

# Newsletter

Global Environmental and  
Chemical Regulations, Policies,  
and Standards

July 2023  
Vol.3, Issue 7



# NEWSLETTER

*Global Environmental and Chemical Regulations, Policies, and Standards*  
July 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 Michele Lawrie-Munro at [mlawriemunro@iaeg.com](mailto:mlawriemunro@iaeg.com) or Amanda Myers at [amanda.myers@sae.org](mailto:amanda.myers@sae.org).

## SUBSCRIPTION SERVICE

IAEG also offers a subscription service to receive these newsletters once they become available for release. To subscribe click [here](#).

# NEWSLETTER

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



## TABLE OF CONTENTS



### GLOBAL..... 5

Addition of dechlorane plus and UV-328 to Annex A of the Stockholm Convention (published).....5



### ASIA..... 5

#### China ..... 5

Addition of substances to the "Inventory of Existing Chemical Substances in China" (announced) .....5

Environmental risk management and control requirements for five types of persistent organic pollutant (in force).....6

#### India..... 7

Delay in quality control orders for vinyl acetate monomer, methyl acrylate, and ethyl acrylate (published) .....7

#### Japan ..... 7

Amendment to the list of poisonous and deleterious substances (in force) .....7

#### South Korea..... 8

Ordinance No. 1037 to amend the Enforcement Rules of the Waste Management Act (published).....8

Special act on the reduction and management of microplastics (consultation).....8



### EUROPE..... 9

#### Czechia ..... 9

Amendment to Regulation No. 137/2023 Coll. To include a threshold value leaks into water of per- and polyfluorinated alkyl substances (effective) .....9

# NEWSLETTER

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



## European Union .....10

The European Chemicals Agency adds two hazardous chemicals to the Candidate List of substances of very high concern (published) .....	10
Decision regarding the import responses for decabromodiphenyl ether and perfluorooctanoic acid, its salts, and its related compounds (in force).....	10
The European Commission started six initiatives to update the Emission Trading System Directive and Regulation (EU) 2016/1927 (announcement).....	11
Initiatives to add methoxychlor, dechlorane plus, and UV-328 to Annex I of the EU regulation on persistent organic pollutants (published) .....	12
Registry of substances of very high concerns of eleven substances (published).....	12
Restrictions on intentionally added microplastics under the REACH regulation (draft amendment) .....	14
Amendment to the Waste Management Directive regarding textiles and food waste (consultation).....	14
Amendment to Annex I to Regulation (EU) No 649/2012 regarding the listing of pesticides and industrial chemicals (draft) .....	15
Call for evidence on 1,4-dioxane and substances and mixtures containing 1,4-dioxane as a constituent or an impurity (consultation) .....	15
Screening report on the presence and risk of the four phenolic benzotriazoles in articles (consultation) .....	16
Harmonized classification and labelling consultations for three substances (consultation) .....	17
Amendment to perfluorohexane sulfonic acid, its salts, and related compounds in the list of substances under Part A of Annex I to Regulation (EU) 2019/1021 (adopted) .....	17

## France.....18

Order to the analyze for per- and polyfluoroalkyle substances in aqueous discharges from facilities classified for the protection of the environment (in force) .....	18
---	----

## United Kingdom.....19

Retained EU Law (Revocation and Reform) to provide the United Kingdom with the power to revoke and amend retained European Union legislation (draft) .....	19
Alternative use of chromium trioxide (consultation) .....	19



## NORTH AMERICA..... 20

## Canada.....20

Final decision after screening assessment of six substances belonging to the Naphthalene Sulfonic Acids and Salts Group specified in the Canadian Environmental Protection Act, 1999 (published).....	20
---	----

# NEWSLETTER

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



Final decision after screening assessment of six substances belonging to the Selected C3-C5 Alcohols Group specified in the Canadian Environmental Protection Act, 1999 (published) ..... 20

Amendment to the Domestic Substances List (in force) ..... 21

Federal Environmental Quality Guidelines for benzene, toluene, ethylbenzene, and xylene (draft) ..... 22

Bill S-5 to amend the Canadian Environmental Protection Act, 1999 to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act (draft) ..... 23

## United States ..... 23

Framework for addressing new and new uses of per- and polyfluoroalkyl substances (announced) ..... 23

Final rule on how confidential business information claims are treated under the Toxic Substances Control Act (published) ..... 24

Year 2024 submission period for the Toxic Substances Control Act Chemical Data Reporting (published) ..... 25

Recommendation to prohibit most consumer uses and many commercial uses of perchloroethylene (draft) ..... 25



## OCEANIA ..... 27

### Australia ..... 27

Decabromodiphenyl ether and perfluorooctanoic acid, its salts, and its related compounds to be added to the list of chemicals requiring Australian Industrial Chemicals Introduction Scheme authorization (consultation) ..... 27



## SOUTH AMERICA ..... 28

### Brazil ..... 28

Brazil REACH passed the Chamber of Deputies (draft law) ..... 28



## GLOBAL

### Addition of dechlorane plus and UV-328 to Annex A of the Stockholm Convention (published)

In the 2023 meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions that were held in Geneva from 1 to 12 May 2023, it was agreed to add to Annex A to the Stockholm Convention dechlorane plus (CAS No. 13560-89-9) and UV-328 (CAS No. 25973-55-1). The two substances are commonly used as plastic additives, such as for motor vehicles, industrial machines, and in medical devices.

Annex A prohibits the manufacture, use, import, and export of the substances listed within. Temporary exemptions for specific uses are sometimes agreed upon for certain substances. Member States will develop amendments to their national regulations or new regulations to comply with the ban of the two substances.

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



## ASIA

### China

#### Addition of substances to the "Inventory of Existing Chemical Substances in China" (announced)

On 2 June 2023, the Ministry of Ecology and Environment (MEE) added new chemical substances to the "Inventory of Existing Chemical Substances in China" in accordance with the Regulations for Environmental Management Registration of New Chemical Substances. These substances were manufactured in or imported into China before 15 October 2003. The substances are now regulated as existing chemical substances in China and are free from new chemical registration or notification requirements under MEE Order No. 12 – the Measures for the Ecology and Environmental Management Registration of New Chemical Substances – unless there is a further requirement that says otherwise.

The MEE has conducted a review of application materials submitted by companies involved in the production, import, and use of the relevant chemical substances. The review also involved industry associations and other units. Additionally, the announcement mentions the implementation of new-use environmental management for certain chemical substances marked with new-use environmental management scope.

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

More information and the list of substances can be found in Chinese in these announcements from MEE on [the ninth batch](#) and on [the eleventh batch](#).

## Environmental risk management and control requirements for five types of persistent organic pollutant (in force)

Following a review of the amendments to the Stockholm Convention on Persistent Organic Pollutants (POPs), which phased out or restricted five types of POPs on 30 December 2022 by the Standing Committee of the 13th National People's Congress (NPC), the Chinese Ministry of Ecology and Environment (MEE), in conjunction with ten other ministries, published Announcement No. 20 of 2023 on 6 June 2023 to adopt the proposed provisions concerning the POPs. The announcement entered into force immediately.

