

Newsletter

Global Environmental and
Chemical Regulations, Policies,
and Standards

March 2023

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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
March 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.

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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 regulations 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

India

India further delays implementing quality control orders for ten substances (published)

The Ministry of Chemicals and Fertilizers in India published a notice on 2 February 2023 to announce the postponement of the enforcement dates of quality control orders (QCOs) for ten substances. The new enforcement dates are:

- » 01 August 2023 for morpholine (CAS No. 110-91-8)
- » 03 August 2023 for acetic acid (CAS No. 64-19-7), methanol (CAS No. 67-56-1), and aniline (CAS No. 62-53-3)
- » 13 September 2023 for pyridine (CAS No. 110-86-1), gamma picoline (CAS No. 108-89-4), beta picoline (CAS No. 108-99-6), potassium carbonate (CAS No. 584-08-7), acetone (CAS No. 67-64-1), and sodium tripolyphosphate (CAS No. 7758-29-4)

Quality Control Orders (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, 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. By the issuance of QCOs, the use of Standard Mark under a License or a Certificate of Conformity (CoC) 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

Proposal to restrict perfluorohexane sulfonic acid and its salts (consultation)

On 18 February 2023, Japan opened a consultation on a [proposal to restrict perfluorohexane sulfonic acid](#) (PFHxS; CAS No. 355-46-4) and its salts and the import of certain products containing the substance. This follows the decision of the Parties to the Stockholm Convention to add PFHxS and its salts to Annex A (elimination) of the Convention on Persistent Organic Pollutants. The consultation ended on 19 March 2023. PFHxS and its salts belong to the per- and poly-fluoroalkyl substances (PFAS) group.

According to the proposal, from spring 2024, PFHxS and its salts would be classified as Class 1 Specified Chemical Substances under the Chemical Substance Control Law (CSCL) in Japan. The CSCL defines Class 1 Specified Chemical Substances as substances that are persistent, highly bio-accumulative, or associated with long-term toxicity for humans. Hence, their manufacture, import and use are restricted.

Listed below are also some of the products containing PFHxS and its salts. These products would not be allowed to be imported into Japan:

- » fire extinguisher, extinguishing agent for fire extinguishers, and foam extinguishing agent
- » etching agent for metal processing
- » surface treatment agent for electroplating or additive for its preparation
- » textiles for oil and water repellency
- » clothes for oil and water repellency
- » floor coverings for oil and water repellency
- » water repellent, oil repellent, and fiber protection agent
- » anti-reflective agent for semiconductors
- » etching agent for semiconductors
- » resist for semiconductors

Furthermore, “essential uses” will be specified, except for which the other uses of PFHxS and its salts are prohibited, and technical standards for handling products containing PFHxS and its salts will be published.

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

[Russia](#)

[Amendments to the regulations on licensing activities for the collection, processing, utilization, neutralization, and disposal of waste of hazard classes I-IV \(draft\)](#)

On 31 January 2023, the Russian Government published a draft amendment to eliminate the need to obtain a license for waste collection for persons who carry out such collection outside the place of waste processing/utilization/ neutralization and/or disposal. Public discussion of the project lasted until 9 February 2023.

From 1 March 2023, the concept of "waste collection" is set out in the Federal Law "On Production and Consumption Waste" in a new edition and means "acceptance of waste for the purpose of their further processing, disposal, neutralization, disposal."¹

Thus, waste collection will exclude the mention that it is carried out by the person who processes, utilizes, neutralizes, and disposes of them. Therefore, from 1 March 2023, any person can collect waste and will not require a license to do so. This applies also to the collection of waste of hazard classes I-IV if such collection is not carried out at the place of their processing, disposal, neutralization, and/or placement.

Approval is needed from the Ministry of Natural Resources/Russian government prior to finalization.

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

¹ Corresponding amendments were made by the Federal Law of 14 July 2022 No. 268-FZ On Amendments to the Federal Law on Production and Consumption Waste and Certain Legislative Acts of the Russian Federation.

