



## 2.5 Emissions to Water

Drycleaning produces a certain amount of wastewater that generally contains a very low concentration (0.015 percent) of Perc. The amount of Perc in the wastewater is minimised by using water separators. The amount of wastewater depends on the generation of equipment used. Currently, most machines use two separators, the second of which effectively and efficiently capture most residues. As new technology and new generation machines are introduced, machines will be fitted with a third carbon filter to eliminate any remaining residue.

Wastewater containing Perc is classified as a hazardous waste by most State and Territory environment agencies and by local water authorities. Melbourne Water, for example, has a ceiling limit of 1 ppm for Perc and prohibits the emission of dry cleaning wastewater to sewer.

This water is transferred to a licensed hazardous waste hauler for handling or treatment or disposal as hazardous waste. Although emissions of Perc in wastewater to sewer or hazardous waste contractor do not require reporting to the NPI, these emissions may nevertheless still require estimation if the drycleaning operator is calculating emissions by a mass balance.

## 2.6 Solid Wastes

Solid waste can remain even after recycling processes. In most Australian cities there is an active recycling market for solvent recovered from drycleaning facilities and disposal of all waste material and contaminated filters is conducted in accordance with applicable Commonwealth, State, and local health and environmental regulations.

The Drycleaning Industry of Australia Inc. endorses a *cradle to grave* policy whereby waste is removed and disposed of by the suppliers of the solvent who are certified in EPA waste programmes.



### 3. Duty of Care

The operations of drycleaning enterprises are regulated by State and Federal Occupation Health and Safety and Environmental legislation and regulations in each State.

#### 3.1 General Environment Duty of Care

Victoria's environmental legislation and regulations are listed below as an example of the environmental legislation governing drycleaning operations.

##### *Principal legislation*

- . Environment Protection Act (1970)

##### *Legislation subordinate to the Environment Protection Act (1970)*

- . Environment Protection (Prescribed Waste) Regulations 1987 (as extended by S.R. No 65/1997)
- . Environment Protection (transport) Regulations 1987 (as extended by S.R. No 66/1997)
- . Industrial Waste Management Policy (Waste Minimisation)
- . State Environment Protection Policy (The Air Environment) as amended 17/2/82, 16/6/82, 24/11/82, 28/9/93, 6/6/88 and 31/7/89.
- . State Environment Protection Policy (the Waters of Victoria)
- . State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade)

##### *Guidelines*

EPA Publication 347 "Bunding Guidelines"

Under State legislation drycleaners have a General Environmental Duty not to undertake any activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

Factors such as those following are required to be taken into account in determining what measures are required to be considered (Queensland Environmental Protection Act 1994 Part 2 – Environmental Duties S36(1):

- . the nature of the harm or potential harm; and
- . the sensitivity of the receiving environment; and
- . the current state of technical knowledge for the activity; and
- . the likelihood of successful application of the different measures that might be taken; and
- . the financial implications of the different measures as they would relate to the type of activity.

The DIA argues strongly that the best way to understand and learn the appropriate responses these factors is to participate in the Code of Practice and Training Program for Safe Handling of Perchloroethylene Solvent in the Drycleaning Plant.

By becoming licensed after successfully completing the course a drycleaner can also demonstrate that they are familiar with the current technical knowledge for the activity. Non-participation could suggest a level of knowledge below the statutory requirement.

#### 3.2 Dangerous Goods and Hazardous Substances Legislation and Regulations



Under Dangerous Goods and Hazardous Substances legislation there is currently a movement away from a "practical measure" duty of care to an absolute duty. This extension of obligation has particular consequences for suppliers. They need to ensure that persons to whom they supply hazardous products will use the product safely and appropriately. Supplying only to licensed persons is an appropriate discharge of this duty.

### 3.3 National Occupational Health and Safety Commission

The National Occupational Health and Safety Commission (NOHSC) has set out the following duty of care regard Safe Work Places. (see website [www.nohsc.gov.au](http://www.nohsc.gov.au))

'Duty of care requires everything 'reasonably practicable' to be done to protect the health and safety of others at the workplace. This duty is placed on:

- all employers;
- their employees; and
- any others who have an influence on the hazards in a workplace.

The latter includes contractors and those who design, manufacture, import, supply or install plant, equipment or materials used in the workplace.

'Reasonably practicable' means that the requirements of the law vary with the of degree of risk in a particular activity or environment which must be balanced against the time, trouble and cost of taking measures to control the risk. It allows the duty holder to choose the most efficient means for controlling a particular risk from the range of feasible possibilities preferably in accordance with the 'hierarchy of control'.

This qualification allows those responsible to meet their duty of care at the lowest cost. It also requires changes in technology and knowledge to be incorporated but only as and when it is efficient to do so. The duty holder must show that it was not reasonably practicable to do more than what was done or that they have taken 'reasonable precautions and exercised due diligence'.

Specific rights and duties logically flow from the duty of care. These include:

- provision and maintenance of safe plant and systems of work;
- safe systems of work in connection with plant and substances;
- a safe working environment and adequate welfare facilities;
- information and instruction on workplace hazards and supervision of employees in safe work;
- monitoring the health of their employees and related records keeping;
- employment of qualified persons to provide health and safety advice;
- nomination of a senior employer representative; and
- monitoring conditions at any workplace under their control and management.

These are representative of the employer's specific duties in all Australian States and Territories. The 'hierarchy of control' refers to the range of feasible options for managing the risk to health and safety. The hierarchy normally ranges over the following controls:

- elimination of the hazard;
- its substitution with a less harmful version;
- its redesign;
- engineering controls;
- isolation of the hazard from people at the workplace;
- safe work practices;



- redesigning work systems; and,
- the use of personal protective equipment by people at the workplace.<sup>2</sup>

### 3.4 Common Law

Under common law there is not an unlimited obligation for all risks to all persons, however, there is no rigid limitation to what constitutes, negligence, foreseeability and the scope of a duty.

The 'fluid' nature of this obligation is well summed up in the following words:

'... recognition of a duty of care is the outcome of a value judgement, that the plaintiff's invaded interest is deemed worthy of legal protection against negligent interference by conduct of the kind alleged against the defendant. In the decision whether or not there is a duty, many factors interplay; the hand of history, our ideas of morals and justice, the convenience of administering the rule and our ideas as to where the loss should fall. Hence, the incidence and extent of duties are liable to adjustment in the light of constant shifts and changes in community attitudes'<sup>3</sup>.

