NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** AUSTRALIA  **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](mailto:tbt.enquiry@dfat.gov.au) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Non-refillable helium cylinders - a cylinder of pressurised gas if the cylinder contains predominantly helium gas and is not able to be refilled and reused. |
| **5.** | **Title, number of pages and language(s) of the notified document:** Not applicable - this is an early notice for Members' awareness. |
| **6.** | **Description of content:** Mandatory safety standard on non-refillable helium cylinders - The proposed mandatory standard will require non-refillable helium cylinders to contain a blend of oxygen (about 21%) and helium (79%), rather than just pure helium. A label (also required as part of the mandatory standard) will highlight the composition of the blend, and that inhalation may cause suffocation. The scope of the proposed standard is non-refillable helium cylinders only. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** In the past 5 years, several coroners have written to the ACCC on many occasions to notify of asphyxiation deaths caused by the deliberate inhalation of helium gas and to recommend that the ACCC regulate helium balloon kits to address the misuse of the product to commit suicide.  Helium cylinders continue to be used as a means to assist in suicides. Deliberate inhalation of helium gas is harmful and can lead to death by asphyxiation. This is because when inhaled, the helium gas displaces oxygen which rapidly leads to unconsciousness and death if the exposure continues. These cylinders are promoted as a means of assisted suicide as they are readily available for purchase, inexpensive and considered an effective and a relatively painless means of achieving this outcome. Coronial reports indicate that non-refillable cylinders are increasingly being used as an aid to suicide, so the standard will only apply to non-refillable helium cylinders and not include refillable helium cylinders. The nature of commerce with refillable helium cylinders provides a significantly reduced risk profile.  The proposed mandatory standard of requiring a 21% oxygen blend in non-refillable helium cylinders makes it more difficult to misuse these products for suicide as it increases the time required to reach unconsciousness, results in unpleasant side effects, and allows opportunities for reconsideration and intervention by others. The addition of 21% oxygen does not prevent latex balloons rising or remaining aloft for a reasonable period and does not heighten or introduce any new risks to consumers (including no change to flammability).  The proposed standard aims to reduce the rate of suicide by helium asphyxiation through the use of helium cylinders, while maintaining people's legitimate enjoyment by being able to use helium to inflate latex balloons for parties and events.  The cost of the proposed gas mixture (on a per volume basis) under a mandatory standard would be cheaper than the current high purity helium. Oxygen is significantly cheaper than helium. Additional costs in blending the 21% oxygen mixture are expected, but estimates indicate that this will be offset over time as the proposed gas mixture will be cheaper. There would also be small one off costs due to requiring minor changes to the product labels to advise of the composition of the mixture.; Protection of human health or safety |
| **8.** | **Relevant documents:**  Not applicable - this is an early notice for Members' awareness. |
| **9.** | **Proposed date of adoption:** The new safety standard would be adopted 3 months after it is registered.  **Proposed date of entry into force:** The day after the instrument for the mandatory safety standard is registered. |
| **10.** | **Final date for comments:** 2 September 2022 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  Department of Foreign Affairs and Trade  Email: [tbt.enquiry@dfat.gov.au](mailto:tbt.enquiry@dfat.gov.au)  Not applicable- this is an early notice for Members' awareness. |