



## **Production of Schedule 1 chemicals: Research Facility Permit Application/Renewal & Notification Guide**

### **When is a permit application or renewal required ?**

Section 16(1) of the *Chemical Weapons (Prohibition) Act 1994* requires the operator of a facility to obtain a permit to operate the facility during a particular calendar year if Schedule 1 chemicals (other than excluded Schedule 1 chemicals) are likely to be produced, acquired, retained or used at, or transferred from, the facility during the year. (A listing of CWC Schedule 1 chemicals is attached to this guide).

For the purposes of subsection (1), Schedule 1 chemicals are excluded chemicals in relation to a facility and to a year if:

- (a) the total amount of those chemicals likely to be acquired, retained or used at, or transferred from, the facility during the year does not exceed 100 grams; and
- (b) Schedule 1 chemicals will not be produced at the facility during that year; and
- (c) the Schedule 1 chemicals are intended only to be put to research, medical or pharmaceutical purposes.

### **Application for a permit to operate a Research Facility**

Section 19(5) of the *Chemical Weapons (Prohibition) Act* allows for an application to be made to operate a research facility, provided that the total quantity of Schedule 1 chemicals to be produced during the calendar year is less than 10 kilograms, and that all Schedule 1 chemicals produced will be used for research, medical or pharmaceutical purposes only.

Application to renew a research facility permit for a calendar year must be made before 15 October in the preceding year. To apply for a permit or renewal of a permit, use the form referred to in this guide.

The *Chemical Weapons (Prohibition) Act* prescribes penalties for operating a facility without a permit, if one is required.

### **When is a notification required ?**

Section 28 of the *Chemical Weapons (Prohibition) Act* requires the operator of a facility to make a notification if a permit to operate the facility during a particular year is or was held in accordance with a requirement of subsection 16(1) but there is no requirement for such a permit under that subsection in respect of the next year. Notification must be made before 15 September in the year, or before 15 October if the facility was not included in Australia's declarations to the OPCW (see below).

To make a notification, use the form referred to in this guide, although questions 12 to 18 do not need to be answered.

### **Declarations to the Organisation for the Prohibition of Chemical Weapons (OPCW)**

The main purpose of collecting this information is to enable CWCO to prepare declarations to be provided to the 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.

Facilities producing Schedule 1 chemicals for research, medical or pharmaceutical purposes in quantities less than 100 grams in total per year will not be declared to the OPCW, though such facilities still require a permit under the *Chemical Weapons (Prohibition) Act*. If a research facility, however, expects to produce more than 100 grams in total of Schedule 1 chemicals in any calendar year, then the CWCO must be notified at least 180 days prior to the anticipated date of production so that Australia's CWC obligations continue to be fully met.

### **Confidentiality**

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. This includes all information contained in both the initial and annual declarations.

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 19 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 permit renewal. The OPCW's classification categories are :

"OPCW <b>R</b> estricted"	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 <b>P</b> rotected"	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 <b>H</b> ighly 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

### **On completing the form**

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.

If you have any queries, please contact the Head of CWCO on either (02) 6261 1914 or (02) 6261 1920.

## Schedule 1 Chemicals

Schedule 1 Chemicals <i>(some common or trade names are shown in italics following the relevant chemical name)</i>	CAS Number	Import Tariff / Statistical Code
1. O-Alkyl ( $\leq C_{10}$ , including cycloalkyl) alkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr) phosphonofluoridates. eg:		2931.00.90.05
- Sarin: <i>O</i> -Isopropyl methylphosphonofluoridate	107-44-8	2931.00.90.03
- Soman: <i>O</i> -Pinacolyl methylphosphonofluoridate	96-64-0	2931.00.90.04
2. <i>O</i> -Alkyl ( $\leq C_{10}$ , including cycloalkyl) <i>N,N</i> -dialkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr)-phosphoramidocyanidates. eg:		2931.00.90.11
- Tabun: <i>O</i> -Ethyl <i>N,N</i> -dimethyl phosphoramidocyanidate	77-81-6	2931.00.90.10
3. <i>O</i> -Alkyl (H or $\leq C_{10}$ , including cycloalkyl) <i>S</i> -2-dialkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr)-aminoethyl alkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr) phosphonothiolates and corresponding alkylated and protonated salts. eg:		2930.90.00.37
- VX: <i>O</i> -Ethyl <i>S</i> -[2 (diisopropylamino)ethyl]methylphosphonothiolate	50782-69-9	2930.90.00.36
4. Sulfur mustards:		
• 2-Chloroethylchloromethylsulfide	2625-76-5	2930.90.00.49
• Bis(2-chloroethyl)sulfide <i>mustard gas (H)</i>	505-60-2	2930.90.00.45
• Bis(2-chloroethylthio)methane	63869-13-6	2930.90.00.51
• 1,2-Bis(2-chloroethylthio)ethane <i>sesquimustard</i>	3563-36-8	2930.90.00.52
• 1,3-Bis(2-chloroethylthio)- <i>n</i> -propane	63905-10-2	2930.90.00.53
• 1,4-Bis(2-chloroethylthio)- <i>n</i> -butane	142868-93-7	2930.90.00.54
• 1,5-Bis(2-chloroethylthio)- <i>n</i> -pentane	142868-94-8	2930.90.00.55
• Bis(2-chloroethylthiomethyl)ether	63918-90-1	2930.90.00.56
• Bis(2-chloroethylthioethyl)ether <i>O-mustard (T)</i>	63918-89-8	2930.90.00.57
5. Lewisites:		
• Lewisite 1: 2-Chlorovinylchloroarsine	541-25-3	2931.00.90.51
• Lewisite 2: Bis(2-chlorovinyl)chloroarsine	40334-69-8	2931.00.90.52
• Lewisite 3: Tris(2-chlorovinyl)arsine	40334-70-1	2931.00.90.53
6. Nitrogen mustards:		
• HN1: Bis(2-chloroethyl)ethylamine	538-07-8	2921.19.00.33
• HN2: Bis(2-chloroethyl)methylamine <i>mustine</i>	51-75-2	2921.19.00.34
• HN3: Tris(2-chloroethyl)amine <i>trimustine</i>	555-77-1	2921.19.00.35
7. Saxitoxin	35523-89-8	3002.90.00.10
8. Ricin	9009-86-3	3002.90.00.11
9. Alkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr) phosphonyl difluorides. eg:		2931.00.90.22
- methylphosphonyl difluoride (DF)	676-99-3	2931.00.90.20
- Ethylphosphonyl difluoride	753-98-0	2931.00.90.21
10. <i>O</i> -Alkyl (H or $\leq C_{10}$ , incl. cycloalkyl) <i>O</i> -2-dialkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr)-aminoethyl alkyl (Me, Et, <i>n</i> -Pr or <i>i</i> -Pr) phosphonites and corresponding alkylated and protonated salts. eg:		2931.00.90.31
- QL: <i>O</i> -ethyl <i>O</i> -[2-(diisopropylamino)ethyl]methylphosphonite	57856-11-8	2931.00.90.30
11. Chlorosarin: <i>O</i> -Isopropyl methylphosphonochloridate	1445-76-7	2931.00.90.56
12. Chlorosoman: <i>O</i> -Pinacolyl methylphosphonochloridate	7040-57-5	2931.00.90.57