Decree to update to the list of substances subject to state regulation measures in the field of environmental protection” (draft)

On 31 January 2023, the Russian government published a draft decree to update the list of substances subject to state regulation measures in the field of environmental protection. This list includes substances for which emissions are to be reduced and notified accordingly.

According to the Russian government, updating the List is necessary to ensure a more complete accounting of emissions from industries, ensure an objective assessment of their negative impact on the air, and improve the efficiency of the environmental supervision. The proposed measures will help prevent violations in the field of atmospheric air protection and will improve the quality of the environment.

More information, including the list of substances, can be found here [in English](#) and [in Russian](#).

Singapore

Adoption of the control of twenty-six chemicals as hazardous substances (published)

The National Environment Agency (NEA) in Singapore issued a notice on 17 February 2023, to announce the adoption of the control of [twenty six-chemicals as hazardous substances](#) under the Environmental Protection and Management Act (EPMA) and its supporting regulation – the Environmental Protection and Management (Hazardous Substances) Regulations (PM [HS] Regs). The EPMA consolidates the laws relating to environmental pollution control to protect and manage the environment and resource conservation.

The twenty-six chemicals are currently regulated by Singapore Customs under the Chemical Weapons (Prohibition) Act and are subject to licensing control for activities such as import, export, production, processing, consumption, storage, and/or local sales or distribution. Nine chemicals have already been regulated as hazardous substances by the NEA out of a total of 47 chemicals that are controlled by the Chemical Weapons Convention. According to the published notice, 26 out of the 47 CWC chemicals will be regulated by the NEA as hazardous substances starting on 21 August 2023. Therefore, companies handling these chemicals have to comply with the following requirements from 21 August 2023:

- » license for the import, export, manufacture, offer for sale, transport, storage, and/or use of hazardous substances should be obtained
- » transportation approval should be obtained for the transport of hazardous substances
- » permit should be obtained for the purchase, storage, and/or use of hazardous substances

Additionally, twelve chemicals will be regulated by the Singapore Civil Defense Force as flammable materials starting on 21 August 2023.

Companies are advised to apply for or modify their licenses and transport permits under EPMA and EPM [HS] Regs from March 2023 onwards to avoid non-compliance. Penalties for non-compliance include fines and/or imprisonment.

Information can be found in English in this [notice from NEA](#). Information on the application for license/permit/transport approval can be found [here](#).

Release of two revised standards on classification and labeling of chemicals (published)

On 6 February 2023, the Singapore Standards Council released two revised standards that align with the seventh revision of the United Nations' (UN) Globally Harmonized System (GHS 7) of classification and labeling of chemicals. The UN created GHS 7, which is an international hazard classification system for chemicals. The hazards are communicated on labels and safety data sheets, including information such as how to store, use, and dispose of chemicals safely.

The revised Standards are:

- » SS 586-2:2022 - Part 2: Globally harmonized system of classification and labeling of chemicals – Singapore's adaptations – this standard revises SS 586-2:2014
- » SS 586-3:2022 - Part 3: Preparation of safety data sheets (SDS) – this standard revises SS 586-3:2008(2014)

The revised standards adopted the following:

- » increased labeling and training requirements
- » a new appendix, Annex B, to provide examples on labeling for chemicals supplied in small containers – stipulating that the product identifier and pictogram must be included on a product label and the outer packaging (i.e., requires the full GHS label)
- » alignment with the GHS requirements for generic toxicity cut-off values
- » aligned examples of SDS requirements with GHS 7
- » a new appendix, Annex D, providing guidance on describing and determination of empirical data of the substance or mixture
- » revised Annex A to allow generic and masking names to be used to protect confidential business information

Standards are mandatory for companies manufacturing, importing, supplying, and/or using hazardous substances, or companies that have employees handling these substances. There are no penalties for non-compliance detailed in this update.

More information can be found in these notices on [SS 586-2:2022 Part 2](#) and [SS 586-3:2022 Part 3](#).

