

# Newsletter

Global Environmental and  
Chemical Regulations, Policies,  
and Standards

February 2023

Vol.3, Issue 2



# NEWSLETTER

*Global Environmental and Chemical Regulations, Policies, and Standards*  
*February 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](mailto:myrna.l.brown@lmco.com) or Lindsey Bean at [lindsey.bean@ngc.com](mailto:lindsey.bean@ngc.com) for any questions on this Newsletter. For general assistance on IAEG matters, contact Christer Hellstrand at [chellstrand@iaeg.com](mailto:chellstrand@iaeg.com) or Amanda Myers at [Amanda.Myers@sae.org](mailto:Amanda.Myers@sae.org).

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## ASIA

### China

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

On 13 February 2023, the Chinese Ministry of Ecology and Environment (MEE) announced the addition of four substances to the Inventory of Existing Chemical Substances in China:

- » oxirane, 2-(chloromethyl)-, (2S)- (CAS No. 67843-74-7)
- » decanoic acid, 3-[[6-deoxy-2-O-(6-deoxy- $\alpha$ -L-mannopyranosyl)- $\alpha$ -L-mannopyranosyl]oxy]-, 1-(carboxymethyl)octyl ester, mixt. With 1-(carboxymethyl)octyl 3-[[6-deoxy- $\alpha$ -L-mannopyranosyl]oxy]decanoate (CAS No. 147858-26-2)
- » reaction mass of ditungsten carbide and tungsten carbide (CAS No. not available)
- » tungsten oxide (CAS No. 39318-18-8)

These substances were manufactured in or imported into China before 15 October 2003. For current manufacturing operations in China, the four substances are now regulated as existing chemical substances in China and are free from new chemical registration or notification requirements under MEE Order No. 12 – the Measures for the Ecology and Environmental Management Registration of New Chemical Substances – unless there is a further requirement that says otherwise.

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

Information can be found in Chinese in this [announcement from MEE](#).

#### List of New Pollutants for Priority Management (published)

On 30 December 2022, China's Ministry of Ecology and Environment (MEE) published its List of New Pollutants for Priority Management (2023). This follows a public consultation that concluded on 28 October 2022, with no significant changes made from the draft. The list has been published under China's Action Plan for the Treatment of New Pollutants, which aims to manage substances that cannot be controlled through existing measures. Thus, prohibitions and restrictions apply to the production, use, import, and export of new pollutants.

Fourteen types of new pollutants are listed, which are divided into four categories:

- » persistent organic pollutants (POPs) under the Stockholm Convention:
  - perfluorooctane sulfonic acid (PFOS; CAS No. 1763-23-1) and its salts
  - perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and related compounds
  - decabromodiphenyl oxide (CAS No. 1163-19-5)
  - short chain chlorinated paraffins (SCCP; CAS No. 85535-84-8)
  - hexachlorobutadiene (CAS No. 87-68-3)
  - pentachlorophenol (CAS No. 87-86-5) and its salts and esters
  - dicofol (CAS No. 115-32-2)

- perfluorohexanesulfonic acid (PFHxS), its salts and related compounds (CAS No. 355-46-4)
- dechlorane plus (CAS Nos. 13560-89-9, 135821-74-8, 135821-03-3)
- other POPs already phased-out
- » toxic and harmful pollutants:
  - dichloromethane (CAS No. 75-09-2)
  - trichloromethane (CAS No. 67-66-3)
- » environmental endocrine disruptor: nonylphenol (CAS No. 25154-52-3, 84852-15-3)
- » antibiotic substances of high concern: antibiotics (CAS No. not available)

Specific prohibitions and restrictions are detailed in the substance list. These include prohibitions on short chain chlorinated paraffins in adhesives and waterproof and oil-resistant paints, and dichloromethane in paint strippers. Several of the listed new pollutants will be phased out as their granted exemption periods end on 1 January 2024.

There are no specific penalties for non-compliance detailed in this update.

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

## India

### Notification for amendment to Quality Control Order of four substances (published)

The Ministry of Chemicals and Fertilizers in India published a notice on 21 December 2022 to announce the postponement of the quality control orders (QCO) for four substances to 22 June 2023:

- » phthalic anhydride (CAS No. 85-44-9) – used as an intermediate in the plastic industry
- » toluene (CAS No. 108-88-3) – used as a solvent, and in aviation fuel, paints, and adhesives
- » terephthalic acid (CAS No. 100-21-0) – used in paints and coatings
- » n-butyl acrylate (CAS No. 141-32-2) – used for making paints, coatings, caulks, sealants, and adhesives

QCOs are gazette orders issued pursuant to Section 16 of the Bureau of Indian Standards (BIS) Act, 2016. They are issued by the government to announce that relevant standards prescribed by the BIS concerning certain products will be mandatory effective from the date specified in the QCO. QCOs apply to products/articles (objects whose function is determined by their shape, surface, or design to a greater degree than their chemical composition). These orders require anyone handling the products/articles, including companies manufacturing or importing and downstream users (DUs), 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 contained in products/articles. By the issuance of QCOs, the use of Standard Mark under a License or a Certificate of Conformity from BIS is mandated.

Penalties will be applied under the BIS Act. Penalties for non-compliance include fines of up to 5 lakh rupees.

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

## Japan

### Notice to clarify the definition of carcinogenic substances (published)

On 26 December 2022, the Japanese Ministry of Health, Labor, and Welfare published a notice that clarifies the definition of carcinogenic substances under the Industrial Safety and Health Law (ISHL). The ISHL was enacted in 1972 and aims to ensure worker health and safety by promoting comprehensive and systematic countermeasures concerning the prevention of industrial accidents. Companies that manufacture or import a new substance into Japan must notify that substance prior to manufacture or import under the ISHL. A new substance is defined as any substance that is not on the ISHL Inventory.

The notice designates two batches of 200 substances as carcinogenic:

- » 120 substances (effective from 1 April 2023)
- » 80 substances (effective from 1 April 2024)

The notice also clarifies that employers must keep records for 30 years of the workers' names, outlines of work, work records, and the status of workers' exposure to these substances. However, it does not apply to enterprises handling these substances on a temporary basis.

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

Information can be found in English in [Notification 371](#) and in the [list of substances](#). More information can be found [here](#) in Japanese.

### Specifying thirty-three substances as highly mutagenic under the Industrial Safety and Health Act (published)

Japan's Ministry of Health, Labor, and Welfare (MHLW) published a notice on 7 December 2022 to add thirty-three new substances as highly mutagenic under the Industrial Safety and Health Act (ISHA). The notice came as a result of the MHLW identifying the thirty-three new substances as highly mutagenic out of 807 recently notified after conducting tests and consulting with experts.

ISHA covers the safety and health of workers in workplaces, facilitating comfortable working environments by having comprehensive and systematic countermeasures for prevention of industrial accidents. Companies manufacturing and handling mutagenic substances must comply with workplace health and safety measures. This also applies to mixtures containing highly mutagenic substances in concentrations exceeding 1% by weight.

Companies must:

- » mitigate workers' exposure
- » provide training on hazards and their prevention
- » transfer labelling and safety data sheets (SDSs)
- » keep records of workers and their activities
- » implement workplace environment measurements

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

More information, as well as the list of thirty-three substances, can be found [here in English](#) and [in Japanese](#).



