



DEPARTMENT OF CUSTOMS AND EXCISE

Customs and Excise Notice

(GUST 11/12)

AMENDMENT OF THE CUSTOMS (PROHIBITED IMPORTS) REGULATIONS

POLYCHLORINATED BIIPHENYLS (PCBs) AND GOODS CONTAINING SUCH SUBSTANCES

Statutory Rules 1973 No. 89 notified in the Commonwealth Gazette of 17 May 1973 amend the above-mentioned Regulations by inserting a new regulation (4A) to prohibit, except with the consent of the Minister, importation of -

- (a) substances obtained by chlorinating biphenyls; and
- (b) goods containing substances obtained by chlorinating biphenyls.

2. The prohibition is designed to give effect to part of an Agreement recently reached by member countries of the Organisation for Economic Co-operation and Development to control the manufacture and trade of polychlorinated biphenyls the use of which may lead to contamination of the environment. A copy of the Agreement, may be perused, by arrangement, at Customs Houses in the main ports.

GENERAL DESCRIPTION OF PCBs AND REASONS FOR CONTROL

3. Polychlorinated biphenyls, (generally referred to as PCBs), are a group of compounds widely used particularly because of their dielectric properties and non-inflammability. Some of these compounds are highly toxic, have a wide dispersal, are persistent in the environment and have a tendency to accumulate in food chains.

4. Hazard to the environment and to human health stems from contamination through industrial accident, incomplete destruction of waste material, absorption into food from inks, paints or plastic wrappers containing PCBs, from wrappings made from certain recycled copying papers or by the occurrence in milk from cows given feed contaminated by PCBs through herbicides etc.

5. Under the Agreement, member countries are required to restrict the use of PCBs to specified approved purposes and to give priority to eliminating their use for purposes for which there are suitable alternatives.

BULK PCBs

6. Permission to import PCBs in bulk will be given by Collectors -

(a) only for the following purposes -

- dielectric fluids for transformers or large power factor correction capacitors
- heat transfer fluids other than in installations for processing of food, drugs, feed and veterinary products
- hydraulic fluids in mining equipment; and

(b) subject to security or undertaking being furnished that -

- the goods will not be used for any purpose other than that for which the approval has been given
- records of receipt, use and/or disposal will be kept in an approved manner
- evidence of use and/or disposal in respect of each shipment received will be furnished supported by statutory declaration

PRODUCTS AND ARTICLES CONTAINING PCBs

5. Permissions to import products and articles in which bulk PCBs are approved for use, (see paragraph 4(a)), will be given by Collectors.

ARRANGEMENTS FOR PHASING OUT CERTAIN OTHER USES AND PRODUCTS

6. Capacitors: As the Agreement recommends that member countries work towards eliminating PCBs in small capacitors, special approvals to import (see paragraph 7) will be required to be obtained for bulk PCBs for this purpose or for capacitors, (other than large power correction types), containing PCBs.

Other Applications: Under the Recommendation, priority attention is to be given to eliminating PCBs in the following applications -

- heat transfer fluids in the food, pharmaceutical, feed and veterinary industries
- plasticizers for paints, inks, copying paper, adhesives, sealants
- hydraulic liquids, other than in mining; lubricating oils
- vacuum fluids; cutting oils
- pesticides

Accordingly, importations of PCBs for any of the above purposes, or of articles falling within any of the above categories, will be prohibited unless covered by a special approval to import (see paragraph 7).

SPECIAL APPROVALS TO IMPORT

7. In the initial stages of the control, special approvals for limited periods may be given in those cases where an importer or manufacturer can demonstrate genuine difficulty in locating or arranging the supply of alternative equivalent raw materials, products or articles which do not contain PCBs.

8. Applications setting out full details of the raw materials, products or articles and reasons for seeking special consideration are to be lodged with the Assistant Comptroller-General Imports/Exports, Department of Customs and Excise, Canberra. A.C.T. 2600.

9. Goods in Transit

The Minister has approved the importation of -

- goods in transit to Australia as at 17 May 1973
- goods covered by irrevocable letter of credit of 17 May 1973

CANBERRA, A.C.T.

18/5/73

(Valid to 30/9/73 - Imports/Exports. CG 73/431)

H.A. Forbes
Acting Comptroller-General