South Korea

Amendment to the Criteria for Classification and Labeling of Chemical Substances and Material Safety Data Sheets (in force)

On 15 February 2023, the Korean Ministry of Employment and Labor (MoEL) published an amendment to the Criteria for Classification and Labeling of Chemical Substances and Material Safety Data Sheets (MSDS). Chemical manufacturers and importers are required to submit MSDS to the MoEL, as per Article 110 of the Occupational Health and Safety Act. In addition, the criteria set out obligations for those who transfer or provide substances subject to MSDS requirements, such as rules on marking and labelling.

The amendment aims to address issues related to implementation and contract manufacturing and includes the following:

- » amended definition of “manufacture” to cover directly planning (performance, function, raw material composition design, etc.) a chemical substance or mixture for the purpose of direct use, transfer, or provision, and consigning it to another manufacturer to produce under its own name; the definition previously included the production, processing, or mixing of chemical substances or mixtures for direct use, transfer, or provision.

- » new obligation related to providing MSDS; if the original equipment manufacturer (OEM) has submitted the MSDS or applied for confidential business information (CBI) non-disclosure and obtained the results from the authority, the OEM shall provide the MSDS or the approval result of CBI non-disclosure application to the contract manufacturer

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

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

Taiwan

Amending the Greenhouse Gas Reduction and Management Act to the Climate Change Response Act (in force)

On 1 July 2004, Taiwan promulgated and started implementing the Greenhouse Gas Reduction and Management Act (the Act). On 15 February 2023, the Taiwan Environmental Protection Agency announced and enforced that the Act has been amended to the Climate Change Response Act and that 7 chapters and 63 articles have also been amended. The purpose of the revision is to achieve net zero greenhouse gas emissions by 2050 by formulating climate change adaptation strategies and by reducing and managing greenhouse gas emissions.

The central competent authority for target industries shall formulate a four-year adaptation action plan, which will adjust the greenhouse gas emission management plan and other relevant measures to ensure that the net zero objective is achieved. The authority will set carbon fees to incentivize the reduction of emissions and may introduce prohibitions or restrictions on the manufacture, import, export, sale, use, or emission of greenhouse gases with high global warming potentials.

Articles 47 to 58 in Chapter VI of the Act set the penalties for non-compliance, including fines.

More information can be found on the Greenhouse Gas Reduction and Management Act here [in English](#) and [in Chinese](#).

Amendment to the Toxic and Concerned Chemical Substances Control Act (in force)

Taiwan published an amendment to its Scheduled Toxic Chemical Substances and Their Operation Management Matters regulation (the Schedule) on 20 February 2023. The Schedule is regulated under the Toxic and Concerned Chemical Substances Control Act (TCCSCA) and lists toxic substances subject to specific management requirements. 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 Taiwan Environmental Protection Agency.

The amendment makes three updates to:

- » the list of toxic substances
- » the list of regulations under which substances and articles are exempt from this regulation, including:
 - Pesticide Management Law
 - Fertilizer Management Law
 - Feed Management Law

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- Animal Drug Management Law
 - Pharmaceutical Affairs Law
 - Medical Device Management Law
 - Drug Administration Regulations
 - Cosmetics Hygiene and Safety Administration Act
 - Food Safety and Sanitation Administration Act
 - Tobacco Hazard Prevention Act
 - Industrial Explosives Administration Regulations
 - Petroleum Administration Act
 - Natural Gas Business Act
 - Atomic Energy Act
 - Ionizing Radiation Protection Act
 - Air Pollution Prevention Act
 - Environmental Drug Administration Law
 - Waste Disposal Law
 - Commodity Inspection Law
- » the list of approved standard testing methods for toxic chemical substances when a national standard is not available:
- Standard Method for Environmental Examination
 - Unites States Environmental Protection Agency
 - 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 (i.e., ASTM)
 - Standard method of the International Association of Official Analytical Chemists
 - Standard method of determination of the International Organization for Standardization (i.e., ISO)
 - European Union approved detection method

These amendments entered into force on 20 February 2023, which was the day of publication. Penalties for non-compliance are outlined under Chapter 7 of the TCCSCA, which includes fines and imprisonment.

Information on the amendment to TCCSCA can be found here [in English](#) and [in Chinese](#). More information can be found [here](#) in Chinese.