## Revisions to the Poisonous and Deleterious Substances Control Law (draft amendment)

On 26 January 2023, the Japanese Ministry of Health, Labor, and Welfare (MLHW) opened a consultation period on the partial revision to the Poisonous and Deleterious Substances Control Law (PDSCCL). The consultation period ended on 24 February 2023. The PDSCCL was implemented in 1950 to control poisonous and deleterious substances from a hygiene point of view in order to protect public health. The PDSCCL imposes a license requirement on manufacturers, importers, and sellers of poisonous or deleterious substances. Additionally, it requires persons engaged in relevant businesses to meet the prescribed standards for manufacturing or storing equipment of poisonous or deleterious substances and comply with requirements on storing, labelling, or transferring procedures when handling these substances.

The MLHW is proposing the following amendments to the PDSCCL:

- » addition of 3-aminopropan-1-ol (CAS No. 156-87-6) and preparations containing it (excludes those containing 1% or less of 3-aminopropan-1-ol)
- » removal of certain deleterious substances:
  - preparations containing 15% or less of 2-isobutoxyethanol (CAS No. 4439-24-1)
  - antimony tetroxide (CAS No. 1332-81-6) and preparations containing it

Information on the PDSCCL revisions can be found here [in English](#) and [in Japanese](#). More information can be found [here](#) in Japanese.

## South Korea

### Updates to the Toxic Chemical Substances List (in force)

South Korea updated its Toxic Chemical Substances List (TCSL) through two notices on 7 December 2022. The National Institute of Environmental Research (NIER) Notice No. 2022-80 amends the chemical names of 15 toxic substances and adds 14 new substances to the list. NIER Notice No. 2022-81 amends the regulations on classification and labeling of these chemical substances. The revisions in NIER Notice No. 2022-80 and NIER Notice No. 2022-81 came into force on 7 January 2023 and 7 December 2022 respectively.

Under the South Korean Chemicals Control Act (CCA), manufacturers or importers of toxic substances must submit details about the chemicals they handle to the Ministry of Environment (MoE). The information must be disclosed to the MoE within six months of these substances being added to the TCSL.

The 14 new substances added to the list (unique identifiers 2022-1-1096 to 2022-1-1109) are:

- » o-phenylphenol (CAS No. 90-43-7) and mixtures containing 25% or more of the substance
- » naphthalene (CAS No. 91-20-3) and mixtures containing 25% or above
- » n'-(3,4-dichlorophenyl)-N,N-dimethyl urea (CAS No. 330-54-1) and mixtures of 2.5% or above
- » zinc oxide (CAS No. 1314-13-2) and mixtures of 25% or above
- » copper oxide (CAS No. 1317-38-0) and mixtures of 1% or above
- » copper sulphate (CAS No. 7758-98-7, 7758-99-8, 16448-28-5, and 19086-18-1) and mixtures of 1% or above
- » disulfiram (CAS No. 97-77-8) and mixtures of 2.5% or above
- » 9,9-bis(4-hydroxyphenyl)fluorene (CAS No. 3236-71-3) and mixtures of 25% or above
- » n-(2-Ethylhexyl)-N'-phenyl-1,4-benzenediamine (CAS No. 82209-88-9) and mixtures of 25% or above
- » 4-methoxy-N-phenyl-o-toluidine (CAS No. 41317-15-1) and mixtures of 25% or above
- » residual fuel oil and mixtures of 25% or above

- » n, N-dioctadecylanilinium tetrakis (pentafluorophenyl) borate (CAS No. 462629-01-2) and mixtures of 1% or above
- » 4-mercaptophenol (CAS No. 637-89-8) and mixtures of 25% or above
- » 1,4-dibromo-2,5-bis(trifluoromethyl)benzene (CAS No. 2375-96-4) and mixtures of 1% or above

The following requirements must be complied with:

- » 1 July 2023:
  - identification of chemical substances according to Article 9 of the CCA
  - indication of hazardous chemicals according to Article 16 of CCA
  - notification of import of toxic substances under Article 20 of CCA
- » 1 January 2024 – criteria for handling hazardous chemicals in accordance with Article 13 of the CCA and attached Table 1 of the enforcement rules of the same Act
- » 1 January 2025:
  - preparation and submission of chemical accident prevention and management plan pursuant to Article 23 of the CCA
  - permission for hazardous chemical business under Article 28 of the CCA
- » 1 January 2027 – criteria in Article 24 and Annex 5 of CCA for toxic substance handling facilities

NIER Notice No. 2022-81 also amends the requirements for three restricted substances with unique identifiers 06-5-5, 06-5-6, and 06-5-10, and one accident precaution substance (formaldehyde; CAS Number: 50-00-0). These requirements apply from 1 July 2023.

Penalties for non-compliance include fines and/or imprisonment.

Information on Notice No. 2022-80 can be found here [in English](#) and [in Korean](#). Information on Notice No. 2022-81 can be found here [in English](#) and [in Korean](#).

## Amendments to the stipulated quantities for toxic substances, restricted substances, prohibited substances, and substances subject to authorization (in force)

Following the solicitation of public comments of the draft Ministry of Environment (MoE) Notice No. 2022-645, which provided amendments to the stipulated quantities for toxic substances, restricted substances, prohibited substances, and substances subject to authorization, South Korea's MoE adopted and published these amendments on 20 December 2022 (MoE Notice No. 2022-246). The amendments include the following:

- » addition of eleven toxic substances (NIER Given No. 2022-1-1085 to 2022-1-1095) with the upper and lower handling limits
- » updating the names and handling limits of five toxic substances previously designated (NIER Given No. 91-1-80, 97-1-132, 97-1-182, 97-1-218, 97-1-277)

South Korea's Chemicals Control Act (CCA) requires a chemical accident prevention management plan for handling toxic substances, which is graded into two levels (Grade 1 and Grade 2) according to the types and quantities of toxic substances handled by each business site. Hence, in accordance with the CCA, these newly added and updated toxic substances are subject to a Grade 1 chemical accident prevention management plan if exceeding the upper handling limit, and a Grade 2 chemical accident prevention management plan if exceeding the lower handling limit.

Penalties for non-compliance include fines and/or imprisonment.

Information and the list of substances can be found here [in English](#) and [in Korean](#).

## Revisions to the Circular Economy Society Conversion Promotion Act (published)

On 31 December 2022, South Korea revised the Framework Act on Resource Circulation, which has been renamed to Circular Economy Society Conversion Promotion Act (the Act). The revisions to the Act aim to create a sustainable circular economy by promoting the efficient use of resources, minimization of waste generation, and promotion of circular use throughout the entire product life cycle.

The Act provides ways to achieve sustainable circular economy, including:

- » setting circular economy goals in the form of waste reduction (Articles 13 to 15)
- » promoting circular use in the production, distribution, and consumption stages of products through research and development programs, technical cooperation projects, etc. (Articles 16 to 20)
- » introducing changes to the admin processes, such as batch processing of two or more permits by the Minister of Environment, etc. (Articles 27 to 34)
- » extension of the waste disposal charges in Article 36 to 1 January 2028 (Article 49)

The enforceable aspects of this revision are set to enter into force on 1 January 2024.

Penalties for non-compliance include imprisonment for not more than two years or a fine not exceeding 20 million Won.

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

## Amendments to the Enforcement Rules of the Act on the Regulation of Manufacturing of Specific Substances for the Protection of the Ozone Layer and to its Enforcement Decree (published)

On 17 January 2023, South Korea published the draft amendments to the Enforcement Rules of the Act on the Regulation of Manufacturing of Specific Substances for the Protection of the Ozone Layer and its Enforcement Decree. These two regulations implement the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

South Korea announced its ratification of the Kigali Amendment to the Montreal Protocol on 19 January 2023, which commits South Korea to 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.

