

# Partnership-based approach to national chemicals management

## Case study from Australia: NICNAS Community Engagement Charter

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SAICM recommends that chemical management adopts a ‘transparent and open implementation process, and public participation in decision-making’. It is difficult to contemplate valid reasons for managing chemicals (or anything else), in any other way. This approach is a potent tool for promoting harmonious democracy, and hence is a key to civil society. It also provides an effective way to protect the health of the public, workers, vulnerable groups and the environment from the harmful effect of chemicals.

The question then arises ‘How do you effectively engage the public?’ Presented here is the case study of the NICNAS approach to public participation; its Community Engagement Forum (CEF), Community Engagement Charter (CEC), and how this has been applied to a significant policy review, the Existing Chemical Review Program (ECR). Success in attracting community participation hinges upon many factors; the background level of public trust in bureaucracies, a commitment to the process which must permeate the entire organisation, executive support to sufficiently resource the process, leadership and the skills of diplomacy and patience among the key players.

### Australia’s Chemical Management Framework <sup>1</sup>

Chemical Category	Industrial	Therapeutic	Agricultural & Veterinary	Food & Contaminants
	Industrial, cosmetics, antibacterial skin cleansers	Medicines	Agricultural & Veterinary, Insect repellents	Foods, food additives
<b>Lead Agency</b>	NICNAS (National Industrial Chemicals Notification & Assessment Scheme)	TGA Therapeutic Goods Administration	APVMA Agricultural & Pesticide Management Authority	FSANZ Food Standards Australia New Zealand
<b>Legislative role</b>	ASSESS ONLY	ASSESS & REGISTER	ASSESS & REGISTER	ASSESS & APPROVE
<b>Portfolio</b>	(Office of Chemical Safety within TGA) ⇒⇒ HEALTH	⇒ HEALTH	⇒ AGRICULTURE	⇒ HEALTH

Adapted from: *Towards Ecologically Sustainable Management of Chemicals in Australia - Scoping Paper* - Report of the Environment Protection and Heritage Council National Chemicals Taskforce - March 2003

Chemical management in Australia is performed by four lead agencies as per the table above. The Australian Inventory of Chemical Substances (AICS) lists more than 38,000 chemicals available for use in Australia, and NICNAS (National Industrial Chemicals Notification and Assessment Scheme) carries responsibility for assessing and making recommendations to State agencies on industrial chemicals. Paints, cosmetics, sunscreens, and antibacterial skin cleansers also fall under the realm of NICNAS. All new chemicals are assessed, and the chemicals registered prior to establishment of NICNAS in 1990, are prioritised on the basis of concerns about their safety on health and environmental grounds and assessed via the Existing Chemical Review Program.

The Overarching Policy Strategy flowing from the commitments expressed in the Dubai Declaration on International Chemicals Management stressed that involvement of all relevant stakeholders is essential to achieving sound chemicals management<sup>2</sup>. NICNAS directly links to government, industry and the community stakeholder groups via three dedicated committees, which provide a formal process that enables these key stakeholders to enter into dialogue about chemical safety issues. The relevant government agencies meet through the States and Territories Memorandum of Understanding Group. Liaison with the chemical industry occurs through the Industry Government Consultative Committee, and public dialogue is facilitated through the CEF. The default position for these three sectors inherently creates tensions for NICNAS as their agendas often conflict. This is where commitment to the process of community participation, and diplomatic skills of the NICNAS team are tested.

## Community Engagement Forum (CEF)

Established in late 2003, the CEF arose as part of a wider initiative to reform the management of low regulatory concern chemicals in Australia. Its role has since consolidated to assist NICNAS in improving public access to chemical safety information, to enable interested people and key stakeholders to have input into chemical management policies and decision-making, and to specifically address aspects of the community's right-to-know, in relation to the control and use of industrial chemicals. The CEF meets twice yearly, with additional meetings as per the dictates of the committee work program. NICNAS funds travel and accommodation costs, and remunerates CEF members for their committee work if they are not otherwise salaried.

Six members from peak national bodies are appointed to the CEF by the Minister for Health and Ageing via his Parliamentary Secretary. Selection criteria are based on expertise and knowledge of industrial chemicals in a regulatory context, an understanding of community concerns, the ability to represent a broad cross-section of civil society, and have the confidence of the community and constituents they represent. Two members represent environmental interests, two represent workers' interests (through the Australian peak union council), and two members advocate for public health.

Eliciting community input is in itself a difficult task. NGOs are grossly under-resourced, and run on volunteerism. Against a climate of decreasing professional discretionary time, it is becoming increasingly difficult to engage people who are stressed in their main employment and time-short. Unions are similarly under-resourced. The CEF recognises the difficulties associated with opening the policy process to incorporate the input of civil society, and with instituting and resourcing meaningful dialogue, and congratulates NICNAS on its willingness to embark on this path. It is in this recognition that the CEF is keen to continue assisting NICNAS in furthering this aim.

## Community Engagement Charter (CEC)

The CEF reviews NICNAS organisational programs, and provides technical input to working groups. A major project of the CEF was to support the development of the NICNAS CEC in 2005. This Charter sets out the guiding principles for NICNAS to engage with the community. These include:

- a shared commitment to the process of engagement
- NICNAS's commitment to consensus
- feedback mechanisms
- accountability
- openness, procedural fairness and equity
- facilitating open access to information, expertise and NICNAS personnel

- timeliness of decision-making and information delivery, and
- clarity of roles and responsibilities.

Abiding by the CEC also necessitates that NICNAS establish realistic timeframes, organise the engagement process into achievable measurable units, identify resources and resource the engagement, as well as monitoring and providing, plus encouraging and accepting, feedback.