EUROPE

European Union

Updates to the European Chemicals Agency monomers and polymers guidance (in force)

On 21 February 2023, the European Chemicals Agency (ECHA) updated its guidance on monomers and polymers to align with a decision made by the Board of Appeal in June 2021. The decision affects registration requirements for importers and manufacturers of monomers and polymers.

Under Article 6(3) of EU REACH, a manufacturer or importer of a polymer must submit a registration to ECHA for the monomer substance(s) or any other substance(s) that have not already been registered by an actor up the supply chain, if both the following conditions are met:

- » the polymer consists of 2% weight by weight (w/w) or more of such monomer substance(s) or other substance(s) in the form of monomeric units and chemically bound substance(s)
- » the total quantity of such monomer substance(s) or other substance(s) makes up 1 tonne or more per year²

The key changes in the guidance relate to:

- » the monomer that needs to be registered by the manufacturer or importer of a polymer
- » the calculation of registration tonnages of monomers ending up in the final polymer as a reacted substance
- » the information that registrants of monomers must include in a registration chemical safety report

Penalties for the infringement of EU REACH provisions are determined by Member States.

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

Amending Regulation (EU) 2019/1021 of the European Parliament and of the Council on perfluorooctanoic acid, its salts, and related compounds (adopted)

As notified in May 2022, a draft act amending the permitted concentration of perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and PFOA-related compounds as an unintentional trace contaminant (UTC) in substances, mixtures, and articles, was put forward by the European Commission (the Commission) for a public consultation that ended on 14 June 2022. PFOA belongs to the per- and poly-fluoroalkyl substances (PFAS) group. On 24 February 2023, the Commission adopted a delegated act which amends Regulation (EU) 2019/1021.

Article 1 of Regulation (EU) 2019/1021 on persistent organic pollutants (POPs) prohibits, restricts, and regulates the phasing out and placing on the market and use of substances subject to the Stockholm Convention on POPs. PFOA, its salts, and PFOA-related compounds have been listed in Annex I to Regulation (EU) 2019/1021 by Commission Delegated Regulation

² The total quantity in this context is the total quantity of monomer or other substance ending up chemically bound to the polymer.

(EU) 2020/784. The newly adopted delegated act modifies the existing entry for PFOA, its salts, and PFOA-related compounds in Annex I to Regulation (EU) 2019/1021 in order to adapt it to scientific and technical progress. The legal basis for the delegated act is Article 15(1) of Regulation (EU) 2019/1021.

The new delegated regulation will enter into force on the twentieth day following its publication in the Official Journal of the European Union. The changes will apply 90 days after the date of entry into force of the delegated Regulation (Amendment to 2019/1021).

Exemptions to be reviewed: Currently, the presence of PFOA-related compounds is exempted when used for the production of fluorochemicals with a perfluorocarbon chain equal to or shorter than 6 atoms. This applies if the substance is present as an unintentional trace contaminant in concentrations equal to or below 20 milligrams per kilograms (mg/kg; 0.002 % by weight), where they are present in a substance to be used as a transported isolated intermediate within the meaning of Article 3 point 15(c) of Regulation (EC) No 1907/2006 and fulfilling the strictly controlled conditions set out in Article 18(4)(a) to (f) of that Regulation. Initially, the set date for review was 5 July 2022. The Commission have allowed additional time to review these exemptions. The amendment states that this exemption shall be reviewed and assessed by the Commission no later than 25 August 2023.

Exemptions to be removed: The allowance of PFOA and its salts as an unintentional trace contaminant is reviewed and will be allowed until 90 days after the date of entry into the force of the amendment. All emissions of PFOA during the manufacture and use of polytetrafluoroethylene (PTFE) micro-powders shall be avoided and, if not possible, reduced as far as possible. The limit of 1 mg/kg (0,0001 % by weight) shall apply only to the manufacture, placing on the market and use of PFOA and its salts where they are present in PTFE micro-powders that are transported or treated for the purpose of reducing the concentration of PFOA and its salts below the limit of 0.025 mg/kg (0.0000025 % by weight).

