



Mr Dean Knudson
Deputy Secretary
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601

Email: iChEMS.enquiry@dcceew.gov.au

25 October 2023

Dear Mr Knudson

Re: iChEMS brominated flame retardants decisions

Thank you for the opportunity to provide feedback on the proposed Industrial Chemicals Environmental Management Scheme (iChEMS) brominated flame retardants decisions. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$15.8 billion waste and resource recovery (WARR) industry. With more than 2,200 members from over 400 entities nationwide, we represent the breadth and depth of the sector, within business organisations, the three (3) tiers of government, universities, and non-government organisations.

WMRR recognises the addition of three (3) brominated flame retardants (BFRs) chemicals (commercial octaBDE, commercial pentaBDE, and HBCDD) to Schedule 7 and one (1) BFR (Commercial decaBDE) to Schedule 6 of the iChEMS Register aligns with the Stockholm Convention. However, WMRR would argue that the current approach of simply banning a select few chemicals at a time, in the absence of a comprehensive regime or rationale, leads to a 'whack a mole game' as they are replaced by similar non-banned variants that can have equally deleterious impacts. In WMRR's view, the current controls need to extend beyond banning the use in Australian production and manufacturing to include banning the import of products containing these chemicals which will have a greater effect on legacy materials including waste without disproportionately effecting local manufacturing.

Under the current proposal the end-of-life fate for any replacement chemicals needs also to be considered. It cannot be assumed that the WARR industry has the capability to constantly develop new recovery/ processing/ disposal pathways for a rolling list of newly introduced and subsequently banned *molecules* (i.e., chemicals). Mandatory extended producer responsibility schemes need to be in force to ensure that manufacturers and importers have greater responsibility for ensuring that the product they place on market is safe and is in fact capable of being recovered. As well as being required to be financially responsible for the products end of life pathway, ideally including returning to the productive economy.

WMRR continues to call on the federal government to prioritise a national phase-out of all Persistent Organic Pollutants (POPs), as well adopting a European Union (EU) style labelling scheme for all products that currently contain these POPs. In our view it is highly problematic the government continues to not require manufactures to alert consumers to the fact their products contain chemicals that are of such concern globally they have been banned for over a decade. WMRR is also seeking the development of a national program that requires all manufacturers – local and import – to report and identify hazardous chemicals within the products they produce and supply. Both these required initiatives are similar to, for example, the EU's Register, Authorisation and Restriction of Chemicals (REACH) program as well as the Classification Labelling and Packaging (CLP) initiative, which requires identification of all material to enable consumers to make an informed choice.

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It is important to note in Europe, the Stockholm Convention is part of a holistic system that manages the generation, design and management of materials, including those containing hazardous materials through to end-of-life. The Stockholm Convention, unlike iChEMS, forms part of a holistic system including the Waste Directives, the Register of Hazardous Substances (RoHS), the CLP and REACH programs. WMRR continues to advocate that Australia needs a consistent and comprehensive national framework on how to manage these POPs across the supply chain given that we know the WARR sector will have to manage these materials for the foreseeable future. It is deeply disappointing that with positive comprehensive examples of how to implement effective policies overseas, Australia continues with such a limited approach. This fails to assist consumers understanding what they are purchasing, nor requires manufacturers/ importers to ensure that their products are in fact safe for consumption.

As noted in the supplied Q&A document "... contaminated waste will need to be managed or stored in an environmentally safe way, according to the laws of the relevant jurisdiction." Without national guidance individual regulators will be required to set their own limits and as PFAS (Polyfluoroalkyl Substances) is demonstrating this is resulting in unrealistic and inconsistent contamination levels. The Commonwealth must take an urgent lead to turn off the tap supplying these chemicals to Australia, instead of focusing on downstream operators who are already feeling the legacy waste burden. There is a real risk of making Australia the dumping ground for such materials and products that cannot be supplied into other markets.

Please do not hesitate to contact the undersigned to discuss further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gayle Sloan'.

Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia

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