

# Newsletter

Global Environmental and  
Chemical Regulations, Policies,  
and Standards

May 2023

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# NEWSLETTER

*Global Environmental and Chemical Regulations, Policies, and Standards*  
May 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 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](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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## AFRICA

### South Africa

#### Amendments to the “Regulations to phase-out the use, production, distribution, sale, import and export of persistent organic pollutants 2019” (consultation)

As required by section 47 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), a public consultation has been opened concerning a notice issued on 23 March 2023 by the Minister of Forestry, Fisheries, and the Environment, (DFFE) indicating plans to amend the "Regulations to phase-out the use, production, distribution, sale, import and export of persistent organic pollutants 2019, published in Government Notice R.1150 in Government Gazette 42693 of 10 September 2019". The deadline for comments was 22 April 2023.

The following are the proposed amendments to the Regulations:

- » in Regulation 1, the definition of "listed substances" has been substituted with another, and the definition of "waste disposal facility" has been deleted
- » Regulation 2.(b) that addresses to whom these regulations applies has been deleted
- » Regulation 4.(2) on how to manage waste resulting of the phase-out of the substances listed in Regulation 4.(1) has been deleted
- » Regulation 7.(2) on reporting contemplated in Regulation 1 has been substituted with another

More information can be found in this [notice](#) from the DFFE.

#### National regulations for the management of mercury (consultation)

The draft mercury regulations in South Africa, which was published on 24 March 2023, aims to regulate mercury and implement the Minamata Convention on Mercury that South Africa ratified in 2019. The regulations aim to eliminate human-caused releases of mercury, manage processes releasing mercury, phase out mercury added products and dental amalgam, and regulate mercury storage facilities. The public consultation for the draft regulations ended on 23 April 2023.

The regulations apply to:

- » sellers, distributors, importers, and exporters of mercury
- » manufacturers of mercury-added products
- » users of mercury-added products
- » manufacturing processes in which mercury is used

In line with the Minamata Convention on Mercury, restrictions/prohibitions apply. Accordingly, no person shall:

- » manufacture, import, or export mercury-added products (listed in Annexure A of the regulations)
- » manufacture or distribute new mercury-added products (unless environmental and human health benefits have been demonstrated)

- » manufacture, import, or export, the mercury-added products in the manufacturing processes (provided in Annexure B of the regulations)
- » manufacture, import, export, or sell, new mercury-added products

The draft regulations also outline the registration and reporting requirements (Chapter 7 of regulations), and mercury phase-out, phase-down, and management plans (Chapter 8 of regulations).

Exceptions are provided for the phase out of mercury, including:

- » military use products
- » products for research, calibration of instruments, for use as a standard reference
- » whereby no technical or economic alternative is available including switches and relays, cold cathode fluorescent lamps, external electrode fluorescent lamps for electronic displays, and measuring devices
- » thiomersal preservative containing vaccines

More information can be found in this [notice](#) from the Department of Forestry, Fisheries, and the Environment.



## ASIA

### India

#### Amendment of implementation of quality control orders (published)

On 9 and 23 March 2023, the Ministry of Chemicals and Fertilizers published two notices on 9 March 2023 and 23 March 2023 to announce the postponement of the enforcement dates of quality control orders (QCOs) for four chemical substances and one chemical substance, respectively as follows:

- » acrylonitrile - butadiene styrene (ABS; CAS No. 9003-56-9), polycarbonate (CAS No. 25037-45-0), vinyl chloride monomer (CAS No. 75-01-04), and ethylene dichloride (CAS No. 107-06-2) – implementation delayed to 12 March 2024
- » ethylene glycol (CAS No. 1207-21-1) – implementation delayed to 28 June 2023

Then on 31 March 2023, India's Department of Chemicals and Petrochemicals (DCPC) delayed the implementation of six quality control orders as follows:

- » ethylene vinyl acetate copolymers – implementation delayed to 3 October 2023
- » polyethylene material for moulding and extrusion – implementation delayed to 3 October 2023
- » polyester continuous filament fully drawn yarn – implementation delayed to 3 July 2023
- » polyester partially oriented yarn – implementation delayed to 3 July 2023
- » polyester industrial yarn – implementation delayed to 3 July 2023
- » 100 percent polyester spun grey and white yarn – implementation delayed to 3 July 2023

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 they will 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 these [10 March 2023](#), [23 March 2023](#), and [31 March 2023](#) announcements.

## Average life proposed for the notified electrical and electronic equipment items under the E-Waste (Management) Rules, 2022 (draft proposal)

On 21 March 2023, the Central Pollution Control Board in India published a draft proposal for average life of the notified electrical and electronic equipment (EEE) items under the E-Waste (Management) Rules, 2022, which entered into force on 1 April 2023. The E-Waste (Management) Rules, 2022 establish E-waste recycling targets from 2023 onwards and take into account the average life of EEE items in its calculation. Producers are required to reach the designated recycling rate per year as follows:

- » 2023: 60% E-waste recycling rate
- » 2024: 60% E-waste recycling rate
- » 2025: 70% E-waste recycling rate
- » 2026: 70% E-waste recycling rate
- » 2027: 80% E-waste recycling rate
- » 2028 onwards: 80% E-waste recycling rate

It is to be noted that the E-waste recycling target shall be reviewed and may be increased after the end of 2028.

The draft proposes the average life for the below-mentioned seven categories of EEE items that are further broken down into 85 products:

- » information technology and telecommunication equipment
- » consumer electrical and electronics and photovoltaic panels
- » large and small EEE
- » electrical and electronic tools (with the exception of large scale stationary industrial tools)
- » toys, leisure, and sports equipment
- » medical devices (with the exception of all implanted and infected products)
- » laboratory instruments

For further information, please refer to the provided links.

Information on the draft proposal can be found [here](#). More information on the E-Waste (Management) Rule, 2022 can be found in English and Hindi in this [announcement in the India Gazette](#).



## Welding rods and electrodes quality control order (consultation)

On 6 April 2023, the Ministry of Chemicals and Fertilizers in India published the texts of the welding rods and electrodes quality control order (QCO). This QCO is proposed to be adopted on the day of notification in the Indian E-Gazette and to enter into force 6 months after the notification. A welding rod is a mineral and metal powder coated metal rod used to provide filler metal to the workpiece and to conduct electric current to the arc while welding electrodes are metal wires with baked-on chemical coatings. The deadline for comments was 5 June 2023.

QCOs are gazette orders issued pursuant to Section 16 of the Bureau of Indian Standards Act, 2016. They are issued by the Government to announce that relevant standards prescribed by the Bureau of Indian Standards (BIS) concerning certain products will be mandatory effective from the date specified in the QCO. QCOs apply to products/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 - 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.