The manufacture of PTFE and polyvinylidene fluoride will not be allowed for the production of:

- » high-performance, corrosion-resistant gas filter membranes, water filter membranes, and membranes for medical textiles
- » industrial waste heat exchanger equipment
- » industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates

PFOA is a perfluorinated carboxylic acid produced and used worldwide as an industrial surfactant in chemical processes and as a material feedstock. It has been a manufactured perfluorochemical and a byproduct in producing fluoropolymers. Perfluorochemicals are a group of chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water. PFOA is being used particularly in the manufacture of polytetrafluoroethylene.

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

Proposal to identify bis(4-chlorophenyl) sulphone and diphenyl(2,4,6-trimethylbenzoyl)phosphine oxide as substances of very high concern (consultation)

On 17 February 2023, the proposals for two substances to be identified as substances of very high concern (SVHCs) entered the consultation stage. Member States or the European Chemicals Agency, at the request of the European Commission, may propose a substance to be identified as SVHC by preparing a dossier in accordance with the requirements set out in Annex XV to REACH. The deadline for comments was 3 April 2023.

Interested parties may submit information on the substance's identity or hazard properties. The two substances are:

- » [bis\(4-chlorophenyl\) sulphone](#) (CAS No: 80-07-9) – used for the manufacture of polymers, plastic products, and rubber products
- » [diphenyl\(2,4,6-trimethylbenzoyl\)phosphine oxide](#) (CAS No: 75980-60-8) – used in inks, coating products, photochemicals, polymers, adhesives, sealants, fillers, putties, plasters, and modelling clay

Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs. When a substance is identified as SVHC, it will be added to the Candidate List for eventual inclusion in the Authorization List. The use of a substance included in the Authorization List is prohibited, and therefore, companies that intend to continue using such a substance after the sunset date need to prepare an application for authorization.

When a substance is listed on the Candidate List, there are certain obligations including:

- » article suppliers must notify SVHCs to ECHA's SCIP³ 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 must notify ECHA if their article contains a Candidate List substance within six months from the date it has been included in the list.

Initiative to prohibit production and/or export of certain hazardous chemicals banned in the European Union (proposal)

The European Commission (the Commission) announced a legislative initiative/proposal in February 2023 to introduce a mechanism prohibiting the production and/or export of certain hazardous chemicals banned in the European Union (EU) to protect non-EU countries from their adverse effects on human health and the environment. The initiative is expected to align internal and external policies and improve the international standing of the EU. It has been put forward as a commitment made to the EU's chemicals strategy for sustainability.

The comment period is planned to open in the first quarter of 2023 for this proposal and the Commission plans to adopt it in the fourth quarter 2023.

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

European Union and United Kingdom

Agreement on the Windsor Framework by the European Union and the United Kingdom (published)

A press release dated 27 February 2023 confirmed that the [European Commission](#) and the [Government of the United Kingdom](#) (UK) have reached a political agreement in principle on the Windsor Framework. The Windsor Framework aims to address problems with the operation of the Northern Ireland Protocol.

The main changes introduced by the Windsor framework are:

³ i.e., Substances of Concern In articles as such or in complex objects (Products)

- » the Irish Sea “border” between Northern Ireland (NI) and Great Britain (GB) will be “eliminated” with the introduction of a “green lane” and “red lane” at customs:
 - the “green lane” will apply to goods moving from GB to NI only and will only require simplified procedures and declarations with reduced data requirements
 - the “red lane” will apply to goods at risk of entering the European Union (EU) single market outside of NI and full customs procedures will apply
- » all customs requirements for trade from NI to GB will be eliminated
- » the NI Protocol’s restrictions on medicines will be eliminated so that both EU and UK approved medicines can freely enter NI; however, new requirements such as labelling will be introduced to ensure that UK approved medicines do not enter the EU single market outside of NI
- » changes to value added tax (VAT) and excise rules will be introduced, allowing, for example, goods in NI that will not enter the EU single market to be set at UK VAT rates below EU VAT minimal rates
- » changes to tariff rate quotas (TRQs) for the most sensitive categories of steel will also be introduced and the application of state aid rules clarified
- » the rules for pet movement and plant movement will also be changed to allow them to move freely (subject to internal UK requirements) between GB and NI, as long as they do not enter the EU single market

Finally, The Windsor Framework also aims to increase the governance of NI with respect to the Brexit Withdrawal Agreement. Particularly, a new emergency mechanism, the Stormont Brake, will allow the UK government, at the request of 30 Members of the Legislative Assembly in Northern Ireland, to stop the application in NI of amended or replacing provisions of Protocol-related EU law that may have a significant and lasting impact specific to the everyday lives of communities there.