The draft amendments to the Enforcement Rules will change the name of the legislation to “Enforcement Rules of the Act on the Management of Specific Substances for the Protection of the Ozone Layer”. Additionally, various forms included as Annexes have been updated.

The Enforcement Decree will also be renamed to “Enforcement Decree of the Act on the Management of Specific Substances for the Protection of the Ozone Layer”. Additionally, the following amendments will be made to:

- » Article 2, as well as the related Attached Table 1 and 2 – specifying which substances are regulated (includes addition of HFCs according to the Kigali Amendment)
- » Article 10 and Table 3 – detailing the calculation standards for the fees and which fee applies to which substance
- » Article 20 and Table 4 – specifying the applicable fines for non-compliance

Information on the amendment to the enforcement rule can be found here [in English](#) and [in Korean](#). Information on the amendment to the enforcement decree can be found here [in English](#) and [in Korean](#).

## Taiwan

### Updates to the list of Chemical Substances of Concern (published)

The Environmental Protection Agency (EPA) in Taiwan had published an announcement of the draft amendment to "Scheduling and Management of Chemical Substances of Concern and Their Operations" on 8 September 2022. The draft amendment updates three and adds fifteen new substances to the list of Chemical Substances of Concern. On 12 January 2023, the Taiwan EPA published that the amendment becomes effective immediately. Hence, the production, import, sale, use, and storage of the eighteen substances listed in Schedules 1 to 3 of the announcement are now subject to tightened regulations under the Toxic and Concerned Chemical Substance Control Act (TCCSCA) in Taiwan. The TCCSCA introduces many concepts of the EU REACH Regulation into Taiwan. It requires enterprises manufacturing or importing new and existing chemical substances above certain tonnages to register those substances with the EPA.

The eighteen chemical substances are:

- » nitrous Oxide (CAS No. 10024-97-2)
- » hydrogen Fluoride (CAS No. 7664-39-3)
- » 1,4 - butanediol (CAS No. 110-63-4)
- » (s)-5,6,6a,7-tetrahydro-1,2,9,10-tetramethoxy-6-methyl-4H-dibenzo[de,g]quinoline (CAS No. 475-81-0)
- » lead monoxide (CAS No. 1317-36-8)
- » lead tetroxide (CAS No. 1314-41-6)
- » sodium sulphide (CAS No. 1313-82-2)
- » sodium thiocyanate (CAS No. 540-72-7)
- »  $\beta$ -naphthol (CAS No. 135-19-3)
- » ammonium nitrate (CAS No. 6484-52-2)
- » calcium nitrate (CAS No. 10124-37-5)
- » sodium nitrate (CAS No. 7631-99-4)
- » calcium ammonium (CAS No. 15245-12-2)
- » nitromethane (CAS No. 75-52-5)
- » sodium azide (CAS No. 26628-22-8)
- » ammonium perchlorate (CAS No. 7790-98-9)
- » sodium perchlorate (CAS No. 7601-89-0)
- » aluminum phosphide (CAS No. 20859-73-8)

The operation of chemical substances of concern must obtain approval documents for chemical substances of concern before operation. Operators, who have operated before the central competent authority announces that they are chemical

substances of concern, must follow the provisions of this amendment and complete the relevant matters within the prescribed time limits. Companies must handle chemicals in accordance with relevant regulations from the date of announcement and complete the liability insurance application within the next six months.

The following must be implemented by 1 February 2024:

- » comply with the hazard prevention and contingency plan prepared for inspection
- » train personnel
- » complete the update of the labelling of containers, packaging, operating sites, and facilities, and prepare safety data sheets
- » operational behaviors such as designated manufacturing, importing, selling, using, and storing (shall be approved in accordance with regulations)
- » record keeping – regular declarations must be submitted in accordance with the regulations

Companies should implement the national standard for standard test methods for chemical substances of concern where available. If there is no national standard, the test method from the following sources can be used:

- » Standard Method for Environmental Examination
- » US Environmental Protection Agency Announcement Method
- » American Public Health Association's Water Quality and Wastewater Standard Approach
- » Japanese Industrial Standards of the Japan Industrial Specifications Association
- » Method of the American Society for Testing and Materials
- » Standard method of the International Association of Official Analytical Chemists (AOAC)
- » Standard method of determination of the International Organization for Standardization (ISO)
- » EU-approved detection method

Penalties for non-compliance include fines and/or imprisonment.

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

## Turkey

### **New regulations on management of waste and restriction of hazardous substances in electric and electronic equipment (in force)**

On 26 December 2022, the Ministry of Environment, Urbanization and Climate Change in Turkey published two new regulations on the 'Regulation on Management of Waste Electrical and Electronic Equipment (WEEE)' and 'Regulation on Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS)'.

#### Regulation on Management of WEEE

This regulation implements the European Union's (EU's) WEEE Regulation<sup>1</sup>. Turkey's regulation aims to:

- » prevent the formation of WEEE on the basis of circular economy and resource efficiency principles
- » collect WEEE separately in cases where it cannot be prevented
- » determine reuse, recycling, recovery methods, and targets to reduce the amount of WEEE to be disposed of

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<sup>1</sup> European Parliament and Council Directive 2012/19/EU dated 4/7/2012 on WEEE

The regulation covers electrical and electronic goods included in the categories in ANNEX-1/A and all electrical and electronic goods placed on the market classified in the categories in ANNEX-2/A. A detailed list of the ANNEX-1/A products is given in ANNEX-1/B and concise examples of ANNEX-2/A products are given in ANNEX-2/B.

Annex 3 highlights certain chemicals and components that must be removed from separately collected WEEE and must be disposed of in accordance with the waste management regulations. Annexes 4, 5, and 6 provide information regarding registration/reporting for manufacturers, statements required for the import of used or renewed electrical and electronic equipment (EEE), and the symbol to be used in the labeling of EEE respectively.

The regulation obligates manufacturers to:

- » design and produce durable, long-lasting, repairable, reusable, and recyclable products by developing sustainable production and consumption models for the efficient use of resources
- » avoid EEE designs or production processes that would prevent the reuse of used EEE
- » comply with regulations made by the Ministry regarding the restriction of the use of certain harmful substances in the manufacture of electrical and electronic goods
- » notify the information and documents requested through the EEE information system until the end of March every year
- » establish a system for the management of WEEE, in case the components and parts of WEEE arising from the electrical and electronic goods supplied to the market are not technically able to be processed domestically
- » inform consumers/users about collecting EEE separately and sending them to facilities with environmental permits

This regulation also establishes obligations for distributors, consumers, and WEEE processing facilities.

Penalties include administrative sanctions (e.g., fines) stipulated in Law No. 2872.

### Regulation On Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS)

The RoHS regulation aims to determine the procedures and principles regarding restricting the use of dangerous substances in electrical and electronic goods to protect human health and the environment. These include environmentally friendly recycling and disposal of waste EEEE. The regulation establishes the obligations of manufacturers, importers, and distributors of the listed EEE in Annex 1. In Annex 2, the regulation sets out a list of restricted substances and their maximum permissible concentration by weight in homogenous materials.

The RoHS regulation requires EEE within the scope of the regulation to bear the “CE” mark. EEEs may be placed on the market until 1 January 2024 without the “CE” mark, provided that they are safe.