The phased-out or restricted POPs are:

- » hexachlorobutadiene (HCBd; CAS No. 87-68-3)
- » pentachlorophenol (CAS No. 87-86-5) and its salts and esters
- » polychlorinated naphthalenes (PCNs)
- » decabromodiphenyl ether (DecaBDE) (CAS No. 1163-19-5)
- » short-chain chlorinated paraffins (straight-chain chlorinated hydrocarbons with a chain length of C 10 to C 13, and the chlorine content exceeds 48% by weight, and its concentration in the mixture is greater than or equal to 1% by weight)

Thus, the production, use, import, and export of the listed POPs are prohibited in China. However, exemptions apply until 31 December 2023 for specified uses of the following POPs:

- » DecaBDE
  - textile products (excluding clothing and toys) that need to be flame-retardant
  - additives for plastic shells and components used for household heating appliances, irons, fans, and immersion heaters, which contain or directly contact electrical parts, or need to comply with flame retardant standards, and whose density is less than 10% by weight of the parts
  - polyurethane foam plastics used for building insulation
- » short-chain chlorinated paraffins
  - additives used in the production of conveyor belts in the natural and synthetic rubber industry
  - spare parts for rubber conveyor belts used in mining and forestry
  - the leather industry, especially the fatliquoring of leather
  - lubricating oil additives, especially for engines of automobiles, generators, and wind energy facilities, as well as oil refineries for oil and gas exploration drilling and diesel production
  - outdoor decorative lamps
  - waterproof and oil-resistant paints
  - adhesives
  - metal processing
  - the second plasticizer of flexible polyvinyl chloride (but not used for processing and use in toys and children's products)

A proper reduction or elimination of sources of emissions is required for enterprises in China that emit HCBd and PCNs. The above-mentioned prohibitions do not apply to chemical substances used for laboratory research or as reference standards.

Penalties for non-compliance will be determined in accordance with the law.

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

## India

### Delay in quality control orders for vinyl acetate monomer, methyl acrylate, and ethyl acrylate (published)

India's Department of Chemicals and Petrochemicals has postponed the enforcement of three mandatory quality control orders (QCOs) until 29 February 2024. Originally slated for implementation in May 2023, the delay was made based on the recommendation of the Bureau of Indian Standards (BIS). The QCOs pertain to the following three substances:

- » vinyl acetate monomer (CAS No. 108-05-4) – used in adhesives, emulsion paints, wood coatings, lacquers, and ink
- » methyl acrylate (CAS No. 96-33-3) – used in raw material for acrylic fibers, moulding resins, adhesives, paints, coatings, and emulsions
- » ethyl acrylate (CAS No. 140-88-5) – used as raw material for plastics, acrylic rubber, emulsions, and as a fiber processing agent

In the interim, the existing standards and regulations for these substances will remain in effect. The postponement of the three QCOs allows for further evaluation and potential adjustments to be made. This strategy helps strike a balance between the necessity for robust quality control measures and the need to accommodate industry requirements and stakeholder feedback.

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 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.

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

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

## Japan

### Amendment to the list of poisonous and deleterious substances (in force)

On 26 May 2023, Japan's Ministry of Health, Labor, and Welfare published amendments via Cabinet Order No. 193 to the list of poisonous and deleterious substances under the Poisonous and Deleterious Substances Control Law (PDSCL). The amendments, which enter into force on 1 June 2023, include the following:

- » addition of 3-aminopropan-1-ol (CAS No. 156-87-6) and preparations containing it to the list of poisonous and deleterious substances; however, those containing 1% or less of it are excluded
- » change of concentration threshold for 2-Isobutoxyethanol (CAS No. 4439-24-1) from 10% to 15%
- » deletion of diantimony tetraoxide (CAS No. 1332-81-6) and its mixtures from the list



The PDSCL was implemented in 1950 to control poisonous and deleterious substances from a hygiene point of view in order to protect public health. This law imposes a license requirement on manufacturers, importers, and sellers of poisonous or deleterious substances. Additionally, this law requires persons engaged in relevant businesses to meet the prescribed standards for manufacturing or storing equipment of poisonous or deleterious substances, and comply with requirements on storing, labelling, or transferring procedures when handling these substances.

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

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

## [South Korea](#)

### [Ordinance No. 1037 to amend the Enforcement Rules of the Waste Management Act \(published\)](#)

On 31 May 2023, the South Korean Ministry of Environment published Ordinance No. 1037, which refers to correction among partial amendments to the Enforcement Rules of the Waste Management Act. The ordinance is effective immediately.

The classification system for waste wood is being improved to simplify the previously complex system. Instead of 14 classifications, there will now be seven types. The new system will also include recycling categories for waste lubricants, domestic waste incineration facility floor materials, and food waste. Training will be provided to waste disposal personnel to ensure proper implementation of the system. The training period and cycle are clearly defined, and energy management engineers are added as qualification standards for technical managers of incineration facilities.

In cases of violations, the stricter disposal standard will be followed, and the administrative disposition standard will result in a suspension of business. If the disposition standards differ, the heavier standard will be weighted within a certain range, not exceeding the period of adding each disposition standard. This aims to improve the enforcement of violations and address deficiencies in the current system.

Ordinance No. 1036 of the Ministry of Environment, published in Official Gazette No. 20512 on 31 May 2023, introduces partial amendments to the Enforcement Rules of the Waste Management Act. The amendments clarify training requirements for waste treatment personnel, establish standards for waste types, and update the recycling categories. Changes are also made to the reporting and testing procedures, as well as the qualification criteria for technical managers. Overall, the amendments aim to simplify the waste wood classification system, improve waste treatment performance reporting, and address shortcomings in the current system's operation.

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

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

### [Special act on the reduction and management of microplastics \(consultation\)](#)

On 7 June 2023, the South Korean government opened a public consultation window on a proposal to introduce an act to further regulate microplastics. The deadline for comments was 26 June 2023. The government aims to protect public health and the environment from the harm of microplastics by creating a comprehensive response system, such as

conducting fact-finding surveys on microplastics, regulating use and emission, and promoting reduction and removal technologies. Microplastics are intentionally added to a range of products including household and industrial detergents, cleaning products, paints, and products used in the oil and gas industry.

The proposed act would require the Minister of Environment to establish and implement a comprehensive microplastic management plan every five years. The act would also regulate the management of waste containing microplastics, requiring that persons disposing of waste must prevent the discharge of microplastics. Additionally, the act would prohibit the sale, manufacture, or import of products that contain microplastics above the safety standards, and of products that may emit secondary microplastics in the process of production, distribution, use, or disposal.

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



## EUROPE

### [Czechia](#)

#### Amendment to Regulation No. 137/2023 Coll. To include a threshold value leaks into water of per- and polyfluorinated alkyl substances (effective)

On 31 May 2023, Government Regulation No. 145/2008 Coll., which establishes a list of pollutants, threshold values, and reporting requirements for the integrated register of environmental pollution, was amended by Government Regulation No. 137/2023 Coll. of 10 May 2023.

The amendment, which became effective on 1 July 2023, includes the addition of a new line to Appendix No. 1: Per- and polyfluorinated alkyl substances (PFAS), a threshold value leaks into water is 0.05 kilograms per year. Companies should report any of the following PFAS if released into the water over the threshold: perfluorobutanoic acid (PFBA), perfluoropentanoic acid (PFPA), perfluorohexanoic acid (PFHxA), perfluoroheptanoic acid (PFHpA), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA), perfluoroundecanoic acid (PFUnDA), perfluorododecanoic acid (PFDoDA), perfluorotridecanoic acid (PFTrDA), perfluorobutanesulfonic acid (PFBS), perfluoropentanesulfonic acid (PFPS), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanesulfonic acid (PFHpS), perfluorooctanesulfonic acid (PFOS), perfluorononanesulfonic acid (PFNS), perfluorodecanesulfonic acid (PFDS), perfluoroundecanesulfonic acid (PFUnS), perfluorododecanesulfonic acid (PFDoS), and perfluorotridecanesulfonic acid (PFTrS).

The changes will apply for the first time for reporting to the integrated register of environmental pollution for the year 2024.

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

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

## European Union

### The European Chemicals Agency adds two hazardous chemicals to the Candidate List of substances of very high concern (published)

On 14 June 2023, the European Chemicals Agency (ECHA) added two new chemicals to the [Candidate List](#) of substances of very high concern (SVHC), bringing the total number of entries to 235. Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs. These substances may be placed on the Authorization List in the future. Inclusion on the Authorization List will mean that the use of the substances will be prohibited unless a company receives authorization to continue its use from the European Commission.

