

NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
April 2021

WHO IS IAEG?

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

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

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

IAEG WORK GROUP 9 NEWSLETTER

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

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

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

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ASIA

Country: South Korea

Regulation: Confirmation of 27 new hazardous and dangerous chemical substances, such as acute toxicity and skin irritation, and guidance on workers' health protection measures

Legal Status: In force

On 2 April 2021, the South Korean Ministry of Employment and Labour announced that 27 of the 80 chemical substances newly manufactured or imported into South Korea between November 2020 and February 2021 have been identified as harmful or dangerous. The announcement is based on submissions made under South Korea's Occupation Health and Safety Act and K-REACH. The ministry regularly provides updates on its lists of new substances, along with relevant safety information.

Facilities in South Korea handling any of the 27 identified substances must display material safety data sheets and provide appropriate worker protection measures for each hazardous substance being handled. Penalties for non-compliance include fines and/or imprisonment.

More information can be found at (in Korean):

http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=12102

Country: South Korea

Regulation: Publication of the names of new chemical substances, etc. in accordance with Ministry of Employment and Labor Announcement No. 2021-147

Legal Status: Published

The Ministry of Employment and Labor of South Korea has published the latest list of new chemical substances subject to provisions under the Occupational Safety and Health Act (the Act). The Act establishes standards on industrial safety and health to create a comfortable working environment. New chemical substances are all substances other than those previously prescribed by Presidential Decree. Of the 80 new chemical substances in the list, 27 are identified as hazardous to human health; the others are suspected of causing issues with exposure to enough of a degree that personal protective equipment (PPE) will be required. This means that employees exposed to these substances in the workplace must be protected by the relevant PPE.

Penalties for non-compliance includes fines and imprisonment.

More information can be found at (in Korean and English):

http://www.moel.go.kr/news/notice/noticeView.do?bbs_seq=20210400158

[http://www.iaeg.com/elements/pdf/SKorea New Chemical Substance List.xlsx](http://www.iaeg.com/elements/pdf/SKorea%20New%20Chemical%20Substance%20List.xlsx)

Country: South Korea

Regulation: Simplified risk assessment system for hazardous substances

Legal Status: Published

A simplified risk assessment reporting system is available in South Korea. It allows facilities handling certain hazardous substances to submit a single Chemical Accident Prevention Management Plan to the Ministry of Environment in place of two separate reports, like an offsite consequence analysis report and a risk management plan. This will reduce the industry burden by eliminating duplicate evaluations and reduce the processing time.

All facilities must report basic information including:

- » A list of chemicals handled and their hazard information
- » A safety management plan
- » An onsite emergency response plan

Facilities are required to submit a plan if they handle any of 1,325 hazardous substances listed under the Chemical Control Act. Each substance is listed with a facility handling limit. The system has introduced two reporting levels for companies, depending on the substances they handle and in what volumes,

- » For high limits, group one facilities will have to submit more comprehensive plans
- » For low limits, group two facilities can submit simplified versions

If a facility handles several of the substances on the list, it will be subject to group one reporting. All the facilities must submit the plan every five years. If a facility has already reported under the previous system, the new plan will be due when the risk management plan was previously due.

The National Institute of Chemical Safety (NICS) will regularly inspect facilities and, where necessary, issue correction orders. If corrective action is not taken, penalties can be up to three years in prison or up to 50m Korean Wons. NICS can also suspend business operations.

More information can be found at:

Ministry of Environment (MoE) announcement (in Korean):

http://www.iaeg.com/elements/pdf/SKorea_MoE_press_release.pdf

List of accident preparatory substances:

http://www.iaeg.com/elements/pdf/SKorea_List_of_accident_preparatory_substances.pdf

List of toxic, limited, prohibited substances:

https://www.iaeg.com/elements/pdf/SKorea_List_of_toxic,limited,prohibited_substances-2.pdf

Presidential order 31582 (in Korean):

http://www.iaeg.com/elements/pdf/SKorea_Presidential_order_31582_chemical_accident_prevention_management_plan.pdf

Country: China

Regulation: Announcement on supplementing Inventory of Existing Chemical Substances in China

Legal Status: In force

On 15 April 2021, China's Ministry of Ecology and Environment released a list of 204 substances to be added the Inventory of Existing Chemical Substances in China. This is the inventory of chemical substances which are produced or imported into China. Substances on this list do not need to be registered as new substances in China. If the substance is not included in the inventory, China New chemical substance notification shall be required. There are no non-compliance provisions for this announcement.

