



July 2023

PFAS and PeCB decisions

Questions and Answers

The Minister for the Environment is seeking public comment on the scheduling of four chemicals under the Industrial Chemicals Environmental Management Scheme (IChEMS).

The chemicals are pentachlorobenzene (PeCB) and three per- and polyfluoroalkyl substances (PFAS):

- perfluorooctane sulfonic acid (PFOS)
- perfluorooctanoic acid (PFOA)
- perfluorohexane sulfonic acid (PFHxS)

These chemicals are recognised globally as persistent organic pollutants (POPs) and are listed on the Stockholm Convention. As POPs, these chemicals are known for their toxic properties, ability to persist in the environment and accumulate in food chains, and their risks to the environment and human health. POPs are a priority for scheduling under the IChEMS.

What do these proposed decisions mean?

All four chemicals are proposed for listing in Schedule 7 of the IChEMS Register as they are likely to cause serious or irreversible harm to the environment. Schedule 7 chemicals generally cannot be imported, exported, manufactured or used within Australia.

Some exemptions apply, for example, where the chemical appears in a product or article in trace amounts, or where it is already in use before the decision's date of effect.

For the proposed PFAS decisions, the proposed date of effect is 1 July 2025. This will give stakeholders time to prepare for the prohibitions on these chemicals before they begin.

What sources did you use to develop your proposed decisions?

The proposed decisions draw on established international practices, particularly the European Union's (EU) Regulation on Persistent Organic Pollutants (EU 2019/1021).

The department also sought information from industry, states and territories and the IChEMS Advisory Committee, and used this information to adapt the international regulations for the Australian context.

How did you tailor international regulations to fit Australia?

The EU has well developed regulations for Persistent Organic Pollutants (POPs) including limits for unintentional trace contamination in chemical mixtures and articles, control of waste, and details on essential uses including 'sunset' dates for cessation of those uses.

The EU regulation allows for some time limited essential uses of PFOS and PFOA, which is the equivalent of a Schedule 6 decision under IChEMS. We have instead proposed a Schedule 7 decision (no allowed essential uses) with a date of effect of 1 July 2025. This will allow a similar timeframe for phase out as the EU, with most cessation dates for uses in the EU falling in 2025.

The proposed maximum limits for unintentional trace contamination and for classification of waste have been adopted from the EU regulation, with the exception being the draft PFOS decision. For PFOS, the limits have been aligned with the lower EU limits for PFOA and PFHxS, rather than the higher EU limits for PFOS. This decision to take this approach was based on expert advice.

In addition, a different threshold has been proposed for trace levels in fire-fighting foams, recognising the greater practical difficulties in eliminating PFAS compounds from these products.

A review date has been proposed for trace contamination limits to facilitate reducing the limits as background levels of these chemicals will decrease as they are phased out.

Why not ban all PFAS?

PFAS are a large group of chemicals with many applications. It is not that straightforward to just ban PFAS. PFAS are a group of over 4700 chemicals in circulation globally.

The department proposes to regulate the PFAS compounds currently listed in the Stockholm Convention as a significant step toward phasing out uses of PFAS. These PFAS are of the highest concern internationally and are already being actively phased out in Australia.

In the future, further PFAS compounds may be listed on the Stockholm Convention, and scheduling of these compounds would follow on from listing.

The Australian Government is coordinating further action on PFAS in response to environmental concerns, as detailed in the National PFAS Position Statement and the PFAS National Environmental Management Plan (NEMP).

What about human health?

The primary focus of IChEMS and our department is environmental health, so proposed decisions focus on the environmental risks of these chemicals. Reducing the amount of PFAS chemicals entering the environment will lessen human exposure to these chemicals.

Will you ratify Stockholm Convention-listed PFAS with these decisions?

To ratify listings of chemicals on the Stockholm Convention, Australia must be able to meet specific obligations for managing those chemicals. This means ensuring nationally consistent regulatory controls are in place.

Making scheduling decisions which are then adopted by all jurisdictions will help Australia to meet these requirements. Additional work will need to be undertaken by other parts of the Australian Government to complete the ratification process.

Where can I find more information on IChEMS?

Please visit our [website](#) for more information. You can also visit our page on [IChEMS Scheduling](#) for more information on how scheduling works.