The two newly added chemicals are:

- » diphenyl(2,4,6-trimethylbenzoyl)phosphine oxide (EC No. 278-355-8; CAS No. 75980-60-8) – classified as toxic for reproduction – commonly used in various applications such as inks and toners, coating products, polymers, adhesives, sealants, and plasters
- » bis(4-chlorophenyl) sulphone (EC No: 201-247-9; CAS No: 80-07-9) – exhibits very persistent and very bio-accumulative hazardous properties – used in the manufacture of chemicals, plastic products, and rubber products

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

- » article suppliers must notify SVHCs to ECHA's SCIP<sup>1</sup> database under the Waste Framework Directive
- » any supplier of articles containing a Candidate List substance above a concentration of 0.1 % (weight by weight) has to give sufficient information to their customers and consumers to allow safe use
- » suppliers of these substances have to provide their customers with a safety data sheet

In addition to the aforementioned obligations, importers and producers of articles have to notify ECHA if their article contains the mentioned substances by 14 December 2023.

Penalties for non-compliance vary by Member State.

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

### Decision regarding the import responses for decabromodiphenyl ether and perfluorooctanoic acid, its salts, and its related compounds (in force)

On 6 June 2023, the European Commission published a Decision regarding the import responses for decabromodiphenyl ether (decaBDE; CAS No. 1163-19-5) and perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and PFOA-related compounds under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Decision became in force on 26 June 2023.

At the Conference of the Parties to the Rotterdam Convention, certain chemicals, including decaBDE and PFOA, were listed in Annex III as industrial chemicals, making them subject to the Prior Informed Consent (PIC) procedure. The PIC procedure is a mechanism for formally obtaining and disseminating the decisions, known as import responses, of importing parties as to whether they wish to receive imports of chemicals listed in Annex III and for ensuring compliance with these decisions by exporting parties.

---

<sup>1</sup> Substances of Concern in articles as such or in complex objects (Products)

However, the manufacturing, placing on the market and use of PFOA, its salts, and PFOA-related compounds are, subject to certain exemptions, prohibited under Regulation (EU) 2019/1021. Therefore, consent under the Rotterdam Convention will only be given to the future import of PFOA, its salts, and PFOA-related compounds to the European Union (EU), if certain conditions are met. For compliance, the specified conditions must be met in order to obtain consent to import these substances into the EU.

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

The import response form, which contains the specified conditions and exemptions, can be accessed [here](#).

## The European Commission started six initiatives to update the Emission Trading System Directive and Regulation (EU) 2016/1927 (announcement)

In June 2023, the European Commission (EC) started six initiatives to update the European Union Emissions Trading System (ETS) Directive and Regulation (EU) 2016/1927. Adoption of the initiatives is planned for the 4th quarter of 2023.

The ETS Directive (Directive 2003/87/EC) establishes the EU ETS that sets a limit on the total amount of certain greenhouse gases (GHG) that can be emitted by the installations covered by the system in the form of emission allowances and regulates these trading of emission allowances between installations. Regulation (EU) 2016/1927 provides templates to ensure the correct compliance with Regulation (EU) 2015/757 on monitoring, reporting, and verification of carbon dioxide emissions from maritime transport.

In terms of the ETS Directive, the EC is planning to update:

- » the rules for monitoring and reporting emissions
- » the Registry Regulation, so as to introduce rules for the maritime sector (as of 2024) and the building and transport sectors (as of 2027)
- » the free allocation rules

For Regulation (EU) 2016/1927, the EC is planning to update:

- » the templates related to the monitoring and reporting of GHG emissions from maritime transport
- » the rules on approval and verification activities and accreditation of verifiers in relation to maritime transport emissions
- » Annexes I and II to Regulation (EU) 2015/757 on the monitoring, reporting, and verification of GHG emissions from maritime transport, notably in order to take account of the coverage of additional GHG under that regulation and to ensure the effective inclusion of maritime transport emissions in the scope of the EU ETS.

Further details can be accessed below:

[ETS update for monitoring and reporting emissions](#)

[ETS update of the Registry Regulation](#)

[ETS update of the free allocation rules](#)

[Shipping emissions templates for monitoring plans, reports & other documents](#)

[Shipping emissions rules on approval and verification activities and accreditation of verifiers in relation to maritime transport emissions](#)

[Shipping emissions rules on monitoring & reporting](#)

## Initiatives to add methoxychlor, dechlorane plus, and UV-328 to Annex I of the EU regulation on persistent organic pollutants (published)

The European Commission has opened three initiatives to add methoxychlor (CAS No. 72-43-5), dechlorane (13560-89-9), and UV-328 (CAS No. 25973-55-1) to Annex I of the EU regulation on persistent organic pollutants (POPs). This is in response to the Conference of the Parties of the Stockholm Convention who at their 2023 meetings decided to list the substances under Annex A of the Convention. The Stockholm Convention is an international treaty that aims to protect human health and the environment from the harmful effects of POPs. Annex A prohibits the manufacture, use, import, and export of the substances listed within.

Regulation (EU) 2019/1021 implements the European Union's (EU's) international commitments under the Stockholm Convention. Under Article 3, the manufacture, placing on the market, and use of substances listed in Annex I to Regulation (EU) 2019/1021, whether on their own, in mixtures or as constituents of articles, is prohibited. Exemptions apply to substances used for laboratory-scale research, as reference standards and unintentional trace contaminants. Specific exemptions for each substance are listed within Annex I.

Therefore, to implement recent additions to Annex A of the Stockholm Convention, the EU proposes to add the following substances to Annex I of its POPs regulation:

- » methoxychlor – used as a pesticide
- » dechlorane Plus – a flame retardant commonly used as plastic additives, such as for motor vehicles, industrial machines, and in medical devices
- » UV-328 – UV absorbent commonly used as plastic additives, such as for motor vehicles, industrial machines, and in medical devices

The initiatives are currently in preparation and are expected to be adopted in the fourth quarter of 2023. There are no penalties for non-compliance associated with this update.

More information can be found here on [methoxychlor](#), [dechlorane plus](#), and [UV-328](#).

## Registry of substances of very high concerns of eleven substances (published)

The European Chemicals Agency (ECHA) has announced that certain countries intend to classify a total of eleven substances as Substances of Very High Concern (SVHC).

Austria intends to classify 2-(dimethylamino)-2-[(4-methylphenyl)methyl]-1-[4-(morpholin-4-yl)phenyl]butan-1-one (EC No. 438-340-0; CAS No. 119344-86-4) as an SVHC due to its reproductive toxicity. This substance can be found in complex articles in vehicles, metal (e.g., cutlery, pots, toys, and jewelry), rubber (e.g., tires, shoes, and toys), plastic (e.g., food packaging and storage, toys, and mobile phones), inks, and toners. ECHA anticipates that the Austrian competent authority would submit the proposal regarding this classification by 3 August 2023.

Belgium intends to classify 2,4,6-tri-tert-butylphenol (EC No. 211-989-5; CAS No. 732-26-3) as an SVHC due to its reproductive toxicity, persistence, bioaccumulation, and its classification as both a very persistent and very bio-accumulative substance. This particular substance can be found in fuels. ECHA anticipates that the Belgian competent authority would submit the proposal regarding this classification by 3 August 2023.

Germany intends to classify 2-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol (EC No. 221-573-5; CAS No. 3147-75-9) as an SVHC due to its classification as both a very persistent and very bio-accumulative substance. This substance can

be found in air care products, coating products, adhesives and sealants, lubricants and greases, polishes and waxes and washing and cleaning products. It can also be found in products with material based on plastic (e.g., food packaging and storage, toys, and mobile phones) and rubber (e.g., tires, shoes, and toys). In addition, Germany intends to classify bumetrizole (EC No. 223-445-4; CAS No. 3896-11-5) as an SVHC due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in coating products, adhesives and sealants, and washing and cleaning products. ECHA anticipates that the German competent authority would submit the proposal regarding these classifications of the two substances by 3 August 2023.