Penalties for non-compliance have not been specified in this regulation.

Both the Turkish WEEE and RoHS Regulations entered into force on 1 February 2023.

More information can be found in Turkish on [management of waste in WEEE](#) and [restriction of hazardous substances in WEEE](#).



## EUROPE

### European Union

#### Amendment to Restriction of Hazardous Substances Regulation specifying exemption for hexavalent chromium as an anticorrosion agent in gas absorption heat pumps (in force)

On 26 January 2023, an amendment to the European Union (EU) Restriction of Hazardous Substances (RoHS) Regulation was published for hexavalent chromium as an anticorrosion agent in gas absorption heat pumps in the EU Official Journal. The RoHS Regulation regulates the use of hazardous substances in electrical and electronic equipment (EEE). Annex III of the regulation lists exemptions for uses of restricted substances.

This amendment adds the following exemption to Annex III: “Entry 9 (a)-III: Up to 0.7 % hexavalent chromium by weight, used as an anticorrosion agent in the working fluid of the carbon steel sealed circuit of gas absorption heat pumps for space and water heating.” This exemption applies to Category 1 EEE, large household appliances, and expires on 31 December 2026.

EU Member States are required to implement the exemption into national law by 31 August 2023 and apply related provisions from 1 September 2023. Companies will have to comply with the national laws.

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

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

#### Changes to completeness checks of REACH regulation registrations (published)

In 2021 and 2022, the European Commission revised some of the information requirements for registering chemicals under REACH. On 23 January 2023, the Commission published that it plans to align its completeness checks with the revised information requirements, and this becomes effective from 1 May 2023.

Under Article 20 (2) of the REACH regulation, the European Chemicals Agency (ECHA) conducts a technical completeness check on each incoming registration, to ensure that dossiers include all the information required. The new and amended checks include:

- » substance identity: ensuring correct and consistent identification of a substance’s boundary composition and its constituents and additives based on clarifications made to Annex VI
- » standard information requirements based on Annexes VII-XI: supporting registrants in reporting information for endpoints concerning mutagenicity, degradation, and aquatic toxicity based on Annex VII-XI information requirements. Registrants adding a new weight-of-evidence adaptation will be prompted to provide arguments for the approach in a more structured format
- » limited revisions to the completeness check in other areas, such as use information

From 1 May 2023, ECHA will start checking new registrations and updates to existing ones against the revised information requirements. Registrants should prepare for the changes as registrations submitted before may no longer pass the completeness check. In addition, registrants are encouraged to use the validation assistant to check their registrations before submitting them to ECHA. The International Uniform Chemical Information Database (IUCLID) validation assistant will be updated with the amended completeness check rules at the end of April 2023. If their first submission fails the completeness check, registrants have four months to correct the information. If the second submission is also incomplete or not submitted by the four-month deadline, the submission is rejected and the data not included in ECHA's databases.

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

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

## Nine chemicals added to the Candidate List of substances of very high concern for authorization (published)

On 17 January 2023, the European Chemicals Agency (ECHA) added [9 hazardous chemicals](#), which are substances of very high concern (SVHC), to the REACH Regulation Candidate List:

- » 1,1'-[ethane-1,2-diylbisoxo]bis[2,4,6-tribromobenzene] (CAS No. 37853-59-1)
- » 2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol (CAS No. 79-94-7)
- » 4,4'-sulphonyldiphenol (CAS No. 80-09-1)
- » barium diboron tetraoxide (CAS No. 13701-59-2)
- » bis(2-ethylhexyl) tetrabromophthalate covering any of the individual isomers and/or combinations thereof (CAS No. not available)
- » isobutyl 4-hydroxybenzoate (CAS No. 4247-02-3)
- » melamine (CAS No. 108-78-1)
- » perfluoroheptanoic acid (CAS No. 375-85-9) and its salts
- » reaction mass of 2,2,3,3,5,5,6,6-octafluoro-4-(1,1,1,2,3,3,3-heptafluoropropan-2-yl)morpholine and 2,2,3,3,5,5,6,6-octafluoro-4-(heptafluoropropyl)morpholine (CAS No. not available)

These nine substances have various uses, including uses as flame retardants, paints and coatings, inks and toners, coating products, plasticizers, and in the manufacture of pulp and paper. Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs. These substances may be placed on the "Authorisation List" in the future. Inclusion on this list will mean that the use of the substances will be prohibited unless a company receives an authorization to continue its use from the European Commission.

With the substance being listed on the Candidate List, there are certain obligations including:

- » article suppliers must notify SVHCs to ECHA's SCIP (i.e., Substances of Concern In articles as such or in complex objects [Products]) database under the Waste Framework Directive
- » any supplier of articles containing a Candidate List substance above a concentration of 0.1 % (weight by weight) has to give sufficient information to their customers and consumers to allow safe use
- » suppliers of these substances have to provide their customers with a safety data sheet

In addition to the aforementioned obligations, importers and producers of articles have to notify ECHA if their article contains any of the nine substances by 17 July 2023 (6 months from the date substances were included on the Candidate List).



Penalties for non-compliance vary by Member State.

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

## European Commission's "Transition Pathway for the Chemical Industry" document (published)

On 27 January 2023, the European Commission published a document entitled "Transition Pathway for the Chemical Industry". The document aims to help the chemical industry transition to safe and sustainable (SSbD) measures, safer substances, and achieve circular economy goals under the European Green Deal. The European Green Deal is a set of policy initiatives intended to promote a toxic-free environment and a resource-efficient, competitive economy, whilst overcoming environmental degradation.

To achieve this, the document proposes actions that the European Union (EU), Member States, and the chemical industry can take over short-term (activities that should start as soon as possible), medium-term (by 2030), and long-term (activities that should be launched and completed by 2050) timeframes. The proposals aim to promote a market for sustainable products.

The Commission proposes to:

- » develop a detailed and workable framework for new chemicals and materials, to optimize or redesign production processes, and for the use of substances currently on the market for ensuring that industrial processes are SSbD
- » maintain an EU SSbD support network to promote sharing of information across sectors and the value chain, and provide technical expertise on alternatives
- » ensure that hazardous chemicals banned in the EU are not produced for export, including by amending relevant legislation

Proposed actions for the chemical industry include the measures below.

### Short-term:

- » develop, commercialize, deploy, and promote the uptake of SSbD substances and materials
- » monitor and assess the environmental and economic impact of chemical production in the region
- » inform the public about the impacts and risks linked to the transition

### Short/medium-term:

- » prevent losses of materials by increasing circularity according to the "3R" principle (reduce, re-use, recycle)
- » support the circular economy – take into consideration whole value chains when designing 'circular' industrial processes and ensure that all raw materials are included in these processes (including plastic waste, biobased/biomass products, and CO/CO2 emissions)
- » engage in the testing phase of the SSbD framework

Chapter III/3 includes a regulatory roadmap and Annex 2 provides an overview of initiatives impacting the chemical industry. Key developments include:

- » Ecodesign for Sustainable Products Regulation; legislative process: 2022-2024; estimated enforcement: 3rd or 4th quarter of 2024
- » CLP revision – estimated enforcement: 1st quarter of 2025
- » REACH revision – estimated legislative procedure: 2023-2025; estimated enforcement: 2027

The proposals in the final chapter of the document will be discussed and agreed on during the co-implementation process expected to start in spring 2023.

There are no penalties for non-compliance associated with this update.

Information can be found in this [publication from the European Commission](#). More information can be found [here](#).