Common law takes into account more factors than those set out in legislation. These can include:

- Product and Standards
- Safety Standards
- Codes of Practice, and
- Current knowledge and practices.

Common law also takes into account what is not done as well as what is done.

'Negligence is commonly defined to include both acts and omissions involving an unreasonable risk of harm ..... The borderline between active misconduct and passive inaction has never been easy to draw. ... So, creating a situation of peril, however, blamelessly, generates a consequential duty to adopt precautions before it culminates in injury.'<sup>4</sup>

This means that even though a drycleaner may comply with current legislation and regulations they can still be held to be negligent.

Whilst a failure to comply with a legislative duty (particularly safety) can constitute negligence *per se*. However, just because a drycleaner complies with a legislative duty does not always constitute a defence against negligence. The defence could cover the duties or risks stated in the particular piece of legislation but there could be foreseeable risks not specifically stated in the legislation.

### 3.5 Duty of Care and Insurance

Insurance policies are designed to cover 'accidents' or 'incidents'. Under most policies there is an ongoing responsibility for the policyholder to act and to comply with their legal obligations. Many policies contain clauses that void the policy where an accident occurs as a result of unreasonable acts or breaches of legal obligations.

### 3.6 Duty of Care, DIRS and the Safe Handling of Perchloroethylene Course

Every drycleaner is obligated to be aware of the risks (both actual and potential) associated with the operation of their business.

<sup>2</sup> Industry Commission, Work, Health and Safety, Report No. 47, Sept 1995

<sup>3</sup> Fleming *ibid* p137

<sup>4</sup> Fleming *ibid* pp 142-143



**Commission**

**Submission to the Australian Consumer Competition**

**Successful completion of the course and implementation of the DIRS are two key steps in each drycleaner being aware of and addressing their duties of care.**



#### **4. National Pollutant Inventory**

In February 1998 Perc was included in the National Pollutants Inventory (NPI), making it a prescribed chemical. Inclusion of Perc in the register of prescribed chemical has increased the duty of care of manufacturers, suppliers, transporters, users and disposers of this chemical. Because of the widespread use of Perc in the Industry, drycleaning is one of eighty Industries targeted by the NPI.

The Industry participated in the drafting of the Emission Estimation Technique Manual for Drycleaning (EEM) established by the NPI.

The establishment of the NPI has been another measure in raising the Industry's general duty of environmental care in the safe handling, storage and disposal of Perc.



## **5. Drycleaning Industry Regulation Standard**

### **5.1 Background**

The Drycleaning Industry, under the leadership of the Drycleaning Institute of Australia Limited, has determined to take self responsibility for the environmental management of the Industry and has developed the Drycleaning Industry Regulation Standard to assist Industry members to easily demonstrate their compliance with relevant environmental legislation and regulations.

To assist participants in the drycleaning industry in the prudential management of their enterprises and to comply with their obligations under various States and Territory Legislation and Regulations, the Drycleaning Institute of Australia Ltd, (DIA) has developed and implemented stewardship programmes:

- Code of Practice and Training Program for Safe Handling of Perchloroethylene Solvent in the Drycleaning Plant (1996);
- Code of Practice for Plant in the Drycleaning Industry (1996); and

### **5.2 Drycleaning Industry Regulation Standard (1998) (DIRS).**

The Standard and Codes of Practice set out policies and procedures developed from industry experience and extensive National and International research to enable industry participants to operate at current world best practice.

The Standard's goal and objective are set out below. The development of the Standard was authorised at the National Conference of the Drycleaning Institute of Australia Ltd in Hobart in September 1997 and was formally adopted and endorsed by the National Executive of the DIA on February 20<sup>th</sup> 1998 for national implementation.

The development of the Standard was premised on:

- Thorough research of the issues, both locally and internationally
- Close consultation with National and State Environmental Regulatory Authorities
- Close Industry scrutiny and involvement in the development of the Standard by senior drycleaners across Australia

Auspicing of the development and implementation of the Standard by the both the National body and each State Branch of the Drycleaning Industry Association.

The Standard has been reviewed by Environment Australia and the WorkSafe/Occupational Health and Safety Departments and the relevant Environmental Regulatory Authorities in each State and Territory. Western Australia, South Australia, Victoria, Tasmania, New South Wales and Queensland and revised to incorporate their suggested improvements.

The Standard has received the support of Ministers for Work Place Safety and the Environment in each State.

### **5.3 Goal**

To make it as easy as possible for industry members to demonstrate their compliance with the environmental and occupational health and safety legislation and regulations which regulate their enterprises through the development, adoption and implementation of the Drycleaning Industry Regulation Standard.



Commission

5.4 Objective

Implementation of the Standard nationally by December 2000. This has not been achieved.

5.5 Research

In addition to State Legislation and Regulations the following references were researched in the development of the DIRS.

Centre for Emissions Control

- . The Safe Handling of Perchloroethylene Drycleaning Solvent, Washington 1996.

Californian Department of Toxic Substance Control, Hazardous Waste Reduction Grant Program

- . Case Study - Recycling for the Dry Cleaning Industry, Eric Nichol, 1992.

Canadian Council of Ministers of Environment

- . Environmental Code of Practice for the Reduction of Solvent Emissions from Dry Cleaning Facilities CCME December 1992 EPC/AITG-50E.

Delaware Department of Natural Resources and Environmental Control

- . A Pollution Prevention Guide for the Dry Cleaning Industry 20/12/1996.

European Community

- . CE Mark Directives - Medical Devices Directives 1- 7 1993
- . Report to the Commission of the European Communities DG XI (Environment) Final Report No.B661 1-90-005747.00 November 1991 Reduction of Volatile Organic Compounds from Drycleaning Facilities by Jourdan M. and Rentz O.

Environment Australia

- . Air Toxics March 2000
- . Air Pollution in Major Cities 21/3/2000

National Industrial Chemicals Notification and Assessment Scheme (NICNAS)

- . Tetrachloroethylene Priority Existing Chemical Assessment Report No 15 June 2001-11-29

National Pollution Inventory (NPI)

- . Drycleaning Handbook

New Zealand Ministry for the Environment:

- . Compliance Monitoring and Emission Testing of Discharges to Air Wellington August 1998 ISBN 0 478 09030 7
- . Managing Hazardous Waste Wellington November 1998 ISBN 0 487 09043-9

Standards Australia.

