



# Factsheet

## **PFAS Management under IChEMS and Compliance with the General Environmental Duty** *(Environmental Protection Act 1994)*



Chemicals are an integral part of daily life and play a vital role in the broader economy. However, some manufactured chemicals such as, per- and poly-fluoroalkyl substances (**PFAS**) may pose significant risks to human health and the environment, making it crucial to understand their sources and concentration, and establish effective controls.



### IChEMS and PFAS

The use of PFAS is subject to increasing regulation across the sector, with stricter standards now applying to activities involving high-risk chemicals under both the IChEMS framework and the *Environmental Protection Act 1994* (**EP Act**). Under IChEMS, the Queensland Government is responsible for managing the use and disposal of these chemicals, while the Australian Government regulates their importation and manufacture.

IChEMS establishes nationally consistent standards (known as IChEMS minimum standards) for the safe use, storage, handling, and disposal of industrial chemicals and as of **1 July 2025** the **industrial use** of, PFAS congeners such as PFOA, PFOS, PFHxS (whether on their own or in mixtures) (collectively, the **PFAS congeners**) is **prohibited** except in specific circumstances.

Chemicals which contain or may contain PFAS to be used in drinking water treatment or sewage treatment would amount to an industrial use of those chemicals and is otherwise prohibited.

The IChEMS framework is designed to target those with the knowledge or systems to prevent and minimise industrial chemicals from causing environmental harm. This means, all commercial users, importers and manufacturers will be responsible for managing the introduction, use and disposal of industrial chemicals, namely by:

- 1 Discontinuing the use of PFAS congeners and source alternative chemicals;



- 2 Identifying whether any other chemicals associated with the activity—or any alternative chemicals—are listed under the (Industrial Chemicals Environmental Management (Register) Act 2021) (ICEMR Act) which can be easily accessed via the IChEMS online register;



- 3 Detecting and reporting any unintentional trace contamination of PFAS congeners up to 0.025 mg/kg. If present, evaluate the feasibility of substituting PFAS congeners with alternative chemicals or products;



- 4 Meeting the IChEMS Minimum Standards, which set the baseline requirements for the environmental management of industrial chemicals listed on the register; and



- 5 Complying with a risk management measure listed under the Industrial Chemicals Environmental Management (Register) Instrument 2022 (ICEMR Instrument), see relevant Schedules (1 to 7) which detail the measures.



To support compliance with Standard 1 (Information and Awareness) of the IChEMS Minimum Standards, **qldwater** has developed a Manufacturers Declaration to help chemical providers communicate the environmental risks of industrial chemicals throughout the supply chain, ensuring alignment with IChEMS legislative requirements, including those under the EP Act.

General Environmental Duty

Manufacturers and industry users are required to comply not only with the IChEMS but also with their environmental duties under the EP Act.

One key environmental obligation is compliance with the General Environmental Duty (**GED**), which applies to **any individual or corporation** undertaking activities involving a relevant industrial chemical. Under the GED:

- individuals and entities **must** comply with any risk management measures prescribed by the ICEMR Act, as specified in the relevant ICEMR Instrument (i.e. see relevant Schedule); and
- this obligation **applies regardless of any other measures taken** to prevent or minimise environmental harm caused, or likely to be caused, by the activity.

Given the obligations introduced under the EP Act, it is essential that any supplied chemical is assessed to determine whether it is listed under the ICEMR Act. If it is, the applicable risk management measures outlined in the relevant ICEMR Instrument (see Schedules 1 to 7) must be followed to ensure compliance with the GED.

ICEMR Instrument Schedules & Alternative chemicals

Below is a summary of the relevant Schedules 1 to 7 under the ICEMR Instrument outlining the applicable risk management measures.

	Description	Controls
1Schedule 1	Very low or no hazard to the environment	General responsibilities to protect the environment, no additional controls.
2Schedule 2	Hazardous, low risk	Proportional controls and requirements.
3Schedule 3	Hazardous, moderate risk	Proportional controls and requirements.
4Schedule 4	Hazardous, higher risk e.g. bioavailable metals, bioaccumulative substances, and endocrine disruptors.	Proportional controls and requirements.
5Schedule 5	Potentially significant and long-lasting impact e.g. chemicals that are likely to cause environmental harm, or that demonstrate a combination of persistence, bioaccumulation, and toxicity.	Proportional controls for assessed uses. Controls may be enforced through additional requirements, such as licences, permits or regulations.
6Schedule 6	Significant risk of serious or irreversible harm to the environment as per Schedule 7, but: the chemical has an essential use, there are no viable alternatives, and there are no exceptional circumstances making Schedule 7 more appropriate.	Severe restriction, with rigorous standards for any remaining uses. Controls will be enforced through additional requirements, such as licences, permits or regulations.
7Schedule 7	Significant risk and highly hazardous to the environment e.g. chemicals that are persistent, bioaccumulative and toxic, such as chemicals under the Stockholm Convention.	Prohibited from import, manufacture, and use.

Source: DECCEEW: IChEMS schedule

Relevant industrial chemicals that are likely to cause serious or irreversible environmental harm and have no essential uses—such as PFAS congeners—are listed under Schedule 7 of the ICEMR Act.

As a result, suitable alternative chemicals must be identified and used.

## Ensuring compliance and protection

**qldwater** members purchase chemicals for water and sewerage treatment processes, and for use elsewhere within their businesses. Many sewerage service providers also accept trade waste from businesses that also purchase chemicals for use. These businesses all rely on the chemical suppliers and manufacturers to comply with their GED and ICEMR Act obligations. In that context, **qldwater** members ask that suppliers follow the steps outlined below.

1. Complete a Manufacturers Declaration (to assist in complying with the IChEMS minimum standard 1, including risk management requirements under the IChEMS legislation and EP Act in relation to PFAS);



2. Provide complete analytical certificates for PFAS testing to accompany the Declaration (to also assist with compliance with relevant End of Waste Codes);



3. Comply with all other IChEMS Minimum Standards;



4. Continue to monitor the IChEMS online register to ensure other chemicals used as alternatives to PFAS are not scheduled and prohibited for use; and



5. Comply with all other risk management requirements under the ICEMR Act and ICEMR Instrument.



### Disclaimer

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(07) 3632 6850

Level 1/6 Eagleview Pl, Eagle Farm QLD

[www.qldwater.com.au](http://www.qldwater.com.au)

[enquiry@qldwater.com.au](mailto:enquiry@qldwater.com.au)