p> <ul style="list-style-type: none"> (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 <i>Therapeutic Goods Act 1989</i>) 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. <p>manufacture an industrial chemical means do any of the following:</p> <ul style="list-style-type: none"> (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; <p>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.</p> <p>use, for an industrial chemical, includes any of the following activities involving the industrial chemical:</p> <ul style="list-style-type: none"> (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; <p>but does not include an activity prescribed by the rules for the purposes of this definition.</p>
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Terms defined in the <i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>
<p>Disposal means an operation specified in Annex IV to the Basel Convention.</p> <p>hazardous waste export permit 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>hazardous waste import permit means a permit under section 17 (<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>) permitting the import of hazardous waste.</p>

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Waste means a substance or object that:

- (a) is proposed to be disposed of; or
- (b) is disposed of; or
- (c) is required by a law of the Commonwealth, a State or a Territory to be disposed of.