

Newsletter

Global Environmental and
Chemical Regulations, Policies,
and Standards

January 2023

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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
January 2023



WHO IS IAEG?

The International Aerospace Environmental Group ([IAEG](#)) is a non-profit organization of global aerospace companies created to collaborate on and share innovative environmental solutions for the industry. The group works to promote the development of voluntary consensus standards and provide accessible solutions for key environmental issues.

Members of IAEG recognize that there are currently a wide variety of different laws and regulations impacting health and the environment in place worldwide. The complexity and variability of requirements and guidance has led to an increased burden for the industry and its supply chain.

IAEG work groups address such issues as chemical material declarations and reporting requirements, the development of alternative technologies and greenhouse gas reporting and management. They create a forum for diverse and often competitive businesses to come together and share information on industry-wide opportunities for the promotion and adoption of global environmental requirements. In addition, IAEG provides opportunities for wider education on environmental issues and the supply chain via its meetings agendas and bespoke seminars.

IAEG WORK GROUP 9 NEWSLETTER

The Aerospace and Defense (AD) industry is committed to developing an approach to help the AD industry evaluate emerging global environmental and chemical regulations and their impact on compliance and potential operational risk for companies and their supply chain. The objectives are to:

- » Maintain a list of global regulations, policies and standards considered and to be considered, including executive summaries of those regulations.
- » Develop a method to evaluate designated emerging regulation's potential impact on compliance and/or operational risk, business continuity and/or impact on supply chain.
- » Develop summaries of the associated timeline for regulations (e.g., deadlines) and highlight the specific impacts.
- » Develop communication materials and conduct informational webinars, as appropriate, for member companies and/or AD supply chain companies, as appropriate.

This Newsletter summarizes environmental and chemical regulations relevant to the AD industry. Contact Lisa Brown at myrna.l.brown@lmco.com or Lindsey Bean at lindsey.bean@ngc.com for any questions on this Newsletter. For general assistance on IAEG matters, contact Christer Hellstrand at chellstrand@iaeg.com or Amanda Myers at Amanda.Myers@sae.org.

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ASIA

China

Addition of 42 substances to the Inventory of Existing Chemical Substances in China (published)

On 5 December 2022, the Chinese Ministry of Ecology and Environment (MEE) announced the addition of 42 substances into the Inventory of Existing Chemical Substances in China (IECSC; 36 substances added to the 'second batch and the tenth batch in 2022', and 6 substances added to 'the second batch in 2022 and the eighth batch in total'). These substances were manufactured in or imported into China before 15 October 2003, which fulfilled the supplementation criteria but missed the previous supplementation window. They are now regulated as existing chemical substances in China and are free from new chemical registration or notification requirements under the Measures for the Ecology and Environmental Management Registration of New Chemical Substances (MEE Order No. 12).

There are no non-compliance provisions associated with this update.

More information can be found in Chinese in [Announcement No. 32 of 2022](#), [Announcement No. 33 of 2022](#), [update to IECSC Substance List 1](#), and [update to IECSC Substance List 2](#).

India

Postponement of quality control order for three substances (published)

The Ministry of Chemicals and Fertilizers in India published a notice on 28 December 2022 to announce the postponement of the quality control orders (QCO) for three substances. The notification amends the enforcement date for the QCO for the following three substances to 31 May 2023:

- » vinyl acetate (CAS No. 108-05-4) monomer – used in the production of polymer resins for paints and coatings, adhesives, sealants, and textiles
- » methyl acrylate (CAS No. 96-33-3) and ethyl acrylate (CAS No. 140-88-5) – used as raw materials in the production of adhesives, paint coatings, plastics, emulsions, rubber, and molding agents

QCOs are gazette orders issued pursuant to Section 16 of the Bureau of Indian Standards Act, 2016. They are issued by the government to announce that relevant standards prescribed by the Bureau of Indian Standards (BIS) concerning certain products will be mandatory effective from the date specified in the QCO. QCOs apply to products/articles¹. These orders require anyone handling the products/articles, including companies manufacturing or importing and downstream users, to comply with the requirements set out in the QCOs or face a ban. The requirements may be included from Indian Standards covered by the QCO – handling, packaging, and marking requirements; and sampling methods and tests for substances

¹ i.e., objects whose function is determined by their shape, surface, or design to a greater degree than their chemical composition

contained in products/articles. By the issuance of QCOs, the use of a standard mark under a license or a certificate of conformity from BIS is mandated.

Penalties will be applied under the Bureau of Indian Standards Act. Penalties for non-compliance include fines of up to five lakh rupees.

More information can be found in Hindi and English in the [Gazette of India](#).

Japan

Addition of 181 substances to the Industrial Safety and Health Law inventory (published)

On 27 December 2022, the Japanese Ministry of Health, Labor, and Welfare (the Ministry) added 181 substances to the list of existing chemical substances under the Industrial Safety and Health Law (ISHL) inventory. In Japan, new chemical substances being manufactured or imported are required to be notified under the ISHL and the Chemical Substances Control Law. Under the ISHL, manufacturers and importers of substances classified as existing chemical substances do not need to notify the substances to the Ministry as new chemical substances.

Substances are added to the ISHL inventory one year after they have been notified to the Ministry as new chemical substances. The ISHL inventory applies to substances manufactured in or imported to Japan for workplaces uses and is intended to protect workers from harm.

There are no non-compliance provisions associated with this update.

More information can be found in Japanese in this [ISHL Inventory Update](#) and this [notice](#) from the Ministry.