## Call for evidence on alternative additives in polyvinyl chloride and other plastics (consultation)

The European Chemicals Agency (ECHA) opened a call for evidence on alternative additives in polyvinyl chloride (PVC) and other plastics on 1 February 2023. This follows the issue of a list of additives currently used in PVC that was compiled by ECHA for a consultation with targeted stakeholders.

From that list, ECHA selected a subset of additives currently used as heat stabilizers, plasticizers, and/or flame retardants in PVC ('additives in focus'). In this call for evidence, ECHA is requesting information on - alternative substances to the currently used 'additives in focus' in PVC and on additives used in alternative plastics to PVC. Stakeholders are also invited to make additions to ECHA's tentative list of alternative plastics and to provide information for the additives used in alternative plastics in their chosen data format.

Companies with an interest in PVC and its additives and/or alternative plastics are invited to provide information by 31 March 2023.

Information can be found in this [announcement from ECHA](#). More information and the list of chemicals can be found [here](#).

## Adoption of revision package for the regulation on classification, labelling and packaging of substances and mixtures (proposal)

The European Commission's revision package for the regulation on classification, labelling and packaging of chemicals (CLP Regulation) includes a Delegated Act and Annex to add new hazard classes for endocrine disruptors and other harmful substances. This is in addition to a proposal to revise its regulatory text. The European Commission adopted the proposal for new hazard classes on 19 December 2022. This amends Annexes I, II, III, VI of the CLP Regulation by introducing class names, hazard statements, and hazard category codes for new hazard classes.

The new hazard classes are:

- » endocrine disruptors (ED) for human health and the environment
- » persistent, bio-accumulative, and toxic or very persistent and very bio-accumulative substances and mixtures
- » persistent, mobile, and toxic or very persistent and very mobile substances and mixtures

In the case of EDs, the proposed new hazard categories are "Category 1 - Known or presumed EDs" and "Category 2 - Suspected EDs", and the classification evidence must come from human and/or animal data.

Transition periods, allowing companies time to comply with the new criteria, are listed in the Annexes as follows:

- » 24 months for new substances
- » 36 months for mixtures
- » 42 months for substances on the market before the entry into force date

- » 60 months for mixtures already on the market

Manufacturers, importers, and downstream users of substances or mixtures must appropriately classify, label, and package hazardous chemicals before placing them on the market. All labelling elements (pictograms, signal words, statements, etc.) for the new hazard classes are included in the Annexes.

The Delegated Act is now subject to a two-month scrutiny period and is expected to enter into force in early 2023.

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

## Per- and polyfluoroalkyl substances restriction proposal (proposal)

The national authorities of Denmark, Germany, the Netherlands, Norway, and Sweden have submitted a proposal to the European Chemicals Agency (ECHA) to restrict per- and polyfluoroalkyl substances (PFASs) under REACH, the European Union's (EU) chemicals regulation. This proposal followed scrutiny by these authorities that identified risks in the manufacture, placement on the market, and use of PFASs that are not adequately controlled and need to be addressed.

ECHA published a detailed proposal on 7 February 2023. ECHA's scientific committees for Risk Assessment (RAC) and Socio-Economic Analysis (SEAC) will check if the proposal meets the legal requirements of REACH in their meetings in March 2023. If it does, the committees will evaluate the proposal scientifically.

The proposal places restrictions on more than 10,000 PFAS, which is significantly more than the 4,700 PFAS identified previously. The restrictions will cover the use and placing on the market (including import) of these PFAS. There are two options proposed:

- » complete ban of the PFAS with no derogations and a transition period of 18 months after the Regulation enters into force
- » full ban with use-specific time-limited derogations – this will allow for a 18-month transition period and a 5- or 12-year derogation period, depending on the application

A six-month consultation is planned to start on 22 March 2023. An online information session will be organized on 5 April 2023 to explain the restriction process and help those interested in participating in the consultation.

Information can be found in this [announcement from ECHA](#). More information and the list of chemicals can be found [here](#).

## Call for evidence on a proposal for eco-design of sustainable products (consultation)

On 31 January 2023, the European Commission (EC) opened a public consultation for a call for evidence on a proposal for the eco-design of sustainable products. Under this proposal, performance and information-related requirements will be placed on products sold in the European Union to make them more sustainable. The aspects of the eco-design requirements include:

- » product durability, reusability, upgradability, and reparability
- » the presence of substances that hinder circularity
- » energy and resource efficiency
- » recycled content
- » remanufacturing and recycling

- » carbon and environmental footprints
- » information requirements, including a Digital Product Passport

The public consultation aims to gather information on the categories of new products and measures to address first. This will ensure priorities can be set transparently and inclusively.

Following the public consultation, the Commission plans to adopt the proposal in the first quarter of 2024.

Interested parties can comment on the proposal by 25 April 2023.

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

## Amendment to Directive 2012/19/EU on waste electrical and electronic equipment (consultation)

The European Commission opened a consultation on 7 February 2023 concerning a proposed amendment to Directive 2012/19/EU on waste electrical and electronic equipment (WEEE). Directive 2012/19/EU includes provisions related to product design, separate collection, disposal, transport, treatment, and shipments of WEEE.

The proposed amendment replaces some paragraphs from Articles 12, 13, 14, and 15 of Directive 2012/19/EU and includes the following obligations:

- » producers shall provide at least for the financing of the collection, treatment, recovery, and environmentally sound disposal of WEEE from private households and from users other than private households
- » producers shall appropriately mark EEE placed on the market to facilitate its separate collection
- » the European Standard EN 50419:2022, marking of electrical and electronic equipment in respect to separate collection of WEEE, shall be applied

This amendment shall enter into force on the twentieth day following its publication in the Official Journal of the European Union. Member States are required to establish national laws and regulations, which companies must comply with, within one year of the amendment entering into force.

The consultation deadline is 4 April 2023.

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

## Addition of perfluorohexane sulfonic acid, its salts, and related compounds to Annex I to Regulation (EU) 2019/1021 (consultation)

On 9 February 2023, the European Commission opened a consultation on an amendment to Annex I to Regulation (EU) 2019/1021 that regulates persistent organic pollutants (POPs), implementing the Stockholm Convention in the European Union. This amendment adds an entry for perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds to Annex I. Comments were due on 9 March 2023.

Annex I lists all substances included in the Stockholm Convention and the Montreal Protocol. The manufacturing, placing on the market, and use of substances listed in Annex I, whether on their own, in mixtures or in articles, is prohibited, subject to certain exemptions.

PFHxS, its salts, and PFHxS-related compounds are used in paint additives, stain and water-resistant materials, and fire-fighting foams. These substances are part of the per- and poly-fluoroalkyl substances (PFAS). The proposed entry specifies that PFHxS, its salts, and PFHxS-related compounds mean the following:

- » PFHxS, including any of its branched isomers
- » its salts
- » PFHxS-related compounds which, for the purposes of the Stockholm Convention, are any substance that contains the chemical moiety C6F13S- as one of its structural elements and that degrades to PFHxS

Exemptions to the prohibition of manufacturing, use, and placing on the market only apply to unintentional trace contaminants of the substances. Specifically:

- » concentrations of PFHxS or any of its salts equal to or below 0.025 mg/kg (milligram per kilogram) where they are present in substances, mixtures, or articles
- » the sum of concentrations of all PFHxS-related compounds equal to or below 1 mg/kg where they are present in substances, mixtures, or articles
- » concentrations of PFHxS and PFHxS-related compounds equal to or below 0.1 mg/kg where it is present in concentrated firefighting foam mixtures that are to be used or are used in the production of other firefighting foam mixtures

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

## New rules on batteries and waste batteries (proposal)

On 18 January 2023, the European Union (EU) Permanent Representatives Committee endorsed new rules on batteries and waste batteries. The proposed rules aim to create a harmonized regulatory framework for the entire life cycle of batteries placed on the EU market. It is part of circular economy commitments under the European Green Deal.