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

## Japan

### Listing eight substances as priority assessment chemical substances (published)

On 3 April 2023, the Japanese government published their decision to list eight substances as priority assessment chemical substances (PACs) under the Chemical Substance and Control Law (CSCL). The listing was based on the "Basic Concept of Risk Assessment for Priority Assessment Chemical Substances under the Chemical Substances Control Law (Revised 3rd Edition)."

For the eight substances, the national total of manufacturing and import quantities in the evaluation year is ten tonnes or less, or the estimated discharge amount is one tonne or less. These following substances will continue to be subject to quantity monitoring:

- » nitrilotriacetic acid (CAS No. 139-13-9)
- » aniline (CAS No. 62-53-3)
- » 2-tert-butylamino-4-cyclopropylamino-6-methylthio-1,3,5-triazine (CAS No. 28159-98-0)
- » tritoyl phosphate (CAS No. 1330-78-5)
- » trioctylamine (CAS No. 1116-76-3)
- » N,N-diethyl-N-methyl-2-[(2-methylprop-2-enoyl)oxy]ethan-1-aminium salt [CAS No. NA]
- » 4,4'-diamino-3,3'-dichlorodiphenylmethane (CAS No. 101-14-4)
- » mixture of bicyclo[2.2.1]heptane-2,5(or 2,6)-diylidicyanide [CAS No. 187336-44-3] and its homologues

For PACs that have been subject to quantity monitoring for three or more consecutive years and for which it has been determined that "there is no risk of harm to human health due to environmental pollution or damage to the living environment, including flora and fauna," their designation as PACs will be revoked under Article 11 of the CSCL.

Under the CSCL, 'General Chemical Substances' are defined as all substances other than PACs, Class I/II Specified Chemical Substances, Monitoring Chemical Substances and Exempt Substances. Companies are required to provide the Ministry of Economy, Trade, and Industry with annual reports for substances classified as General Chemical Substances manufactured or imported in quantities of more than one tonne a year. PACs are substances suspected of causing long term toxicity to humans, flora or fauna. Substances on the PACs list also require annual reporting of the volume used by manufacturers and importers if the volume is greater than one tonne a year. Additionally, authorities may request more hazard data from manufacturers and importers.

Penalties for non-compliance include fines of up to one million yen and/or imprisonment of up to three years.

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

## Russia

### Temporary ban on the export from the Russian Federation of waste and scrap containing precious metals (in force)

On 17 March 2023, a new law was published by the Russian government introducing a temporary ban on export from Russia of:

- » waste and scrap of precious metals or metals plated with precious metals
- » other waste and scrap containing precious metals, or their compounds used principally for the extraction of precious metals (code 7112 of the Unified Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union)
- » waste and scrap of electrical and electronic products used mostly for the extraction of precious metals (codes 8549 21 000 0 and 8549 29 000 0 of the Unified Commodity Nomenclature of Foreign Economic activities of the Eurasian Economic Union), which are essential for the domestic market of the Russian Federation

The temporary ban, which enters into force on 20 March 2023 and lasts until 20 September 2023, does not apply to the export of cathode antimony in ingots, as well as samples taken from lots of scrap and waste of precious metals if the mass of one sample is not more than 500 grams.

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

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

## South Korea

### New hazardous substances list (published)

On 31 March 2023, the Ministry of Employment and Labor in South Korea published the latest version of its hazardous substances list. This list includes the names of new chemical substances, their identified hazards, their expected annual production/import volume, and which measures need to be taken to protect workers.

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The Ministry notes that basic safety measures, such as appropriate personal protective equipment, gloves, and safety glasses, are still recommended even when a substance does not have an identified hazard. Additionally, appropriate ventilation systems are recommended where large quantities of dust are produced.

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

Information can be found in this [announcement](#) in Korean. The new chemical substances list can be found here [in English](#) and [in Korean](#).

## Taiwan

### Final guidelines for registration under the Toxic and Concerned Chemical Substances Control Act (published)

Taiwan's Environmental Protection Administration (EPA) has released final guidelines to assist companies in fulfilling their obligations for chemical registration under the Toxic and Concerned Chemical Substances Control Act (TCCSCA). The guidelines provide detailed instructions for dossier registration and risk assessments, including exemptions for certain chemicals, alternative test methods, and criteria for testing data exemption. In addition, the EPA has released guidelines for substance hazard and exposure assessments, which align with the European Union's REACH Regulation and provide methods for gauging exposure levels and assessing risk to human health and the environment.

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.

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

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



## EUROPE

## European Union

### Amendment to Regulation EC No 1272/2008 regarding hazard classes and criteria for the classification, labeling, and packaging of substances and mixtures (in force)

On 31 March 2023, the European Union (EU) published a Commission Delegated Regulation (EU) 2023/707 amending Regulation (EC) No 1272/2008 to ensure that suppliers of substances and mixtures have time to adapt to the new classification and labelling requirements set out based on the Commission's impact assessment for new hazard classes and the EU Green Deal.

Section 3.11 (3.11.2.1 to 3.11.2.3) outlines two categories of substances as endocrine disruptors for human health: Category 1 for known or presumed endocrine disruptors and Category 2 for suspected endocrine disruptors. The criteria for each category include evidence of endocrine activity, an adverse effect in an intact organism, and a biologically plausible link between the endocrine activity and the adverse effect. Evidence for the classification of a substance as an endocrine disruptor for the environment is also considered.

The amendment in section 4.2 (4.2.1.1 to 4.2.2.3) provides definitions and criteria for the classification of endocrine disruptors for the environment. It outlines two hazard categories for endocrine disruptors for the environment, Category 1 being known or presumed endocrine disruptors and Category 2 being suspected endocrine disruptors. Classification is made on the basis of appropriate criteria and an assessment of the total weight of evidence using expert judgement.

The amendment in section 4.3 states that if at least one component has been designated as persistent, bio-accumulative, and toxic (PBT) or very persistent and very bio-accumulative (vPvB) and is present at or above 0,1% (weight/weight), the combination is categorized as a PBT or vPvB, respectively. Label elements shall be used in accordance with Table 4.4.1 for substances or mixtures meeting the criteria for classification in this hazard class (persistent, mobile, and toxic and very persistent and very mobile properties).

Regulation (EU) No. 1272/2008's Annex II, Part 2, Section 2.10, first sentence adds that  $\geq 0.1\%$  of a drug listed as a Category 2 endocrine disruptor for human health and  $\geq 0.1\%$  of a chemical listed as a Category 2 environmental endocrine disruptor. The amendment in Annex III Part 1 states that if the hazard statement EUH441 is assigned, the statement EUH440 may be omitted. Similarly, if the hazard statement EUH451 is assigned, the statement EUH450 may be omitted.