- . ISO 9000 Guide for Small Business SAA.SNZ HB:1996
- . AS/NZS 3833:1998 – The storage and Handling of mixed classes of dangerous goods in packages

- and intermediate bulk containers
- . AS/NZS 430 1999 Risk Management

U.S. Environmental Protection Agency, Office of Compliance, Office of Enforcement and Compliance Assistance (OECA):

- . Plain English Guide for Dry Cleaners Washington 1996
- . Perchloroethylene Dry Cleaners Compliance Assistance - OECA Fact Sheet Series
- . Sector Notebook Project EPA/310-R-95-001 Washington 1995.

U.S. Environment Protection Agency, Office of Pollution Prevention and Toxics:

- . Chemicals in the Environment: Perchloroethylene (CAS No. 127-18-4)
- . Chemical Fact Sheet 749-F-94-020 and 020a August 1994
- . Design for Environment Dry Cleaning Project 1995:
- . Dry Cleaning Industry Partners with EPA and Public Interest Groups to Reduce Toxics (7406) EPA 744-F93-004





- . Lewis S., and Henkels D., Good Neighbour Agreements: A Tool for Environment and Social Justice. Social Justice, Volume 23, Number 4.

#### U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards:

- . National Emission Standards for Hazardous Air Pollutants from Perchloroethylene Dry Cleaning Facilities - Final Rule - Fact Sheet, August 1995
- . A Simple Guide to Air Quality Rules for Perc Dry Cleaners. State of Colorado. Colorado Dept. of Public Health and Environment APCD - Small Business Assistance Program. December 1996
- . Unified Air Toxics Website Tetrachloroethylene (Perchloroethylene) 127-18-4 Hazards Summary

#### U.S. Environmental Protection Agency

- . National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments - Final Amendments to the Rule [AD-FRL-5612-2] RIN 2060-AF90 19/9/1996 Vol. 61 No: 183 PP 49263 - 49265
- . New Regulations Controlling Emissions from Dry Cleaners EPA-453-F-94-025 May 1994.

#### WorkSafe Victoria

- . Occupational Health and Safety (Hazardous Substances) Regulations
- . Code of Practice for Hazardous Substances
- . Regulatory Impact Statement, Health (Legionella) Regulations 2001

#### Miscellaneous Papers:

- International Agency for Research on Cancer (IARC) Potential Health Hazards
- National Institute for Occupational Safety and Health (NIOSH)
  - Mortality in the Dry-Cleaning Workers: An Update American Journal of Industrial Medicine Feb 2000
  - Control of Exposure to Perchloroethylene in Commercial Drycleaning (Substitution) DHHS (NIOSH) Publication No. 97-155
- ACSH Vol. 8 No.1 1997 How Clean is Dry Cleaning. Johnathan H. Adler
- Agency for Toxic Substances and Disease Registry (ATSDRIC) Division of Toxicology. US Department of Health and Human Services Public Health Service. Tetrachloroethylene Sept 1997
- Eco-USA Tetrachloroethene extracted from ATSDRIC *Toxicological Profile for Tetrachloroethene January 1990.*
- Silent Springs Institute Inc. Understanding the Newton Breast Cancer Study 22 October 1999
- Boston Phoenix A lab of their Own 12/07/98
- Environmental Research Foundation. Rachel's Environment & Health Weekly # 431 March 2 1995. Dry Cleaning: Is Regulation Necessary?
- Dr Fabriziomaria Gobba Dept of Science and Biomedicine University of Modena Italy. Two-year evolution of perchloroethylene-induced color-vision loss. Archives of Environmental Health May 25<sup>th</sup> 1997
- Prof Barbara Hulka, University of North Carolina Environmental Estrogens 2001
- European Chlorinated Solvent Association (ECSA)
  - Update on Perchloroethylene 2000
  - Cleaner Technologies Substitutes Assessment (CTSA): Professional Fabricare Processes
- Halogenated Solvents Industry Alliance (HSIA) White Paper on Perchloroethylene 2000
- Drycleaning and Its Environmental Concerns derived from US EPA paper "Designed for the environment"
- International Fabricare Institute (IFI) Safe Handling of Perc – excerpts from the HSIA Safe Handling of Perc booklet 2001



## **6. Implementation of the Drycleaning Industry Regulation Standard**

### **6.1 Environment Australia**

The Implementation of the Standard has been proudly sponsored by Environment Australia through the Natural Heritage Trust.

Copies of the project progress report to Environment Australia are attached.

A copy the Environment Australia letter of November 9<sup>th</sup> 2001 complimenting the DIA on implementing and promoting the DIRS is attached.

### **6.2. Accessibility**

The Standard has been made to all drycleaners Australia wide.

Every drycleaner was sent a written copy of the Standard together with a recommended Policy & Procedures Manual and a booklet on How to Implement the Standard. They were also sent a copy of this on disk. Drycleaners in remote areas were also sent a video explaining the Standard.

The DIRS has been made available to all drycleaners, not just DIA members. There is no requirement that drycleaners be members of the DIA and this application definitely does not seek to impose that requirement.

### **6.3 Briefings**

Two briefings have been held in each State to assist drycleaners in implementing the Standard.

### **6.4 Newsletters**

During the DIRS implementation phase (calendar 1999-2000) twelve Implementation Bulletins about the Standard and how to implement have been/will be provided to all drycleaners Australia wide.

### **6.5 Website**

The Standard is available to all drycleaners and the public at [drycleanersweb.com.au](http://drycleanersweb.com.au)



## 7. Safe Handling of Perchloroethylene Training Program

### 7.1 Training Program

The training program associated with the Code of Practice for the Safe Handling of Perchloroethylene Solvent in the Drycleaning Plant has been made available throughout Australia for delivery by through the DIA and TAFE as follows:

State	DIA	Educational Institution
ACT	✓	
NSW		Sydney Institute of Technology
NT		Sydney Institute of Technology
QLD		Brisbane Institute of Technology
SA	✓	
TAS		TAFE Tasmania Hobart
VIC		RMIT University
WA	✓	

### 7.2 Department of Education, Employment and Training Registration

The DIA was registered by the Department of Education, Employment and Training (Office of Post Compulsory Education, Training and Employment) in May 1999 as a Registered Training Organisation.

Under this registration the DIA is authorised to approve and conduct training courses within its scope of registration.