The rules established requirements on sustainability, safety, storage, treatment, labelling, and information to allow the placing on the market or putting into service of batteries, as well as minimum requirements for the extended producer responsibility, collection, and treatment of waste batteries. The rules apply to all categories of batteries placed on the market or put into service in the EU, regardless of whether they were produced in the EU or imported. It also applies to batteries designed to be incorporated into or added to products.

Some key obligations for companies are below:

- » Chapter II and Annex XII - sustainability and safety requirements
  - in addition to restrictions in Annex XVII of Regulation (EC) No. 1907/2006 and Annex II of Directive 2000/53/EC, batteries shall comply with substance restrictions in Annex I (Article 6)
  - recycled content of industrial batteries specified in Article 8: 16% cobalt, 85% lead, 6% lithium, and 6% nickel (96 months after entry into force); 26% cobalt, 85% lead, 12% lithium, and 15% nickel (156 months after entry into force)
  - minimum recycling efficiencies and levels of recovered materials are specified in Annex XII
  - from 42 months after entry into force, portable batteries in electronic devices must be designed to allow end-users to easily remove and replace them at any time during the product's lifetime – this only applies to batteries as a whole, and not to individual cells or other parts included in the batteries (Article 11)

- economic operators must also adopt, and clearly communicate to suppliers and the public a company due diligence policy for batteries concerning raw materials indicated in Annex X, Point 1 and associated social and environmental risk categories indicated in Annex X, Point 2 (Article 45b)
- » Chapter III and Annex VI - labelling, marking and information requirements
  - from 24 months after entry into force, all batteries shall be marked with the symbol indicating ‘separate collection’ in accordance with Part B of Annex VI (Article 13.3)
  - all batteries containing more than 0.002 % cadmium or more than 0.004 % lead, shall be marked with the chemical symbol for the metal concerned: Cd or Pb (Article 13.4)
  - From 42 months after entry into force, all batteries shall be marked with a QR code in accordance with Part C of Annex VI (Article 13.5)
- » Chapter VII - management of waste batteries
  - producers shall be obliged to register in each Member State where they make a battery available on the market for the first time (see Article 46)
  - producers shall apply for an authorization from the competent authority on the fulfilment of their extended producer responsibility obligations (Article 47b)
- » Affected regulations
  - 24 months after entering into force, this Regulation repeals Directive 2006/66/EC, subject to the transitional provisions in Article 78 (Directive 2006/66/EC sets prohibitions on batteries containing hazardous substances, in addition to targets for waste battery collection) – Annex XIV outlines how this proposal corresponds to Directive 2006/66/EC
  - Regulation (EU) 2019/1020, on the market and surveillance of products from third countries, is also amended to include batteries and economic operators affected by this proposal

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



## NORTH AMERICA

### [Canada](#)

#### Final decision of the screening assessment of four substances in the Ethers Group specified in the Chemical Management Plan (published)

The Department of the Environment and the Department of Health conducted a screening assessment of four substances, collectively referred to as the Ethers Group under the Chemicals Management Plan, pursuant to section 68 or section 74 of the Canadian Environmental Protection Act, 1999 (CEPA). A final decision concerning the substances was published on 4 February 2023 as it was concluded that the substances do not meet any of the criteria set out in section 64 of the CEPA 1999. Therefore, the Minister of the Environment and the Minister of Health propose to take no further action on the four substances. The four substances are:

- » dimethyl ether (CAS No. 115-10-6)
- » diethyl ether (CAS No. 60-29-7)
- » diphenyl ether (CAS No. 101-84-8)

- » dipropylene glycol methyl ether (CAS No. 34590-94-8)

These substances are used in the automotive, aircraft, and transportation sectors (e.g., solvents used in the manufacturing of vehicles or functional fluids contained within components of a vehicle); cleaning and furnishing care; fuels and related products; oil and natural gas extraction; and paints and coatings.

Section 64 of CEPA 1999 states that substances are considered harmful if they are entering or could enter the environment in quantities or concentrations or under conditions that:

- » have or may have an immediate or long-term harmful effect on the environment or its biological diversity
- » constitute or may constitute a danger to the environment on which life depends
- » constitute or may constitute a danger to human life or health in Canada

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

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

## Update to the Domestic Substances List (published)

Canada published Order 2022-87-11-01, Order 2023-87-01-01, and Order 2023-87-02-01 on 13 December 2022, 20 December 2022, and 1 February 2023, respectively, to update the Domestic Substances List (DSL).

Order 2022-87-11-01 amends the DSL as follows:

- » addition of two new substances to Part 1 of the list:
  - 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)
  - phosphorous acid, triphenyl ester, polymer with carbomonocycledimethanol and  $\alpha$ -hydro- $\omega$ -hydroxypoly[oxy(methyl-1,2-ethanediyl)], alkyl esters (CAS No. 1138156-39-4)
- » addition of eight new substances to Part 3 of the list
- » paraffin waxes and hydrocarbon waxes, derivatized, polymers with acrylic acid, 2-ethylhexyl acrylate, fumaric acid, polyethylene glycol ether with bisphenol A (2:1), polypropylene glycol ether with bisphenol A (2:1), styrene, terephthalic acid and trimellitic anhydride, tert-Bu peroxide-initiated (CAS No. not available)
- » phosphorous acid, triphenyl ester, polymer with carbomonocycledimethanol and  $\alpha$ -hydro- $\omega$ -hydroxypoly[oxy(methyl-1,2-ethanediyl)], alkyl esters (CAS No. not available)
- » 1,3-benzenedicarboxylic acid, polymer with hexanedioic acid, polyalkylalkanediol, 1,2-propanediol and 1,6-hexanediol (CAS No. not available)
- » 1,3-benzenedicarboxylic acid, polymer with alkanedioic acid, 2,2-dimethyl-1,3-propanediol and 1,2-ethanediol (CAS No. not available)
- » 2-propenoic acid, 2-alkyl-, 2-alkylalkyl ester, polymer with 2-propenoic acid, ammonium salt, peroxydisulfuric acid (((HO)S(O)2)2O2) diammonium salt-initiated (CAS No. not available)
- » 2-propenoic acid, alkyl-, alkylalkyl ester, polymer with 2-propenoic acid, sodium salt, peroxydisulfuric acid (((HO)S(O)2)2O2) diammonium salt-initiated (CAS No. not available)
- » 1,4-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, hexanedioic acid and 1,2-propanediol, dihydrogen 2-substituted-1,2,3-propanetricarboxylate (CAS No. not available)
- » 1,3-benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid, butanedioic acid, (2E)-2-butenedioic acid, 1,3-dihydro-1,3-dioxo-5-isobenzofurancarboxylic acid, dihydro-3-(tetrapropenyl)-2,5-furandione, alkanedioic acid,  $\alpha, \alpha'$ -[(1-methylethylidene)di-4,1-phenylene]bis[ $\omega$ -hydroxypoly(oxy-1,2-ethanediyl)] and  $\alpha, \alpha'$ -[(1-

methylethylidene]di-4,1-phenylene]bis[ω-hydroxypoly[oxy(methyl-1,2-ethanediyl)]], benzoate octadecanoate (CAS No. not available)

Order 2023-87-01-01 was amended to include lithium cobalt manganese nickel oxide (CAS No. 182442-95-1) in Part 2 of the list.