The amendment in Annex III Part 1 Table 1.2 adds the statement “suspected of causing endocrine disruption in humans” in various languages. Annex III Part 1 Table 1.3 adds the statement “suspected of causing endocrine disruption in the environment” in different languages.

The amendment in Annex IV adds new hazard classes including an “Aspiration hazard” and new hazards for the hazard class “Hazardous to the aquatic environment.”

Substances must be classified according to the criteria laid down in the amended sections above by 1 May 2025, but substances placed on the market before this date are not required until 1 November 2026.

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

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

## Restriction on manufacturing, placing on the market, or use of 1,4-dioxane as well as substances and mixtures containing 1,4-dioxane (consultation)

On 20 April 2023, the European Chemicals Agency (ECHA) opened a consultation to restrict the manufacture, placing on the market, and use of 1,4-dioxane (EC No. 204-661-8; CAS No. 123-91-1), as well as substances and mixtures containing 1,4-dioxane as a constituent or an impurity. 1,4-dioxane is a solvent used in paints, varnishes, lacquers, cosmetics, and detergents. It is also used in the manufacture of chemicals and plastic products.

The call for evidence aims to support Germany’s preparation of an Annex XV restriction dossier on the manufacture, placing on the market and use of 1,4-dioxane in surfactants. European Union Member States or ECHA, at the request of the European Commission or on its own initiative, may prepare Annex XV dossiers to propose REACH restrictions on a

substance. The current proposal would restrict the manufacture and use of surfactants containing more than 1 milligrams 1,4-dioxane in 1 kilogram (i.e., 1 mg/kg) surfactant active matter. Surfactants are used in a variety of applications, including lubricants, inks, herbicides, and adhesives.

Stakeholders are encouraged to submit any relevant information to the dossier submitters during the consultation. Specifically, information is sought on:

- » the manufacture (including tonnage information and market trends)
- » uses (including use descriptions, tonnage information and market trends)
- » emissions related to the manufacture and uses of these chemicals
- » the feasibility of removal of 1,4-dioxane from other substances/mixtures and process waters
- » the socio-economic impacts of a REACH restriction

All information gathered will assist in the determination of feasibility of alternatives and the socio-economic impact of a restriction.

Interested parties can submit comments until 20 June 2023.

Information can be found in this [announcement](#) and this [call for comments and evidence](#) from ECHA.

## Addition of eight substances to REACH Authorization List (consultation)

On 12 April 2023, the European Chemicals Agency (ECHA) recommended eight substances, including lead, to be added to the REACH Authorization List by the European Commission. The REACH Authorization List (Annex XIV) includes chemicals that are prohibited in the European Union past a given sunset date, after which they are subject to prohibition and require authorization for their specific use if there is no suitable alternative.

The eight substances are:

- » ethylenediamine (EC No. 203-468-6; CAS No. 107-15-3) – uses include corrosion inhibitors
- » 2-(4-tertbutylbenzyl)propionaldehyde and its individual stereoisomers (EC/CAS No. not available) – used in air care products, polishes and waxes
- » lead (EC No. 231-100-4; CAS No. 7439-92-1) – uses include cables, construction, electronics, radiation shielding, and production of batteries and components of vehicles, machines, and furniture
- » glutaral (EC No. 203-856-5; CAS No. 111-30-8) – uses include cleaning agents, corrosion inhibitors, as a crosslinker, and auxiliary for polymerization reactions and X-ray film development
- » 2-methyl-1-(4-methylthiophenyl)-2-morpholinopropan-1-one (EC No. 400-600-6; CAS No. 71868-10-5) – used as a photoinitiator in UV-curable coatings, inks and adhesives
- » 2-benzyl-2-dimethylamino-4'-morpholinobutyrophenone (EC No. 404-360-3; CAS No. 119313-12-1) – used as a photoinitiator in UV-curable coatings, inks and adhesives
- » diisohexyl phthalate (EC No. 276-090-2; CAS No. 71850-09-4) – no registered uses under REACH but may be used as a plasticizer in the production of plastic and plastic coatings
- » orthoboric acid, sodium salt (EC No. 237-560-2; CAS No. 13840-56-7) – no registered uses under REACH but may be used as an antiseptic, corrosion inhibitor, or solvent

ECHA regularly recommends substances from the Candidate List (substances of very high concern that may or likely to cause harm to people or the environment) for inclusion on the Authorization List, as an integral part of the authorization

process described in Title VII of REACH. The European Commission will decide which substances are included in the Authorization List and what conditions apply for each substance.

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

## Harmonized classification and labeling consultations for calcium bromide, potassium bromide, and sodium bromide (consultation)

On 3 April 2023, the European Chemicals Agency opened a consultation period for three substances with regard to their harmonized classification and labeling (CLH). Parties are invited to comment on the substances and may request clarifications in the text of the CLH report. The hazard classes open for commenting are “Reproductive toxicity”, “Specific target organ toxicity – single exposure” and “Specific target organ toxicity – repeated exposure,” for the following substances:

- » calcium bromide (EC No: 232-164-6; CAS No: 7789-41-5) – used as a wood preservative and in flame retardant blends
- » potassium bromide (EC No: 231-830-3; CAS No: 7758-02-3) – used in the preparation of polymers in industrial settings
- » sodium bromide (EC No: 231-599-9; CAS No: 7647-15-6) – used in industrial settings as a processing aid or precursor for the manufacture and preparation of oilfield chemicals, fine chemicals, and water treatment chemicals

The text of the CLH report will not be updated following the consultation, but the comments will be reflected by the dossier submitter in their response to comments. Comments were due on 2 June 2023.

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

## Regulation on fluorinated greenhouse gases amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 (proposal)

On 5 April 2023, the European Commission (EC) published the draft text of a proposal on fluorinated greenhouse gases (F-gases), amending Directive (EU) 2019/1937 and repealing the European Union (EU) F-gas regulation [Regulation (EU) No 517/2014]. Directive (EU) 2019/1937 provides protection to those who report breaches of Union law, whilst Regulation (EU) No 517/2014 was adopted to reverse the increase in F-gas use and emissions.

The EC proposal has been developed to align with the European Green Deal that aims to protect the health and well-being of citizens from environment-related risks and impacts. It aims to ensure that the EU complies with its obligations under the Kigali Amendment to the Montreal Protocol, since emission savings envisaged by 2030 are unlikely to be achieved under Regulation (EU) No 517/2014.