Use this link for more information (in Chinese):

http://www.mee.gov.cn/xxgk/2018/xxgk/xxgk01/202104/t20210421_829704.html

Country: Turkey

Regulation: Amendments to the Regulation on Permanent Organic Pollutants of 14 November 2018, numbered 30595

Legal Status: In force

Turkey's Regulation on Permanent Organic Pollutants of 14 November 2018 (#30595) has been amended following the publication in the official gazette of Regulation #31434 of 25 March 2021. The changes are noted below:

- » Exemption repealed: Wastes contaminated with substances listed on Annex 1 or 2 of the Regulation
- » Clarification of language in Article 6 of the Regulation (Exemptions from Control Measures)
- » Exemption modified for Annex 2 substances
- » One new requirement for waste operators of persistent organic pollutants
- » Amendments to Annexes:
 - » Pentachlorophenol (CAS# 87-86-5) has been moved to Annex-1 (prohibited substances list) from Annex-2 (substances restricted on their own, in mixtures or articles)
 - » Perfluorooctanoic acid, or PFOAs, (CAS# 335-67-1) have been added to Annex-2
 - » Decabromodiphenyl ether (CAS# 1163-19-5) has been added to Annex-4 (list of substances subject to waste management)
 - » Information in Annex-2, Annex-5 (waste management) and Annex-7 (notification forms) has been updated

Penalties for non-compliance include administrative sanctions.

More information can be found at (in Turkish):

<https://www.resmigazete.gov.tr/eskiler/2021/03/20210325-11.htm>

Country: Thailand

Regulation: Notification of the Ministry of Industry - Subject to informing the facts of the manufacturer, importer, exporter or person having possession of the hazardous substance that the Department of Industrial Works has the authority responsibility (No. 2) B.E.

Legal Status: Published

Thailand's Ministry of Industry issued an update on the declaration of the hazardous substances by producers, importers, exporters, or processors. The revision adds 153 substances to the list of hazardous chemical substances, which now includes 206 substances. The manufacturers, importers, or processors must notify the Department of Industrial Works (DIW) every six months if more than 100kg of the hazardous substance is handled. The declaration process includes notification of the following information to the DIW through the WoAo/AoKo.7 form:

- » Company name and details
- » Substance name, trade name or abbreviation
- » Substance's license number
- » Registration certificate number
- » Quantity produced

There are no non-compliance provisions in this update.

More information can be found at (in Thai):

http://www.iaeg.com/elements/pdf/Thailand_Declaration_Update.pdf

Country: Qatar

Regulation: Energy labelling and minimum energy performance requirements for air-conditioners

Legal Status: Published

The Qatari Standard of Energy Labelling and Minimum Energy Performance Requirements for Air-conditioners specifies the energy labelling requirements and the Minimum Energy Performance Standard requirements for air-conditioners and heat pumps in the residential, commercial and industrial sectors. Initially published in 2019, the technical regulation underwent a minor review (editorial changes) and has been republished as the current text.

The products covered under this standard are:

- » Single-package and split system non-ducted air conditioners using air- and water-cooled condensers
- » Heat pumps employing air-cooled condensers
- » Ducted air-conditioners using air-to-air heat pumps

There are no non-compliance provisions under this standard.

More information can be found at:

https://members.wto.org/crnattachments/2021/TBT/QAT/final_measure/21_2099_00_e.pdf

Country: Japan

Regulation: Japan releases draft timetable for subjecting more than 2,500 more substances to mandatory SDS and labelling requirements

Legal Status: Draft amendment

The Japanese Ministry of Health, Labor and Welfare released a ministerial document that provides a draft timetable for subjecting up to 2,500 more substances to mandatory safety data sheets (SDS) and labelling requirements.

Currently, only 673 substances are mandatorily subject to SDS and labelling obligations according to Globally Harmonized System (GHS). The Japanese government plans to continue with the GHS classification of more substances to subject them to GHS-related obligations; a proposed timetable is specified below:

- » By year 2021: around 700 Category 1 substances with carcinogenicity, germ cell mutagenicity, and reproductive and acute toxicity are to be included
- » By year 2022: around 700 hazardous substances in Category 1, other than those included in Year 2021, and hazardous substances in Category 2 are to be included
- » By year 2023: 700 other substances are to be included
- » By year 2024: around 150-300 substances newly classified under GHS, as published in Year 2021-2023, are to be included
- » By year 2025: around 50-100 substances newly classified under GHS, as published in Year 2025, are to be included

This timeline is still under review. Once finalized, companies will have to regularly check if they use any of the substances that have become subject to the mandatory GHS-related obligations.

More information can be found at (in Japanese):

<https://www.mhlw.go.jp/content/11303000/000745694.pdf>

Country: Japan

Regulation: Update to Priority Assessment Chemicals list of the Chemical Substances Control Law

Legal Status: Published

Japan's Ministry of Economy, Trade and Industry recently updated the priority assessment chemicals (PAC) list of the Chemical Substances Control Law twice. The PACs list is a list of chemicals which have been screened and are believed to have a possible risk to human health or the environment. Substances on the PAC list require annual reporting of the volume used by manufacturers and importers if the volume > 1 tonne/year.