Order 2023-87-02-01 adds five new substances to Part 1 of the list:

- » 3-aminopropyl(methyl) silsesquioxanes, ethoxy-terminated (CAS No. 128446-60-6)
- » dimethicone PEG-8 Polyacrylate (CAS No. 245678-22-2)
- » cashew, nutshell liq., polymer with formaldehyde, reaction products with diethanolamine and diisopropanolamine, (CAS No. 1462343-28-7)
- » no name available (CAS No. 2180952-57-0)
- » 1-eicosanol, manuf. of, distn., residues (CAS No. 2682937-26-2)

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 in order that they can be assessed to determine if they are toxic or could become toxic to the environment or human health. The DSL is amended multiple times annually to add, update or delete substances.

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 2 lists chemicals and polymers subject to Significant New Activity requirements that are identified by their CAS Registry Numbers. Part 3 lists chemicals and polymers that are identified by their masked names and confidential accession numbers. 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 on [Order 2022-87-11-01](#), [Order 2023-87-01-01](#), and [Order 2023-87-02-01](#).

## Amendments to the Hazardous Products Regulations (GHS, Seventh Revised Edition) (in force)

On 4 January 2023, the Government of Canada amended its Hazardous Products Regulations (GHS, Seventh Revised Edition). These regulations were registered on 15 December 2022 and came into force on the same day. Under international obligations, Canada is committed to aligning the Hazardous Products Regulations with the Seventh Revised Edition of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The amendments required for such alignment include the following:

- » modifications to several definitions
- » the adoption of a new hazard category for non-flammable aerosols and new subcategories for flammable gases
- » the addition of a new test procedure for oxidizing solid
- » modifications to Schedule 1 of the Hazardous Products Regulations to update the information elements required to be provided on safety data sheets



- » clarifications and modifications to existing provisions relating to the classification of hazardous products in the physical and health hazard classes
- » clarifications and adjustments concerning hazard communication elements required on labels and safety data sheets
- » administrative updates to the Hazardous Products Regulations

Furthermore, Health Canada is amending Part 1 of Schedule 5 of the Hazardous Products Regulations and adopting a new physical hazard class – Chemicals Under Pressure – from the Eighth Revised Edition of the GHS in a new Subpart 21 of Part 7 of the Hazardous Products Regulations.

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

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

## Review of information pertaining to sulfonic acids, branched alkane hydroxy and branched alkene, sodium salts (in force)

On 21 January 2023, the Canadian Minister of the Environment and the Minister of Health reviewed information pertaining to sulfonic acids, branched alkane hydroxy and branched alkene, sodium salts (Confidential Substance Identity Number: 18520-7). The Ministers concluded that the substance is toxic or capable of becoming toxic within the meaning of section 64 of the Canadian Environmental Protection Act, 1999 (CEPA). This procedure is part of the Chemicals Management Plan (CMP) that is a Canada initiative aimed at reducing the risks posed by chemical substances to Canadians and the environment.

The Minister of the Environment, pursuant to paragraph 84(1)(a) of CEPA, permits the manufacture or import of the substance only if the following conditions are satisfied:

- » the notifier, thus the person who has, on 19 August 2022, provided to the Minister of the Environment the prescribed information concerning the substance, in accordance with subsection 81(1) of CEPA, may import the substance only to use it to inject in petroleum reservoirs for oil production operations
- » the notifier must transfer the physical possession or control of the substance only to a person who agrees to use as prescribed by this notice
- » at least 120 days prior to the manufacture of the substance in Canada, the notifier must inform the Minister of the Environment, in writing, and provide the following information:
  - information specified in item 8 of Schedule 5 to the New Substances Notification Regulations (Chemicals and Polymers)
  - information specified in paragraph 11(b) of Schedule 6 to the regulations named above
  - address of the manufacturing facility in Canada
  - information related to the manufacturing process of the substance in Canada
- » the notifier must collect any waste in their physical possession, or under their control and destroy or dispose of it in the following manner:
  - deep-well injection in accordance with the laws of the jurisdiction where the well is located
  - incineration in accordance with the laws of the jurisdiction where the incineration facility is located
  - deposition in an engineered hazardous waste landfill facility, in accordance with the laws of the jurisdiction where the facility is located
- » where any release of the substance or waste to the environment occurs, other than the use of the substance in accordance with this notice, the notifier must immediately take all measures necessary to prevent any further

release, and to limit the dispersion of any release. Furthermore, the notifier must immediately inform the Minister of the Environment by contacting an enforcement officer designated under the CEPA

- » prior to transferring the physical possession or control of the substance or waste to any person, the notifier must:
  - inform the person, in writing, of the terms of the present ministerial conditions
  - obtain, prior to the first transfer of the substance or waste, written confirmation from this person that they were informed of the terms of the present ministerial conditions
- » the notifier must maintain electronic or paper records, as prescribed by this notification at their principal place of business in Canada, or at the principal place of business in Canada of their representative, for a period of at least five years after they are made

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](#).

## Volatile organic compound concentration limits for certain products regulations (published)

On 5 January 2022, the Canadian Government published the “Volatile Organic Compound Concentration Limits for Certain Products Regulations (SOR/2021-268)” (the Regulations). The Regulations aim to protect the environment and human health by setting concentration limits for volatile organic compounds (VOC) in approximately 130 categories and subcategories of products. The Regulations ban the manufacture and import of products with VOC exceeding their category-specific limits unless a permit is obtained. In addition, manufacturers and importers of regulated products must keep records for at least five years. These products are used by consumers, or in commercial or institutional applications. Examples of products include:

- » adhesives, adhesive removers, sealants, and caulks
- » other miscellaneous products (e.g., anti-static products and non-stick aerosol cooking spray)

The VOC concentration limits will take effect on 1 January 2024 for all product categories except disinfectants, which will be effective on 1 January 2025. For companies unable to meet the limits, the Canadian Government announced three alternative compliance options on 29 December 2022:

- » permit – technical or economic non-feasibility:
  - this permit allows the regulated parties to continue manufacturing and importing a product for the duration of the permit under conditions set out by the Regulations
  - to apply for this permit, manufacturers and importers must provide evidence that they cannot technically/economically meet the requirements for their product, or a plan identifying measures to ensure their product will meet the limit once the permit expires and the period of time the plan will be implemented
- » permit – products whose use results in lower VOC emissions:
  - this permit allows innovative products to exceed the VOC concentration limits if, as a result of product design, formulation, delivery, or other factors, the total VOC emissions are lower than those from a comparable compliant product, when used according to the manufacturer’s written instructions
  - a company must provide Environment and Climate Change Canada with the estimated quantity imported or manufactured in a year, and evidence showing the product’s use results in lower VOC emissions than a compliant product in the same category

- » VOC Compliance Unit Trading System: this allows companies to exceed the concentration limit for a product by balancing their emissions with their other products that have VOC amounts below the limits (averaging), or by purchasing compliance units from other companies (trading)

Penalties for non-compliance under Canadian Environmental Protection Act, 1999 include fines of up to \$1 million a day for each day an offence continues, imprisonment for up to three years or both.