Thus, the proposed regulation applies to all F-gases, either alone or in a mixture, listed in Annexes I, II and III of the proposal, in addition to products and equipment that contain, or need, F-gases to function. Moreover, the proposal aims to set quantitative limits for the placing of hydrofluorocarbons on the market, which are often used in refrigeration, air-conditioning, building insulation and aerosols. Obligations under the proposal include but are not limited to the following:

## Chapter II - Containment:

- » operators and manufacturers must comply with the requirements of Article 4 related to the prevention of F-gas emissions – these also apply to facilities where F-gases are used, as well as undertakings in possession of equipment (that contains F-gases) during its transport or storage
- » other obligations under Chapter II relate to leak checks (Article 5), leakage detection systems (Article 6), record-keeping (Article 7), recovery and destruction (Article 8), producer responsibility schemes (Article 9), and the availability of certification and training programs (Article 10)

## Chapter III - Restrictions and Control of Use:

- » restrictions on the placing on the market and sale of F-gases and products or equipment that contain them are detailed in Article 11
- » other obligations under Chapter III include labelling and product and equipment information (Article 12), in addition to control of use (Article 13)
- » products and equipment subject to labelling requirements are listed in Article 12 – these include refrigeration and air-conditioning equipment, electrical switchgear, aerosol dispensers that contain F-gases (including metered dose inhalers), all F-gas containers, and fluorinated greenhouse gas-based solvents
- » prohibitions for specific applications are listed in Article 13 – these include prohibitions for electrical switchgear and the use of sulfur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys

## Chapter V - Trade:

- » a valid license must be presented to customs authorities to import and export F-gases and products or equipment that contain or rely upon those gases (Article 22)
- » the re-export of F-gases listed in Annex 1 Section 1 unlawfully placed on the market is prohibited (Article 23)
- » the trade of hydrofluorocarbons (HFCs) with non-Parties to the Montreal Protocol is prohibited, in line with the obligations set out in the Montreal Protocol as from 2028 (Article 25)
- » Chapter IV: production schedule and reduction of the quantity of hydrofluorocarbons placed on the market – this includes implementation of the quota allocation system, licensing and reporting obligations, and its inter-connection with the EU Single Window for Customs through the operation of the F-gas Portal (Article 20)
- » Chapter VI: reporting and collection of emission data
- » Chapter VIII: penalties for non-compliance shall be determined by Member States

The proposed Regulation shall enter into force on the twentieth day following publication in the EU Official Journal (not yet published) and shall apply from 1 January following the year of the date of entry into force, though various transitional provisions will apply.

More information can be found in this [notice](#) from the Council of the European Union.

## France

### Amendment to Decree of 27 June 2012 relating to the list of war materials and similar materials subject to prior export authorization and defense-related products subject to prior transfer authorization (in force)

On 20 April 2023, France published a decree (the “new decree”) amending the decree of 27 June 2012 relating to the list of war materials and similar materials subject to prior export authorization and defense-related products subject to prior transfer authorization. The new decree, which enters into force on 21 April 2023, implements Commission Delegated

Directive (EU) 2023/277 regarding the list of defense-related products in accordance with the updated common list of military equipment of the European Union of 21 February 2022. Part 1 of the Annex to the decree of 27 June 2012, which consists of the list of military materials and similar materials and defense-related products, has been replaced by the Annex to the new decree.

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

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

## Amendment to “Order of 5 March 2020” relating to the limitation of the use of certain hazardous substances in electrical and electronic equipment (in force)

On 24 March 2023, France published the "Order of 2 March 2023" amending the "Order of 5 March 2020" relating to the limitation of the use of certain hazardous substances in electrical and electronic equipment (EEE). Starting 1 September 2023, this new order implements a new European Union Restriction of Hazardous Substances in Electrical and Electronic Equipment (EU RoHS) exemption for hexavalent chromium as an anti-corrosive agent in gas-fired absorption heat pumps.

The implemented EU Directive is Commission Delegated Directive 2023/171/EU of 28 October 2022 amending, for the purposes of its adaptation to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards concerns an exemption relating to hexavalent chromium as an anti-corrosive in gas absorption heat pumps.

The exemption is as follows: “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. The new exemption means that hexavalent chromium can be used in the mentioned application, subject to the requirements listed in the implemented EU Directive.

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

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

## Portugal

### Decree-Law No. 23/2023 of April 5, 2023, regarding hazardous substances in electrical and electronic equipment (in force)

On 5 April 2023, Portugal implemented some of the latest European Union Restriction of Hazardous Substances in Electrical and Electronic Equipment (EU RoHS) amendments to its national legislation via the Decree-Law No. 23/2023. The decree entered into force on 6 April 2023. RoHS establishes rules regarding the restriction of the use of certain hazardous substances in electrical and electronic equipment (EEE).

This amendment transposes the following EU directives:

- » Delegated Directive (EU) 2022/287, of the Commission, of 13 December 2021, which amends, for the purposes of adaptation to scientific and technical progress, Annex iii of Directive 2011/65/EU, of the European Parliament and



of the Council concerning an exemption concerning the use of mercury in fluorescent lamps for other general and special lighting purposes

- » Delegated Directive (EU) 2022/1631, of the Commission, of 12 May 2022, which amends, for the purposes of adaptation to scientific and technical progress, Annex iv of Directive 2011/65/EU, of the European Parliament and of the Council concerning an exemption concerning the use of lead in superconducting bismuth oxide, strontium, calcium and copper cables and wires and in their electrical connections
- » Delegated Directive (EU) 2022/1632, of the Commission, of 12 May 2022, which amends, for the purposes of adaptation to scientific and technical progress, Annex IV of Directive 2011/65/EU, of the European Parliament and of the Council concerning an exemption for the use of lead in certain magnetic resonance imaging (MRI) devices

Delegated Directive (EU) 2022/287 sets an exemption for the use of mercury in fluorescent lamps, with various expiry dates. The other two delegated directives set exemptions for the use of lead in specific products: bismuth, strontium, calcium and copper oxide superconductor cables and wires, and MRI devices, respectively. The lead exemptions are set to expire on 30 June 2027.

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

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

## Spain

### Decree to specify conditions under which exemptions to European Union regulations can be granted for defense reasons (in force)

On 26 April 2023, the Spanish Ministry of Defense published a decree that sets out conditions under which exemptions to European Union (EU) regulations can be granted for defense reasons. The decree enters into force on 27 April 2023.

Article 2.3 of EU REACH and Article 1.4 of the Classification, Labeling, and Packaging (CLP) Regulation enable EU Member States to provide, in specific cases, exceptions to the regulations for certain substances, in mixtures or contained in articles, if necessary for defense reasons. EU REACH (Regulation (EC) No. 1907/2006) regulates the control and management of chemicals by establishing rules on the registration, evaluation, authorization, and restriction of chemical substances. CLP Regulation (EC) No. 1272/2008 regulates the classification, labeling, and packaging of substances and mixtures.