Singapore

Standards for water-based enamel paint and primer for metal and wood (published)

Enterprise Singapore, Singapore's government national standards and accreditation body, published the following standards for paints and primers in September 2022:

- » specification for water-based enamel paint – applies to air-drying gloss paints for use on suitably prepared and primed interior and exterior metal and wood surfaces
- » specification for water-based primer for metal and wood – applies to ready-to-use paints for use as primers in the protection of metal and wood surfaces

The two standards prohibit the use of:

- » formaldehyde-containing materials (CAS No. 50-00-0) – commonly used to inhibit bacterial and fungal growth in paints
- » n-methylpyrrolidone (CAS No. 872-50-4) – a solvent used for paint and coating removal
- » alkylphenol ethoxylates (CAS No. not available) – a surfactant used in a wide range of coating formulations
- » epichlorohydrin (CAS No. 106-89-8) – a solvent used in paints, varnishes, and enamel formulations

The following limits are also given:

- » 75 grams per liter for volatile organic compounds
- » 90 milligrams per kilogram (mg/kg) for lead (CAS No. 7439-92-1)
- » 100 mg/kg for cadmium (CAS No. 7440-43-9), chromium VI (CAS No. 18540-29-9), and mercury (CAS No. 7439-97-6)

There are no non-compliance provisions associated with this update.

More information can be found in these specifications on water based primer for [metal and wood](#) and for [enamel paint](#).

[South Korea](#)

[Extension of application period for restrictions on use of chromium VI compounds and mixtures in certain paint applications \(in force\)](#)

On 20 December 2022, the Ministry of Environment (MoE) in South Korea published an amendment for the Designation of Restricted Substances and Prohibited Substances. MoE Notice No. 2022-248 extended the application period for restrictions on the use of chromium VI compounds and mixtures containing 0.1% or more in water tank anticorrosive paints and other paints.

The restrictions affect paint manufacturing, import, sale, storage, and use. Restrictions were initially proposed to begin to apply on 1 January 2023 for manufacturing and import and on 1 July 2023 for sale, storage, transport, and use. South Korea extended both dates to 1 January 2025 to give the necessary time to implement the handling restrictions in related industries. Exceptions apply for certain applications including aircraft and military supplies.

There are no non-compliance provisions associated with this update.

Information can be found [here](#) in Korean.

[Ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer \(published\)](#)

On 19 January 2023, South Korea announced its ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. By ratifying the Kigali Amendment, South Korea commits to an 80% reduction in its production/consumption of hydrofluorocarbons (HFCs) by 2045. HFCs are used as refrigerants, solvents, fire suppressants, foam blowing agents, aerosols, and propellants. There are currently 18 HFCs listed under the Kigali Amendment.

South Korea is set to follow a HFC phase-out schedule after implementing a freeze in 2024:

- » 2029 – reduce to 90% or less of baseline production/consumption
- » 2035 – reduce to 70% or less of baseline production/consumption
- » 2040 – reduce to 50% or less of baseline production/consumption
- » 2045 – reduce to 20% or less of baseline production/consumption

Information can be found in this [table](#) on status of ratification, accession, acceptance, approval, or succession of the agreements on the protection of the stratospheric ozone layer as provided by the Depositary, the United Nations Office of Legal Affairs. Additional information can be found in this [frequently asked questions](#) relating to the Kigali Amendment.

Adoption of hazard assessment results/information of 95 new and 18 existing substances registered under K-REACH (published)

South Korea's National Institute of Environmental Research issued Notification No. 2022-87 on 21 December 2022 to adopt the hazard assessment results/information of 95 new and 18 existing chemical substances registered under K-REACH.

Under K-REACH, hazard evaluations for substances are conducted by the South Korean Ministry of Environment (MoE). The assessment of a particular substance may result in it being designated as a toxic substance and requiring further risk assessment. Based on the results of the hazard evaluation and risk assessment, the MoE designates the substance in question as being subject to authorization, restriction, or prohibition.

There are no non-compliance provisions associated with this update.

Information can be found here [in Korean](#) and [in English](#).



EUROPE

European Union

Amendments to Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants (in force)

The European Union (EU) published an amendment on 9 December 2022 to Annexes IV and V of Regulation (EU) 2019/1021 on persistent organic pollutants (POPs). Annex IV of the POPs regulation sets limits for POPs in waste, and Part 2 of Annex V details methods for managing waste containing POP substances in the EU. The amendment entered into force on 29 December 2022 and will enter into effect on 10 June 2023.

The amendments to Annex IV include the addition of four new substances:

- » pentachlorophenol (CAS No. 87-86-5) and its salts and esters
- » dicofol (CAS No. 115-32-2)
- » perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and PFOA-related compounds, as set out in Annex I
- » perfluorohexane sulfonic acid (PFHxS; CAS No. 355-46-4), its salts, and PFHxS-related compounds

There were also changes to eight entries, in which the concentration limits were lowered:

- » tetrabromodiphenyl ethers (CAS No. 40088-47-9 and others)
- » pentabromodiphenyl ethers (CAS No. 32534-81-9 and others)

- » hexabromodiphenyl ethers (CAS No. 36483-60-0 and others)
- » heptabromodiphenyl ethers (CAS No. 68928-80-3 and others)
- » bis(pentabromophenyl) ethers (CAS No. 1163-19-5 and others)
- » polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs) [CAS Nos. not available]
- » hexabromocyclododecanes (CAS Nos. 25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8)

For ashes containing PCDD/PCDF and dl-PCBs, transitional provisions have also been added. Part 2 of Annex V has been amended to reflect the changes to Annex IV.

Penalties for non-compliance vary by Member State.

More information can be found [here](#).