Information can be found in this [announcement](#). More information can be found [here](#).

## Notice of intent on promoting reduced reliance on animal testing under the New Substances Notification Regulations (Chemicals and Polymers) (consultation)

The Canadian Department of the Environment and Department of Health opened a consultation on 14 January 2023 for reducing animal testing under the New Substances Notification Regulations (Chemicals and Polymers) [NSNR]. These regulations require notifications from those intending to import or manufacture new substances not on the Canadian Environmental Protection Act, 1999 (CEPA) Domestic Substances List (DSL). Currently, information and data required for notifications under the NSNR may be derived from animal testing. The Canadian government aims to replace, reduce, or refine the use of animals in testing where possible.

Under the potential changes, data from alternative methods, known as New Approach Methods may be accepted to fulfil NSNR notification requirements, provided that it provides a scientifically valid measure of the endpoint under investigation. The proposed changes would align the NSNR with advancements in science, Bill S-5 (which proposed amendments to reduce the reliance on animal testing under CEPA), and international efforts to reduce reliance on animals in the testing and assessment of substances. This is part of a one-year review of the NSNR that began in April 2022.

Interested parties can comment on the proposed amendments by 29 March 2023.

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

## Issuance of Code of Practice for the Environmentally Sound Management of Chemical Substances in the Chemicals, Plastics and Rubber Sectors (consultation)

On 4 February 2023, the Canadian Department of the Environment opened a consultation on the proposed Code of Practice for the Environmentally Sound Management of Chemical Substances in the Chemicals, Plastics, and Rubber Sectors. The objective of this Code of Practice is to identify and promote best practices in the management and handling of chemical substances in the manufacturing and distribution of chemicals, plastics, and rubber products in order to prevent the release of these substances into the environment. In addition, the code has been developed for use as a supporting risk management instrument to address specific substances used in the chemicals, plastics, and rubber sectors.

Interested stakeholders must submit their comments by 5 April 2023.

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

## United States

### Exclusion of (2E)-1,1,1,4,4,4-hexafluorobut-2-ene as a volatile organic compound (published)

On 8 February 2023, the US Environmental Protection Agency (EPA) published a decision to not classify (2E)-1,1,1,4,4,4-hexafluorobut-2-ene [HFO-1336mzz(E)] (CAS No. 66711-86-2) as a volatile organic compound (VOC). The Chemours Company submitted a petition to the EPA on 30 November 2016 requesting that HFO-1336mzz(E) be exempted from the regulatory definition of VOC. The EPA opened a consultation on 28 April 2022 to gather views on this petition. Now, the EPA has made a final decision to exempt HFO-1336mzz(E) from the regulatory definition of VOC. This decision was made given the substance is less reactive than ethane, and is therefore considered negligibly reactive, and the low likelihood of risk to human health and/or the environment.

US states are not obligated to exclude from VOC control those compounds that the EPA has found to be negligibly reactive, meaning that it might still be mandatory to limit the use of HFO-1336mzz(E) in some US states.

This decision comes into force on 10 April 2023.

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

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

### Per- and poly-fluoroalkyl chemical substances designated as inactive (consultation)

On 26 January 2023, the US Environmental Protection Agency (EPA) published a Proposed Rule under the Toxic Substances Control Act (TSCA) for Per- and Poly-fluoroalkyl Substances (PFAS) designated as inactive on the TSCA Chemical Substance Inventory. 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.

The EPA is proposing a Significant New Use Rule (SNUR) for certain PFAS that have not been manufactured (including imported) or processed for many years and are consequently designated as inactive on the TSCA Inventory. The action would give the EPA the opportunity to review and potentially regulate any new applications of “inactive” PFAS, but it may also present compliance hurdles for those who import or process articles containing the substances, as well as those who produce them as by-products.

Exposure at certain levels to specific PFAS can adversely impact human health and/or the environment. Persons subject to the SNUR would be required to notify the EPA at least 90 days before commencing any manufacture (including import) or processing of the chemical substance for a significant new use. Once the EPA receives a notification, the EPA must review and make an affirmative determination on the notification, and take such action as is required by any such determination before the manufacture (including import) or processing for the significant new use can commence. Such a review will assess whether the use may present unreasonable risk to health or the environment and ensure that EPA can prevent future unsafe environmental releases of the PFAS subject to this SNUR.

Interested parties must submit their comments by 27 March 2023.

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

## Re-opening dockets to receive additional information on twenty high-priority substances (consultation)

On 3 January 2023, the US Environmental Protection Agency (EPA) re-opened the dockets to receive additional information on twenty high-priority substances from the public. Previously, on 20 December 2019, the EPA designated the twenty chemicals as high-priority substances for risk evaluation and began the risk evaluations for these chemicals. During previous consultations, dockets were opened for the public to submit use, hazard, exposure, and other information to help evaluate the risk. The EPA is re-opening the dockets to receive additional information from the public, and will use these data, and other information as appropriate, to inform the risk evaluation processes for these chemicals.

Interested stakeholders can prepare and submit comments by 3 July 2023.

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



## OCEANIA

### Australia

#### Adopting different schedules of the Industrial Chemicals Environmental Management Standard Register for eight chemicals (published)

Following a public consultation that commenced on 9 November 2022 and ended on 7 December 2022, the proposed decisions of listing eight chemicals in different schedules of the Industrial Chemicals Environmental Management Standard (IChEMS) Register were adopted on 16 December 2022. IChEMS is a national approach to managing chemical use, storage, handling, and disposal. It delivers nationally consistent environmental standards for managing industrial chemicals and makes it easier for the industry to choose less harmful chemicals.

Three persistent organic pollutants (POPs) are listed in Schedule 7 of the IChEMS Register as they are of the highest concern and pose the greatest risk to the environment. Hence, these chemicals are prohibited from import, manufacture, and use in Australia. Two chemicals are listed in Schedules 3 and 2, while one chemical is listed in Schedule 1. The substances in Schedules 1, 2 and 3 have certain controls and requirements.

Listed below are the eight chemicals:

- » Schedule 7:
  - hexabromobiphenyl (CAS No. 36355-01-8 and others)
  - 1,3-butadiene, 1,1,2,3,4,4-hexachloro- (Hexachlorobutadiene; CAS No. 87-68-3)
  - polychlorinated naphthalenes (CAS No. 70776-03-3 and others)
- » Schedule 3:
  - 4-pentenal, 5-cyclohexyl-2,4-dimethyl-, (4E)- (CAS No. 1449104-34-0)
  - 13-oxabicyclo[10.1.0]trideca-4,8-diene, (1R,4E,8Z,12R)-rel- [CAS No. 55722-64-0]

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- » Schedule 2:
  - 2-oxazolidinone, 3-ethenyl-5-methyl- (CAS No. 3395-98-0)
  - siloxanes and silicones, di-Me, hydroxy-terminated, polymers with 3-(trimethoxysilyl)-N-[3-(trimethoxysilyl)propyl]-1-propanamine (CAS No. 189959-16-8)
- » Schedule 1: 2-propenoic acid, 2-methyl-, butyl ester, polymers with alkyl methacrylate, substituted-methylethyl-terminated hydrogenated polyalkene methacrylate, Me methacrylate and styrene (CAS No. not available)

The latest scheduling decisions can be searched on the IChEMS Online Register (see the link provided). The search results provide control measures to manage the environmental risks of the listed chemicals.

Penalties for non-compliance have not been specified in this update.

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

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