Therefore, the decree regulates the exemption mechanism that the Spanish Ministry of Defense may use for substances, mixtures, or articles that are of interest for defense purposes. Manufacturers, importers, or intermediate users may request exemptions from the Ministry of Defense for certain requirements demanded by community regulations, in any of the following cases:

- » the substances, mixtures, or articles are protected by the regulations for the protection of classified material and information or that it is information that could compromise the security of the State
- » the substances, mixtures, or articles are necessary for the operability and interoperability of the Armed Forces, in particular:
  - to continue carrying out the activity of the Armed Forces in an adequate manner, as long as an alternative substitute of similar effectiveness has not been developed, which generates less risk to health, safety, and the environment

- to carry out international missions of the Spanish Armed Forces in cooperation with other armies by application of the maintenance regulations that correspond to the international mission or interoperability
- » articles or complex articles for which exemptions are requested contain substances of very high concerns (i.e., SVHCs) in a percentage > 0.1% by weight/weight and are included in Annex I of Royal Decree 679/2014 of 1 August, which approves the CLP Regulation for the control of foreign trade in defense material, other material, and dual-use products and technologies

There are no penalties for non-compliance set out in this decree.

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

## Switzerland

### Amendments to the Chemical Risk Reduction Ordinance (in force)

On 5 April 2023, the Swiss Federal Council announced amendments to the Chemicals Risk Reduction Ordinance (ChemRRV). These amendments, which come into force on 1 May 2023, aim to provide temporary exemptions for certain uses of some substances of very high concern (SVHC) by pharmaceutical and aircraft industries.

ChemRRV prohibits or restricts the use of the particularly dangerous substances, preparations, and articles covered by the Annexes. Annex 1.17 to the ChemRRV regulates certain SVHC for which authorization is required in the European Union. Generally, the uses of such substances are banned; however, temporary exemptions are possible for certain uses of such substances if a company cannot do without the substance and if it cannot be replaced by a less hazardous substance or another process.

These amendments allow the chemical-pharmaceutical industry to use a substance regulated in Annex 1.17 of the ChemRRV for the manufacture of chemicals, pharmaceuticals, and medical devices. The substance can only be used in a closed system where neither people nor the environment comes into contact with the substance. Additionally, the Federal Council has added a further exemption to Annex 1.17 that permits the use of substances listed in the annex for the maintenance of Swiss Air Force aircraft. This exemption is subject to strict restrictions and conditions to ensure that the level of protection for health and the environment is maintained.

The temporary exemptions are essentially designed to provide relief to the chemical-pharmaceutical and aircraft industries without compromising on safety standards. There are no non-compliance provisions associated with this update.

Information can be found in German in this [announcement](#). More information on amendments can be found here [in English](#) and [in German](#).

## United Kingdom

### Updates to guidance for users, producers, and traders of ozone-depleting substances (published)

On 18 April 2023, the United Kingdom (UK) Environment Agency and Department for Environment, Food & Rural Affairs updated their guidance for users, producers, and traders of ozone-depleting substances (ODS) by adding a new page,

“Recovering ODS from equipment,” under the existing guidance on “Using or servicing ODS equipment.” The update explains how to recover (take out) ODS from equipment so they can be reclaimed or destroyed. Exceptions from the update are as follows:

- » when the following equipment containing ODS has reached the end of their lives, ODS must be recovered from them:
  - refrigeration, air-conditioning, and heat pump (RACHP) equipment
  - equipment containing solvents
  - fire protection systems
  - fire extinguishers
- » ODS must be recovered for equipment not listed above if it is technically feasible and the cost is proportionate

Recovery of ODS:

- » ODS can only be recovered by a qualified technician (with qualifications to service equipment containing ODS)
- » companies must use a registered waste carrier to send recovered ODS (or the whole unit) to a licensed waste facility that accepts waste ODS to either reclaim or destroy it
- » companies should contact the waste facility to confirm if they accept waste ODS

Reclaiming ODS:

- » reclaimed or recycled ODS cannot be used to service RACHP equipment in Great Britain<sup>1</sup>
- » ODS can be only recycled (re-used after a basic cleaning process) for critical uses (halons)
- » reclaimed ODS can only be used in Great Britain or exported for laboratory and analytical uses, as feedstock or process agents, or critical uses (halons)
- » exporters of reclaimed ODS must apply for a license to export ODS and check the destination country’s rules for ODS imports
- » reclaimed hydrochlorofluorocarbons cannot be exported for destruction

Furthermore, ODS must always be labeled for their intended use.

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

Information can be found in this [guidance](#) on recovering ODS from equipment. Additional information can be found [here](#).

## Regulatory management options analysis for per- and polyfluoroalkyl substances (consultation)

On 4 April 2023, the Health and Safety Executive (HSE) in the United Kingdom (UK) published the regulatory management options analysis (RMOA) for per- and polyfluoroalkyl substances (PFAS). PFAS are a large group of man-made substances 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. RMOA is a preliminary step used within the UK REACH framework that analyses information to understand the nature and extent of exposure to chemical substances.

The analysis concluded that there are uncertainties about the hazardous properties of PFAS and many data gaps. There are many potential routes for regulatory activity; however, the majority are limited in scope and may not address all the

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<sup>1</sup> i.e., England, Scotland, and Wales.

concerns highlighted in this RMOA. Therefore, the HSE concluded that it would be appropriate to initiate some or all of the following risk management measures to better regulate PFAS:

- » introduce one or more restrictions on the use of certain PFAS
- » apply the authorization provisions of UK REACH to control those PFAS used in processing aids in the manufacture and processing of fluorinated polymers

Furthermore, the RMOA concludes that formal evaluation according to UK REACH should be undertaken for some other PFAS, to better understand the risks they may pose.

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

More information can be found in this [notice](#) from HSE.

## Amendments to the Great Britain mandatory classification and labelling list (consultation)

On 5 April 2023, the Health and Safety Executive (HSE) published a notice indicating plans to amend the Great Britain mandatory classification and labelling list (the GB MCL List) and therefore opened a consultation period on the proposal. The GB MCL List gives information on the classification and hazard labelling of substances and is legally binding in GB. The amendment will either add new or revise existing substances, for a total of 97 substances, and will delete one substance from the GB MCL List. Once the GB MCL list is amended, the new mandatory classification will need to be used and substances and mixtures labelled accordingly.

This amendment is proposed to be adopted in Q4 2023 and to enter into force in Q4 2024. The deadline for comments was 4 June 2023.

The list of 98 substances can be found [here](#).

## Amendments to the persistent organic pollutants regulations (consultation)

On 2 March 2023, the Department for Environment, Food and Rural Affairs (DEFRA) in the United Kingdom opened a consultation on proposed changes to the retained Regulation (EU) 2019/1021 as amended by the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 and the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 (“POPs Regulation”), which bans or severely restricts the production and use of persistent organic pollutants (POPs). The deadline for comments was 27 April 2023.