The chemical substances removed are:

- » 2-tert-butylphenol
- » 5-chloro-2-(2,4-dichlorophenoxy)phenol
- » m-chloroaniline
- » n-{3-[octadecan(or hexadecan or tetradecan)amido]propyl}-n-methyl-2-[octadecanoyl(or hexadecanoyl AKA tetradecanoyl)oxy]ethylammonium chloride
- » salts of [2-(dodecanoyl oxy)ethyl](ethyl)(dimethyl)ammonium

The chemical substances added are:

- » N,N-dimethyloctadecan-1-aminium acetate
- » 2-butanone oxime
- » sodium alkane sulfonate & sodium hydrogen=alkane disulfonate & disodium alkane disulfonate
- » sodium 1-methoxy-1-oxohexadecane-2-sulphonate & sodium=1-methoxy-1-oxo-octadecane-2-sulphonate
- » carboxymethyl dimethyl-3-[[[(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)sulphonyl]amino] propylammonium hydroxide
- » reaction products of 2,2-dimethyl-3-methylidenebicyclo[2.2.1]heptane and phenol

Substances on the PAC list are under stepwise risk assessment to assess the risk to human health or environment leading to a potential classification as Class 2 specified chemicals. Class 2 specified chemicals require a notification of planned quantity of import or manufacture to be submitted a month before the import or manufacture occurs.

More information can be found at (in Japanese):

https://www.meti.go.jp/policy/chemical_management/kasinhou/information/pacs_announcement.html

https://www.meti.go.jp/policy/chemical_management/kasinhou/files/information/ra/pacs_suryokanshi_2020fy.pdf

https://www.meti.go.jp/policy/chemical_management/kasinhou/files/yusen/yusen_ichiran.pdf

Country: Taiwan

Regulation: Draft amendments to the first, second, and fourth Schedule 3 of the listed chemical substances of concern and their operation management matters

Legal Status: Draft amendment

Taiwan's Environmental Protection Agency has started a consultation on a draft amendment to a sub-regulation under Toxic and Concerned Chemical Substances Control Act, the Categories and Management of Handling for Concerned Chemical Substances Regulation. Chemicals listed under this regulation require companies to achieve approval before they may place on the market, transport, import, use or manufacture the listed chemicals. Activity involving these chemicals must also be reported monthly.

The chemicals are as follows:

- » Ammonium nitrate; CAS: 6484-52-2; Concentration: 80% w/w; Quantity: 50,000; Exemptions: military, experimentation, R&D, education, testing.
- » Hydrogen fluoride; CAS: 7664-39-3; Concentration: 10% w/w; Quantity: 300; Exemptions: military.

More information can be found at (in Chinese):

<https://www.tcsb.gov.tw/cp-21-4314-ffa4b-1.html>



EUROPE

Country: European Union

Regulation: European Union Synthesis Report on the application of Regulation (EC) No 850/2004 on persistent organic pollutants (POPs)

Legal Status: Published

The European Commission published their third synthesis report, covering the period from 2010 to 2013, on the application of the Regulation (EC) No 850/2004 on Persistent Organic Pollutants (POPs). This report provides conclusions about the work done and the progress made to eliminate POPs in the European Union (EU). The key points are noted below:

- » Production, placing on the market and use: Germany was the only Member State producing a POPs substance (perfluorooctanoic acid, or PFOS) during the reporting period, 35% of the quantity produced was used within the country and the other 65% were exported mainly outside the EU.
- » Emissions: The general trend showed a reduction in emissions across the EU, but some member states saw an increase in emissions suggesting further efforts are needed to achieve the objective of zero emissions. Emissions estimated data provided by member states varied greatly making it difficult to compare the data on a regional or global level. The heterogeneity of the data will be addressed under the POPs (recast) Regulation (EU) 2019/1021 by using a common reporting template.
- » Monitoring POPs in the environment: The data collected thus far by various monitoring associations along with the subsequent modeling data indicate a declining trend in ambient air concentrations of POPs from 1990 to 2012 in Europe and globally, suggesting the Stockholm Convention is achieving its objectives. Most of the data collected reflects results for air; there is not enough information for POPs in the water and soil environments yet.
- » Stockpiles and waste: Stockpiles of POPs or products that contain POPs already manufactured but no longer permitted for use have to be managed as waste. The presence of POPs in products that can be recycled is becoming an increasing issue for waste management since recycling of POPs is forbidden by the Stockholm Convention.
- » Contaminated sites: There is a potential problem of soil contamination where POPs were previously manufactured and used. Further efforts are needed to identify, inventory, and remediate contaminated sites, including better coordination and cooperation at the EU level. To improve the exchange of information on measures that target contaminated sites, the POPs (recast) Regulation (EU) 2019/1021 requests member states and the European Commission to exchange information in a standardized form.
- » Data quality and coherence: There is no harmonized system to follow for data gathering and reporting for the member states. The use of the Information Platform for Chemical Monitoring for the storage, processing, and management of POPs monitoring data as mentioned in the POPs (recast) Regulation (EU) 2019/1021 is expected to improve the quality and coherence of such data.

The fourth synthesis report will cover the period 2013-2015 and is currently under development.