Revisions to the European Union regulation on classification, labelling, and packaging of substances and mixtures (consultation)

The European Commission's (EC's) revision package for the regulation on classification, labelling, and packaging of chemicals (CLP Regulation) includes a proposal to revise its regulatory text, which the EC adopted on 19 December 2022 and is now open for feedback. It aims to ensure that companies benefit from simplified labelling rules, as part of the European Union (EU) Chemicals Strategy for Sustainability, which intends to boost innovation for safe and sustainable chemicals. This proposal is a targeted revision of the enacting terms of the CLP Regulation, including new rules for advertisements of hazardous substances and mixtures. It also includes the right for the EC to develop classification proposals on potentially hazardous substances.

Key changes cover improved hazard communication and provisions for distance sales, as detailed below.

Improved hazard communication:

- » companies will be required to update their classification within 6 months, rather than 18 months, when new data results in the addition of a new hazard class, more severe classification, or a requirement for new supplemental information on labels; where the change does not trigger these requirements, labels must be updated within 18 months
- » introduction of obligatory formatting rules, such as minimum font size and color, to increase the readability of labels
- » specific rules for refillable chemical products, to be limited to chemicals with less severe hazards
- » introduction of voluntary digital labelling of chemicals – the proposal provides that only information that is not instrumental in the protection of health and the environment should be moved to the digital label without being on the on-pack label
- » enabling broader use of fold-out labels
- » introduction of additional derogations for chemicals sold to consumers in bulk and in very small packaging, such as various writing instruments.

Introduction of provisions for distance sales:

- » all online sales will require a supplier to ensure that a substance or mixture placed on the EU market through distance sales meets CLP requirements

Interested parties can comment on the proposal by 3 March 2023.

More information can be found [here](#).

Restrictions of placing on the market of mixtures and articles containing bisphenol A (consultation)

The European Chemicals Agency (ECHA) opened a consultation on 21 December 2022 for a proposal to restrict the placing on the market of mixtures and articles containing bisphenol A (BPA; CAS No. 80-05-7), other bisphenols, and bisphenol derivatives with endocrine disrupting properties for the environment. The main uses for BPA are the manufacture of polycarbonate plastic, epoxy resins, and as an additive with several technical functions. The proposal includes restricting the placing on the market of mixtures and articles where the substance concentration is equal to or greater than ten parts per million (0.001 % by weight).

ECHA's committees for socio-economic analysis and risk assessment are asking for comments by 25 January 2023 to feed into their initial discussion on the proposal in March 2023. All comments should be submitted by 22 June 2023.

More information can be found [here](#).

Amendment to the limits and exemptions of perfluorooctanesulfonic acid (PFOS) and its derivatives (published)

On 14 December 2022, the European Commission published an initiative to amend limits and exemptions of perfluorooctanesulfonic acid (PFOS) and its derivatives (CAS Nos. 1763-23-1, 2795-39-3, 70225-14-8, 56773-42-3, and others) under Regulation (EU) 2019/1021 on persistent organic pollutants (POPs). A draft restriction proposal on the import, manufacture, placing on the market and use of PFOS and its derivatives is expected to be published in the first quarter of 2023, followed by a feedback period on the draft regulation.

Regulation (EU) 2019/1021 implements the European Union's (EU's) commitments under the Stockholm Convention on Persistent Organic Pollutants. PFOS and its derivatives are listed in Annex I to Regulation (EU) 2019/1021, which includes substances listed in the Stockholm Convention and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants. This measure will reduce the maximum PFOS concentration allowed as an unintentional trace contaminant (UTC) in substances, mixtures, and articles and will remove the last specific exemption allowed in the EU since it is no longer needed.

Under Article 4(1)(b) of Regulation (EU) 2019/1021, the prohibition of the manufacturing, placing on the market and use of substances listed in Annex I, whether on their own, in mixtures or in articles, does not apply to substances present as UTCs.

More information can be found [here](#).

Updates to Annex VI of the Classification, Labelling, and Packaging Regulation (published)

On 29 November 2022, the European Chemicals Agency (ECHA) updated a list of 73 chemicals. The update includes adopting opinions on the proposed harmonized classification and labelling of 55 substances by the Committee for Risk Assessment (RAC). The RAC examines proposals for harmonized classification and labelling and gives its opinion on the harmonized classification of substances. Once adopted, the RAC opinion (for each substance) is sent to the European

Commission (EC) who decides whether substances will be included in Annex VI to the Classification, Labelling and Packaging (CLP) Regulation. Inclusion in Annex VI to CLP means that all manufacturers, importers, and downstream users of substances and their mixtures must comply with the harmonized classifications.

The registry of classification and labelling (CLH) intentions until outcome lists the intentions and proposals received by ECHA for a new or revised harmonized classification and labelling of a substance. The status of other chemicals varies between having an open consultation or being submitted to the EC. The proposals are submitted by Member State competent authorities, manufacturers, importers, or downstream users. Interested parties can follow the progress of a proposal through the CLH process, from the notification of the intention to the adoption of the opinion of the RAC. The advance notice enables interested parties to plan and prepare for commenting in the future.

More information and the list of chemicals can be found [here](#).

Exemption of mercury under the RoHS regulation (consultation)

On 12 December 2022, the European Commission (EC) opened a consultation on the exemption of mercury under the Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS) regulation. Comments were due on 9 January 2023. The exemption applies to mercury in melt pressure transducers for the capillary rheometers. Annex IV to the RoHS Regulation is amended by adding entry 49 as follows: “49 - Mercury in melt pressure transducers for capillary rheometers at temperatures over 300°C and pressures over 1000 bar (applies to category 9 and expires on 31 December 2024).”