### 7.3 Course Revised

The course has been revised to incorporate relevant environmental and occupational health and safety changes that that have been introduced since 1996.

### 7.5 Course Availability

The next development with this course is to make it available in distant learning format. This will further reduce barriers to access, particularly for those in remote areas. The general availability of the course across the country has removed any difficulty of assessing the course.

### 7.6 Course Outcome

Participation in the course the most practical way a drycleaner can learn how to identify and manage their environmental and occupational obligations in the storage, handling, use and disposal of perc within their businesses.

### 7.8 DIA Accredited License

Every drycleaner who has successfully completed the course is eligible to be issued with a DIA Accredited License. There is a \$100 administration fee for the issuing of the license and for the maintenance of the license holder database. This fee is included in the courses conducted by the DIA but because of TAFE Administration regulations is an additional charge to drycleaners doing the course through TAFE Institutions.



## 8. Supply and Waste Disposal

### 8.1 Suppliers

There are three major suppliers of Perc to the Drycleaning Industry

- Stelco Chemicals, 33 Rushdale Street, Knoxfield VIC (a division of Orica Australia Pty Ltd)
- Solvents Australia Pty Ltd 36 Birdwood Street Parkdale VIC 3194 and
- Eco-Chem Pty Ltd 3/2 Kinwal Court Moorabbin VIC 3189

Other suppliers include:

- Dow Chemical (Australia) Limited Kororiot Creek Road Altona VIC 3018

### 8.2 Product Stewardship – Interim Code of Practice and Implementation Guide

The Australian Chemical Industry Council (ACIC) adopted a Product Stewardship Interim Code of Practice and Implementation Guide in March 1994.

Under this guide member companies of ACIC are committed as a condition of membership to a policy of “Responsible Care”.

Under the Philosophy of the Guide (p2.2E) the guide recognises that a manufacturer ‘cannot be responsible for a molecule from “Cradle to Grave”. However, where a manufacturer .... Has the opportunity to influence the use, or prevent the misuse of a chemical then it must do so.”

Three of the Abiding Principles set out in the ACIC Responsible Care: A Public Commitment ( Appendix A to the Guide) are:

- “Co-operate with customers, authorities and affected groups and individuals to resolve problems created by the handling and disposal of chemical substances considered hazardous,
- Co-operate with government in developing laws and regulations to safeguard the community, the workplace and the environment; .....
- Promote these principles and practices by sharing experience and offering assistance to others who produce, handle, use, transport or dispose of chemicals”.

### 8.3 Supply of Perc only to Accredited Persons

Suppliers are very conscious of their duty of care under Hazardous Goods legislation. They are also aware of and support the Codes of Practice, the Standard, and the Drycleaning Industry’s *cradle to grave* policy (see EEM 3.3 Solid Wastes) in respect of the safe handling, storage and disposal of Perc.

Suppliers believe that their duty of care requires them to supply only to Perc Accredited persons and support this application.

### 8.4 Waste Disposal



The transportation and disposal of Perc is regulated under Hazardous Goods legislation in each State. Only licensed operators may transport and/or dispose of Perc. Compliance with waste disposal legislation and regulations will be the focus of the second phase of the DIRS.

## 9. Public Benefits

### 9.1 Effect on Prices

This measure will have no effect on prices. There is no increase in inputs.

### 9.2 Effect on Competition

This measure will have no effect on competition. The course is open to all.

### 9.3 Industry Competition

This measure will have no effect on Industry competition

### 9.4 Effect on Environment

The environmental benefits of the introduction of this exemption are obvious:-

- increased competency leading to better practices,
- a gaping hole in the chain of responsible environmental management plugged
- facilitation of discharge of duty of care

### 9.5 Improvement in the Quality and Safety of Services

Environmental safety practices across the Industry will be significantly enhanced. This improvement will have considerable benefit in assisting drycleaners to properly manage their duty of care, enabling them better comply with the conditions of their insurance policies and also reducing the risk of litigation against them resulting from any breach/s of their duty of care.

### 9.6 Anti-Competitive Detriment

There is no anti-competitive detriment.



## **10. Conclusions and Recommendations**

The Drycleaners and Industry Suppliers are strongly of the view that the restricting supply of Perc to Accredited persons is a most effective and pragmatic way for drycleaners to meet their general environmental duty of care and for suppliers to meet their Dangerous Goods and Hazardous Substances obligations.

Whilst the DIA cannot compel drycleaners to comply with the laws and regulations which govern their businesses it can take practical steps to make it as easy as possible for drycleaners to comply.

The high cost to themselves and the Industry of not complying is very often not considered or not recognised by many drycleaners. In doing this they expose themselves to considerable legal risks and penalties as well voiding their insurance policies. They also cause detriment to the environment and to the standing of the Drycleaning Industry as a responsible corporate citizen.

The Drycleaning Industry requests that the ACCC uses its powers under the authorisation and notification provisions of the Trade Practices Act to grant immunity from legal proceeding against the agreement to restrict supply of Perc to Accredited persons only on the basis that the environmental benefit to the public outweighs any anti-competitive effect the agreement may have.



**Attachments**

**Appendix A:** Drycleaning Industry Regulation Standard  
including copy's of:

- How to implement the DIRS
- The Standard
- DIRS Policies and Procedures Manual.

**Appendix B:** Perc Material Safety Data Sheet

**Appendix C:** National Industrial Chemicals Notification and Assessment Scheme (NICNAS)

- Tetrachloroethylene. Priority Existing Chemical Assessment Report No 15 June 2001

**Appendix D:** Environment Australia Copy Letter 9/11/2001

**Appendix C:** Suppliers Letter's of Support

- Stelco
- Solvents Australia
- Eco-Chem



Department of the Environment and Heritage

Mr Michael Meere  
Director  
Drycleaning Industry Regulation Standard Secretariat  
672c Glenferrie Road  
Hawthorn Victoria 3122

Dear Mr Meere

I wish to congratulate the Secretariat on its achievements in implementing and promoting the Drycleaning Industry Regulation Standard (DIRS). These achievements clearly exceed the expectations of the funding agreement for this project. Environment Australia also appreciates the efforts made in approaching State and Territory Ministers and agencies to encourage adoption of the DIRS as a code of practice.

The Natural Heritage Trust was established to fund work designed to protect the environment. This project, funded by the Trust, is an excellent example of what an industry sector can do to prevent, combat and rectify pollution of the environment.