France intends to classify triphenyl phosphate (EC No. 204-112-2; CAS No. 115-86-6) as an SVHC due to its endocrine disrupting properties. This substance can be found in adhesives and sealants, coating products, and cosmetics and personal care products. ECHA anticipates that the French competent authority will submit the proposal regarding this classification by 05 February 2024.

Norway intends to classify the following substances as SVHC:

- » octamethyltrisiloxane (EC No. 203-497-4; CAS No. 107-51-7) due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in cosmetics and personal care products and washing and cleaning products. ECHA anticipates that the Norwegian competent authority will submit the proposal regarding this classification by 02 August 2024
- » 1,1,1,3,5,5,5-heptamethyl-3-[(trimethylsilyl)oxy]trisiloxane (EC No. 241-867-7; CAS No. 17928-28-8) due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in cosmetics and personal care products, perfumes, and fragrances. ECHA anticipates that the Norwegian competent authority will submit the proposal regarding this classification by 03 February 2025
- » 1,1,1,3,5,5,5-heptamethyltrisiloxane (EC No. 217-496-1; CAS No. 1873-88-7) due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in laboratory chemicals and polymers and in manufacture of another substance (e.g., use of intermediates). ECHA anticipates that the Norwegian competent authority will submit the proposal regarding this classification by 03 February 2025
- » decamethyltetrasiloxane (EC No. 205-491-7; CAS No. 141-62-8) due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in cosmetics and personal care products, washing and cleaning products, and perfumes, and fragrances. ECHA anticipates that the Norwegian competent authority will submit the proposal regarding this classification by 03 February 2025
- » dodecamethylpentasiloxane (EC No. 205-492-2; CAS No. 141-63-9) due to its classification as both a very persistent and very bio-accumulative substance. This substance can be found in cosmetics and personal care products and washing and cleaning products. ECHA anticipates that the Norwegian competent authority will submit the proposal regarding this classification by 03 February 2025
- » hexamethyldisiloxane (EC No. 203-492-7; CAS No. 107-46-0) due to its classification as persistence, bio-accumulative substance. This substance can be found in cosmetics and personal care products, washing & cleaning products, polishes and waxes, coating products and inks and toners. The ECHA anticipates that the German competent authority will submit the proposal regarding this classification by 03 February 2025

SVHC substances have information requirements attached when present above 0.1% by weight in articles. Now that the intentions have been submitted, the above submitters from different countries need to prepare and submit an Annex XV dossier. Following this, a consultation will open, after which a final decision will be made on the addition of the substance to the Candidate List of SVHCs. Once the substance has been to the Candidate List, affected parties need to comply with the new information requirements.

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

## Restrictions on intentionally added microplastics under the REACH regulation (draft amendment)

At the April meeting of the REACH Committee, the European Union (EU) made progress towards restricting intentionally added microplastics under the REACH regulation. If no opposition is raised by the European Parliament or the Council of Ministers, the proposed restriction is likely to be adopted and enforced by the end of 2023. The European Commission's proposal aims to ban intentionally added microplastics in cosmetic products, personal care products, detergents, and cleaning products. This restriction aligns with the EU Green Deal's objective of achieving zero pollution by 2050.

The proposed microplastics restriction regulation includes the following key features:

- » ban on placing on the market – the regulation prohibits the sale of microplastics as standalone substances or in mixtures with a concentration equal to or exceeding 0.01% by weight; this ban applies to various products, including cosmetics, detergents, biocidal products, plant protection products, and fertilizing products.
- » definition of synthetic polymer microparticles – the regulation defines synthetic polymer microparticles as solid polymers that meet specific criteria that include constituting at least 1% by weight of particles or forming a continuous surface coating on particles; the size dimensions of the particles must be equal to or less than 5 millimeters (mm) or have a length equal to or less than 15mm with a length-to-diameter ratio greater than three
- » exclusions from the definition – four types of polymers are excluded from the definition of microplastics; they include naturally occurring polymers that have not undergone chemical modification, biodegradable polymers meeting specified tests, polymers with high solubility based on specified tests, and polymers without carbon atoms in their chemical structure
- » exemptions – the regulation includes exemptions for specific applications and types of microplastics; the applications include industrial uses and medicinal products, as well as specific microplastic types that are modified or incorporated into solid matrices
- » transition periods – the proposal establishes transition periods to allow stakeholders to comply with the restriction and transition to alternative solutions; the length of these transition periods varies depending on the product category and range from 4 to 12 years after the regulation's entry into force
- » information requirements and reporting obligations – the regulation introduces information requirements for suppliers of microplastics and products containing microplastics. Additionally, certain manufacturers, downstream users, and suppliers of exempted microplastics are required to report to the European Chemicals Agency annually, providing details on the uses of synthetic polymers and estimates of the quantity of microplastics released into the environment

These key features aim to restrict the use of microplastics in various consumer and industrial products, promote the transition to alternative solutions, and enhance transparency and reporting in relation to microplastic substances.

This amendment will come into effect 20 days after its publication in the Official Journal of the European Union. It will be binding and directly applicable in all Member States.

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

## Amendment to the Waste Management Directive regarding textiles and food waste (consultation)

On 7 July 2023, the European Commission opened a feedback period on a proposal to amend the Waste Framework Directive. The proposal has been adopted by the Commission and follows reviews by the European Environment Agency, which concluded that the European Union (EU) is not on course to meet its policy goal of reducing waste generation. The Waste Framework Directive aims to improve waste management in the EU, including waste prevention, recycling, and reducing the generation of waste. It aligns with the European Green Deal.

The European Commission has adopted amendments to the Waste Framework Directive to achieve better environmental outcomes, protect human health, and contribute to sustainable development goals. The amendments affect textiles and food waste. However, the following definitions will also be added under Article 3 of the Waste Framework Directive:

- » “making available on the market” means any supply of a product for distribution or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge
- » “producer responsibility organization” means a legal entity that financially or financially and operationally organizes the fulfilment of extended producer responsibility obligations on behalf of producers
- » “online platform” means online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065 of the European Parliament and of the Council
- » “consumer” means natural persons who are acting for purposes which are outside their trade, business, craft, or profession

In addition, the exemption for gaseous effluents emitted into the atmosphere [Article 2 (1)(a)] has been expanded to include gaseous effluents emitted into the atmosphere and carbon dioxide captured and transported for the purposes of geological storage and geologically stored in accordance with Directive 2009/31/EC of the European Parliament and of the Council.

A feedback period on the proposal is open until 11 September 2023.

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

## Amendment to Annex I to Regulation (EU) No 649/2012 regarding the listing of pesticides and industrial chemicals (draft)

On 16 June 2023, the European Commission adopted a draft amendment to Annex I to Regulation (EU) No. 649/2012. Annex I lists the chemicals subject to the export notification procedure. Regulation No. 649/2012 enacts the Rotterdam Convention, which establishes the Prior Informed Consent Procedure for specific hazardous chemicals and pesticides in international trade. The Rotterdam Convention is an international treaty designed to safeguard human health and the environment during the global trade of hazardous chemicals. Annex III of the Rotterdam Convention encompasses a compilation of pesticides and industrial chemicals that have been either banned or significantly restricted due to health or environmental concerns.

This draft amendment aims to prevent undesirable imports and ensures the provision of information regarding hazards, risks, and safe handling whenever hazardous chemicals are exported. Annex I to Regulation (EU) No. 649/2012 will be amended in accordance with the Annex to this draft Regulation to include all recent changes to the Rotterdam Convention and to EU substance classification. The draft amendment includes a transitional period of 44 days before the changes start applying.

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

## Call for evidence on 1,4-dioxane and substances and mixtures containing 1,4-dioxane as a constituent or an impurity (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. The deadline for comments was July 2023. 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 (EU) 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 milligram 1,4-dioxane in 1 kilogram 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.

