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To Nicola.Hall@health.gov.au  
cc  
bcc

Subject Gene Ethics Nano Submission [No Protective Marking]

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**Submission to the NICNAS Nano-Materials Review by**

**Gene Ethics**

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Dear Sir/Ms:

We strongly support NICNAS reviewing the assessment and regulation of Nano-materials. It is a scandal that nano-materials are in hundreds of products, mostly untested, unassessed and unlabeled. Also that new materials can be included without review.

**NICNAS proposal for a new regulatory framework to manage the health and environmental risks of nano-materials should be tougher than proposed. In particular Gene Ethics considers that:**

NICNAS must close the regulatory gaps to ensure that both the existing and new forms of nano-materials are independently safety tested before they are used in products. The priority should be those already in use, with a time frame of say, 12 months, for the review process.

We support the strong case for a ban on the commercial use of nano-materials until the safety science is done and risk assessments are validated as many experts agree that the behaviour of various nano-materials is not yet sufficiently understood to design reliable risk assessment protocols.

The precautionary principle, as defined in the CBD and various national and international laws must be applied to all dealings with nano-materials - regulatory, scientific, industrial and commercial.

NICNAS should prioritise the public interest in the management of nanoaterials, including community participation in decision-making and the 'right to know'. All information on the type and quantity of nanomaterials used in any product or process must be freely available online and on product labels.

The NICNAS proposal to define nano-materials as <100nm would leave out many nano-particles, some of which may pose new safety hazards.

Nano-materials should not be defined as insoluble as their solubility is complex and poorly understood. Evidence suggests that partially and even wholly water soluble nano-materials may be toxic

Nor should nano-materials be defined as bio-persistent as this is still poorly researched and understood. Even materials that do not significantly bio-persistent may be toxic.

Aggregates and agglomerates of nano-materials, which have primary particles at the

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nano-scale should also be defined and assessed as nano-materials.

Voluntary assessment and regulation of nanotechnology have failed and NICNAS should establish a regime for the mandatory notification, assessment and regulation of dealings with nano-materials.

A commitment should be made to a formal review of the NICNAS regulatory framework 2 years after it begins operation.

Please favourably consider and implement the proposals in our submission.

Yours sincerely,

Bob Phelps  
Executive Director

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