Thank you for your personal commitment to this work. I wish you and the Institute every success as you promote even wider uptake of the Standard within the drycleaning industry.

Yours sincerely

Paul Kesby  
Director  
Air Quality Section  
Atmosphere & Sustainable Transport Branch  
9 November 2001







**SOLVENTS AUSTRALIA PTY. LTD.** (INCORPORATED IN NSW)  
77-79 BASSETT STREET, MONA VALE NSW 2103 P.O. BOX 928, MONA VALE NSW 1660  
TELEPHONE: (02) 9979 6866 FAX: (02) 9979 6864  
A.C.N. 003 523 117 A.B.N. 74 003 523 117



**Mr. Michael Meere**  
**Chief Executive Officer**  
**Drycleaning Institute of Australia Limited**  
**Level 1/ 487 Swans Street**  
**Richmond VIC 3121**

Re: DIA Application for ACCC Authorisation

Dear Michael,

With reference to your letter 7<sup>th</sup> May, and our subsequent telephone conversations, I would like to state our company's position.

We support and congratulate the DIA in its efforts to establish an Industry Regulation Standard which, if adhered to by all, would provide for a well-managed, self-regulated industry. The Standard, which is akin to a quality procedures manual, would obviously be of great benefit to those prepared to use it as a positive tool for self-analysis and improvement, and regulatory compliance.

We do however have concerns over the compliance issues as they could affect reputable suppliers to the drycleaning industry. Solvents Australia have for many years been at the forefront of changes in the way in which suppliers provide quality services to the industry, yet we find there are those, both drycleaners and suppliers alike, that are prepared to operate to the lowest common denominator – dollars (and in some cases cents). We are probably the only company that offers cradle to grave management of perchloroethylene under its own control. As the direct importer and supplier we are also EPA licensed waste transporters with our own EPA licensed waste facility.

Solvents Australia operates within a heavily regulated and legislated environment, with associated compliance costs, as a result of our commitment to the cradle to grave concept. It is fair to say that there are some that are not and herein lies our major concern. Where there is no legislative requirement to comply with supply restrictions of perchloroethylene, there may be those who will desire to take advantage. This could clearly put companies such as ours in a position of greater disadvantage and unfair competition with no legal recourse.

Whilst we note that the ACCC has recommended that perc suppliers formally join and support the application and be listed in it, there is no obligation for ALL current suppliers to join and we question how any future suppliers would be compelled to join. In the absence of legislation, the only method for compliance is through total and mutually beneficial agreement as discussed with you recently.

We offer our full support of the Drycleaning Institute of Australia's Application to the ACCC but emphasise that it would be conditional upon total agreement and compliance by all suppliers. Non-compliance by any supplier, both present and future, would result in a re-assessment of that support.

We look forward to hearing from you on ways of addressing the issues we have raised.

Yours sincerely,

  
**Colin Spencer**  
**General Manager**

13<sup>th</sup> June 2001

Email : [admin@solvents.net.au](mailto:admin@solvents.net.au)



## Stelco Chemicals

33 Rushdale Street, Knoxfield, Victoria 3180, Australia  
Phone: (03) 9763 5733 Fax: (03) 9763 8243  
International Phone: 61-3-9763 5733 Fax 61-3-9763 8243

# Facsimile

To: Michael Meere Company: Drycleaning Institute of Australia Ltd.  
@Fax: 9421 4602  
From: Andrew Bradley  
Date: Tuesday, 5 June 2001  
Pages: 1  
Re: DIA Application for ACCC Authorisation

Dear Michael,

Thank you for your letter of the May 11<sup>th</sup> 2001 regarding your ACCC application.

We would like to give you our in principle support to the measures you are seeking to enact with regard to the safe use of perchloroethylene in the drycleaning industry.

Any measures aimed at improving the implementation of safer and more environmentally sound practices are worthy of support. We are proud to have been leaders in the implementation of product stewardship principals in the marketing of our products.

It should be pointed out that currently, as with most hazardous or non hazardous chemicals, there is no licence requirement for anyone to import, sell or buy perchloroethylene. Should the situation occur where there are commercial consequences as a result, then we reserve the right to take the appropriate actions that may be necessary to maintain the viability of our business.

Good luck with your application

Regards

Andrew Bradley  
Sales Manager

Friday, 21 November 1997

National President  
Dry Cleaning Institute of Australia Pty Ltd  
c/- Bancrofts Drycleaners  
45 Toorak Road  
South Yarra VIC 3141.



**Stelco**

33 Rushdale Street,  
Knoxfield,  
Victoria 3180.  
Australia.

Attention : Mr Roger Bancroft

Telephone: 61-3-9763 5733  
Facsimile: 61-3-9763 8243

Dear Roger,

Re: Stelco Chemicals and Dry Cleaning Industry Regulation

Further to our discussions on the topic, and as a major supplier of products and technical services to the Dry Cleaning Industry in Australia, Stelco Chemicals are keen to support any industry initiatives which seek to enhance the professionalism and/or regulatory compliance throughout the industry.

It is our considered view that the industry and hence its suppliers, will remain viable only by rigorous pursuit of these objectives.

Clearly the preferred mechanism by which these objectives might be achieved, is industry self regulation.

As such, Stelco Chemicals agrees in principle to endorse a policy of 'tougher' industry self regulation, subject only to final review of documentation developed for such purposes and only in so far as not to be in breach of any state or federal laws, particularly those encompassed by the Trade Practises Act 1974.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Dallison', written over a horizontal line.

Andrew Dallison  
General Manager



ECO-CHEM Pty. Ltd  
A.C.N. 072 094 378  
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Mr R Bancroft  
DIA President  
C/o Bancroft D/C

21/11/97

Dear Roger,

Many thanks for your call and update on industry policy changes to ensure increased compliance to standards adopted by the association on behalf of registered members.

As a quality supplier with a focus on compliance to all associated standards, be it legislative or industry associated, Eco-Chem will comply with those standards and respect the aims of the DIA. Additionally, where able the offer of support is extended and guaranteed.

Roger, to you and your members, congratulations on the conviction and foresight ensuring the strengthening of the industry and ensuring its longevity.

Please contact me directly if required on 95533255.