The RoHS Regulation sets obligations on electrical and electronic equipment (EEE). This legislation prohibits the placing on the market of EEE, including cables and spare parts for repair, containing more than the permissible maximum concentration values of substances listed in Annex II of the legislation. Annex IV includes applications exempt from restrictions under the legislation, specific to medical devices and monitoring and control instruments.

More information can be found [here](#).

Certification framework of carbon removals (consultation)

The European Union (EU) has published a draft proposal for a Regulation of the European Parliament and of the Council (the Proposal) establishing an EU certification framework for carbon removals. The comments were due on 9 February 2023. This Proposal is in line with the European Green Deal and European Climate Law objectives, which aim to achieve a balance between greenhouse gas emissions and removals by 2050. The Proposal will ensure sustainable carbon removals and encourage the use of innovative solutions to capture, recycle, and store carbon dioxide by industries. Carbon removal is the process of removing carbon dioxide from the atmosphere and storing it in terrestrial and marine ecosystems, geological reservoirs, or products without doing harm to ecosystems.

The main objectives of the Proposal are to:

- » ensure the high quality of carbon removals in the EU
- » establish an EU governance certification system to avoid greenwashing by correctly applying and enforcing the EU quality framework criteria in a reliable and harmonized way across the EU

To do this, the Proposal would establish a voluntary EU framework for the certification of carbon removals by laying down:

- » quality criteria for carbon removal activities that take place in the EU
- » rules for the verification and certification of carbon removals
- » rules for the functioning and recognition by the European Commission of certification schemes

This framework would not apply to emissions falling within the scope of Directive 2003/87/EC, which establishes a scheme for greenhouse gas emission allowance trading within the European Community.

More information can be found [here](#).

United Kingdom

Final Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (in force)

On 21 December 2022, the United Kingdom (UK) published the final Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022. This aims to extend the transitional arrangements period for the implementation of the UK Conformity Assessed (UKCA) certificate. The amendments entered into force on 31 December 2022 and apply to England, Wales, and Scotland.

The changes from the original draft, which was published on 23 June 2022, include the recognition of goods meeting European Union requirements and markings until 31 December 2024. Therefore, completed conformity assessment activities for CE marking undertaken before the end of 2024 will be valid for manufacturers to use as a basis for UKCA, for the duration of the certificate issued or until 31 December 2027 (whichever is shorter). The amendments also extend to 31 December 2027 the valid date for importer information and the Great Britain conformity marking (generally UKCA) to be added to products using a label or accompanying document, rather than being physically marked on the product itself.

The affected regulations included:

- » Aerosol Dispensers Regulations 2009
- » Ecodesign for Energy-Related Products Regulations 2010
- » Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012
- » Explosives Regulations 2014
- » Pyrotechnic Articles (Safety) Regulations 2015
- » Electrical Equipment (Safety) Regulations 2016
- » Pressure Equipment (Safety) Regulations 2016
- » Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016
- » Measuring Instruments Regulations 2016
- » Radio Equipment Regulations 2017
- » Personal Protective Equipment (Enforcement) Regulations 2018
- » Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

- » Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC
- » Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC

There are no non-compliance provisions associated with this update.

More information can be found [here](#).

Extension of UK REACH submission deadlines for transitional registrations (announcement)

Great Britain (GB) has taken a decision on the extension of the UK REACH submission deadlines for transitional registrations (published on 29 November 2022). GB proposed three options and ran a consultation from 5 July 2022 to 1 September 2022.

The UK REACH Regulation contains transitional provisions that allow companies to submit initial 'notification' data in order to continue trading and then subsequently provide the full registration data. The transitional provisions apply to those that were registrants, downstream users, or distributors under the EU REACH before the UK REACH came into effect. The current deadlines for completing this transitional registration process are:

- » 27 October 2023 for substances included on the EU REACH candidate list before UK REACH came into effect; substances that are carcinogenic, mutagenic, or toxic for reproduction and manufactured or imported in quantities of 1 tonne a year or more; substances that are very toxic to aquatic life and manufactured or imported in quantities of 100 tonnes or more a year; and all substances manufactured or imported in quantities of 1,000 tonnes or more a year
- » 27 October 2025 for substances added to the UK REACH candidate list before the 2023 submission deadline; and all substances manufactured or imported in quantities of 100 tonnes or more a year
- » 27 October 2027 for all substances manufactured or imported in quantities of 1 tonne or more a year

However, because these deadlines raised concerns around the cost to businesses, the GB government opened the aforementioned consultation. The responses to this consultation have been analyzed and the government has decided, subject to the consent of the Scottish and Welsh governments, to introduce legislation that would give effect to extending the submission deadlines across all tonnage bands by three years. They also decided to extend the statutory dates for compliance checks so that they do not precede the data submission dates.

There is currently no date for the publication of the new legislation extending the deadlines.

More information can be found [here](#).



NORTH AMERICA

Canada

Amendments to the Non-domestic Substances List and the Domestic Substances List (in force)

Canada published Order 2022-87-11-02 on 7 December 2022 to update the Non-domestic Substances List (NDSL). The order entered into force on 13 December 2022. The Canadian government assessed information on 2-propenoic acid, 2-methyl-, 2-(dimethylamino)ethyl ester, polymer with ethyl 2-propenoate and methyl 2-methyl-2-propenoate, acetate (CAS No. 67757-47-5). They determined that this substance met the criteria for addition to the Domestic Substances List (DSL), as set out in the Canadian Environmental Protection Act, 1999 (CEPA). Based on this, the substance has been removed from the NDSL and added to the DSL.