More information can be found at:

<https://eur-lex.europa.eu/legal-content/hr/TXT/?uri=CELEX:52021SC0053>

Country: European Union

Regulation: Revision of EU legislation on hazard classification, labelling and packaging of chemicals

Legal Status: Pre-draft

For the implementation of the Green Deal, the chemicals strategy for sustainability sets out a number of actions that require a targeted revision of the regulation on the classification, labelling and packaging of chemical substances and mixtures (EU-CLP). Various options for revision will be analyzed in an impact assessment and, based on the results, the European Commission will present legislative proposals for a revision of both the enacting terms of and the annexes to that regulation.

This initiative is in the initial preparatory stage and there is no further information currently available.

More information can be found at:

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12975-Revision-of-EU-legislation-on-hazard-classification-labelling-and-packaging-of-chemicals>

Country: European Union

Regulation: ECHA proposes seven substances for authorisation to protect people and the environment

Legal Status: Proposed

The European Chemical Agency (ECHA) has published a news bulletin announcing their recommendations to add substances to the Authorization List due to their harm to health, the environment, and production volume. If this happens, any companies using these substances will need to apply for authorization.

The substances are as follows along with examples of uses in the scope of authorization:

- » Octamethylcyclotetrasiloxane (D4): used in electronic articles production, non-metal surface treatment
- » Decamethylcyclopentasiloxane (D5): used in electronic articles production, dry cleaning, and scar and wound treatment
- » Dodecamethylcyclohexasiloxane (D6): used in formulation of personal care, washing and cleaning products, and scar and wound treatment
- » Terphenyl, hydrogenated: used in heat transfer fluid, plastics, adhesives, and sealants
- » Dicyclohexyl phthalate (DCHP): phlegmatizer in organic peroxides, plasticiser in polymers
- » Disodium octaborate: used in paints, adhesives, and construction materials
- » Benzene-1,2,4-tricarboxylic acid 1,2-anhydride (trimellitic anhydride, TMA): The substance has no uses in the scope of authorization but is recommended based on grouping considerations as it could potentially replace two structurally similar substances (HHPA and MHPA) used as epoxy resin hardeners that have already been recommended.

It is currently unclear whether this will affect UK REACH.

More information can be found at:

https://echa.europa.eu/-/echa-proposes-seven-substances-for-authorisation-to-protect-people-and-the-environment?utm_source=echa-weekly&utm_medium=email&utm_campaign=weekly&utm_content=20210414&cldee=dHxMDAxNTBAdGhlcMvY2hjZW50cmUuY29t&recipientid=lead-98ddfcd4c0e0e71180fa005056952b31-9c91c008594e4a27a33c9c2f5edf4984&esid=b13ecc42-f79c-eb11-812a-005056b9310e

Country: European Union

Regulation: EU Commission launches an initiative to revise EU REACH to facilitate the European Green Deal

Legal Status: Proposed

The EU Commission plans to revise REACH to better achieve the European Green Deal. The Chemical Strategy for Sustainability, published in October 2020, is part of the EU's zero pollution ambition for a toxic-free environment. To achieve this goal, the EU Commission has launched an initiative for revision of EU REACH. The public consultation period is planned for the first quarter of 2022.

This is only a proposal for a regulation, there is no draft legislation for review yet.

More information can be found at:

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12959-Revision-of-EU-legislation-on-registration-evaluation-authorisation-and-restriction-of-chemicals->

Country: Eurasian Economic Union

Regulation: The Eurasian Economic Union will adopt the classification and labelling standards in spring 2021

Legal Status: New draft law

The Technical Regulation of Eurasian Economic Union on Safety of Chemical Products, known as EAEU REACH (TR EAEU 041/2017), requires three general requirements standards:

- » GOST 30333: chemical safety passport
- » GOST 32419: classification of chemical products
- » GOST 31340: warning labelling of chemical products

The Commonwealth of Independent States Coordinating Information Center has released the final drafts of these three standards which will be mandatory once the EAEU REACH will come into force, most likely spring of 2021. Although the chemical manufacturers/importers do not need to register the existing substance/mixtures, all the new chemical products intended to be placed on the Union market must have a Chemical Safety Passport (CSP) containing hazardous properties of the chemical product, safety requirements, and details of the manufacturer/importer.

Since a transition period is not foreseen so far, the registration process and creating a CSP for all new chemical substances will be a challenge for the industry.

More information can be found at (in Russian):

https://docs.eaeunion.org/ria/ru-ru/0104473/ria_16022021

Country: Spain

Regulation: Order JUS/288/2021 - Notification procedure of chemical substances and mixtures to the National Institute of Toxicology and Forensic Sciences.

Legal Status: Published

Order JUS/288/2021 develops the regulation on the procedure of notification of additions, updates, terminations, and modifications of the information related to chemical substances and mixtures. Chapter II holds the notification procedures for information on chemical substances and mixtures. Before first commercialization or with each modification of a formula, the user, importer, or manufacturer must notify the National Institute of Toxicology and Forensic Sciences (INTCF) following the requirements set out in Annex VIII of the EU Classification, Labelling and Packaging of substances and mixtures (CLP) ([EC] No 1272/2008) regulation. Annex VIII contains the requirements for contents and format for the information that needs to be provided by EU member states. An alternative notification procedure may be used in the case of mixtures marketed exclusively for industrial use.

