

Holders of critical use exemptions

→ Individuals that have been granted, or whose industry association has been granted, a critical use exemption must be aware of their obligations under the regulations.

Exemption holders are required to keep a record, on a form provided by the Department, of the details of every use of methyl bromide under their exemption, whether contracted fumigators or they themselves perform the fumigation.

Exemption holders are also required to send that record to the Department within 14 days of the end of each 6 month period, starting in January and July.

If a fumigation is performed by a contracted fumigator the contractor must sign the record after each entry to verify the details on the form are correct.

The details of who each individual exemption holder has nominated to supply them methyl bromide in 2005, and their allocated amounts, are contained in the 'Exemption List for Non-QPS Applications of Methyl Bromide', published on the Department's website. Exemption holders should note that they may **only** purchase their methyl bromide from their nominated supplier/s in that list.

Refer to the contact details on the back of this brochure to obtain copies of the forms referred to above.

Once-only report of stockpiles by anyone who purchases methyl bromide

→ Anyone who buys methyl bromide, including importers, on or after 1 January 2005 must provide a report to the Department, within 14 days of the end of the first quarter in which they made the purchase, of the amount of methyl bromide they possessed immediately before making that first purchase.

Please note that any non-QPS stockpiles of methyl bromide imported prior to 1 January 2005 can be used for any non-QPS purpose after 1 January 2005.

Definition of Quarantine and Pre-shipment Uses

→ QPS uses of methyl bromide are not subject to the Montreal Protocol's 2005 phase-out. The Regulations state that methyl bromide is used for QPS if:

- a) it is applied by, or with the authorisation of, a Commonwealth, State or Territory authority to prevent the introduction, establishment or spread of a pest or disease in Australia, a State or a Territory; or
- b) it is applied to a commodity, before it is exported, to meet the requirements of the importing country or a law of the Commonwealth.

Please note that these definitions relate to *official* actions. Contractual or commercial requirements alone do not qualify for the QPS exemption.

Non-QPS uses of Methyl bromide are defined as all other uses that do not fall within the QPS definition.

The Ozone and Synthetic Gas Team can provide further guidance on whether your use of methyl bromide falls within the QPS definition.

Contact Details

Forms are available from the Department's website: www.deh.gov.au/atmosphere/ozone or by contacting the Ozone and Synthetic Gas Team.

Ozone and Synthetic Gas Team
Department of the Environment and Heritage

Telephone (02) 6274 1889.

Email: ozone@deh.gov.au

New legal requirements

for buyers, sellers and users of

→ METHYL BROMIDE

January 2005



Australian Government
Department of the Environment and Heritage

297.5 Design Direction



Australian Government
Department of the Environment and Heritage

The 2005 total phase-out of methyl bromide has started

From 1 January 2005 all use of the ozone depleting substance methyl bromide, other than for quarantine and pre-shipment*, is prohibited in Australia, except where 'critical use exemptions' have been allowed by the *Montreal Protocol on Substances that Deplete the Ozone Layer*.

As a result from 1 January 2005 new mandatory record keeping and reporting requirements will apply to buyers, sellers and end users of methyl bromide. Failure to comply with these may result in penalties.

Regulation of sales and end use of methyl bromide

The new regulations have been developed by the Department of the Environment and Heritage to provide a nationally consistent system to manage the supply and end use of methyl bromide. From 1 January 2005:

- ▶ anyone who **sells** methyl bromide will be required to keep records and report to the Department all sales;
- ▶ anyone who **uses** methyl bromide will be required to keep records;
- ▶ individuals who have been granted exemptions to the phase out will be required to report to the Department all use of methyl bromide under their exemption.

Inspectors appointed by the Department may audit records relating to the sale or use of methyl bromide and/or stockpiles of sellers and end users.

Summary details of the new obligations of suppliers, buyers and end users are set out in this brochure. For further information, refer to the back of this brochure for contact details.

* Refer to QPS definition in this brochure.

Suppliers and buyers of methyl bromide

Anyone who sells methyl bromide must keep a record of the sale, on a form provided by the Department, for 5 years from the date of the sale.

The buyer will be required to sign a declaration on the form that states whether the methyl bromide will be used for QPS or non-QPS (exemption) purposes. For stocks imported after 1 January 2005, sellers may **only** sell non-QPS methyl bromide to:

- ▶ a person who has an exemption, but only if the seller is listed as the 'nominated supplier' for that exemption holder (as per the 'Exemption List for Non-QPS Applications of Methyl Bromide', published on the Department's website); or
- ▶ a 'nominated supplier' for an exemption holder, but only if the seller is listed as an 'intermediate supplier' for the buyer (as per the 'Intermediate Supplier List for Non-QPS Applications of Methyl Bromide', published on the Department's website).

Sellers **must** ensure that, in 2005:

- ▶ they do not sell to exemption holders more non-QPS methyl bromide than the quantity specified on the 'Exemption List for Non-QPS Applications of Methyl Bromide'; and
- ▶ they do not sell to a 'nominated supplier' more non-QPS methyl bromide than that nominated supplier is allowed to sell to exemption holders, as per the 'Exemption List for Non-QPS Applications of Methyl Bromide'.

Importers must comply with the conditions of their import licence with respect to who they can sell non-QPS methyl bromide to and in what amounts.

Sellers are required to report to the Department who they have sold methyl bromide to, and in what amounts, within 14 days of the end of each quarter.

Refer to the contact details on the back of this brochure to obtain copies of the forms and lists referred to above.

End users of methyl bromide

Anyone who uses methyl bromide must keep a record of the details of every fumigation performed for a period of 5 years.

If an end user is already keeping a record of each fumigation for another Government agency that includes the information that is required to be kept by the Department of the Environment and Heritage, the end user is not required to keep a second duplicate record. However, in those situations the end user **must** make available those records to inspectors appointed by the Department and **must** keep those records for at least 5 years.

The Department can provide a form to those end users, not required to keep such records for other Government agencies, to record the details of each use.

In addition to the records for each fumigation performed, end users must keep a separate summary record, on a form provided by the Department, which records a summary of the total amount of methyl bromide used each day.

End users that also hold an exemption to use methyl bromide for non-QPS purposes are required to report all use under their exemption to the Department.

All other end users who are not exemption holders are **not** required to report to the Department of their use for either QPS or non-QPS purposes, but should be aware that inspectors appointed under the Act may audit their records at any time.

Contracted fumigators for exemption holders should note that they must sign the exemption holders' report of use forms, verifying the details of each fumigation are correct.

Refer to the contact details on the back of this brochure to obtain copies of the forms referred to above.