Stainless Steel 'Hydrofluoric Acid Scheduling' Changes to drugs and poisons schedules

Hydrofluoric acid is an aggressive substance used in the stainless steel industry, usually to assist in removal of scale and the chrome depleted layer associated with welds.

Changes to the National Drugs and Poisons Schedule in 2002 brought hydrofluoric acid (HF) into focus.

Products containing HF in concentrations greater than one percent (1%) now attract a National Drugs and Poisons Schedule 7 listing. In many states, this has implications for licence and permit requirements. Further information on the background of rescheduling HF from a Schedule 6 to a Schedule 7 poison can be found at: www.tga.gov.au/archive/committees-ndpsc-reocrd-30.htm

The implications of this change for people purchasing and using "pickling pastes" (usually incorporating HF at concentrations between 3% and 5%) and other pickling materials containing HF, and for persons selling these materials, are briefly described below on a state by state basis. The descriptions are based on verbal and in some cases written discussion with the departmental office in each state or territory and are not provided as definitive statements on your responsibilities. Also included are contact details for Public Health Authorities in each state. If you use or trade HF-containing products, ASSDA strongly suggests you contact state authorities for further information, licence applications etc.

ASSDA made representation to the National Drugs and Poisons Scheduling Committee which ultimately led to a change in the regulatory requirements in New South Wales. This change is reflected below.

It is likely however that there are conditions which must be met right now to buy and sell HF products in most states. Although in some cases licences and permits are inexpensive, there is still paperwork to be completed and additional checks to be implemented in organisations handling these products.

Failure to comply with these laws may trigger various legal alternatives open to state authorities. Failure to obtain the relevant licence or permit may also have implications for an organisation's insurance cover or other risk management arrangements.

ASSDA urges you to examine your responsibilities and maintain compliance with appropriate laws.

IMPORTANT QUALIFICATION
These are general observations by ASSDA following general discussions with regulatory authorities and are not intended to be definitive advice.

In most instances there are specific requirements under the terms of the licences which need to be met or demonstrated. Terms such as "wholesale", "retail" and "user" appear to have slightly different meaning from state to state and you should seek clarity over the type of licence your company requires.

ASSDA accepts no responsibility for an opinion expressed, for any error or omission occurring herein.

AUSTRALIAN CAPITAL TERRITORY (ACT)

Pharmaceutical Services, Health Protection Service
ACT Government Health

t 02 6205 1700
e hps@act.gov.au
w www.health.act.gov.au

Sellers or manufacturers of Schedule 7 poisons require a licence, issued by the Minister (of Health), to possess a Schedule 7 substance. The current licence fee is from $322 per year. Schedule 7 substances must be securely stored at all times and any sales must be recorded in a poisons register.

NEW SOUTH WALES (NSW)

Pharmaceutical Services Branch
New South Wales Health

t 02 9879 3214
e pharmserv@doh.health.nsw.gov.au
w www.health.nsw.gov.au

Purchaser is required to obtain and/or use an "Authority" to buy a Schedule 7 poison unless the substance is intended for non-domestic use (ie. for industrial, commercial or trade purposes). There is no cost for obtaining authority.

NORTHERN TERRITORY (NT)

Poisons Control
Department of Health, Northern Territory

t 08 8922 7341
w www.health.nt.gov.au

Manufacturers and wholesalers require a licence and must comply with requirements of the licence (which includes rules for storage, sale and record keeping). A retailer also requires a licence with similar requirements.

A user requires a legal authority for which there is no fee, but for which there are requirements. For information about fees, authorisations and application forms, contact 08 8922 7341.

QUEENSLAND (QLD)

Drug and Poisons Policy and Regulation Unit
Environmental Health Branch
Public Health Queensland

t 07 3328 9310
e ehu@health.qld.gov.au
w www.health.qld.gov.au

A Schedule 7 poison may only be sold by a person who has been licenced by the Chief Executive Officer to do so.

A licensee must ensure all Schedule 7 poisons are stored in a locked receptacle or storeroom, and keep personal possession of the key or ensure the key is in the personal possession of another responsible adult authorised by the licensee.

A licensee must make accurate records of all sales of Schedule 7 poisons. These records may be made in the form of an entry in a poisons sales book, or by giving the purchaser an invoice that has a unique number. The following details must be recorded.

- Date of sale
- Name and quantity or volume of the poison sold
- Purpose for which the poison is required
- Purchaser's name and address
- If the purchaser buys the poison in person - the purchaser's signature
- If the order was a telephone or written order - a note about the way the order was placed.

Usually a licensed wholesaler may not sell by retail. However, a licensed wholesaler may sell a Schedule 7 poison by retail to a person who uses the poison in a technical process connected with the person's business, industry or trade. The wholesaler must give the purchaser an invoice that has a unique number and states:

- Date of sale
- Purchaser's name and address
- Name and quantity of the poison sold
- All records must be kept for two (2) years.

The application fee for a licence to sell a Schedule 7 poison is $265 and the renewal fee is $159. The application fee for a licence to manufacture a Schedule 7 poison is $562.50, and the renewal fee is $456.50 a year.

SOUTH AUSTRALIA (SA)

Drugs and Poisons, Pharamceutical Services and Strategy
Department of Health

t 08 8226 7100
e pharmacy@health.sa.gov.au
w www.sahealth.sa.gov.au

Wholesalers of Schedule 7 poisons are required to be licensed. The licence fee is $171 for 1 year. The licence fee to manufacture Schedule 7 is $255. Please note, fees change on 1 July annually. There are requirements for record-keeping associated with the licence. Contact the SA Department of Health for further details and applications.

TASMANIA (TAS)

Pharmaceutical Services Branch
Department of Health and Human Resources, Tasmania

t 03 6233 2064
e hps@act.gov.au
w www.dhhs.tas.gov.au/psbtas/

Licences are required by sellers of a Schedule 7 poison and by all purchasers.

VICTORIA (VIC)

Drugs and Poisons Regulation
Department of Health, Victoria

t 1300 364 545 or 03 9096 1067
e dpu@health.vic.gov.au
w www.health.vic.gov.au/dpu/

Manufacturers and wholesalers require a licence to trade Schedule 7 poisons. A licence to manufacture a Schedule 7 poison costs $695.30 for the first year and $245.60 for subsequent years. Manufacturing the product is defined to include all activities such as preparing for sale, repackaging, relabelling etc.

WESTERN AUSTRALIA (WA)

Pharmaceutical Service Branch
Disaster Management, Regulation and Planning Directorate
Department of Health, Western Australia

t 08 9222 6883
e poisons@health.wa.gov.au
w www.public.health.wa.gov.au

Licences to sell and permits to use are required for Schedule 7 poisons. Application for a wholesaler's licence costs $600. To apply for a permit to use the product, the cost is $200.

In both cases, separate applications forms are required for both the general application for a Schedule 7 poison and a specific hydrofluoric acid application.

In addition, depending on whether the application is for wholesale or use, various requirements must be met and experience must be demonstrated in those applications.