This order is applicable to all notifications made to the INTCF by the manufacturer, importer, or downstream user that markets a substance. It does not apply to mixtures for scientific research and development. Importers and downstream users who market mixtures for industrial use may voluntarily continue to notify the INTCF in accordance with the provisions of Order JUS/909/2017 until December 31, 2023.

There are no non-compliance provisions provided under this notice.

More information can be found at (in Spanish):

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-4797

Country: United Kingdom

Regulation: UK's DEFRA invites stakeholders view on a draft update of the National Implementation Plan for Stockholm Convention

Legal Status: Draft law

The UK's Department of Environment, Food and Rural Affairs (DEFRA) invites the public and stakeholders to share their views on the draft update of the National Implementation Plan (NIP) for the Stockholm Convention on Persistent Organic Pollutants (POPs). The update covers "new POPs" that were listed under Stockholm Convention in 2017 and 2019, but not covered in the UK's last update of NIP in 2017. It includes:

- » Decabromodiphenyl ether (decaBDE) (CAS 1163-19-5); used in flame retardants
- » Short chain chlorinated paraffins (SCCPs) (CAS 85535-84-8 and others); used in lubricants, waterproofing, metal working fluids, flame retardants in paint and plasticizers, and flame retardants in polymers
- » Hexachlorobutadiene (HCBD); (CAS 87-68-3); used in rubber compounds
- » Dicofol (CAS 115-32-2; 1606-46-9); used in pesticides
- » Perfluorooctanoic acid (PFOA), its salts and PFOA related compounds (CAS 335-67-1 and others); used in surfactants in textiles, paper, paints, and firefighting foams

This update:

- » Describes the steps taken in the UK to implement decisions taken in 2017 (Conference Of the Parties [COP] 8) to list decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) in Annex A and HCBD in Annex C
- » Describes the steps taken, to date, to implement decisions taken in 2019 (COP 9) to list dicofol and PFOA, its salts, and PFOA related compounds
- » Provides an update on strategies and plans described in the 2017 NIP and sets out new strategies and plans
- » Summarizes work done to update the UK POPs multimedia emissions inventory

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- » Updates on monitoring arrangements
- » Provides a short update on progress to eliminate older POPs

The public and stakeholders can provide their views on future plans and any additional information that supports the UK's plan to eliminate/reduce the impact of POPs.

More information can be found at:

<https://consult.defra.gov.uk/plan-for-persistent-organic-pollutants-pops-team/draft-update-to-uk-nip/>

Country: Norway

Regulation: Annex XV Restriction Report: Proposal for a Restriction of Dechlorane Plus

Legal Status: Draft amendment

Norway has submitted a proposal to the European Chemical Agency to restrict the manufacture, use and placing on the market of dechlorane plus (DP) as substances, constituents of other substances, mixtures, and articles. DP is used as a flame retardant in adhesives and polymers and as an extreme pressure additive in greases. In these applications DP is used in motor vehicles, aircrafts, and electrical and electronic equipment.

The agency's scientific committees for risk and socio-economic assessment are set to evaluate the dossier for the chemical and will launch a consultation afterwards. Following the consultation, the European Commission will decide whether DP will be added to Annex XVII of the REACH regulation. Annex XVII contains the restrictions on the manufacture, placing on the market, and use of certain dangerous substances, mixtures, and articles.

Use these links for more information:

<https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e184a168c4>



NORTH AMERICA

Country: USA

Regulation: Standard for the flammability of upholstered furniture

Legal Status: Published

The US Consumer Product Safety Commission (CPSC) issued a final rule to apply California's flammability standard for upholstered furniture nationwide, creating consistent testing mandates for producers and importers across the US and reducing reliance on flame retardants. As part of the Covid-19 Relief Act passed on 27 December 2020, CPSC was required to adopt California's Technical Bulletin 117-2013 as a flammability standard for all upholstered furniture throughout the country. Only mattresses are exempt from this standard. The compliance date for labelling according to the standard is 25 June 2022. This rule is open to public comment until 10 May 2021. Unless a significant amount of adverse comments are received, the rule will go into effect on 25 June 2021.

More information can be found at:

<https://www.federalregister.gov/documents/2021/04/09/2021-06977/standard-for-the-flammability-of-upholstered-furniture>

Country: USA

Regulation: Updated PFBS toxicity assessment

Legal Status: Published

An updated toxicity assessment of perfluorobutane sulfonic acid (PFBS) has been announced by the US Environmental Protection Agency. This assessment sets a single-value reference dose level to determine if actions are needed to address potential human exposure risks. PFBS is a member of a larger group of per- and polyfluoroalkyl substances (PFAS). PFAS chemicals are used as surfactants, repellants, and fire retardants. The new assessment declares a reference dose value of 0.0003 mg/kg PFBS per day for chronic exposure and 0.001 mg/kg/day for acute exposure.