Without doubt, the Australian public endorses the adoption of Charters of Community Engagement by government authorities and organisations. However agencies face certain challenges when attempting to implement such a charter. Endorsement by community segments is moderated by the level of public trust, and this has eroded over recent years in Australia as a climate of silencing dissent has evolved<sup>3</sup>. Unions and non-government organisations have a long history of attempting to engage with various government bodies, which have met with variable success, leaving a strong sense of suspicion in organisations' a) willingness to fully engage with community stakeholders, and b) commitment to elevating community concerns to match the level of regard held for the interests of the commercial and industry sectors. In light of this trend the efforts of NICNAS are to be lauded.

## Existing Chemicals Review Program (ECR)

Reversal of such suspicions takes considerable time and an unyielding demonstration of competency and genuine enthusiasm by the organisation in question to abide guiding principles as outlined in the Charter of Community Engagement. NICNAS has made steady progress towards this end. In November 2003 NICNAS commenced its review of the ECR, which has received criticism for being slow and cumbersome, and consequently only a handful of PECs have thus far been reviewed. NICNAS has embarked upon this review in the spirit of SAICM by incorporating the principles and protocols outlined in the Engagement Charter.

Assessment of the safety of existing chemicals is a central plank in the chemical safety framework. Strategies for ensuring community participation in reviewing the ECR program were implemented in a collaborative framework. The CEF appointed two members to a Review Steering Committee to oversight the review process. It also nominated persons with technical expertise to represent the CEF on the working groups charged with providing the detailed technical information required to develop the review document and recommendations for discussion.

The CEF was also intrinsically involved in designing strategies for NICNAS to effectively engage community members, workers and their unions, environmentalists and health care providers to contribute to the process of review. CEF members were invited to provide extensive contact lists of individuals and stakeholder groups holding an interest in chemical safety, to directly receive the discussion paper and personal invitations to a series of community meetings held across the nation. NICNAS accommodated CEF recommendations regarding the nature of venues, timing, and structure of the sessions, and was generally receptive to all suggestions designed to maximise participation. The public meetings were widely advertised and notice of the community consultation phase was posted on the NICNAS website, allowing for downloading of the discussion paper and background information. To capture the views of those unable to attend meetings, the website also allowed for online submissions. (Australia has one of the world's highest levels of Internet access). NICNAS staff and CEF members jointly led the meetings explaining the proposals, facilitating the discussion and recording community comments, suggestions and concerns.

Seeking the perspectives of civil society is but the first step towards achieving full participation, and NICNAS has demonstrated commitment to this. NICNAS must now

incorporate these submissions into the revised policy and protocols. This may present challenges if the expressed views of occupational health and safety officers, parents, workers, and environmentalists unite in pressing for changes that are staunchly resisted by the chemical manufacturers and industry.

This is where the diplomacy, negotiation and conciliation skills of NICNAS will again be tested. Stakeholders all bring agendas to the table, and will press for their wishes to be met. This is to be expected, it is a fundamental human condition, as we have evolved by advancing our perceived needs. In a truly civil society, human rights must take priority and sustainability of human and environmental health are paramount. However, a society that enjoys the benefits afforded by the use of chemicals, such as cars, computers, paints, cosmetics and sunscreens, must also acknowledge the position and needs of industry. A pathway that balances risks and benefits must therefore be found. In the spirit of reason, based on scientific evidence, and taking a precautionary approach when doubt exists, NICNAS and its industry and community partners work to reach a position that is acceptable to all sectors.

It is this common goal that we strive to reach. The road so far has not been without problems and misunderstandings, and more can be expected, but good progress has been made. The significant feature is the shared commitment to this pathway and a willingness to resolve issues. Reviewing the existing chemical program is but one brick in the chemical management framework, and NICNAS has fostered an organisational reorientation to incorporate a partnership approach with civil society. NICNAS, and the other Australian chemical regulatory authorities now need continue in this vein, and roll out the principles recommended in SAICM. The Australian public are keen to see strong government commitment towards reducing the negative impact of chemicals by introducing strategies to actively encourage the shift to safer or fewer chemicals, and ensuring that safe practices are implemented at all stages of the chemical life cycle. The CEF recognises the difficulties associated with opening the policy process to incorporate the input of civil society, and with instituting and resourcing meaningful dialogue, and congratulates NICNAS on its willingness to embark on this path. It is in this recognition that the CEF is keen to continue assisting NICNAS in furthering this aim.

Development of a Community Engagement Charter which is then embraced as the core corporate philosophy to underpin all actions and decision-making, is essential to good corporate citizenship in a civil society. Although difficult at times, abiding the Charter principles is the key to achieving a transparent and open implementation process, and public participation in decision-making, and it is axiomatic that civil society must contribute to the creation of the Charter. The NICNAS approach of appointing a Community Engagement Forum has proven a successful model to achieve this end.

## References

1. EPHC National Chemicals Taskforce. *Towards Ecologically Sustainable Management of Chemicals in Australia - Scoping Paper*. June 2003 ed. Canberra: Environment Protection and Heritage Council (EPHC), 2003.
2. Strategic Approach to International Chemicals Management. *Strategic Approach to International Chemicals Management Comprising the Dubai Declaration on International Chemicals Management, the Overarching Policy Statement and the Global Plan of Action*. Geneva: UNITAR, 2006.
3. Maddison S, Denniss R, Hamilton C. *Silencing Dissent: Non-government organisations and Australian democracy*. Discussion Paper Number 65: The Australia Institute, 2004.