Canada also published Order 2022-87-10-01 to update the Domestic Substances List (DSL). According to the Order 2022-87-10-01, which came into force on 7 November 2022, the DSL has been amended as follows:

- » Ten new substances have been added to Part 1 of the list:
 - benzene, 1,1'-oxybis-, reaction products with 1-dodecene and 1-tetradecene (CAS No. 160611-28-9)
 - maltodextrin, dodecanoate (CAS No. 512180-33-5)
 - maltodextrin, octadecenoate (CAS No. 1159570-68-9)
 - hexane, 1,6-diisocyanato-, homopolymer, 2-hydroxyethyl acrylate- and propylene glycol monoacrylate-blocked (CAS No. 1392411-89-0)
 - maltodextrin, decenoate (CAS No. 1516876-47-3)
 - maltodextrin, hexadecenoate (CAS No. 1516876-50-)
 - formaldehyde, polymers with bisphenol A diglycidyl ether, branched 4-nonylphenol, ethylene oxide, polyethylene-polypropylene glycol ether with polypropylene glycol ether with glycerol (3:1), and propylene oxide (CAS No. 1661858-59-8)
 - formic acid, compd. with 2-methyl-1,5-pentanediamine (2:1) (CAS No. 1836131-73-7)
 - maltodextrin, octanoate (CAS No. 2736503-99-2)
 - maltodextrin, tetradecanoate (CAS No. 2736504-00-8)
- » Four new substances have been added to Part 3 of the list:
 - carbon disulfide, reaction products with potassium hydroxide, metal salt and sulfur (CAS No. not available)
 - propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compds. with 2-(dimethylamino)ethanol-derivatized bisphenol A-[2-(dimethylamino)ethanol-blocked polymethylenepolyphenylene isocyanate-polypropylene glycol polymer]-epichlorohydrin polymer (CAS No. not available)
 - 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethylalkanediol and 1,3-propanediol (CAS No. not available)
 - alkanedioic acid, polymer with 1,2-ethanediol (CAS No. not available)

The DSL provides an inventory of substances in the Canadian marketplace, substances manufactured in, imported into, or used in Canada on a commercial scale, and substances present in Canada, under certain conditions, between 1 January 1984 and 31 December 1986. All substances not on the DSL are considered new and must be reported prior to importation

or manufacture to determine if they are toxic or could become toxic to the environment or human health. The NDSL is an inventory of substances that are not on the DSL but are in commercial use internationally. Substances that are listed on the NDSL are subject to lesser information requirements compared to substances listed on the DSL.

The DSL includes eight parts defined in the “Gazette Part II” document. Part 1 provides chemicals and polymers that are identified by their CAS number, or their Substance Identity Number assigned by the Department of the Environment, and the name of the substance. Part 3 lists chemicals and polymers that are identified by their masked names and confidential accession numbers (CANs). Although a substance may be listed on the DSL, additional notification requirements may apply prior to manufacture or import.

Penalties for non-compliance under CEPA include fines of up to \$1 million a day for each day an offence continues, imprisonment for up to three years or both.

More information can be found in the Canada Gazette for [Order 2022-87-11-02](#) and [Order 2022-87-10-01](#).

Amendments to regulations on mercury in certain products (consultation)

The Departments of the Environment and Health proposed amendments to the existing regulation on mercury in certain products under the Canadian Environmental Protection Act (CEPA), 1999. The amendments, which were published on 24 December 2022, plan to remove exemptions for most mercury-containing lamps and other exemptions for products no longer in use in Canada such as photographic film and paper. Additionally, the amendments clarify when the exemption on replacement parts applies to the mercury-containing component of a product that must be replaced and not the whole product. It also clarifies that the exemption does not apply if the product is listed on the schedule of the existing regulations.

The amendments will come into force three months after the day on which the amendments are registered. There will be a three-year implementation transition period during which industries, such as Aerospace and Defense, will be allowed to adjust to the new requirements.

All interested parties should submit comments to the Minister of the Environment no later than 9 March 2023.

More information can be found in the [Canada Gazette](#).

United States

Addition of nine per- and polyfluoroalkyl substances to the Toxics Release Inventory list (published)

On 6 January 2023, the US Environmental Protection Agency (EPA) announced the addition of nine per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) list. Chemicals listed on the TRI are reported to the EPA annually by facilities in certain industry sectors that manufacture, process, or use such chemicals above specific quantities. Account must be taken of the quantities of such chemicals that were released into the environment or otherwise managed as waste. This information assists the EPA in analyzing chemical management trends across industries and is also required by law.

The nine PFAS added to the TRI list are:

- » alcohols, C8-16, γ - ω -perfluoro, reaction products with 1,6-diisocyanatohexane, glycidol and stearyl alc. (CAS No. 2728655-42-1)

- » acetamide, N-[3-(dimethylamino)propyl]-, 2-[(γ-ω-perfluoro-C4-20-alkyl)thio] derivs. (CAS No. 2738952-61-7)
- » acetic acid, 2-[(γ-ω-perfluoro-C4-20-alkyl)thio] derivs., 2-hydroxypropyl esters (CAS No. 2744262-09-5)
- » acetamide, N-(2-aminoethyl)-, 2-[(γ-ω-perfluoro-C4-20-alkyl)thio] derivs., polymers with N1,N1-dimethyl-1,3-propanediamine, epichlorohydrin and ethylenediamine, oxidized (CAS No. 2742694-36-4)
- » perfluorobutanoic acid (CAS No. 375-22-4)
- » perfluorobutanoate (CAS No. 45048-62-2)
- » ammonium perfluorobutanoate (CAS No. 10495-86-0)
- » potassium perfluorobutanoate (CAS No. 2966-54-3)
- » sodium perfluorobutanoate (CAS No. 2218-54-4)

Facilities subject to reporting requirements for the nine chemicals above should begin to monitor and collect data on certain activities for these chemicals. Reporting forms for 2023 will be required to be submitted to the EPA for facilities that manufacture, process, or otherwise use TRI-listed chemicals above the reporting threshold before 1 July 2024.