The current intent is that the proposals detailed in the consultation would be applied to England, Wales, and Scotland. Some of the potential changes are related to recent additions or amendments to the United Nation’s Stockholm Convention on POPs, which the UK, as Party to the Convention, must implement at a national level. Other options are in response to scientific or technical progress.

The proposed options include:

- » amending and/or addition of POPs waste concentration limits for several POPs
- » removal of specific exemptions for several POPs
- » addition of unintentional trace contaminant exemption levels for at least two POPs
- » amending and/or removal of UTC exemptions for a POP

- » addition of a new toxic equivalency factor for a POP
- » amending maximum concentration limits (derogations for permanent waste storage) for several POPs

More information can be found in this [notice](#) from DEFRA.



## NORTH AMERICA

### Canada

#### Updates to the Domestic and Non-Domestic Substances Lists (in force)

On 29 March 2023, Canada published Order 2023-87-04-01 to update the Domestic Substances List (DSL). The order, which comes into force on 14 March 2023, has amended the DSL as follows:

- » two substances have been added to Part 1 of the List:
  - acetic acid, 2-hydroxy-2-sulfo-, sodium salt (1:2) (CAS No. 29736-24-1)
  - no name available (CAS No. 1277168-16-7)
- » ten substances have been added to Part 3 of the List:
  - poly[oxy(alkyl-alkanediyl)],  $\alpha$ -acetyl- $\omega$ -(alkenyloxy)- (CAS No. not available)
  - isocyanic acid, polymethylenepolyphenylene ester, polymer with  $\alpha$ -hydro- $\omega$ -hydroxypoly[oxy(methyl-1,2-ethanediyl)] ether with 2-alkyl-2-(hydroxymethyl)-1,3-propanediol (3:1), 2-hydroxyethyl methacrylate-blocked (CAS No. not available)
  - 2-propenoic acid, alkylalkyl ester, polymer with alkene (CAS No. not available)
  - 1,4-benzenedicarboxylic acid, compound with 1,4-butanediamine and alkanediamine (1:?:?), homopol (CAS No. not available)
  - alkyl/alkenyl carboxylic acids, hydrogenated, polymers with substituted heteropolycycle and polymethylolalkane (CAS No. not available)
  - 2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with butyl 2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-propenoate and alkyl substituted carbopolycycle-2-methyl-2-propenoate, bis(1,1-dimethylpropyl) peroxide-initiated (CAS No. not available)
  - alkanedioic acid, polymer with 1,4-butanediol, 1,2-ethanediamine, 1,6-hexanediol, 3-substituted-2-(substitutedalkyl)-2-alkylpropanoic acid and alkylenebis[isocyanatocarbomonocycle] (CAS No. not available)
  - 2-propenoic acid, 2-methyl-, alkyl ester, polymer with butyl 2-propenoate, N-(1,1-dimethyl-3-oxobutyl)-2-propenamide, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. not available)
  - 2-propenoic acid, 2-methyl-, butyl ester, polymer with ethenylbenzene, 2-ethylhexyl 2-methyl-2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate, oxoheteromonocycle, homopolymer, 2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl ester and 1,2-propanediol mono-2-propenoate, bis(1,1-dimethylpropyl) peroxide-initiated (CAS No. not available)
  - 2-propenoic acid, 2-methyl-, polymer with butyl 2-propenoate, (dialkyl-oxoalkyl)-alkenamamide, ethenylbenzene, 2-ethylhexyl 2-propenoate, methyl 2-methyl-2-propenoate and methylalkyl 2-methyl-2-propenoate, ammonium salt (CAS No. not available)

In an earlier update on 25 March 2023, Canada published Order 2023-87-04-02 to update the Non-domestic Substances List (NDSL). According to Order 2023-87-04-02, which comes into force on 14 March 2023, Acetic acid, 2-hydroxy-2-sulfo-, sodium salt (1:2) (CAS No. 29736-24-1) has been deleted from Part I of the NDSL. The Canadian government determined that the substance met the criteria for addition to the DSL, as set out in the Canadian Environmental Protection Act, 1999. Based on this, the substance has been removed from the NDSL and added to the DSL.

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. Part 1 provides chemicals and polymers that are identified by their CAS number, or their substance identity number assigned by the Department of the Environment, and the name of the substance. Part 3 lists chemicals and polymers that are identified by their masked names and confidential accession numbers. Although a substance may be listed on the DSL, additional notification requirements may apply prior to manufacture or import.

Penalties for non-compliance 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 2023-87-04-01](#) and [Order 2023-87-04-02](#).

## [United States](#)

### [Significant new use rules on certain chemical substances \(Batch 21-2.F\) \(published\)](#)

On 11 April 2023, the US Environmental Protection Agency (EPA) issued significant new use rules (SNURs) for the SNUR Batch 21-2.F under the Toxic Substances Control Act. This will become effective from 12 June 2023. SNUR Batch 21-2.F consists of 28 substances.

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

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

More information, and the list of 28 substances, can be found in the [Federal Register](#).

### [Peer review on evaluating cumulative risks under the Toxic Substances Control Act \(published\)](#)

Between 27 February and 28 April 2023, the United States Environmental Protection Agency (EPA) facilitated public consultation and peer review on evaluating cumulative risks under the Toxic Substances Control Act (TSCA) and a proposed approach for applying them to the evaluation of cumulative risks posed by certain phthalate chemicals. This review is

expected to ensure that EPA's approach incorporates independent scientific advice and recommendations and that it follows a transparent process.

Between 8-11 May 2023, EPA held a virtual public meeting for the Science Advisory Committee on Chemicals (SACC) to consider and review two draft documents titled "Draft Proposed Principles of Cumulative Risk Assessment Under the Toxic Substances Control Act" and "Draft Proposed Approach for Cumulative Risk Assessment of High-Priority Phthalates and a Manufacturer Requested Phthalate Under the Toxic Substance Control Act." SACC provides independent scientific advice and recommendations to the EPA on the scientific basis for risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under the TSCA.

The EPA approaches TSCA section 6 risk evaluations primarily by addressing risks posed by a single chemical substance under the conditions of use. However, chemicals such as some phthalates have similar effects on human health and have been found simultaneously in the human body. For these chemicals, the EPA has deemed that the best approach to evaluate risks to human health may be to look simultaneously at the combined risks to health from multiple chemicals with similar effects.

