



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHLORACNE
(Balance of Probabilities)
(No. 63 of 2020)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 28 August 2020

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *chloracne (Balance of Probabilities)* (No. 63 of 2020).

2 Commencement

This instrument commences on 28 September 2020.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning chloracne No. 18 of 2012 (Federal Register of Legislation No. F2012L00448) made under subsection 196B(3) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about chloracne and death from chloracne.

Meaning of chloracne

- (2) For the purposes of this Statement of Principles, chloracne:
- (a) means a chronic skin disease, characterised by an acne-like eruption of open and closed comedones (whiteheads and blackheads), pustules and epidermal cysts, occurring after the systemic absorption of certain polyhalogenated aromatic hydrocarbons; and
 - (b) excludes drug-related acneiform facial eruptions.

Note: Chloracne lesions are typically distributed over the face, earlobes and neck, and can also occur on the trunk, genitalia and buttocks. Other skin manifestations may include hyperpigmentation and hyperhidrosis. The skin lesions may be accompanied by systemic signs and symptoms.

Death from chloracne

- (3) For the purposes of this Statement of Principles, chloracne, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's chloracne.

Note: *terminal event* is defined in the Schedule 1 - Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that chloracne and death from chloracne can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 - Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, chloracne or death from chloracne is connected with the circumstances of a person's relevant service:

- (1) inhaling, ingesting or having cutaneous contact with a polyhalogenated aromatic hydrocarbon from the specified list of polyhalogenated aromatic hydrocarbons, within the six weeks before the clinical onset of chloracne;

Note 1: Examples of products that may contain polyhalogenated aromatic hydrocarbons from the specified list include:

- (a) fungicides;
- (b) herbicides;
- (c) insecticides;
- (d) transformer oils; and
- (e) wood protectors.

Note 2: Examples of circumstances that may lead to exposure to polyhalogenated aromatic hydrocarbons from the specified list include:

- (a) being in an environment shrouded in dust from timber treated with;
 - (b) being sprayed with;
 - (c) cleaning or maintaining equipment used to apply;
 - (d) consuming cooking oil or food contaminated with;
 - (e) decanting or spraying;
 - (f) handling or sawing timber treated with; and
 - (g) using cutting oil contaminated with;
- any of the polyhalogenated aromatic hydrocarbons from the specified list of polyhalogenated aromatic hydrocarbons.

Note 3: *specified list of polyhalogenated aromatic hydrocarbons* is defined in the Schedule 1 - Dictionary.

- (2) inhaling, ingesting or having cutaneous contact with a polyhalogenated aromatic hydrocarbon from the specified list of polyhalogenated aromatic hydrocarbons, within the six weeks before the clinical worsening of chloracne;

Note 1: Examples of products that may contain polyhalogenated aromatic hydrocarbons from the specified list include:

- (a) fungicides;
- (b) herbicides;
- (c) insecticides;
- (d) transformer oils; and
- (e) wood protectors.

Note 2: Examples of circumstances that may lead to exposure to polyhalogenated aromatic hydrocarbons from the specified list include:

- (a) being in an environment shrouded in dust from timber treated with;
 - (b) being sprayed with;
 - (c) cleaning or maintaining equipment used to apply;
 - (d) consuming cooking oil or food contaminated with;
 - (e) decanting or spraying;
 - (f) handling or sawing timber treated with; and
 - (g) using cutting oil contaminated with;
- any of the polyhalogenated aromatic hydrocarbons from the specified list of polyhalogenated aromatic hydrocarbons.

Note 3: *specified list of polyhalogenated aromatic hydrocarbons* is defined in the Schedule 1 - Dictionary.

- (3) inability to obtain appropriate clinical management for chloracne.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factors set out in subsections 9(2) and 9(3) apply only to material contribution to, or aggravation of, chloracne where the person's chloracne was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

chloracne—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

polychlorodibenzofurans (PCDFs) as specified means:

- (a) 2,3,7,8-tetrachlorodibenzofuran (TCDF);
- (b) pentachlorodibenzofurans (PeCDFs);
- (c) haemachlorodibenzofurans;
- (d) hexachlorodibenzofurans (HxCDFs);
- (e) heptachlorodibenzofurans (HpCDFs);
- (f) octachlorodibenzofurans (OCDFs); or
- (g) trichlorodibenzofurans.

polychlorodibenzo-para-dioxins (PCDDs) as specified means:

- (a) 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD);
- (b) 1,2,3,7,8-pentachlorodibenzo-para-dioxin (PeCDD);
- (c) hexachlorodibenzo-para-dioxin (HxCDD);
- (d) 1,2,3,4,6,7,8-heptachlorodibenzo-para-dioxin (HpCDD); or
- (e) octachlorodibenzo-para-dioxin (OCDD).

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

specified list of polyhalogenated aromatic hydrocarbons means:

- (a) azobenzenes, including 3,3',4,4'-tetrachloroazobenzene;
- (b) azoxybenzenes, including 3,4,3',4'-tetrachloroazoxybenzene;
- (c) dioxin-like polychlorinated biphenyls (PCBs);
- (d) o-dichlorobenzene;
- (e) polybrominated biphenyls (PBBs);
- (f) polybromodibenzofurans, including tetrabromodibenzofuran;
- (g) polychlorodibenzofurans (PCDFs) as specified;
- (h) polychlorodibenzo-para-dioxins (PCDDs) as specified;
- (i) polychloronaphthalenes, including pentachloronaphthalene (Halowax 1013) and hexachloronaphthalene (HCN);
- (j) polychromonaphthalenes; or
- (k) triazoloquinoxalines.

Note: **polychlorodibenzofurans (PCDFs) as specified** and **polychlorodibenzo-para-dioxins (PCDDs) as specified** are also defined in the Schedule 1 - Dictionary.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.