Additionally, EPA proposed in December 2022 a rule to enhance PFAS reporting to TRI by eliminating an exemption that allows facilities to avoid reporting information on PFAS when the chemicals are used in small concentrations, or de minimis levels. Since PFAS are often used at low concentrations in many products, this rule would prohibit covered industry sectors and federal facilities that make or use TRI-listed PFAS from using the de minimis exemption to avoid disclosing PFAS releases and other waste management quantities for these chemicals.

There are no non-compliance provisions associated with this update.

More information can be found this [news release](#) from EPA.

Final revision to the risk determination of carbon tetrachloride, trichloroethylene, 1-bromopropane, n-methylpyrrolidone, and perchloroethylene (published)

On 27 December 2022 and 9 January 2023, the US Environmental Protection Agency (EPA) announced the availability of the final revision to the risk determination for the carbon tetrachloride (CAS No. 56-23-5) and trichloroethylene (TCE; CAS No. 79-01-6) risk evaluation issued under the Toxic Substances Control Act (TSCA). The EPA has determined carbon tetrachloride and TCE, as a whole chemical substance, presents an unreasonable risk of injury to human health while evaluating the conditions of use. Therefore, the EPA is now moving forward on risk management to address the unreasonable risk presented by these substances. The decision affects anyone involved in the manufacturing, processing, distribution, use, disposal, or risk assessment and classification of carbon tetrachloride and TCE.

Carbon tetrachloride is used as solvent in the rubber and paint industry. TCE is used to make refrigerants and other hydrofluorocarbons. TCE is also used as a degreasing solvent for metal equipment.

On 19 December 2022, EPA announced the availability of the final revision to the risk determination for the 1-bromopropane (1-BP; CAS No. 106-94-5) and n-methylpyrrolidone (NMP; CAS No. 872-50-4) risk evaluation issued under TSCA. The EPA has determined 1-BP and NMP, as a whole chemical substance, presents an unreasonable risk of injury to human health while evaluating the conditions of use. Therefore, the EPA is now moving forward on risk management to address the unreasonable risk presented by these two substances. The decision affects anyone involved in the manufacturing, processing, distribution, use, disposal or risk assessment and classification of the substances.

1-BP is used as an aerosol solvent in aircrafts and synthetic fiber manufacturing, and as a vapor and immersion degreaser in metals, metal products, plastics, optics, and electronics manufacturing. NMP is used in paint and coating removal, petrochemical processing, engineering plastics coatings and electronic cleaning

On 14 December 2022, EPA announced the availability of the final revision to the risk determination for the perchloroethylene (PCE; CAS No. 127-18-4) risk evaluation issued under TSCA. The EPA has determined PCE, as a whole chemical substance, presents an unreasonable risk of injury to human health while evaluating the conditions of use. Therefore, the EPA is now moving forward on risk management to address the unreasonable risk presented by PCE. The decision affects anyone involved in the manufacturing, processing, distribution, use, disposal or risk assessment and classification of PCE. EPA is yet to propose a risk management regulatory action to ensure that PCE no longer presents an unreasonable risk.

PCE is a colorless liquid and a volatile organic compound that is manufactured (including imported), processed, distributed, used, and disposed of as part of industrial, commercial, and consumer conditions of use. PCE has a wide range of uses, including production of fluorinated compounds and as a solvent in dry cleaning and vapor degreasing. A variety of consumer and commercial products use PCE, such as adhesives, aerosol degreasers, brake cleaners, aerosol lubricants, sealants, stainless steel polish, and wipe cleaners.

No penalties are specified in this notice.

More information can be found in the Federal Register on [carbon tetrachloride](#), [trichloroethene](#), [1-BP](#), [NMP](#), and [PCE](#).

Significant new use rules on certain chemical substances (21-1.5e) (published)

The US Environmental Protection Agency (EPA) published significant new use rules (SNURs) for the SNUR Batch 21-1.5e under the Toxic Substances Control Act on 2 December 2022. SNUR Batch 21-1.5e consists of 32 substances. This became effective on 31 January 2023.

The manufacturers/processors/importers of these substances must notify the EPA through submitting a “Significant New Use Notice” at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

Penalties for non-compliance include imprisonment up to 15 years and/or a fine of up to \$250,000; a convicted organization may be subject to a fine of up to \$1,000,000.

More information and the list of 32 substances can be found in the [Federal Register](#).

Restrictions on the use of certain hydrofluorocarbons under the American Innovation and Manufacturing Act of 2020 (consultation)

On 15 December 2022, the US Environmental Protection Agency (EPA) published a call to comment on the proposal to issue regulations to implement certain provisions of the American Innovation and Manufacturing (AIM) Act, which was enacted on 27 December 2020. This rulemaking proposes to:

- » restrict the use of hydrofluorocarbons (HFCs) in specific sectors or sub-sectors in which they are used
- » establish a process for submitting technology transition petitions

- » establish recordkeeping and reporting requirements
- » address certain other elements related to the effective implementation of the AIM Act

All proposed restrictions would occur in two stages: the manufacture or import of products would be prohibited by either 2025 or 2026, depending on the sector or sub-sector, followed a year later by a prohibition on the sale, distribution, offer for sale or distribution, export, and other activities pertaining to HFCs.