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

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

## Designation of certain per- and polyfluoroalkyl substances as hazardous substances under CERCLA (consultation)

On 13 April 2023, the United States Environmental Protection Agency (US EPA) issued a notice to seek public input and data to assist in its consideration of the development of potential future regulations pertaining to designation as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of:

- » seven per- and polyfluoroalkyl substances (PFAS), besides perfluorooctanoic acid (PFOA; CAS No. 335-67-1) and perfluorooctanesulfonic acid (PFOS; CAS No. 1763-23-1), and their salts and structural isomers, or some subset thereof, which include:
  - perfluorobutanesulfonic acid (PFBS; CAS No. 375-73-5)
  - perfluorohexanesulfonic acid (PFHxS; CAS No. 355-46-4)
  - perfluorononanoic acid (PFNA; CAS No. 375-95-1)
  - hexafluoropropylene oxide dimer acid (HFPO-DA; CAS No. 13252-13-6)
  - perfluorobutanoic acid (PFBA; CAS No. 375-22-4)
  - perfluorohexanoic acid (PFHxA; CAS No. 307-24-4)
  - perfluorodecanoic acid (PFDA; CAS No. 335-76-2)
- » precursors to PFOA, PFOS, and other PFAS listed above
- » categories of PFAS

The EPA is soliciting information relevant to whether these compounds may present a substantial danger to public health or welfare or the environment. PFAS are a large group of man-made substances, which 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 deadline for comments was 12 June 2023.

CERCLA provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given the power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

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

## Draft Integrated Risk Information System toxicological review of perfluorodecanoic acid and related salts (consultation)

On 10 April 2023, the United States Environmental Protection Agency (EPA) published and opened a 60-day public consultation period on the draft Integrated Risk Information System toxicological review assessment of perfluorodecanoic acid (PFDA; CAS No. 335-76-2) and related salts. PFDA is a surfactant with applications such as a wetting agent and flame retardant. The deadline for comments was 9 June 2023.

The EPA is seeking public comments before a contract-led peer review. The external peer reviewers will consider public comments submitted in response to this notice. The EPA will consider all comments received when revising the document post-peer review.

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

## Solicitation of public comments on proposed rule regarding chrysotile asbestos (consultation)

Following the consultation period which ended on 13 July 2022 concerning the proposed rule published on 12 April 2022 to ban the manufacture, import, processing, distribution in commerce and commercial use of chrysotile asbestos (the only known form of asbestos currently imported into the United States) under section 6(a) of the Toxic Substances Control Act (TSCA), the US Environmental Protection Agency (EPA) published a notice on 17 March 2023 soliciting public comments on additional data received by EPA concerning the proposed rule.

The additional data, which have been made public in the rulemaking docket (EPA-HQ-OPPT-2021-0057), concerns chrysotile asbestos diaphragms used in the chlor-alkali industry and chrysotile asbestos-containing sheet gaskets used in chemical production and may be used by EPA in the development of the final rule. Therefore, EPA is seeking comments on how to evaluate the additional information received regarding maintaining the prohibition compliance dates, staggering the prohibition compliance dates or establishing more extended deadlines for the prohibition on processing, distribution in commerce, and commercial use of chrysotile asbestos for chrysotile asbestos diaphragms for use in the chlor-alkali industry and chrysotile asbestos-containing sheet gaskets used in chemical production. The deadline for comments was 17 April 2023.

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





## OCEANIA

### [Australia](#)

#### Thirteen Chemicals added to the Australian Inventory of Industrial Chemicals (published)

On 23 March 2023, the Australian government announced the addition of five chemicals to the Australian Inventory of Industrial Chemicals (AIIC) in accordance with Section 82 of the Industrial Chemicals (IC) Act 2019. The IC Act states that the Executive Director must list an industrial chemical on the AIIC if five years have passed since the assessment certificate was issued. It regulates the manufacture and import of industrial chemicals used for purposes other than agriculture, veterinary, or therapeutic purposes, or in food or feed.

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 IC Act, 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.

Listed below are the five chemicals added to the inventory:

- » 1,12-dodecanediol, polymer with 1,6-diisocyanato-2,2,4-trimethylhexane, 1,6-diisocyanato-2,4,4-trimethylhexane and .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl), C10-18-alcs.-blocked (CAS No. 2894096-45-6)
- » 1,2-dodecanediol, polymer with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl) and 1,1'-methylenebis[4-isocyanatocyclohexane], isotridecanol-blocked (CAS No. 2894096-46-7)
- » 1,3-propanediol, 2-butyl-2-ethyl-, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane (CAS No. 195074-23-8)
- » propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 1,4-cyclohexanedimethanol, dimethyl carbonate, 1,6-hexanediol, hydrazine and 1,1'-methylenebis[4-isocyanatocyclohexane], compd. with N,N-diethylethanamine (CAS No. 1374422-11-3)
- » 2-propenoic acid, octadecyl ester, homopolymer (CAS No. 25986-77-0).

Then, on 26 April 2023, the Australian government announced the addition of eight chemicals to the AIIC in accordance with Section 82 of the IC Act:

- » 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with phenylmethyl 2-methyl-2-propenoate and 2-propenoic acid, potassium salt, 2,2'-(1,2-diazenediyl)bis[2,4-dimethylpentanenitrile]-initiated (CAS No. 2905359-75-1)
- » neodecanoic acid, 2-oxiranylmethyl ester, polymer with 1,1-dimethylethyl 2-methyl-2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, 2-propenoic acid and rel-(1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl 2-methyl-2-propenoate, OO-(1,1-dimethylpropyl) O-(2-ethylhexyl) carboperoxoate-initiated (CAS No. 2914886-87-4)
- » dodecanedioic acid, polymer with .alpha.-(2-aminomethylethyl)-.omega.-(2-aminomethylethoxy)poly[oxy(methyl-1,2-ethanediyl)] and azacyclotridecan-2-one (CAS No. 105761-40-8)

- » 2-propenoic acid, 2-methyl-, polymer with butyl 2-propenoate, cyclohexyl 2-methyl-2-propenoate, ethenylbenzene, 1-propene and 2-propenoic acid, tert-Bu peroxide-initiated (CAS No. 2102038-87-7)
- » 2,5-furandione, polymer with 1-decene, 2-hydroxyethyl imide, N-octadecylcarbamates (esters) (CAS No. 2914158-37-3)
- » cyclosilazanes, di-Me, Me hydrogen, polymers with di-Me, Me hydrogen silazanes, reaction products with 3-(triethoxysilyl)-1-propanamine (CAS No. 475645-84-2)
- » butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and methyl 2-methyl-2-propenoate (CAS No. 87889-51-8)
- » phosphonium, tetrakis(hydroxymethyl)-, sulfate (2:1), reaction products with 1-tetradecanamine and urea (CAS No. 2062567-96-6)

Penalties for non-compliance include fines.

More information can be found here in the [23 March 2023 announcement](#) and the [26 April 2023 announcement](#).