The European Commission and UK government now need to translate the Windsor Framework agreement into legislation, amending or introducing new regulations to comply with the agreement. The European Commission has already prepared legislative proposals in the sanitary and phyto-sanitary (SPS), medicines, and TRQs areas, which will be submitted to the European Parliament and Council for their discussion and approval. The UK government has announced that they will implement the agreement in a phased manner to give individuals and businesses enough time to prepare. No proposals as such have been published, but a series of declarations have been published specifying what the future requirements will be.

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

More information can be found in the [EU legal texts](#) and the [UK legal texts](#).

[United Kingdom](#)

Regulatory Management Options Analysis for four substances (consultation)

Following the enforcement of the United Kingdom (UK) REACH Regulation, the substances that were on the EU REACH candidate list were transferred to the UK REACH Regulation. From the substances that were added to the EU REACH candidate list (since UK REACH Regulation came into force), the Health and Safety Executive (HSE) and Environment Agency (EA) prioritized four substances and substance groups for further assessment via Regulatory Management Options Analysis (RMOA). These substances and substance groups are:

- » bisphenols (CAS No. not available)

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- » 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (DOTE; CAS No. 15571-58-1) and reaction mass of DOTE and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4 octyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (Reaction mass of DOTE and MOTE; CAS No. not available)
- » reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP HP; CAS No. not available)
- » terphenyl, hydrogenated (CAS No. 61788-32-7)

On 9 February 2022, the UK HSE opened a call for evidence for the four substances and substance groups listed above. The main aims are to gather information and evidence that will support HSE and the EA with the preparation of the RMOA for the four substances and substance groups. The RMOA will recommend the most appropriate route for managing any identified risks. A possible route may be the addition of the substances/substance groups on the Candidate List under UK REACH. Interested parties may respond with general information and information on specific topics particularly relevant to:

- » uses, exposures, and disposal in Great Britain
- » manufacture and import, including in imported articles
- » possible alternative substances and technologies

The UK REACH work program for 2022/23 states that the agency for UK REACH will:

- » initiate a RMOA that examines the use of bisphenols in thermal papers and other uses
- » carry out an assessment to decide if it should recommend that DOTE and the reaction mass of DOTE and MOTE, RP HP, and/or terphenyl, hydrogenated are added to Annex 14 (the Authorization List) of the UK REACH

Substances that may have serious and often irreversible effects on human health and the environment can be identified as substances of very high concern (SVHCs). The Candidate List is a list of SVHCs that can be prioritized for inclusion on the authorization list.

Comments were due on 8 April 2023.

Information can be found in this [note from HSE on RMOA for bisphenols](#). More information can be found [here](#).



NORTH AMERICA

[United States](#)

The Environmental Protection Agency releases latest update to the TSCA Inventory (published)

On 16 February 2023, the latest update to the Toxic Substances Control Act (TSCA) Inventory was released. The TSCA Inventory is a list of all existing chemical substances manufactured, processed, or imported in the United States. This update to the public TSCA Inventory is part of the US Environmental Protection Agency's (EPA's) biannual posting of non-confidential Inventory data and the next regular update of the TSCA Inventory is planned for summer 2023.

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The TSCA Inventory contains 86,685 chemicals of which 42,170 are active in US commerce. Additionally, the Inventory now includes commercial activity data, unique identifiers, and regulatory flags (e.g., significant new use rules and test orders). Furthermore, several hundred substances are now listed with their specific chemical identities after having been moved from the confidential portion of the Inventory to the public portion as part of EPA's ongoing TSCA confidential business information (CBI) review efforts.