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

## Screening report on the presence and risk of the four phenolic benzotriazoles in articles (consultation)

On 31 May 2023, the European Chemicals Agency (ECHA) opened a consultation window on the draft screening report on the presence and risk of four phenolic benzotriazoles in articles. The due date for comments was 18 August 2023. The substances are:

- » 2-(2Hbenzotriazol-2-yl)- 4,6- ditertpentylphenol (UV-328; CAS No. 25973-55-1)
- » 2,4-di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (UV-327; CAS No. 3864-99-1)
- » 2-(2Hbenzotriazol-2-yl)- 4-(tert-butyl)-6-(sec-butyl)phenol (UV-350; CAS No. 36437-37-3)
- » 2-benzotriazol-2-yl-4,6-di-tertbutylphenol (UV-320; CAS No. 3846-71-7)

These substances are used as UV absorbers for a wide variety of plastics, rubber, resins, and other organic materials. They add durability to a variety of polymer materials in various consumer and industrial goods and are also used in paints, coatings, printing inks, electrical appliances, optical, and measuring devices.

The draft screening report on these substances has been prepared in accordance with REACH Article 69(2), which states that after the sunset date has passed for a substance included on the Authorization List (REACH Annex XIV), ECHA should consider if risks from the use of the substance in articles are adequately controlled. The sunset date is the date after which the placing on the market and the use of a substance is prohibited unless Authorization is granted to the user.

According to the draft screening report, UV-327 and UV-350 have been included in the Authorization List due to their very persistent and very bio-accumulative (vPvB) properties, while UV-328 and UV-320 have been included due to their vPvB and persistent, bio-accumulative, and toxic properties. Thus, if ECHA considers that the use of the mentioned substances poses a risk to human health or the environment that is not adequately controlled, ECHA will then prepare an Annex XV Restriction Dossier.

This call for evidence is to gather information on:

- » uses of the four phenolic benzotriazoles in articles and their potential releases
- » alternatives for these substances and issues related to their substitution
- » waste management of articles containing these substances
- » specific exemptions that might be needed if uses are restricted

More information can be found in the [consultation announcement](#) from ECHA and the [draft screening report](#).

## Harmonized classification and labelling consultations for three substances (consultation)

On 30 May 2023, the European Chemicals Agency (ECHA) opened a consultation on the Harmonized Classification and Labelling (CLH) of 2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol (EC No. 204-279-1; CAS No. 118-82-1). 2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol is used in various consumer products, including lubricants and greases, coating products, inks, and washing and cleaning products. It is also used in metal surface treatment products and plant protection products. The deadline for comments was July 2023.

On 22 May 2023, ECHA opened CLH consultation on 1-amino-4-hydroxy-2-phenoxyanthraquinone (EC No. 241-442-6; CAS No. 17418-58-5). This substance is mainly used as a dye for textiles, leather, and paper, in plastics, rubber, polymers, ink, toners, and coatings. The deadline for comments was 21 July 2023.

Additionally, a CLH intention for benzenamine, N-phenyl-, reaction products with 2,4,4-trimethylpentene (EC No.270-128-1; CAS No. 68411-46-1) was submitted on 21 April 2022. This substance is used in lubricants and greases, adhesives and sealants, hydraulic fluids, metal working fluids, heat transfer fluids, and the manufacture of chemicals.

More information can be found here on [2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol](#), [1-amino-4-hydroxy-2-phenoxyanthraquinone](#), and [benzenamine, N-phenyl-, reaction products with 2,4,4-trimethylpentene](#).

## Amendment to perfluorohexane sulfonic acid, its salts, and related compounds in the list of substances under Part A of Annex I to Regulation (EU) 2019/1021 (adopted)

On 30 May 2023, the European Commission adopted a proposal to include perfluorohexanesulphonic acid (PFHxS; CAS No. 355-46-4), its salts, and PFHxS-related compounds to the list of substances under Part A of Annex I to the Regulation (EU) 2019/1021, also known as the persistent organic pollutants (POPs) Regulation. Annex I of Regulation (EU) 2019/1021, which seeks to protect human health and the environment from persistent organic pollutants. Thus, the proposal is aimed at implementing the decision made at the 10th Conference of the Parties to the Stockholm Convention on POPs to include PFHxS, its salts, and related compounds in Annex A to the Convention.

Prior to the adoption of the proposal, consultations were conducted with an expert group known as the "POPs CA meeting," which consists of representatives from Member States, the European Chemicals Agency, the chemicals industry, and civil society. Their input and comments were considered during the drafting process. Additionally, a public consultation was held, and while only a limited number of feedback submissions were received, and the majority supported the proposal.

Hence, the adopted proposal amends Annex I to Regulation (EU) 2019/1021 to include PFHxS, its salts, and related compounds, and also establishes limit values for unintentional trace contamination of these substances in substances,

mixtures, and articles. The proposal will enter into force on the twentieth day following its publication in the Official Journal of the European Union (not yet published).

Further details are available [here](#).

## [France](#)

### Order to analyze for per- and polyfluoroalkyle substances in aqueous discharges from facilities classified for the protection of the environment (in force)

The Minister for Ecological Transition and Territorial Cohesion has published an order asking certain industries to perform analyses on the presence of per- and polyfluoroalkyle substances (PFAS) in their water discharges. The affected industries are ICPE (i.e., installations classified for the protection of the environment) – meaning any industrial or agricultural operation likely to create risks for humans or the environment, classified under the codes 2330, 2345, 2350, 2351, 2567, 2660, 2661, 2750, 2752, 2760, 2790, 2791, 2795, 3120, 3230, 3260, 3410, 3420, 3440, 3450, 3510, 3531, 3532, 3540, 3560, 3610, 3620, 3630, 3670, 3710 or 4713. This order entered into force on 28 June 2023.

Within three months from the entry into force of this order, affected companies must prepare the list of PFAS used, produced, processed, or discharged by their installations, as well as the list of PFAS substances produced by degradation. These lists must be kept for inspections.

Additionally, these installations must test all water discharge points (except those for uncontaminated rainwater) to identify and analyze the presence of PFAS substance in the water. Specifically, installations need to estimate the total quantity of PFAS substances present, in fluoride equivalent, using the index method by adsorption of organic fluorine (AOF), and analyze each of the substances listed in the order following the guidelines in Article 4. This must be done every month across a three-month period. Depending on the ICPE code, the first month of analysis must take place before:

- » three months from entry into force for ICPE codes 2660, 2661, 2760, 2790, 3410, 3420, 3440, 3450, and 4713
- » six months from entry into force for ICPE codes: 2330, 2345, 2350, 2351, 2567, 2750, 2752, 2795, 3120, 3230, 3260, 3610, 3620, 3630, 3670, and 3710
- » nine months from entry into force for ICPE codes 2791, 3510, 3531, 3532, 3540, and 3560

If the installation is unable to meet these deadlines, it must inform the Classified Installations Inspectorate and send the results as soon as possible and at the latest one month after the initial deadline. Penalties associated with this update are not specified.

Information can be found in French in [the Order](#). More information can be found in French on [codes 23xx](#) for textiles and leather, [codes 25xx](#) for materials, ores, and metals, [codes 26xx](#) for chemistry, parachemistry, and rubber, [codes 27xx](#) for waste, [codes 3xxx](#) for IED activities, and [codes 47xx](#) for named substances and mixtures.

## United Kingdom

### Retained EU Law (Revocation and Reform) to provide the United Kingdom with the power to revoke and amend retained European Union legislation (draft)

On 15 May 2023, the United Kingdom (UK) Parliament published the Retained EU Law (Revocation and Reform) draft bill that aims to provide the UK government with the power to revoke and amend retained European Union (EU) legislation; it would also open the door to UK courts interpreting laws differently than the EU. The bill would automatically revoke at the end of 2023 (sunset date) all EU-derived subordinate legislation and retained direct EU legislation and replace them with UK-only regulations. The sunset date for specific regulations may be subject to further delay. The only exemptions are:

- » relevant financial services law
- » any specified instrument or provision of an instrument or anything having effect under the specified instrument or provision (these have not yet been announced)
- » any specified description of minor instruments
- » transitional, transitory, or saving provision

The draft bill includes Schedule 1 that lists all regulations planned to be revoked at the end of 2023. However, the bill still allows for additional regulations to be revoked in the future. Schedule 1 lists 587 regulations in two parts:

- » Part 1 lists subordinate legislation
- » Part 2 lists retained direct EU legislation

The bill has passed the House of Lords' third reading. It is currently waiting for the consideration of amendments between the House of Commons and the House of Lords to agree on the final text, expected to have started on 6 June 2023, followed by Royal Assent.