The proposed restrictions on the use of HFCs would impact those who manufacture, import, export, package, sell, or otherwise distribute products that use or are intended to use HFCs, such as refrigeration and air-conditioning systems, foams, and aerosols. A list of potentially affected entities include:

- » military armored vehicle, tank, and tank component manufacturing
- » motor vehicle parts manufacturing
- » aerospace product and parts manufacturing
- » aircraft manufacturing

To support compliance with the proposed prohibitions on the use of HFCs, EPA is proposing labelling, reporting, and recordkeeping requirements for products imported or manufactured using an HFC.

Comments on this notice of proposed rule must be received on or before 30 January 2023.

More information can be found in the [Federal Register](#).

Extension of comment period for significant new use rules on certain chemical substances (Batch 22-1.5e) (consultation)

On 2 December 2022, the US Environmental Protection Agency (EPA) extended the public consultation from 3 January 2023 to 17 January 2023 to amend the significant new use rules (SNURs) under the Toxic Substances Control Act for Batch 22-1.5e. The manufacturers/processors/importers of the substances in Batch 22-1.5e must notify the EPA through submitting a “Significant New Use Notice” at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

More information can be found in in the [Federal Register](#). The list of substances in Batch 22-1.5e can be found [here](#).

Request for comments on the Initial Regulatory Flexibility Analysis and Updated Economic Analysis for per- and polyfluoroalkyl substances (consultation)

In response to the completion of the Small Business Advocacy Review Panel for the proposed rule for reporting and recording requirements for per- and polyfluoroalkyl substances (PFAS), the US Environmental Protection Agency (EPA) announced on 30 November 2022 that the Initial Regulatory Flexibility Analysis (IRFA) and Updated Economic Analysis are available and are being analyzed for comments. The consultation period ended on 27 December 2022. The EPA was seeking public comments on all aspects of the IRFA and Updated Economic Analysis, including underlying data and assumptions in developing its estimates, as well as on certain items presented in the IRFA for public comment and related to the protection of Confidential Business Information.

The proposed rule for the reporting and recordkeeping requirements for PFAS under the Toxic Substances Control Act would require certain entities that manufacture (including import) or have manufactured these chemical substances, in any year since 1 January 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards.

More information can be found in in the [Federal Register](#).

Addition of several per- and polyfluoroalkyl substances to list of Lower Threshold for Chemicals of Special Concern (proposed rule)

On 5 December 2022, the US Environmental Protection Agency (EPA) proposed the addition of several per- and polyfluoroalkyl substances (PFAS), which are subject to reporting under the Emergency Planning and Community Right-to-Know Act and the Pollution Prevention Act, to the list of Lower Thresholds for Chemicals of Special Concern (chemicals of special concern). Comments were due on 3 February 2023.

The addition of these PFAS to the list of chemicals of special concern will result in:

- » subjection to reporting requirements as other chemicals of special concern (eliminating the de minimis exemption and the option to use Form A, thereby limiting the use of range reporting for PFAS
- » removal of the availability of burden-reduction reporting options, which will result in a better understanding of the releases and waste management quantities for these PFAS
- » elimination of the exemption from Supplier Notification Requirements – this will ensure that purchasers of mixtures and trade name products containing such chemicals are informed of their presence in mixtures and products they purchase

The aforementioned changes are expected to increase data collection on PFAS by EPA.

PFAS are a large group of man-made substances that are used in various products such as firefighting foams, paints and coating, phosphate ester-based brake and hydraulic fluids, wires and cables, and lubricant for turbine engines, jet engine, and satellite instrumentation.

Facilities that are subject to reporting requirements for the PFAS that were added should begin to monitor and collect data on certain activities for these chemicals. Reporting forms will be required to be submitted to the EPA for facilities that manufacture, process, or otherwise use toxics release inventory (TRI)-listed chemicals above the reporting threshold. Companies must report on the management, recycling, release, and waste of PFAS, including data on the quantities of PFAS released into the environment or managed as waste.

More information can be found in in the [Federal Register](#).



OCEANIA

[Australia](#)

Notices modifying the Australian Inventory of Industrial Chemicals (published)

The Australian government published six notices amending the Australian Inventory of Industrial Chemicals (AIIC). The AIIC is a searchable database consisting of around 40,000 chemicals that are being manufactured or imported into Australia for industrial use. Chemical substances that are listed in the AIIC can be introduced by any registered introducers (i.e., manufacturer or importer). According to the Industrial Chemicals (IC) Act 2019, which regulates the manufacture and import of industrial chemicals (chemicals used for purposes other than agriculture, veterinary or therapeutic purposes, or in food or feed), introducers shall apply for registration before introducing an industrial chemical to Australia. For chemicals not listed in the AIIC, introducers shall apply to the Executive Director for an assessment certificate for their introduction.

According to the first notice, published on 15 December 2022, seven industrial chemicals have been added to the AIIC in accordance with Section 82 of the IC Act 2019, which states that the Executive Director must list an industrial chemical on the AIIC if five years have passed since the assessment certificate was issued. Listed below are the seven chemicals added to AIIC:

- » poly(oxy-1,2-ethanediyl), .alpha.-(decyl-2-hydroxyethyl)-.omega.-hydroxy-, .omega.-C9-11-branched alkyl ethers (CAS No. 2004721-53-1)
- » d-glucose, reaction products with nitric acid and sodium nitrite (1:1), sodium salts (CAS No. 1362053-75-5)
- » 2-propenoic acid, 2-methyl-, polymers with Bu methacrylate, cyclohexyl methacrylate, ethylene dimethacrylate, Et methacrylate and polyethylene glycol hydrogen sulfate 1-[(C11-rich C10-14-branched alkyloxy)methyl]-2-(2-propen-1-yloxy)ethyl ethers ammonium salts, potassium salts (CAS No. 2055894-27-2)
- » 2-propenoic acid, calcium salt (2:1), polymer with 2-propenamido (CAS No. 37281-68-8)
- » butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with ethyl 2-propenoate and methyl 2-methyl-2-propenoate (CAS No. 82752-08-7)
- » starch, 2-hydroxyethyl ether, polymer with 1,3-butadiene, ethenylbenzene and sodium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1) (CAS No. 1310559-17-1)
- » poly(oxy-1,2-ethanediyl), .alpha.,.alpha.'-[1,6-hexanediylbis(iminocarbonyl)]bis[.omega.-hydroxy-, di-C16-22-alkyl ethers (CAS No. 958663-82-6)

