



7 May 2020

(20-3478)

Page: 1/3

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Australian Competition and Consumer Commission (ACCC) Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Department of Foreign Affairs and Trade Email: tbt.enquiry@dfat.gov.au
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Portable non-aerosol fire extinguishers are a hand operated device designed to extinguish certain fires. Such products generally weigh between half a kilogram and nine kilograms, but can weigh up to 23 kilograms. They may be refillable and come with a support fitting, carry handle, squeeze lever, pressure indicating device and an anti-discharge device. They also contain a different extinguishing agent depending on the type of fire the extinguisher is intended to fight. While the ACCC reviewed portable aerosol and portable non-aerosol fire extinguishers in the same consultation, it does not propose any change to portable aerosol fire extinguishers, which are subject to a separate mandatory safety standard (Consumer Protection Notice No. 9 of 2004).; - Fire extinguishers, whether or not charged (HS 842410)
5. Title, number of pages and language(s) of the notified document: Review of the mandatory safety standards for portable fire extinguishers – Consultation paper (17 page(s), in English)
6. Description of content: The ACCC is proposing to amend the mandatory safety standard for portable non-aerosol fire extinguishers by referencing the latest voluntary Australian standard AS/NZS 1841:2007, <i>Portable fire extinguishers</i> , Parts 1 to 8. The proposed standard would maintain comparable requirements to the existing standard (the Consumer Protection Notice No. 3 of 2004 , which references and varies the voluntary Australian standard AS/NZS 1841:1997 <i>Portable fire extinguishers</i> , Parts 1 to 8) for the design, construction, performance, testing, instructions and labelling of these extinguishers. Through reference to the latest voluntary Australian standard, it would also provide additional clarity for suppliers by introducing new requirements on filling tolerance and, provide suppliers with greater compliance options through two alternate methods for discharge testing. The attached consultation paper also outlines a proposal to address the identified regulatory duplication in Australia around the routine servicing of portable non-aerosol

fire extinguishers (as prescribed by the voluntary Australian standard AS 1851-2012 *Routine service of fire protection systems and equipment*), by limiting the application of the new standard to the supply of new extinguishers only. Following further consultation, this application has been expanded to apply to the supply of all new non-aerosol and all imported second-hand non-aerosol extinguishers. Therefore, it would not apply to the supply of second-hand extinguishers already supplied in Australia (i.e. those not imported).

- 7. Objective and rationale, including the nature of urgent problems where applicable:** The objective of the proposed mandatory safety standard is to continue setting minimum supply requirements to ensure the safety and consistency of these essential fire-fighting products across the Australian market. If an extinguisher malfunctions, is incorrectly labelled with the wrong operating instructions or contains an incorrect extinguishing agent, users and people in close proximity to a fire are at risk of serious injury or death. In particular, portable non-aerosol fire extinguishers carry prescribed instructions and labelling to help consumers easily identify the device's intended use and safe operation in an emergency, and its correct storage. Consumers may not be aware that portable fire extinguishers are designed to fight particular types of fires and using the wrong type of extinguisher may actually exacerbate a fire.; Protection of human health or safety

8. Relevant documents:

- Consultation paper – https://consultation.accc.gov.au/product-safety/review-of-the-mandatory-safety-standards-portable/supporting_documents/Portable%20fire%20extinguishers%20consultation%20paper%20%20September%202019.pdf
- Current mandatory safety standard (the Consumer Protection Notice No. 3 of 2004) – <https://www.legislation.gov.au/Details/F2005B01048>
- Latest voluntary Australian standard for the supply of portable non-aerosol fire extinguishers (AS/NZS 1841:2007 *Portable fire extinguishers*, Parts 1 to 8) – (1) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-1-2007-117474_SAIG_AS_AS_245904/, (2) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-2-2007-117473_SAIG_AS_AS_245901/, (3) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-3-2007-117472_SAIG_AS_AS_245898/, (4) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-4-2007-117471_SAIG_AS_AS_245895/, (5) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-5-2007-117470_SAIG_AS_AS_245892/, (6) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-6-2007-117469_SAIG_AS_AS_245889/, (7) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-7-2007-117468_SAIG_AS_AS_245886/, (8) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-8-2007-117467_SAIG_AS_AS_245882/
- Outdated voluntary Australian standard for the supply of portable non-aerosol fire extinguishers (AS/NZS 1841:1997 *Portable fire extinguishers*, Part 1 to 8) – (1) https://infostore.saiglobal.com/en-us/Standards/AS-NZS-1841-1-1997-117474_SAIG_AS_AS_245905/, (2) https://infostore.saiglobal.com/en-gb/standards/as-nzs-1841-2-1997-117473_saig_as_as_245902/, (3) https://infostore.saiglobal.com/en-us/Standards/AS-NZS-1841-3-1997-117472_SAIG_AS_AS_245899/, (4) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-4-1997-117471_SAIG_AS_AS_245896/, (5) https://infostore.saiglobal.com/en-us/Standards/AS-NZS-1841-5-1997-117470_SAIG_AS_AS_245893/, (6) https://infostore.saiglobal.com/en-au/Standards/AS-NZS-1841-6-1997-117469_SAIG_AS_AS_245890/?source=predictive, (7) https://infostore.saiglobal.com/en-us/Standards/AS-NZS-1841-7-1997-117468_SAIG_AS_AS_245887/, (8) https://infostore.saiglobal.com/en-us/standards/as-nzs-1841-8-1997-117467_saig_as_as_245883/
- Voluntary Australian standard for the routine servicing of portable fire extinguishers (AS 1851-2012 *Routine service of fire protection systems and*

<p>equipment) – https://infostore.saiglobal.com/en-us/standards/as-1851-2012-120190_saig_as_as_251902/</p> <ul style="list-style-type: none"> • Product Safety Australia page - https://www.productsafety.gov.au/standards/portable-non-aerosol-fire-extinguishers
<p>9. Proposed date of adoption: The proposed mandatory safety standard would be adopted the day after it is registered.</p> <p>Proposed date of entry into force: The proposed mandatory safety standard would provide a 12 month transitional period to allow suppliers to move to the new requirements. During the transitional period suppliers may choose to comply with the new standard or the requirements set out in the Consumer Protection Notice No. 3 of 2004.</p>
<p>10. Final date for comments: 60 days from notification</p>
<p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>Department of Foreign Affairs and Trade Email: tbt.enquiry@dfat.gov.au</p>