Kindest Regards

Daryl Owens



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Ormond 3204

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Suprema Dry Cleaning Equipment - PONY Finishing Equipment

Seitz Dry Cleaning Products

21<sup>st</sup> November, 1997

Dry Cleaning Institute of Australia

## To Whom It May Concern

Miller Systems fully endorse the industry in regard to its initiative on self-regulation.

As a long-term supplier of quality equipment and services to the Dry Cleaning industry, Miller Systems will abide by the relevant regulations set down in this self-regulation document.

Yours sincerely,



Brian J Miller  
Managing Director



# **The Australian Drycleaning Industry Regulation Standard**



*Department of the Environment and Heritage*



**Natural Heritage Trust**

*Helping Communities Help Australia*

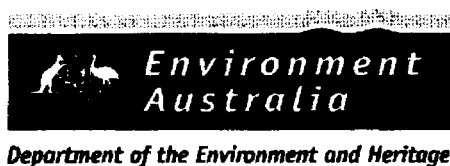


# **The Australian Drycleaning Industry Regulation Standard**





# How to Implement the Australian Drycleaning Industry Regulation Standard







**Published by the Drycleaning Institute of Australia with the assistance of the Federal Government's Natural Heritage Trust through the Air Pollution in Major Cities Programme.**



**Department of the Environment and Heritage**



**Natural Heritage Trust**  
*Helping Communities Help Australia*

**How to Implement the Drycleaning Industry Regulation Standard**

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## **1. Steps to Implementing the Drycleaning Industry Regulation Standard**

The following are some recommended steps in implementing the Standard.

**Step 1.** Read this Booklet.

**Step 2.** Read the Standard and consider what it means to your business.

**Step 3.** Read the Policies and Procedures Manual.

**Step 5.** Decide who is going to be responsible for the System i.e. the Owner/s or Managing Director.

**Step 6.** Obtain copies of any relevant documents that you do not have.

**Step 7.** Decide whether to use the sample policies, procedures, registers and forms or to use your own existing forms or to develop your own from scratch.

**Step 8.** Develop your own implementation plan, training schedule and timetable.

**Step 9.** Inform your staff about the Standard and your implementation plan.

**Step 10.** Have your staff (senior) review the documentation and get their comments on its appropriateness to your business.

**Step 11.** Fill out/complete pertinent information in the following registers:

- Register 2. Accredited Suppliers
  - Register 4 Hazard and General Risk Management and Control Measures Audit
  - Register 5 License and Registered Plant Register
  - Register 6 Maintenance of Drycleaning Equipment Schedule
  - Register 7 Material Safety Data Sheets
  - Register 8 Safety and Measuring equipment
  - Register 9 Safety Standard Identification
  - Register 11 Waste Record
  - Register 12 Air Quality
  - Register 13 Cooling Tower Maintenance and Testing Register
- The other registers will come into use when you are using the System.

**Step 12.** Prepare your documentation and have staff members check it for accuracy.

**Step 13.** Train you staff.

**Step 14.** Inspect and audit compliance with the System by asking people what they would do in particular situations and by inspecting what they actually do.

**Step 15.** Make improvements to your System by using the procedure for Corrective and Preventive Action.

**Step 16.** Continue with your training program, particularly ensuring that new staff are properly trained.

**Step 17.** Review the effectiveness and efficiency of the System and your compliance with it.

**Step 18.** Send your Statutory Declaration to your State Branch of the Drycleaning Industry Association.

**Step 19.** Continue with the training program and monitoring the performance of the System.

## **2. Introduction**

### **2.1 About this Handbook**

This Handbook provides advice on how to implement and maintain the Drycleaning Industry Regulation Standard. It explains how the Standard applies to a Drycleaning Business. It is a simple guide to what you have to do and how to do it.

### **2.2. Introduction to the Drycleaning Industry Regulation Standard**

The Drycleaning Industry Regulation Standard has been specifically designed to make it as easy as possible for drycleaners to be aware of what their obligations are and to demonstrate that they are complying with the relevant laws and regulations affecting their operations, particularly those dealing with Environmental and Occupational Health and Safety matters.

As corporate citizens of Australia, drycleaners are obliged, like any other citizen, to comply with the laws of the land. A major difficulty can be not knowing what laws and regulations apply to your business and not being able to easily show that you are complying with them. The Standard does not impose any new or additional legislation or regulations on drycleaners.

### **2.3 Consultation and Research**

Industry participants from each State have been involved in preparing the Standard and have generously given their time and expertise to ensure its appropriateness and user friendliness. A great deal of national and international research has also gone into the development of the Standard.

### **2.4 National Pollutant Inventory**

In 1997 the National Environment Protection Council was established by the Commonwealth Government and each of the States and Territories.

In February 1998 Perchloroethylene or "Perc" was listed on the National Pollutant Inventory (NPI) as a pollutant. Obligations under the National Pollutant Inventory came into effect nationally in July 1998. Drycleaning is one of 20 Industries targeted by the NPI.

### **2.5 Government Responses**

The Standard has been reviewed by each State and Territory Government and has their support. This support is well summarised in the words of the Tasmanian Workplace Standards Authority and the NSW Environment Protection Authority (EPA):

- "The Standard ensures a sound framework as well as practical guidelines to ensure that employers within the industry understand what they need to do to meet legislative requirements within this State" Tasmanian Work Place Standards Authority.
- "The Standard is both comprehensive and easy to follow and we believe that it will serve as a useful tool for dry cleaners to improve their operations". – EPA NSW.

### **2.6 Drycleaning Industry Codes of Practice**

The Code of Practice and Training Program for the Safe Handling of Perchloroethylene Solvent in the Drycleaning Plant was introduced in 1996 to provide training and assistance to people in the Industry to safely handle Perc in their plants. The Code of Practice for Plant in the Drycleaning Industry was also introduced in 1996 to assist drycleaners to safely manage their plant and equipment. Copies of both Codes of Practice are available from your State branch of the Drycleaning Institute of Australia.

### **3. The Standard**

#### **3.1 The Standard Explained**

The Drycleaning Industry Regulation Standard provides drycleaners with a simple framework to responsibly and safely manage their enterprises and to demonstrate their compliance with the legislation and regulations that affect their operations.

The Standard embodies both existing Codes of Practice and has been established as the basis of Regulation of the Drycleaning Industry in Australia.

The Standard is binding on all drycleaners in Australia and has been designed to make it as easy as possible for them to be aware of what their obligations are and to demonstrate that they are complying with existing legislation and regulations.