In addition, the confidential business information approval for the proper names of the following two substances in the AIIC has been revoked by the Australian government, according to the second notice that was published on 13 December 2022:

- » 1,3-benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid, 1,4-cyclohexanedimethanol, decanedioic acid, 1,2-ethanediol and 2-methyl-1,3-propanediol (CAS No. 2861246-27-5)
- » siloxanes and silicones, di-Me, Me hydrogen, reaction products with polypropylene glycol monoallyl ether, polymers with 1,6-diisocyanatohexane, hydrazine, .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane (CAS No. 2861246-29-7)

On 10 January 2023, the Australian government published four notices amending the AIIC. According to the first January notice, three industrial chemicals have been added to the AIIC in accordance with Section 82 of the IC Act 2019, which states that the Executive Director must list an industrial chemical on the AIIC if five years have passed since the assessment certificate was issued. Listed below are the three chemicals added to the inventory:

- » 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate and 1,3-isobenzofurandione, benzoate (CAS No. 2871677-90-4)
- » propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with N1-(2-aminoethyl)-1,2-ethanediamine, 1,4-cyclohexanedimethanol, dimethyl carbonate, 1,6-hexanediol, hydrazine and 1,1'-methylenebis[4-isocyanatocyclohexane], compd. with N,N-diethylethanamine (CAS No. 2870701-51-0)
- » 2-propenoic acid, 2-methyl-, C16-18-alkyl esters, polymers with 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl methacrylate, 1,1-dimethylpropyl 2-ethylhexaneperoxoate-initiated (CAS No. 1881248-50-5)

The second and third January notices announced the removal of two chemicals from the AIIC, effective on 8 February 2023:

- » benzene, hexachloro- (CAS No. 118-74-1)
- » benzene, 1,2,3,4,5-pentachloro- (CAS No. 608-93-5)

The fourth January notice, effective on 8 February 2023, updates an obligation to provide specific information to the Australian Industrial Chemicals Introduction Scheme for two substances. If the chemical is being introduced for uses other than research and development, users must notify the Executive Director of the volume of introduction, use, and end use of the chemical within twenty working days. The two chemicals are:

- » benzene, 3-(1,1-dimethylethyl)-1,5-dimethyl-2,4-dinitro- (CAS No. 84434-22-0)
- » benzene, 1-(1,1-dimethylethyl)-3,4,5-trimethyl-2,6-dinitro- (CAS No. 145-39-1)

Penalties for non-compliance include fines.

Information can be found in the [13 December 2022 Notice](#), the [15 December 2022 Notice](#), the [10 January 2023 Notice 1](#), the [10 January 2023 Notice 2](#), the [10 January 2023 Notice 3](#), and the [10 January 2023 Notice 4](#).

Amendment to rules for chemical introduction of ten kilograms or less (in force)

The Australian government adopted amendment to the rules for chemical introductions of ten kilograms (kg) on 25 November 2022. A consultation for the proposal was opened on 26 September 2022 and ended on 11 October 2022. The amendment came into force on 25 November 2022.

The government considered that a significant number of introducers (manufacturers or importers) of chemicals at lower volumes were unable to get the required information from their suppliers. This information is required from manufacturers and importers to meet the categorization and record-keeping requirements under the Australian Industrial Chemicals Introduction Scheme (AICIS) before the end of the transition period (31 August 2022). Therefore, the government amended the rules to help them meet their obligations.

This change would apply to introductions of chemicals at volumes of 10 kg or less in a registration year. Changes are designed to simplify the record-keeping requirements in situations where it is difficult for an introducer to obtain the CAS number and name of a chemical because it is confidential or commercially sensitive to the overseas chemical supplier. Introducers of chemicals at these lower volumes would instead need to keep information that they should have or should be able to easily access.

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There are no non-compliance provisions associated with this update. However, penalties for non-compliance under the Industrial Chemicals (IC) Act 2019 may apply, which includes fines.

Information can be found in this [notice from the Department of Health and Age Care](#) and this [notice from the Federal Register of Legislation](#).

[New Zealand](#)

Restriction on firefighting foams containing per- and polyfluoroalkyl substances (effective)

New Zealand's Environmental Protection Authority (EPA) published a new restriction on 21 December 2022 for firefighting foams containing per- and polyfluoroalkyl substances (PFAS). PFAS are a large group of man-made substances that are used in various products such as firefighting foams, paints and coating, phosphate ester-based brake and hydraulic fluids, wires and cables, and lubricant for turbine engines, jet engine, and satellite instrumentation.

Effective from 1 January 2023, the use of firefighting foams containing 'legacy' PFAS in uncontained systems, where the run-off of the foam is not collected and enters the environment, has been prohibited by the EPA. The prohibition applies to legacy per- and polyfluoroalkyl firefighting foams that contain perfluorooctanoic acid (PFOA)-related compounds. A complete ban on PFAS-containing firefighting foams will come into effect after 3 December 2025.

Penalties for non-compliance include fines.

More information can be found [here](#).

NEWSLETTER

*Global Environmental and Chemical Regulations, Policies, and Standards
January 2023*



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