No penalties for non-compliance have been reported as this assessment is not a regulation.

More information can be found at:

<https://www.epa.gov/newsreleases/epa-releases-updated-pfbs-toxicity-assessment-after-rigorous-scientific-review-0>

Country: USA

Regulation: Rhode Island Implementation Plan approval by EPA

Legal Status: Published

The US Environmental Protection Agency (EPA) is approving the State Implementation Plan (SIP) revisions submitted by the state of Rhode Island (RI). The SIP is a collection of regulations and documents used by the state to reduce air pollution in areas that do not meet National Ambient Air Quality Standards.

RI submitted revisions to the EPA for the incorporation of two air pollution control regulations into the SIP. The incorporated regulations are as follows:

- » Control of Volatile Organic Compounds from Consumer Products (effective in RI: 9 January 2017)
- » Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings (effective in RI: 21 July 2020)

More information can be found at:

<https://www.federalregister.gov/documents/2021/04/01/2021-06616/air-plan-approval-rhode-island-control-of-volatile-organic-compound-emissions>

Country: USA

Regulation: Updates on EPA's TSCA New Chemicals Program

Legal Status: Published

The US Environmental Protection Agency (EPA) announced a plan to change its Toxic Substances Control Act (TSCA) new chemicals review process. They are modifying the pre-manufacture notification (PMN) determination process to better address unreasonable risk caused due to excluding reasonably foreseen conditions of use of a new substance by means of Significant New Use Rules. Anyone who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose is required to submit a PMN at least 90 days prior to the manufacture of the chemical. The EPA also intends to ensure necessary protections for workers identified in its review of new chemicals through regulatory means.

Penalties for non-compliance include fines and imprisonment depending on offence.

More information can be found at:

<https://www.epa.gov/chemicals-under-tsca/important-updates-epas-tsca-new-chemicals-program>

Country: USA

Regulation: Significant new use rules on certain chemical substances (20-4.B)

Legal Status: Published

On 22 March 2021, the US Environmental Protection Agency (EPA) published Significant New Use Rules (SNURs) for the SNUR Batch 20-4.B under the Toxic Substances Control Act (TSCA). The manufacturers/processors/importers of these substances must notify the EPA through submitting a Significant New Use Notice at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA made an appropriate determination on the notice and has taken risk management actions as a result of the decision. SNUR Batch 20-4.B consists of the following substances:

- » butanoic acid, 4-(dimethylamino)-, ethyl ester (CAS No. 22041-23-2) - used as an intermediate
- » 1-butanaminium, 4-amino-N-(2-hydroxy-3-sulfopropyl)-N,N-dimethyl-4-oxo-, N-coco alkyl derivs., inner salts. (CAS No. 2041102-83-2) - used as a surfactant
- » indium manganese yttrium oxide (CAS No. 1239902-45-4) - used as a pigment

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

More information can be found at:

<https://www.federalregister.gov/documents/2021/03/22/2021-04630/significant-new-use-rules-on-certain-chemical-substances-20-4b>

Country: USA

Regulation: Draft program policy on the 1,4-dioxane limits' waiver process

Legal Status: Draft Law

Amendments to articles 35 and 37 of the Environmental Conservation Law established limits on the amount of 1,4-dioxane that can be present in household cleansing, personal care, and cosmetic products sold or offered for sale in New York State, which will take effect on 1 January 2023.

These amendments include a provision that allows manufacturers to apply for up to two, one-year waivers from compliance, allowing the manufacturer and retailers to continue the sale of non-compliant product in New York State while such waiver is in effect.

New York's Department of Environmental Conservation has published a Draft Program Policy which sets down the guidelines for the future waiver process:

- » Each product for which a waiver is sought must be individually named in the application
- » Products must be identified as a household cleansing product, a personal care product, or a cosmetic product; a list of brick codes is provided in Appendix A
- » Proof that the manufacturer has taken steps to reduce the concentration of 1,4-dioxane in that product and is unable to comply with the requirements must be provided
- » Applications can be submitted as early as 1 October 2021, according to the draft

A public consultation period on the draft program was open until 7 May 2021, 5pm Eastern Time.

More information can be found at:

<https://www.dec.ny.gov/chemical/121658.html>

Country: USA

Regulation: Chemical selected for consideration for listing by the Carcinogen Identification Committee and request for relevant information on the carcinogenic hazard of PFOS and its salts and transformation and degradation precursors & Chemicals selected for consideration for listing by the DARTIC and request for relevant information on the reproductive toxicity hazards of PFDA and its salts, PFHxS and its salts, PFNA and its salts, and PFUnDA and its salts

Legal Status: Proposed

California's Office of Environmental Health Hazard Assessment (OEHHA) has started two consultations on adding chemicals to the Proposition 65 list. Any relevant information and data may be submitted at the links attached. The purpose of Proposition 65 is to notify consumers that they are being exposed to chemicals that are known to cause cancer and/or reproductive toxicity. Consumers can decide on their own if they want to purchase or use the product. A Proposition 65 warning does not necessarily mean a product is in violation of any product-safety standards or requirements.