## Revocation of confidential business information approval for proper names of two substances (published)

On 7 March 2023, the Australian government announced that the confidential business information approval for the proper names of two substances in the Australian Inventory of Industrial Chemicals (AIIC) has been revoked by the Australian government:

- » rosin, polymer with hexahydro-1,3-isobenzofurandione, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid, isophthalic acid, neopentyl glycol and trimethylolpropane, compds. with 2-(dimethylamino)ethanol (CAS No. 2894096-43-4)
- » 2-propenoic acid, 2-methyl-, polymer with butyl 2-methyl-2-propenoate, N-(1,1-dimethyl-3-oxobutyl)-2-propenamide and methyl 2-methyl-2-propenoate, 2-hydroxy-3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]propyl ester, ammonium salt (CAS No. 1519027-62-3)

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](#).

## Seventeen new evaluations statements for 1,768 chemicals (consultation)

The Australian Government Department of Health and Aged Care opened a consultation period on seventeen new evaluation statements for 1,768 chemicals conducted under the Australian Industrial Chemicals Introduction Scheme (AICIS). Comments were due on 19 May 2023. Chemicals for which new means of risk management were suggested are:

- » 1,4:7,10-dimethanodibenzo[a,e]cyclooctene, 1,2,3,4,7,8,9,10,13,13,14,14-dodecachloro-1,4,4a,5,6,6a,7,10,10a,11,12,12a-dodecahydro- (Dechlorane Plus; CAS No. 13560-89-9) – used in adhesive and sealants, electronic products, lubricants and greases, plastic and polymer products, and fuel, oil, fuel oil additives, and related products
- » benzaldehyde (CAS No. 100-52-7) – used in odor control
- » aniline and its salts (CAS No. 62-53-3, 142-04-1, and 542-16-5) – used in adhesive and sealants, colorant products, paints and coatings, and as chemical intermediates
- » benzene, 1-chloro-4-(trifluoromethyl) (CAS No. 98-56-6) – used in adhesive and sealants, cleaning and furniture care products, colorant products, paints and coatings, and polymer products
- » tocopherols and their salts and esters (CAS No. 10191-41-0, 119-13-1, 16698-35-4, 2074-53-5, 36148-84-2, 43119-47-7, 4345-03-3, 51898-34-1, 52225-20-4, 54-28-4, 58-95-7, 59-02-9, 60934-46-5, 7695-91-2, 9002-96-4, and 97304-02-4) – used in air care products
- » cyclohexanamine, 4,4'-methylenebis 2-methyl (CAS No. 6864-37-5) – used in paints, coatings, and as polymer products
- » propyl and butyl phenols (CAS No. 644-35-9, 645-56-7, 88-69-7, 618-45-1, 99-89-8, 1638-22-8, 31195-95-6, 89-72-5, 99-71-8, 88-18-6, and 585-34-2) – used in adhesives, sealants and binding agents, polymer products, and as chemical intermediates
- » polymers with pendant acrylates (CAS No. 28961-43-5, 51728-26-8, 52408-84-1, 53879-54-2, 56590-67-1, 57679-22-8, 57903-73-8, 68130-31-4, 68890-85-7, 84170-74-1, 89800-10-2, 96915-49-0, 96915-50-3, 103534-15-2, 103534-16-3, 103694-82-2, 110081-37-3, 118800-30-9, 120145-70-2, 120145-71-3, 120145-73-5, 120579-34-2, 123837-83-2, 123837-85-4, 128819-84-1, and 142540-43-0) – used in adhesive and sealants, paints and coatings, polymer products, and ink, toner, and colorant products
- » alkyl diphenyl oxide sulfonates (CAS No. 30260-73-2, 36445-71-3, 65143-89-7, 67968-24-5, 70146-13-3, and 70191-76-3) – use as chemical intermediate, and in cleaning and furniture care products

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

## Updates to the National Greenhouse and Energy Reporting Scheme (consultation)

On 3 April 2023, the Australian Department of Climate Change, Energy, the Environment and Water (DCCEEW) opened a consultation on proposed updates to the National Greenhouse and Energy Reporting (NGER) Scheme. The deadline for comments was 28 April 2023. The NGER Scheme is a national framework for reporting and recording company information about greenhouse gas emissions, energy production, and energy consumption. Reporting thresholds are set out under the NGER Act. Corporations that meet an NGER Scheme threshold must register and once registered report each year.

Under the NGER Scheme, companies must report greenhouse gas emissions from:

- » the combustion of fuel for energy
- » the extraction, production, flaring, processing, and distribution of fossil fuels, and from carbon capture and storage
- » industrial processes where a mineral, chemical or metal product is formed using a chemical reaction that generates greenhouse gases as a by-product, as well as emissions of hydrofluorocarbons and sulfur hexafluoride resulting from their use by certain industries, such as retail trade, commercial/industrial refrigeration, and commercial air conditioning
- » waste disposal – either in landfill, from management of wastewater or from waste incineration

The proposed changes include:

- » introduction of an optional supplementary “market-based method” for determining emissions associated with the consumption of electricity (i.e., scope 2 emissions) (section A)
- » an update to Method 1 for estimating emissions of methane from Queensland open cut mines to reflect improvements in data availability (section B)
- » an update to Method 1 for estimating methane released from landfills (other than from flaring of methane) (section C)
- » creation of two new fuel types, renewable paraffinic diesel and renewable paraffinic kerosene (section D)
- » other minor amendments (section E), including the insert of a definition of the term wet weight, to provide clarity on how volumes of waste incinerated are to be quantified

The changes are proposed to come into effect on 1 July 2023 and would apply to NGER reports submitted by 31 October 2024 for the 2023–24 NGER reporting year. The changes would not affect reports to be submitted by 31 October 2023 for the 2022-23 reporting year.

Information can be found in this [consultation paper](#) on the 2023 proposed amendments. More information can be found [here](#).

## [New Zealand](#)

### Tapping into global information on some hazardous waste assessments (consultation)

On 31 March 2023, the environmental protection authority (EPA) in New Zealand opened a feedback period on which overseas regulators it should draw on for some hazardous substance assessments. Information from the international regulators will be used when assessing and reassessing hazardous substances, so as to reduce the use of time and resources, as well as increase New Zealand’s international regulatory alignment. The feedback period ended on 24 May 2023. The proposal aims to recognize regulators from the European Union (EU), the United States of America (USA), and Australia. The recognized international regulators must regulate hazardous substances in a similar way to the EPA.

There are two new proposed pathways aimed at streamlining the assessment processes:

- » one of the new pathways allows the EPA to approve a substance if the same use has been approved by a recognized international regulator – unless it will have significant cultural, environmental, and human health effects
- » the other pathway enables the EPA to amend the hazard classifications or rules for the use of an existing substance to align with recognized regulators

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

# NEWSLETTER

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



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