The Standard has 12 requirements or Elements. Under the Standard each drycleaner in Australia agrees to:

- Establish and practice a Regulation Policy and System within their plant/s which observes and complies with this Standard;
- Observe and comply with both Codes of Practice;
- Ensure that at least one accredited person be on site during Perc equipment operating hours and that only accredited personnel supervise the operation of Perchloroethylene machinery;
- For the Owner/s or their representative to establish a System to ensure compliance with the Standard and that the effectiveness and efficiency of the System is reviewed at least annually;
- Operate and maintain a safe work place which complies with legislative and regulatory requirements and which is environmentally responsible,
- To institute policies and procedures and to maintain records to verify compliance with the Standard;
- To encourage formal training of staff and management to enable the business to better accommodate community expectations; and
- To annually submit to the Drycleaning Institute of Australia (which has responsibility for the implementation of the Standard) a Statutory Declaration warranting that, to the best of their knowledge and belief, the Standard has been and will be complied with.

Finally, it is important to note that the Standard does not alleviate the need for each person in the Drycleaning Industry in Australia to comply with existing and future legislation and regulations.

#### **3.2 Registration**

Each State Branch of the Drycleaning Institute of Australia Inc. maintains a database of the drycleaning businesses in their State which comply with the Standard. Registration is renewed annually by submitting a Statutory Declaration of Compliance.

#### **3.3 Compliance**

The Standard does not impose any new or additional regulations. Its purpose is to make it easy to comply with existing ones. To comply with the Standard each drycleaning business has to:

- Implement and follow the Code of Practice for Plant in the Drycleaning Industry and the Code of Practice for the Safe Handling of Perchloroethylene Solvent;
- Implement policies and procedures to comply with the Standard and to maintain records to demonstrate that they are doing so; and
- Each year file a Statutory Declaration with the DIA in their State which warrants that, to the best of their knowledge, they have complied with the Standard and will use their best endeavors to continue to do so during the next year.

### 3.4 Perchloroethylene Accredited Personnel

The Standard requires that, as far as practicable, there is at least one accredited person on site during Perchloroethylene equipment operating hours and that only accredited personnel supervise the operation of Perchloroethylene machinery. People become accredited by successfully completing the DIA approved training program for the Safe Handling of Perchloroethylene Solvent in the Drycleaning Plant offered through TAFE in each State.

### 3.5 Statutory Declaration

The Standard requires that each year you warrant that the business has attempted to comply with the provisions of the Standard and will endeavor to do so during the forthcoming year. This Declaration is important in protecting both you and the DIA.

### 3.6 Policies and Procedures Required

The Standard requires that each drycleaner establish a Policy and System that complies with the Standard and to implement policies and procedures necessary to comply with the Standard.

There is a general **Policy Statement**, signed by the Owner/s or Managing Director, about the company's commitment to the Standard. Each procedure sets out step by step what you need to do about each issue and includes the company's **Policy** on the issue.

Procedures should be authorised by the Owner/s or Managing Director and show the date the procedure was implemented.

- the **Purpose** of the procedure describes what the procedure is to do.
- the **Scope** describes what the procedure covers and applies to.
- the **Reference** refers to other relevant procedures or documents.
- the **Definitions** section should provide the meaning of any unusual or uncertain terms.
- the **Procedure** then gives a step by step description of how to perform the activity.

The required policies and procedures include a System Policy, and the following procedures:

- Accredited Supplier Review
- Assessment of Risks
- Corrective and Preventive Action
- Cleaning and Maintenance of Equipment
- Fire and Medical Emergencies
- Product or Service Problem Notification
- Safe Operation of Dry Cleaning Equipment
- Safe Storage and Handling of Chemicals including Perchloroethylene
- Safe Waste Management
- Serious Incident Notification
- Spills and Leakage of Perchloroethylene and Hazardous/Dangerous Chemicals
- Training
- General Environment Risk
- Air Quality
- Cooling Towers and Legionella
- Hazardous Substances Risk Assessment

The purpose and function of each of these policies and procedures is explained in more detail in section 4 of this booklet.

### **3.7 Registers and Records Required**

The Standard also requires drycleaners to maintain records to verify their compliance with the Standard.

The Registers and Records used in the Standard are designed for you to have information at your fingertips. The Standard does not impose any additional information burdens. Instead of having information unrecorded or listed in various files and places, this system enables you to have this key information collected in one place. Keeping records up-to-date makes it even simpler.

It is important to understand why these records are required. When and if you get audited you will have a simple set of records to demonstrate your compliance with the legislation and regulations governing how you operate your business. This will save you time and money as well as minimising your anxiety.

Registers include:

- Document Register
- Accredited Suppliers
- Corrective and Preventative Action
- Hazard and Risk Management Control Measures Audit Register
- License and Registered Plant Register
- Maintenance of Drycleaning Equipment Schedule
- Material Safety Data Sheet Register
- Safety & Measuring Equipment Register including OHS signage, masks etc.
- Safety Standard Identification Register
- Training Register
- Waste Disposal Record
- Air Quality Register
- Cooling Tower Maintenance and Testing Register

Other Records include

- Minutes of Management Review Meetings
- Serious Incident Notification Reports (Initial Report and Final Report)
- Employment Records (State and Federal as required)
- Injury Records
- Hazard Assessment Records
- Records of Cleaning & Maintenance of Equipment

Forms are provided to give you simple, consistent pro formas that you can use 'as is' or adapt. Each record and form is set out to make it as easy as possible for you to use and is explained in more detail in section 4 of this booklet.

Again, it is important to remember that these policies and procedures do not impose any new legislative or regulatory burden. They provide a simple framework to respond to existing Government rules and obligations in operating a drycleaning business.

### **3.8 Maintaining the System**

The system is designed to help, not hinder, you in managing your business. Whilst maintaining the system on a day to day basis, some records are only required on an incident by incident basis, or in accordance with a schedule i.e. cleaning and maintenance.

The only other requirements of the Standard are to (at least) annually review the performance of your suppliers, review the performance of the system, and to submit a Statutory Declaration to the DIA that to the best of your knowledge and belief the Standard has and will be complied with.

### **3.9 Reasons to Implement the Standard**

Implementing and maintaining the Standard makes it easier for you to be aware of what your obligations are and to demonstrate that you are managing them. It is a demonstration of competence. There are some very good reasons why you should implement the Standard.