The full details can be accessed here for [draft bill](#) and the [schedule of retained EU law](#).

### Alternative use of chromium trioxide (consultation)

On 12 June 2023, the Health and Safety Executive (HSE) opened a public consultation to gather information on possible alternatives to the use of chromium trioxide (CAS No. 1333-82-0) in the following applications:

- » use of chromium trioxide in the formulation of mixtures intended for supply to authorized downstream users to use these formulations as part of coatings to protect industrial gas turbines and related industrial equipment and components
- » use of chromium trioxide containing products as part of slurry coating applications for the protection of ferrous alloys in industrial gas turbine and related equipment for non-aerospace and aeroderivative applications

The information gathered will be considered in the final decision-making to grant REACH Authorization for the substance or not. The deadline for comments was 7 August 2023.

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



## NORTH AMERICA

### Canada

#### Final decision after screening assessment of six substances belonging to the Naphthalene Sulfonic Acids and Salts Group specified in the Canadian Environmental Protection Act, 1999 (published)

The Canadian Environment Department of Health announced the final decision following the screening assessment of six substances belonging to the Naphthalene Sulfonic Acids and Salts (NSAS) Group, as specified in the Canadian Environmental Protection Act, 1999 (CEPA). In Canada, these substances have a variety of uses in fuels, lubricants, oil and natural gas extraction, paints and coatings, rubber materials, and water treatment. The six substances are:

- » naphthalenesulfonic acid, sodium salt (CAS No. 1321-69-3)
- » naphthalenesulfonic acid, dinonyl- (CAS No. 25322-17-2)
- » naphthalenesulfonic acid, dinonyl-, barium salt (CAS No. 25619-56-1)
- » naphthalenesulfonic acid, dinonyl-, calcium salt (CAS No. 57855-77-3)
- » naphthalenedisulfonic acid, dinonyl- (CAS No. 60223-95-2)
- » naphthalenesulfonic acid, bis(1-methylethyl)-, compd. with cyclohexanamine (1:1) (CAS No. 68425-61-6)

The assessment concludes that none of the substances meet the criteria outlined in Section 64 of CEPA, indicating they do not have immediate or long-term harmful effects on the environment, biological diversity, or human health. Although CAS 25322-17-2, CAS 25619-56-1, and CAS 57855-77-3 are listed on the Domestic Substances List (DSL), the significant new activity provisions will apply to them due to concerns about potential new activities that could lead to meeting the criteria in Section 64. These provisions require individuals or corporations to provide information about the substances when proposing significant new activities, and risk management measures will be assessed accordingly.

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.

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

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

#### Final decision after screening assessment of six substances belonging to the Selected C3-C5 Alcohols Group specified in the Canadian Environmental Protection Act, 1999 (published)

The Canadian Environment Department of Health (EDH) announces the final decision following the screening assessment of six substances belonging to the Selected C3-C5 Alcohols Group, as specified in the Canadian Environmental Protection Act,

1999 (CEPA). Five of these substances are identified under subsection 73(1) of CEPA. The substances in this group have various uses including paints and coatings, ink, toners/colorants, cleaning/furnishing care products, automotive/transportation applications, personal-care products, adhesives/sealants, oil/gas extraction, cosmetics, food additives, food flavoring agents, components in food packaging, medicinal ingredients, pest control products, and other consumer products. The six substances are:

- » 1-propanol (CAS No. 71-23-8)
- » 2-propanol (CAS No. 67-63-0)
- » 1,2-propanediol (CAS No. 57-55-6)
- » 1-propanol, 2-methyl- (CAS No. 78-83-1)
- » 2-propanol, 2-methyl- (CAS No. 75-65-0)
- » 1-pentanol (CAS No. 71-41-0)

EDH provided a summary of the draft screening assessment conducted on 2-propanol, 2-methyl- under paragraphs 68(b) and (c) of CEPA, and on the remaining five substances under section 74 of CEPA. EDH concluded that none of the five remaining substances under Section 74 of CEPA meet the criteria outlined in section 64 of CEPA, indicating they do not have harmful effects on the environment or human health. Therefore, no further action will be taken at this time for the five substances identified under subsection 73(1) and the remaining substance.

EDH also invites public comments on the proposed measures and scientific considerations within 60 days of its publication. Comments were due on 9 August 2023. Confidentiality requests can be made in accordance with Section 313 of CEPA.

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

## Amendment to the Domestic Substances List (in force)

On 24 May 2023, Canada published Order 2023-87-06-01 to update the Domestic Substances List (DSL). The Order, which comes into force on 11 May 2023, has amended the DSL as follows:

- » nine substances have been added to Part 1 of the DSL:
  - no name available (CAS No. 6290-03-05)
  - oxirane, 2-methyl-, polymer with oxirane, carboxymethyl nonyl ether, branched (CAS No. 125304-09-8)
  - siloxanes and silicones, C15-18-alkyl Me, di-Me, 3-hydroxypropyl Me, ethoxylated propoxylated (CAS No. 142321-71-9)
  - 1,4-benzenedicarboxylic acid, polymer with 1,2-ethanediol, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxy)] bis[ethanol] and 1,1'-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[2-propanol] (CAS No. 148556-68-7)
  - butyl 2-propenoate polymer with ethenylbenzene, tert-bu 2,2-dimethyl propaneperoxoate-initiated (CAS No. 502496-15-3)
  - 1,3-benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid, (2E)-2-butenedioic acid, butyl hydrogen (2Z)-2-butenedioate, butyl 2-propenoate, dihydro-3-(tetrapropenyl)-2,5-furandione, ethenylbenzene, hexanedioic acid and alpha, alpha'-[(1-methylethylidene)di-4,1-phenylene]bis[omega-hydroxypoly [oxy(methyl-1,2-ethanediyl)]] (CAS No. 852042-04-7)
  - siloxanes and silicones, cetyl Me, di-Me, hexacosyl Me (CAS No. 1024696-52-3)
  - hexanedioic acid, polymer with oxybis[propanol] and 1,2,3-propanetriol (CAS No. 1151511-68-0)
  - siloxanes and silicones, di-Me, 3-hydroxypropyl Me, Me 3,3,3-trifluoropropyl (CAS No. 2785399-60-0)
- » five substances have been added to Part 3 of the DSL:

- acetic acid alkenyl ester, polymer with alkene, oxidized, compds. with (dialkylamino)alkanol (CAS No. not available)
- 2-propenoic acid, 2-methyl-, polymer with butyl 2-methyl-2-propenoate, ethyl 2-propenoate and methyl 2-methyl-2-propenoate, salts with carbomonocyclediol-epichlorohydrin-4,4'-methylenebis[2,6-dimethylphenol] polymer-2-(dimethylamino)ethanol reaction products (CAS No. not available)
- 2-propenoic acid, 2-methyl-, 1,1'-(alkanediyl) ester, polymer with alkyl methylalkenoate, alkyl alkenoate and methyl 2-methyl-2-propenoate (CAS No. not available)
- alkenoic acid, polymer with alkyl alkenoate and ethenylcarbomonocycle, metal salt (CAS No. not available)
- 1,4-benzenediol, polymer with 2-(chloromethyl) oxirane and 4,4'-methylenebis[2,6-dialkylphenol] (CAS No. not available)

The DSL provides an inventory of substances in the Canadian marketplace, substances manufactured in, imported into, or used in Canada on a commercial scale, and substances present in Canada, under certain conditions between 1 January 1984 and 31 December 1986. All substances not on the DSL are considered new and must be reported prior to importation or manufacture in order that they can be assessed to determine if they are toxic or could become toxic to the environment or human health. The DSL is amended multiple times annually to add, update, or delete substances.