TSCA submitters should regularly check for any correspondence relating to their submissions in EPA's Central Data Exchange.

Penalties for non-compliance with the TSCA include fines and imprisonment.

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

Final rule on proposal to amend the National Emission Standards for miscellaneous coating manufacturing facilities (in force)

On 22 February 2023, the United States Environmental Protection Agency (EPA) published a final rule on its proposal to amend the National Emission Standards for Hazardous Air Pollutants for miscellaneous coating manufacturing facilities. This means that EPA is amending Part 63, national emission standards for hazardous air pollutants for source categories, of Title 40, Chapter I of the Code of Federal Regulations to include provisions for inorganic hazardous air pollutant standards for process vessels.

The amendments update Table 1 to Subpart HHHHH of Part 63—emission limits and work practice standards for process vessels, and include the following requirements:

- » periodic performance tests must be conducted, and the operating limits required by § 63.8005(i) must be established within five years following the previous performance test
 - the initial or first periodic performance tests must be conducted before 22 February 2024
 - thereafter, a performance test no later than five years must be conducted following the previous performance test
 - operating limits must be confirmed or reestablished during each performance test
- » the requirements in Table 1 must be met
- » notification of the compliance status report must be submitted no later than 150 days after the applicable compliance date specified in § 63.7995
- » if separate operating limits as allowed in § 63.8005(e) or (i) are established, a log of operation or a daily schedule indicating the changes in time from one operating limit to another must be maintained

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

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

Addition of three chemicals to California Proposition 65 (effective)

On 27 January 2023, California's Office of Environmental Health Hazard Assessment (OEHHA) added the following three substances to the Proposition 65 list of chemicals known to the State of California to cause cancer:

- » 1-bromo-3-chloropropane (CAS No. 109-70-6) – used in the manufacture of epoxy resins, and as a stabilizer and chemical intermediate
- » 1-butyl glycidyl ether (CAS No. 2426-08-6) – used in the manufacture of paints, varnishes, coatings, adhesives and sealants, fibers, thermoplastics, epoxies, and powder coatings
- » glycidyl methacrylate (CAS No. 106-91-2) – used for medicinal purposes

The purpose of Proposition 65 is to notify consumers that they are being exposed to chemicals that are known to cause cancer and/or reproductive toxicity. Consumers can decide on their own if they want to purchase or use the product. A Proposition 65 warning does not necessarily mean a product is in violation of any product-safety standards or requirements.

The warning requirement for significant exposures to this chemical will take effect on 27 January 2024. Penalties for non-compliance include civil lawsuits and civil penalties of up to \$2,500 per day for each violation.

More information can be found on [OEHHA's website](#).



OCEANIA

Australia

Addition of seven chemicals to the Inventory of Industrial Chemicals (published)

On 21 February 2023, the Australian Government published the addition of seven chemicals to the Australian Inventory of Industrial Chemicals (AIIC) inventory in accordance with Section 82 of the Industrial Chemical Act 2019. Five years have passed since the assessment certificates were issued.

Under Section 82 of the Industrial Chemical Act 2019, the Executive Director must list an industrial chemical on the Inventory if:

- » the industrial chemical is not listed on the Inventory
- » an assessment certificate has been issued for the industrial chemical
- » the assessment certificate remains in force
- » five years have passed since the assessment certificate was issued

The seven newly added chemicals are:

- » 9-octadecenoic acid (9Z)-, monoester with oxybis[propanediol] (CAS No. 49553-76-6)
- » benzoic acid, 2-hydroxy-, polymer with formaldehyde, 2-phenoxyethanol and alpha.-phenyl-.omega.-hydroxypoly(oxy-1,2-ethanediyl), dihydrogen phosphate, sodium salt (CAS No. 1453857-96-9)
- » poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, polymer with 1,6-diisocyanato-2,2,4-trimethylhexane and 1,6-diisocyanato-2,4,4-trimethylhexane, 2-ethyl-1-hexanol- and 3,5,5-trimethyl-1-hexanol-blocked (CAS No. 1460302-78-6)