#### **Legal Reasons**

It is a simple, low cost method of demonstrating compliance with existing legal obligations.

You can easily demonstrate that you have taken reasonable steps to manage your duty of care, public liability, and environmental and OH&S risks.

It helps you avoid or minimise fines.

#### **Occupational Health and Safety (OH&S) Reasons**

- You can demonstrate compliance with your OH&S obligations.
- It helps you manage your duty of care to your employees.

#### **National Pollutant Inventory (NPI) Reasons**

- Perc is on the National Register of Hazardous substances.

Your business is on the NPI database.

- Drycleaning is one of 20 NPI targeted industries.

#### **Environmental Reasons**

- There is increasing public awareness and market place demand for environmentally friendly drycleaning businesses.
- It helps you manage the environmental management aspects of your business responsibly.

#### **Audit Cost Reasons**

- When you are audited you will be able to minimise costs associated with the audit including downtime and fines.

#### **Business Principles Reasons**

- It provides you with marketing opportunity.
- It protects your income and the goodwill of your business by avoiding and /or minimising the risk of closure.
- It saves you money through the 'best practice' principles it introduces. Industry leaders have already experienced and demonstrated the benefits of instituting these good business practices.

#### **Protection Reasons**

- The DIA will not be able to protect non-complying members and non-members after January 2000.. When you are audited the DIA will not be able to advocate on your behalf if you do not comply with the Standard.

#### **Suppliers**

- Suppliers are reluctant to supply those who do not comply. (Suppliers are increasingly limiting their liability).

#### **Employment Records**

- It avoids the costs, waste and fines of poor employment records.



**4. Policies, Procedures, Registers and Forms**

**4.1 Policies and Procedures**

This is a simple explanation of what is required by the policies and procedures contained in the Standard.

Number	Policy and Procedure Title
1	System Policy
2	Accredited Supplier Review
3	Assessment of Risks
4	Corrective and Preventive Action
5	Cleaning and Maintenance of Equipment
6	Fire and Medical Emergency
7	Product or Service Problem Notification
8	Safe Operation of Drycleaning Equipment
9	Safe Storage and Handling of Chemicals including Perchloroethylene
10	Safe Waste Management
11	Serious Incident Notification
12	Spills and Leakage of Perchloroethylene and Hazardous/Dangerous Chemicals
13	Training
14	General Environmental Risk
15	Air Quality
16	Cooling Towers and Legionella
17	Hazardous Substances Risk Assessment

**System Policy**

- This is a statement signed by the Owner/s or Managing Director that the business has implemented and is committed to the Standard.

**Accredited Supplier Review**

- The process for you to formally review the performance of your suppliers.

**Assessment of Risks**

- The process for identifying risks and putting in place preventive/minimising strategies.

**Corrective and Preventive Action**

- This is the process to initiate change to correct and prevent problems and to improve your operations.

**Cleaning and Maintenance of Equipment**

- This states your policy and procedure for maintaining and cleaning your equipment as required by the Code of Practice for Plant.

**Fire and Medical Emergency**

- Sets out step by step what to do in an emergency. It is particularly important for new staff.

**Product or Service Notification**

- Under Safety, Health and Environment legislation you are obliged to notify State authorities of any incidents such as hot solvent spills. This procedure covers problems with products or suppliers.

**Safe Operation of Equipment**

- You are obliged to operate a safe work place.

**Safe Disposal of Waste**

- This is particularly important in respect of Perchloroethylene.

**Safe Storage and Handling of Chemicals**

- This assists with helping you provide a safe work place.

**Serious Incident Notification**

- This shows you the steps involved in notifying the DIA and the relevant Authority/ies in the event of a serious problem.

**Spills and Leakage**

- Sets out your plan for what to do if and when spills or leaks occur.

**Training**

- Sets out how you ensure that you and your staff have the appropriate skills and knowledge.

**General Environmental Duty**

- Sets out how you address your duty of care under the General Environment Duty of Care established under State environment protection legislation. The legislation is very similar across the States.

**Air Emissions**

- Sets out the process for managing and minimising emissions of air pollutants and maintaining air quality.

**Cooling Towers and Legionella**

- Sets out processes for managing and minimising the risk of Legionella in cooling towers

**Hazardous Substances Risk Assessment**

- Complements Procedure 3 Assessment of Risks by specifically addressing the assessment of risks associated with hazardous substances and sets out procedures on their management.

**4.2. Registers**

Number	Register Title
1	Document Register
2	Accredited Supplier Register
3	Corrective and preventive action
4	Hazard Management and Risk Control Measures Audit Register
5	Licensed Equipment and Perc Accredited Personnel Register
6	Maintenance of Drycleaning Equipment Schedule
7	Material Safety Data Sheets
8	Safety and Measuring Equipment Register
9	Safety Standard and Regulation Identification Register
10	Training Register
11	Air Emissions Register
12	Cooling Tower Maintenance and Testing Register

This is a simple explanation of what the Registers contained in the Standard do.

**Document Register**

- Lists all the documents in your system and their issue status i.e. when they were approved and/or changed

**Accredited Supplier Register**

- This is a list of your approved suppliers.

**Corrective and Preventive Action**

- This is a summary of the status of Corrective and Preventive Action requests.

**Hazard Management Risk Control Measures Audit Register**

- This is your register of identified risks and your strategies to deal with them.

**Licensed Equipment and Perc Accredited Personnel Register**

- A simple register of the status of who and what is licensed in your business.

**Maintenance of Drycleaning Equipment Schedule**

- Your schedule of the cleaning and maintenance of your drycleaning equipment.

**Material Safety Data Sheets/Register of Hazardous Substances**

- A list of the current MSDS's you have on dangerous or hazardous chemicals or substances.

**Safety and Measuring Equipment Register**

- Lists what safety and measuring equipment you have.

**Safety Standard and Regulations Identification Register**

- A list of the Safety Standards applicable to your business. Your State DIA can assist you in identifying these Standards and Regulations.

**Training Register**

- A list of the formal and informal (on-the-job) training done in your business. It helps you show that staff have been properly trained particularly in respect of safety, Perc and other hazards.

**Waste Disposal Record**

- A record of solid waste disposal.

**Air Emissions**

- Records the outcomes of air quality testing and emission incidents.

**Cooling Tower Maintenance and Testing Register**

- Records the results of maintenance, disinfection and testing of cool towers