The DSL includes eight parts defined in the “Gazette Part II” document. Part 1 provides chemicals and polymers that are identified by their CAS number, or their Substance Identity Number assigned by the Department of the Environment, and the name of the substance. Part 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](#).

## Federal Environmental Quality Guidelines for benzene, toluene, ethylbenzene, and xylene (draft)

On 24 June 2023, the Canadian Ministry of Environment announced the publication of the draft Federal Environmental Quality Guidelines (FEQGs) for benzene (CAS No. 71-43-2), toluene (CAS No. 108-88-3), ethylbenzene (CAS No. 100-41-4), and xylene (CAS No. 1330-20-7), collectively referred to as BTEX. FEQGs aim to prevent pollution by providing targets for acceptable environmental quality to assist in evaluating the significance of concentrations of chemical substances currently found in the environment, and to serve as performance measures of the effectiveness of risk management activities. Their use is usually voluntary, unless prescribed in permits or other regulatory tools.

The Minister of the Environment has opened a 60 days public consultation on these FEQGs for BTEX. Any individual has the opportunity to submit written comments to the Minister of the Environment regarding the scientific factors upon which the guidelines are based. The deadline for comments is 23 August 2023.

Information can be found in this [announcement](#) in the Canada Gazette and in the [draft guidelines](#).

## Bill S-5 to amend the Canadian Environmental Protection Act, 1999 to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act (draft)

As of 30 May 2023, the Canadian Senate and House of Commons has approved draft Bill S-5 that aims to amend the Canadian Environmental Protection Act (CEPA) to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act. Draft Bill S-5 recognizes that every individual in Canada has a right to a healthy environment and to update certain requirements and procedures under CEPA. The recognition of the right to a healthy environment is introduced into CEPA by requesting that an implementation framework be established by Ministers within two years of the entry into force. This implementation framework shall elaborate on:

- » the principles to be considered in the administration of CEPA, such as principles of environmental justice, the principle of non-regression, and the principle of intergenerational equity
- » research, studies, or monitoring activities to support the protection of the right to a healthy environment
- » the reasonable limits to which that right is subject, resulting from the consideration of relevant factors, including social, health, scientific, and economic factors
- » mechanisms to support the protection of that right

Draft Bill S-5 gives power to the Minister to request pollution prevention plans to be prepared and implemented for:

- » a substance or group of substances specified on the list of toxic substances in Schedule 1
- » a substance or group of substances with respect to which Subsection 166(1) or Subsection 176(1) apply
- » a product that contains a substance specified on the list of toxic substances in Schedule 1 or that may release such a substance into the environment

The draft bill also updates how the Domestic Substance List (DSL) is amended and how substance assessments shall be carried out. Other CEPA sections are clarified and updated.

Draft Bill S-5 will now be sent back to the Senate for them to agree to any amendments introduced by the House of Commons and then will undergo Royal Assent and be officially published.

More information can be found here in the [draft Bill S-5 text](#) and the [bill progression](#).

## United States

### Framework for addressing new and new uses of per- and polyfluoroalkyl substances (announced)

The U.S. Environmental Protection Agency (EPA) recently announced a framework for addressing new and new uses of per- and polyfluoroalkyl substances (PFAS). Many PFAS are known to persist and bioaccumulate in the environment. They also pose potential risks to those who directly manufacture, process, distribute, use, and dispose of these chemical substances and communities exposed to them.

Under the Toxic Substances Control Act (TSCA) Section 5, EPA is required to review new chemicals. New PFAS present a challenge for EPA to evaluate because there is often insufficient information to quantify the risk and determine risk management. TSCA provides EPA with authority to require reporting, record-keeping, testing requirements, and restrictions relating to chemical substances and/or mixtures. The TSCA Inventory contains 86,685 chemicals, 42,170 of which are active in US commerce. Additionally, the TSCA Inventory now includes commercial activity data, unique identifiers, and regulatory flags (e.g., significant new use rules and test orders).



The framework will be used to qualitatively assess PFAS that are likely persistent, bio-accumulative and toxic (PBT) chemicals. Under the framework, EPA expects that:

- » some PBT PFAS will not result in worker, general population, or consumer exposure and are not likely to result in environmental releases, such as when PFAS are used in a closed system with occupational protections as is generally the practice in manufacturing some semiconductors and other electronic components. In such a negligible exposure and environmental release scenario, if EPA can ensure that such PFAS can be disposed of properly and no consumer exposure is expected, EPA generally expects to allow the PFAS or the new use of a PFAS to enter commerce after receiving basic information, such as physical-chemical property data, about the substance. If the initial data cause concern, then EPA will require additional testing and risk mitigation before moving forward
- » for PBT PFAS that are expected to have a low but greater than negligible potential for release and environmental exposure, EPA generally expects to require test data in addition to physical/chemical properties, such as toxicokinetic data, before allowing manufacturing to commence – if initial test results cause concern, then EPA will require additional testing and risk mitigation
- » for PBT PFAS that are expected to lead to exposure and environmental releases, and absent a critical use or military need for the substance that necessitates limited and restricted manufacture while testing is ongoing, EPA generally expects that the substance would not be allowed to enter commerce before extensive testing is conducted on physical/chemical properties, toxicity and fate

These steps are being taken to ensure that EPA undertakes an extensive evaluation of harm to human health and the environment before these chemicals enter into commerce. The data EPA will obtain on physical/chemical properties of new PFAS under this framework and more extensive toxicity and fate data for PFAS with potential exposures or releases will also support EPA's efforts under the National PFAS Testing Strategy and advance the Agency's understanding of PFAS more broadly.

No penalties are specified in this announcement.

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

## Final rule on how confidential business information claims are treated under the Toxic Substances Control Act (published)

On 7 June 2023, the United States Environmental Protection Agency (EPA) published a final rule to amend how confidential business information (CBI) is treated under the Toxic Substances Control Act (TSCA). The aim of the rule, which will become effective from 7 August 2023, is to increase transparency, modernize the reporting and review procedures for CBI, and align with the 2016 amendments to TSCA. The main changes are as follows:

- » changes to better assure that the scope of a CBI claim is clear and limited to information the submitter views as confidential
- » a provision to address overly broad CBI claims in public copies of TSCA submissions that specifies a process for the submitter to correct those issues early in the CBI review
- » expanded requirements for electronic reporting and uniform requirements to provide publicly releasable copies of certain documents like scientific studies
- » requirements for electronic communication and maintaining accurate contact information to ensure that required notices of CBI claims are delivered more quickly to the submitters
- » clarifying language on how EPA will handle information used in the TSCA program but obtained under other statutes that also have valid CBI claims under those statutes

# NEWSLETTER

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



- » clear, uniform guidance on requirements for asserting and maintaining CBI claims, including a standard set of substantiation questions used to support a CBI claim
- » requirements for electronic reporting of nearly all CBI claims
- » requirement that submitters use an appropriate organization for economic co-operation and development harmonized template, when available, if submitting health and safety information

In addition, a new TSCA Section 40 CFR Part 703 has been created to centralize most CBI-related procedures, which replaces most TSCA-specific CBI regulations in 40 CFR 2.306.

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

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

## Year 2024 submission period for the Toxic Substances Control Act Chemical Data Reporting (published)

On 22 June 2023, the United States Environmental Protection Agency (EPA) announced that the 2024 submission period for the Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) is from 1 June 2024 to 30 September 2024. This means the reports on manufacturing and importing activities of chemicals listed on the TSCA Inventory must be submitted before the specified deadline when their production volumes are 25,000 pounds or more during any of the calendar years 2020 through 2023.

The CDR rule, under the TSCA, requires manufacturers (including importers) to provide EPA with information every four years on the types, quantities, and uses of chemical substances produced domestically and imported into the United States. The CDR database constitutes the most comprehensive source of basic screening-level and exposure-related information on chemicals available to the EPA. It is used by EPA to protect the public from potential chemical risks.