- » benzoic acid, 4-[(4-ethenylphenyl)methoxy]-2-hydroxy-, polymer with ethenylbenzene and octadecyl 2-methyl-2-propenoate (CAS No. 1979945-25-9)
- » 2-propenoic acid, 2-methyl-, polymer with ethenylbenzene and octadecyl 2-methyl-2-propenoate, reaction products with N-(3-aminophenyl)-2-[2-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)diazenyl]-3-oxobutanamide (CAS No. 1980007-59-7)
- » 1,3-benzenedicarboxylic acid, polymer with 1,4-butanediol, 1,4-cyclohexanedimethanol, 1,3-dihydro-1,3-dioxo-5-isobenzofurancarboxylic acid, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and hexanedioic acid, compd. with 2-(dimethylamino)ethanol (CAS No. 646054-64-0)
- » formaldehyde, polymer with dimethylphenol, methylphenol and phenol, Bu ether (CAS No. 141347-05-9)

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 (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.

Penalties for non-compliance include fines.

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

[New Zealand](#)

The Environmental Protection Authority's three-year chemical reassessments plan (published)

On 17 February 2023, the Environmental Protection Authority (EPA) released a work plan for all EPA-initiated reassessments of hazardous substances over the next three years. Its purpose is to streamline assessment and reassessment processes and increase transparency in this area of the EPA's activities. This was one of several changes proposed by the EPA and included in the Hazardous Substances and New Organisms (Hazardous Substances Assessments) Amendment Act (HSNO Act), which came into force on 1 November 2022.

Under the HSNO Act, all hazardous substances or new organisms not legally present in New Zealand must be approved by the Environmental Risk Management Authority before they are manufactured, imported, or used in the country. Upon approval of a substance, controls are applied that are designed to manage any risk from using, storing, transporting, and disposing of the substance, with which everyone must comply.

The work plan sets out the start dates of each reassessment, reasons for reassessing a substance, and the current hazardous substance approvals that may be affected. According to the published notice, 15 reassessments that are majorly related to biocidal products are underway or are scheduled to begin in the next three years. However, there will be further reassessments added to the work plan according to the impact they will have on the regulation of a substance and whether the substance presents an immediate risk to people or the environment.

Since it is only through formal reassessment that approvals for hazardous substances can change or be revoked, companies are obligated to check and ensure that they apply for new approvals if the hazardous substances they handle have undergone a formal reassessment process.

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

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

Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2023 to replace the 2004 version (consultation)

On 20 February 2023, the Environmental Protection Authority of New Zealand opened a consultation on the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants [POPs]) Notice 2023, which would replace the 2004 version. This notice details how residual POPs are dealt with and would affect people who possess POPs (including items containing POPs), people handling and managing waste, and people involved in the disposal of POPs. Comments were due on 5 April 2023.

The proposed changes include:

- » making provision for storing, handling, and disposing of manufactured articles containing POPs
- » incorporating international guidelines
- » updating references to take account of changes to legislation

Information can be found in this [proposed EPA notice on POPs](#). More information can be found [here](#).

Solicitation of opinions on restricting perfluorohexane sulfonic acid, its salts, and related compounds (consultation)

On 20 February 2023, the Environmental Protection Authority in New Zealand announced that it is soliciting opinions on restricting perfluorohexane sulfonic acid (PFHxS; CAS No. 355-46-4), its salts, and related compounds that were recently added to the Stockholm Convention, and that will be added to the Hazardous Substances and New Organisms Act 1996 (HSNO Act) if the restriction is approved by the New Zealand Minister of Environment. The consultation period ended on 5 April 2023.

Under the HSNO Act, all hazardous substances or new organisms not legally present in New Zealand must be approved by the Environmental Risk Management Authority before they are manufactured, imported, or used in the country. Upon approval of a substance, controls are applied that are designed to manage any risk from using, storing, transporting, and disposing of the substance, with which everyone must comply.

Currently, PFHxS is used in the following applications:

- » fire-fighting foams
- » mist suppressants in electroplating
- » moisture and dirt protective coatings for materials
- » polishing agents

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

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