



Notification of a facility producing Unscheduled Discrete Organic Chemicals

Notification Guide

When is a notification required?

Section 28(6) of the *Chemical Weapons (Prohibition) Act 1994* requires the operator of a facility (plant site) to make a notification if the amount of unscheduled discrete organic chemicals produced at the facility was more than 200 tonnes in the previous year, or if an individual plant at the facility produced during the year more than 30 tonnes of an unscheduled discrete organic chemical containing one or more of the elements phosphorus, sulphur or fluorine.

Notifications are made once each year, in respect of activities during the previous calendar year, using the form referred to in this guide. Notifications must be made by the end of February each year.

A *Discrete Organic Chemical (DOC)* is defined under the Chemical Weapons Convention (CWC) as any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulphides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service (CAS) registry number, if assigned. Long chain polymers are not included in this definition. An 'unscheduled DOC' is one not included in the CWC Schedules.

Production of a DOC is its formation through a chemical reaction. Some activities normally referred to in industry as 'formulation', do involve chemical reaction and may require notification. Production of a DOC as an intermediate in, or as a byproduct of, a process should also be notified.

There are specific exemptions from notification requirements. Facilities producing hydrocarbons (e.g., petroleum refineries) do not need to make a notification, if they don't produce DOCs other than hydrocarbons. Facilities producing only explosives are also exempt, if DOC intermediates which are not explosives are not produced. Production of long chain polymers is also excluded, however production of DOCs (other than hydrocarbons) as intermediates in such processes is not excluded.

The term 'PSF chemicals' used in the notification form refers to DOCs containing one or more of the elements phosphorus, sulphur or fluorine.

Please contact either the Head of CWCO on either 02 6261 1914 or 02 6261 1920 if you are in any doubt regarding the need to make a notification, or if you have any queries.

How to complete the notification form

The form has been designed to minimise the need for the notifier to enter new data, where CWCO holds existing records. Existing data will be shown in the left hand column. Corrections or updates should be written alongside in the right hand column, as should all details for any new notification.

When you have completed the form, please sign the declaration on the last page and return the form to CWCO. The *Chemical Weapons (Prohibition) Act* prescribes penalties for provision of false or misleading information, and for failing to make a notification where one is required.

Confidentiality

The main purpose of collecting this information is to enable CWCO to prepare declarations to be provided to the Organization for the Prohibition of Chemical Weapons (OPCW). Each country which is a party to the CWC must make these declarations as a part of measures to provide assurance that the country is

complying with its obligations under the Convention. While the information sought in the form will be used by CWCO in preparing declarations, certain details will not be explicitly included. Production quantity figures will be declared as a range (eg. 1 000-10 000 tonnes) for the plant site, and for each PSF plant at the site. Individual chemicals will not be identified. (CWCO requires the more detailed information to help ensure declarations are accurate).

The CWC contains strict measures for the protection of information provided to the OPCW. The principle guiding these measures is that it is only to fulfil obligations under the Convention that information and data can be used or disseminated by the OPCW or requested by any other country. This is reflected in the *Chemical Weapons (Prohibition) Act*, which prescribes criminal penalties for unauthorised release of information by CWCO officers.

To help create transparency, and confidence in the CWC, the Convention provides that certain information be made available, if requested, to the CWCO's counterparts in other countries which are party to the CWC. Australian information disclosed following such a request must also be protected by the CWCO's counterpart with the level of confidentiality specified by the CWCO. For DOC facilities, the data which will be made available are a list of plant sites, their location, name of the operator and the number of relevant plants at each site.

If there is any particular aspect of the information you provide which you believe requires special protection, the level of protection sought should be based on the OPCW criteria set out below. Please describe the information to be protected against the classifications at item 17 on the form. If you do indicate that certain details require particular protection, CWCO will not include these in the reminder sent to you for the following year's notification. The OPCW's classification categories are :

"OPCW Restricted"	information for which unauthorised disclosure <i>would be prejudicial</i> to the interests of Australia, or of a commercial or governmental body or citizen
"OPCW Protected"	information for which unauthorised disclosure may <i>cause substantial damage</i> to the interests of Australia, or of a commercial or governmental body or citizen
"OPCW Highly Protected"	information for which unauthorised disclosure would <i>cause serious damage from the point of view of national security or commercial secrecy</i> , to the interests of Australia or of a commercial or governmental body or citizen

Definitions

The following definitions are provided for guidance, and are based on the more detailed definitions specified in the *Chemical Weapons (Prohibition) Act 1994* and the CWC.

- A *plant site*, is the local integration of one or more *plants*, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure. The term *facility*, when related to production of discrete organic chemicals, has the same meaning as *plant site*.
- A *plant* means a relatively self-contained area, structure or building containing one or more *units* with auxiliary and associated infrastructure. (A *unit* means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.)
- *Production* of a chemical is its formation through chemical reaction. Production of chemicals should be reported, even if produced as intermediates and irrespective of whether or not they are isolated.