Perfluorooctane sulfonate (PFOS) and its salts and transformation and degradation precursors is being considered as a carcinogen. Perfluorodecanoic acid (PFDA) and its salts, perfluorohexanesulfonic acid (PFHxS) and its salts, perfluorononanoic acid (PFNA) and its salts, and perfluoroundecanoic acid (PFUnDA) and its salts are being considered for developmental and male and female reproductive toxicity.

More information can be found at:

<https://oehha.ca.gov/proposition-65/crn/chemicals-selected-consideration-listing-dartic-and-request-relevant-information>

<https://oehha.ca.gov/proposition-65/crn/chemicals-selected-oehha-consideration-listing-carcinogen-identification>

Country: Canada

Regulation: Bill C-28, strengthening environmental protection for a healthier Canada act

Legal Status: Draft amendment

The Canadian government has introduced a bill aimed at strengthening the Canadian Environmental Protection Act (CEPA) of 1999.

The main changes to CEPA are:

- » The recognition of the right to a healthy environment
- » The creation of a new Plan of Chemicals Management Priorities
- » Substances' risk assessment will consider real life exposure based on the cumulative effects of a substance in combination with exposure to other substances
- » The list of toxic substances in Schedule 1 will be split into two parts to implement a two-track approach for managing toxic substances under CEPA:
 - » Part 1 of Schedule 1 will include toxic substances that pose the highest risk, such as persistent and bioaccumulative substances (PBTs) and, in the future, substances that are carcinogenic, mutagenic or toxic to reproduction (CMRs). These substances will be subject to total, partial or conditional prohibition
 - » Part 2 will include other toxic substances and continue to be subject to regular risk management actions (i.e., priority given to pollution prevention)
- » The establishment of a Watch List of substances that are suspected of being capable of becoming toxic or that have been determined to be capable of becoming toxic. This list will not be a statutory instrument; its aim is to support the shift to less harmful chemicals
- » Information-gathering and regulatory authorities may be exercised in respect of products that may release a toxic substance, even though the products themselves do not contain the toxic substance
- » Amending the Food and Drugs Act (FDA) to provide the ability to develop a regulatory framework under the FDA to assess and manage the environmental risks of new drugs

The bill was introduced and first read in the Canadian House of Commons on 13 April 2021, it is now awaiting its second reading.

More information can be found at:

<https://www.canada.ca/en/services/environment/pollution-waste-management/strengthening-canadian-environmental-protection-act-1999/bill-c-28-strengthening-environmental-protection-healthier-canada-act-summary-amendments.html>

<https://www.parl.ca/LegisInfo/BillDetails.aspx?billId=11225029&Language=E>



OCEANIA

Country: Australia

Regulation: Industrial Chemicals Environmental Management (Register) Act 2021

Legal Status: Published

The Australian parliament has approved the establishment of a national public register of industrial chemicals by passing the Industrial Chemicals Environmental Management (Register) Act 2021 (the Act), which categorizes industrial chemicals according to the level of concern they present to the environment. The Act aims to establish nationally consistent standards to minimize risks to the environment from industrial chemicals. Industrial chemicals are chemicals used for industrial purposes such as agriculture chemical product, veterinary chemical product, chemical or mixtures of substances prepared by pharmacist or veterinary surgeons, therapeutic good, food intended for humans, and feed intended for animals.

The Act sets seven schedules of standards for the Register, ranging from chemicals causing the lowest concern (1) to the highest (7):

- » Schedules 1–3 are low concern chemicals with minimal controls
- » Schedules 4–6 may require permits and increasingly stricter controls, up to severe restriction
- » Schedule 7 chemicals will be prohibited

The register does not create prohibitions, restrictions, or obligations that are enforceable in judicial or other proceedings.

More information can be found at:

<https://www.legislation.gov.au/Details/C2021A00027>

Country: Australia

Regulation: Industrial Chemicals Legislation Amendment Act 2021

Legal Status: Published

The Industrial Chemicals Legislation Amendment Act 2021 are published amendments to the Industrial Chemicals Act 2019. The objective of this Act is to regulate the manufacture or import of industrial chemicals (chemicals used for purposes other than agriculture, veterinary or therapeutic purposes, or in food or feed). Chemicals must be registered for a registration year (which begins on 1 September). A registration charge must be paid for registration. Penalties (penalty units) apply if an industrial chemical is introduced when not registered. The changes made by the Amendment are described below:

- » Expanding the group to whom the Executive Director can delegate their powers to, from just qualified Australian Public Services executives to include qualified Australian State Emergency Services executives
- » An application for registration must include the amount of registration charge and amount of scheduling charge (for registration year beginning on 1 September 2021)
- » Expanding the definition of Federal Circuit Court to include the Family Courts of Australia

More information can be found at:

<https://www.legislation.gov.au/Details/C2021A00031>

Country: Australia

Regulation: Update to the Hazardous Chemical Information System

Legal Status: Published

Safe Work Australia, a government statutory body that develops national policy relating to work health and safety has an online chemical database called the Hazardous Chemical Information System (HCIS). The HCIS is an online support service that allows users to find information on chemicals that have been classified in accordance with the Globally Harmonized System (GHS) of classification and labelling and on Australian workplace exposure standards. As part of the two-year transition period to GHS 7 which started on 1 January 2021, the HCIS was recently updated. This update adds or updates the classification of 1,219 hazardous chemicals. To see the new and amended chemicals, use the advanced search feature found at the link to the database, and search by the publication date of this update.