Potentially affected entities must report for all four years if they trigger the need to report in any one year. Thus, entities are advised to carefully examine the applicability criteria in Part 711 (TSCA CDR Requirements) under the Code of Federal Regulations to determine whether they are affected by this announcement.

TSCA Section 15 makes it unlawful for any person to violate specified TSCA requirements, or to refuse to permit entry or inspection under 15 U.S.C. 2610. Violators are liable to the United States for a civil penalty and may be criminally prosecuted.

More information can be found in the [Federal Register](#) and in [Part 711](#) of TSCA CDR Requirements.

## Recommendation to prohibit most consumer uses and many commercial uses of perchloroethylene (draft)

The U.S. Environmental Protection Agency (EPA) has recommended the prohibition of most consumer uses and many commercial uses of perchloroethylene (PCE). Further, the EPA is proposing strict workplace controls known as the Workplace Chemical Protection Program (WCPP) to manage the risks associated with PCE and to allow for its continued use under certain conditions. These conditions of use include PCE processing as a reactant/intermediate, particularly for the manufacturing of HFC-125 and HFC-134a, which are being phased out as part of the American Innovation and

# NEWSLETTER

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



Manufacturing (AIM) Act. Other permitted uses of PCE would be for vapor degreasing, as a maskant for chemical milling, in adhesives and sealants, as a processing aid in catalyst regeneration in petrochemical manufacturing, and as a laboratory chemical. These uses account for a significant portion, estimated to be more than 80% of the current production volume of PCE. Comments were due to EPA on 15 August 2023.

The proposed requirements for managing PCE aim to allow its continued processing for the production of climate-friendly chemicals that contribute to efforts in reducing global warming. The proposed rule would also allow the continued use of PCE in applications important for national security, military and commercial aircraft, and petrochemical manufacturing. The risk management rule is based on EPA's risk evaluation for PCE conducted in December 2020. The EPA determined that PCE presents an unreasonable risk to human health under its conditions of use.

On the other hand, the EPA is proposing to either ban or phase out most other uses of PCE. This includes applications such as dry cleaning and spot cleaning, aerosol degreasing, paints and coatings, aerosol lubricants, and wipe cleaning, which make up less than an estimated 20% of the current production volume of PCE.

The EPA plans to create strict workplace protections for the remaining uses, including inhalation exposure limits and requirements to prevent skin exposure. The proposed rule would require manufacturers, processors, and distributors to notify companies receiving PCE of the prohibitions and to maintain records. Existing workplace controls may already reduce exposures enough to meet the proposed inhalation exposure limit or prevent direct skin contact with PCE.

For the workplace uses that would be allowed under the proposed regulations, the EPA is suggesting the implementation of the WCPP, which includes an existing chemical exposure limit (ECEL) of 0.14 parts per million (ppm) as an 8-hour time-weighted average (TWA). This limit is designed to address the unreasonable risk associated with chronic cancer and non-cancer health effects, as well as acute non-cancer inhalation effects. This ECEL is significantly lower than the current Occupational Safety and Health Administration permissible exposure limit (PEL) for PCE, which stands at 100 ppm as an 8-hour TWA.

This action affects manufacture, processing, distribution, and disposal of PCE or products containing PCE. The proposed rule may impact certain entities through import certification and export notification requirements under the Toxic Substances Control Act (TSCA). Importers of chemical substances covered by a final TSCA Section 6(a) rule must comply with import certification requirements, while exporters of substances subject to the proposed rule must adhere to the export notification provisions and requirements specified in the TSCA.

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



## OCEANIA

### Australia

#### Decabromodiphenyl ether and perfluorooctanoic acid, its salts, and its related compounds to be added to the list of chemicals requiring Australian Industrial Chemicals Introduction Scheme authorization (consultation)

On 20 June 2023, the Department of Health and Aged Care announced that new rules will affect Australian importers and exporters dealing with decabromodiphenyl ether (decaBDE; CAS No. 1163-19-5), perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and PFOA-related compounds from mid-2023. These chemicals have been added to the Rotterdam Convention, requiring compliance with updated rules.

The Rotterdam Convention is an international treaty designed to safeguard human health and the environment during the global trade of hazardous chemicals. Annex III of the Rotterdam Convention encompasses a compilation of pesticides and industrial chemicals that have been either banned or significantly restricted due to health or environmental concerns. For the majority of industrial chemicals listed in Annex III, prior authorization from AICIS (Australian Industrial Chemicals Introduction Scheme) is mandatory before importing or exporting these chemicals.

In 2022, decaBDE, PFOA, its salts, and PFOA-related compounds were added to Annex III of the Rotterdam Convention, prompting the coming changes. The amendments will impact Division 1, Part 2 of Chapter 6 of the General Rules, which pertains to industrial chemicals regulated under the Rotterdam Convention. The import and export of these chemicals will be prohibited.

Individuals or entities seeking to continue or start imports and/or exports of these chemicals will be required to submit an application to AICIS. Importing or exporting these chemicals without obtaining authorization from AICIS will be considered an offence, and penalties will be enforced.

The department has opened a consultation to collect information from current and previous importers and exporters of decaBDE or PFOA, its salts or PFOA-related compounds that were introduced at any time after 30 June 2022. The consultation deadline is 15 September 2023.

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

# NEWSLETTER

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



## SOUTH AMERICA

### Brazil

#### Brazil REACH passed the Chamber of Deputies (draft law)

On 9 May 2023, the proposed “Brazil REACH” regulation passed the Chamber of Deputies, the first step in the Brazilian regulatory process. The draft law will now be sent to the Senate for consideration.

The draft law was initially proposed in 2019 to create the National Inventory of Substances Chemicals to consolidate substance information of chemicals produced or imported into Brazilian territory. This Inventory aims to implement the Globally Harmonized System of Classification and Labelling of Chemical Products, established by the United Nations, and will apply to substances and mixtures.

The draft law sets registration and information sharing requirements for substances used as such or in mixtures imported or manufactured in quantities of one ton or more. In addition, Article 4 stipulates that the information submitted to the National Inventory will be publicly accessible unless exclusions apply.

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

# NEWSLETTER

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



## DISCLAIMER

THIS DOCUMENT IS PROVIDED BY INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP, INC. ("IAEG") FOR INFORMATIONAL PURPOSES ONLY. ANY INACCURACY OR OMISSION IS NOT THE RESPONSIBILITY OF IAEG. DETERMINATION OF WHETHER AND/OR HOW TO USE ALL OR ANY PORTION OF THIS DOCUMENT IS TO BE MADE IN YOUR SOLE AND ABSOLUTE DISCRETION. PRIOR TO USING THIS DOCUMENT OR ITS CONTENTS, YOU SHOULD REVIEW IT WITH YOUR OWN LEGAL COUNSEL. NO PART OF THIS DOCUMENT CONSTITUTES LEGAL ADVICE. USE OF THIS DOCUMENT IS VOLUNTARY. IAEG DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THIS DOCUMENT OR ITS CONTENTS. IAEG HEREBY DISCLAIMS ALL WARRANTIES OF ANY NATURE, EXPRESS, IMPLIED OR OTHERWISE, OR ARISING FROM TRADE OR CUSTOM, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT, QUALITY, TITLE, FITNESS FOR A PARTICULAR PURPOSE, COMPLETENESS OR ACCURACY. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAWS, IAEG SHALL NOT BE LIABLE FOR ANY LOSSES, EXPENSES OR DAMAGES OF ANY NATURE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, PUNITIVE, DIRECT, INDIRECT OR CONSEQUENTIAL DAMAGES OR LOST INCOME OR PROFITS, RESULTING FROM OR ARISING OUT OF A COMPANY'S OR INDIVIDUAL'S USE OF THIS DOCUMENT, WHETHER ARISING IN TORT, CONTRACT, STATUTE, OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.