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

More information can be found at:

Entry titled: Hazardous Chemical Information System update - 06/03/2021:

<http://hcis.safeworkaustralia.gov.au/News>

Hazardous Chemical Information System (HCIS) Database:

<http://hcis.safeworkaustralia.gov.au/HazardousChemical#>

Country: Australia

Regulation: Hazardous Waste (Regulation of Exports and Imports) Amendment Act 2021

Legal Status: Draft amendment

The Australian parliament has proposed to amend the Hazardous Waste (Regulation of Exports and Imports) Act 1989. The purpose of this act is to regulate the export, import, and transit of hazardous waste for the protection of the environment and human health.

There are three main parts to the draft amendment:

- » The amendment serves to implement Australia's obligations under the Basel Convention in relation to the Plastic Waste Amendment. The Basel Convention regulates the export, import, and transit of hazardous waste to minimize the harmful effects of the hazardous waste on humans and the environment.
- » The amendment proposes adoption of the standard provisions under the Regulatory Powers Act 2014 and new audit powers. These provisions cover monitoring and investigative powers as well as civil penalties and infringement notices.
- » The amendment sets out requirements for record keeping and information sharing.

Penalties for non-compliance include imprisonment for 5 years.

More information can be found at:

<https://www.legislation.gov.au/Details/C2021B00031>

Country: New Zealand

Regulation: Climate Change (Eligible Industrial Activities) Amendment Regulations 2021

Legal Status: Published

On 1 April 2021, the New Zealand Ministry for the Environment published the Amendment to the Climate Change (Eligible Industrial Activities) Regulations 2010. This legislation prescribes the allowable emissions intensity for many eligible industrial activities and the allocative baseline for each product of each eligible activity. The allocative baseline is a historical measure of emissions intensity, determined as emissions per tonnes of product from an activity. Aluminum smelting, an eligible industrial activity, refers to the physical and chemical transformation of alumina (aluminum oxide) into saleable aluminum metal. The Amendment relates to products the New Zealand Aluminum Smelters produce by updating the final or provisional allocative baselines for the products for 2020, 2021, and 2022.

There are no non-compliance provisions under this legislation.

More information can be found at:

[https://www.legislation.govt.nz/regulation/public/2021/0059/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_Climate+Change+\(Eligible+Industrial+Activities\)+Amendment+Regulations+2021_resel_25_a&p=1#LMS461020](https://www.legislation.govt.nz/regulation/public/2021/0059/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_Climate+Change+(Eligible+Industrial+Activities)+Amendment+Regulations+2021_resel_25_a&p=1#LMS461020)



AFRICA

Country: South Africa

Regulation: Regulations for Hazardous Chemical Agents 2021

Legal Status: Published

South Africa has published the Regulations for Hazardous Chemical Agents, adopting a modified version of the United Nation's globally harmonized system (GHS) of classification and labelling of chemicals in the country. This regulation was published under the Occupational Health and Safety Act of 1995, which is currently being updated. The regulation requires manufacturers, importers, and retailers to classify, label, and provide a safety data sheet (SDS) in accordance with the GHS (Rev. 7) and the requirements outlined in the regulations. However, it does not require classification of some of the lesser hazardous classes and categories noted below:

- » Explosives- all categories
- » Acute toxicity (oral, dermal, inhalation), category 5
- » Skin corrosion/irritation, category 3
- » Serious eye damage/eye irritation, category 2B
- » Hazardous to the aquatic environment short-term (acute), categories 2 and 3
- » Hazardous to the aquatic environment long-term (chronic), categories 3 and 4

Additionally, the regulation requires employers to:

- » Conduct appropriate hazardous chemicals training with employees

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- » Provide personal protective equipment to employees
- » Perform air monitoring to test exposures to substances in the workplace

There is an 18-month transition period, with requirements regarding classification, labelling and SDSs under the GHS taking effect on 29 September 2022.

Penalties for non-compliance include fines or imprisonment.

More information can be found at:

https://www.gov.za/sites/default/files/gcis_document/202103/44348rg11263gon280.pdf

Country: Egypt

Regulation: Egyptian Standard ES 8398 “Safety data sheet for chemical products — content and order of sections”

Legal Status: Proposed

The Egyptian Organization for Standardization and Quality proposed the Egyptian Standard ES 8398 regarding the requirements for safety data sheets for chemical products. This standard is technically identical with ISO 11014/2009 standard on safety data sheet for chemical products - content and order of sections.

More information can be found at:

<https://www.iso.org/standard/44690.html>

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