IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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April 2022
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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
April 2022

WHO IS IAEG?

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

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

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

IAEG WORK GROUP 9 NEWSLETTER

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

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

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

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ASIA

China

Determination of seven phthalates in electrical and electronic products by high performance liquid chromatography (draft)

On 3 March 2022, China published a draft standard relating to the 'Measures for the Administration of the Restricted Use of the Hazardous Substances Contained in Electrical and Electronic Products' (China RoHS 2). This draft standard is relevant to the determination of the following seven phthalates using high performance liquid chromatography:

- diisobutyl phthalate (DIBP; CAS No. 84-69-5)
- dibutyl phthalate (DBP; CAS No. 84-74-2)
- butyl benzyl phthalate (BBP; CAS No. 85-68-7)
- di(2-ethylhexyl)phthalate (DEHP; CAS No. 117-81-7)
- di-n-octyl phthalate (DNOP; CAS No. 117-84-0)
- di-iso-nonyl phthalate (DINP; CAS No. 68515-48-0)
- di-iso-decyl phthalate (DIDP; CAS No. 26761-40-0)

The draft standard was issued in preparation for the addition of DIBP, DBP, BBP and DEHP to the China RoHS 2 in line with the European Union RoHS 2. The consultation for this standard ended on 8 April 2022.

More information can be found in English in this unofficial translations of the notice, the determination of the seven phthalates, and the compilation constructions. More information can be found here in Chinese.

India

Amendments to import and export policies for hydrofluorocarbons (effective)

On 27 September 2021, India ratified the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. This committed India to decreasing its production and consumption of hydrofluorocarbons (HFCs) by 85% by 2047. Following this, India introduced new rules that amend existing export and import policies for HFCs. The new HFCs policies for importers and exporters came into effect on 9 March 2022 for Notification No. 59/2015-2020 and 23 March 2022 for Notification No. 62/2015-2020. According to the rules, importers and exporters must obtain government permission before trading, as part of its drive to use safer alternatives. Specifically, the importers and exporters must secure 'no objection certificates' (NOCs) from the Ministry of Environment, Forests, and Climate Change. These NOCs must be secured before entering into any agreements with overseas buyers or suppliers (does not apply to anyone buying the substances given in the notifications in India).

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

More information, and the list of substances, can be found in Notification No. 59/2015-2020 and Notification No. 62/2015-2020.

The Department of Chemicals and Petrochemicals announces the delay of implementation of quality control orders for six substances (published)

On 11 March 2022, the Department of Chemicals and Petrochemicals (DCPC) in India announced the delay of implementation of quality control orders (QCOs) for six substances. Originally planned to come into force in March 2022, the QCOs will now come into force on 13 September 2022. The delay, which was due to COVID-19, enables manufacturers, importers, and traders of the six substances to operate and trade uninterruptedly until September 2022. They are required to maintain the Indian Standard (IS) specification requirements on the packaging and labels of products until these QCOs come into force.

The substances that may be relevant to the aerospace and defense industry and are subject to a delayed implementation date for the QCOs are:

- beta picoline (CAS No. 108-99-6) – used in the manufacture of solvents and dyes
- potassium carbonate (CAS No. 584-08-7) – used as flame retardants
- acetone (CAS No. 67-64-1) – used in paints and plastic processing
- pyridine (CAS No. 110-86-1) – used in paints, dyes, and adhesives

The QCOs require companies manufacturing or importing these chemicals to comply or face a ban. Companies will have to apply to the standards bureau for a certificate, which will be valid for two years before it will need renewal. In addition, they must ensure that all packaging and labels display the IS mark.

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

More information can be found in The Gazette of India.

Japan

Japan modifies its Priority Assessment Chemical Substances List (published)

On 30 March 2022, Japan's Ministry of Health, Labor, and Welfare, Ministry of Economy, Trade, and Industry (METI), and Ministry of the Environment published the assessment results for eight Priority Assessment Chemical Substances (PACSs). These substances were prioritized for quantity evaluation as their total manufactured/imported quantities in Japan are 10 tonnes or less per year, or their estimated emissions are 1 tonne or less per year. These evaluations consider the production/ import quantity of the substances for three years or more.

PACSs are substances under the Chemical Substances Control Law for which it is not clear whether the substances have any long-term toxicity risks for humans or the environment. These substances may remain or are expected to remain in the environment in considerable amounts, and likely to cause damage to human health and/or the environment.

The designation for four PACSs have been cancelled as evaluation of these substances found that there is no risk of damage to human health or the environment. These substances are:

- o-chloroaniline (CAS No. 95-51-2)
- copper(I) thiocyanate (CAS No. 1111-67-7)
- 2-sec-butylphenyl N-methylcarbamate (CAS No. 3766-81-2)
- tetramethylthiuram disulfide (CAS No. 137-26-8)

The other four PACSs will be monitored further as they have not yet been monitored for 3 years. These substances are:

- methyl dodecanoate (CAS No. 111-82-0)
- octadecylamine(N-B)triphenylborane (CAS No. 107065-10-1)
- 2-tert-butylamino-4-cyclopropylamino-6-methylthio-1,3,5-triazine (CAS No. 28159-98-0)
- trioctylamine (CAS No. 1116-76-3)

More information on the 30 March 2022 announcement can be found here in English and Japanese.

Then, on 1 April 2022, METI added four substances and removed thirteen substances from the PACSs List. The following four substances have been added to the PACSs List:

- diazenediyldimethanamide (CAS No. 123-77-3)
- methyl 1H-benzoimidazol-2-ylcarbamate (CAS No. 10605-21-7)
- alpha,alpha'-[(Alkyl(C=8-18, normal chain)azanediyl)di(ethane-2,1-diyl)]bis[omega-hydroxypoly(oxyethane-1,2-diyl)][1] (CAS No. not available)
- salt of {ester of 2-hydroxy-N,N-bis(2-hydroxyethyl)-N-methylethan-1-aminium and [saturated fatty acid(C=10-20, normal chain)(or unsaturated fatty acid(C=16-18, normal chain))]} (CAS No. not available)

METI cancelled the designation for the thirteen PACSs below as evaluation of these substances found that there is no risk of damage to human health or the environment:

- o-chloroaniline (CAS No. 95-51-2)
- copper(I) thiocyanate (CAS No. 1111-67-7)
- 2-sec-butylphenyl N-methylcarbamate (CAS No. 3766-81-2)
- tetramethylthiuram disulfide (CAS No. 137-26-8)
- 1,2-epoxybutane (CAS No. 106-88-7)
- hydrogen peroxide (CAS No. 7722-84-1)
- methanol (CAS No. 67-56-1)
- 1-octanol (CAS No. 111-87-5)
- isobutyraldehyde (CAS No. 78-84-2)
- acetone (CAS No. 67-64-1)
- methyl ethyl ketone (CAS No. 78-93-3)
- chlorobenzene (CAS No. 108-90-7)
- 1,1,1,3,3,3-hexamethyldisiloxane (CAS No. 107-46-0)

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

More information on the 1 April 2022 announcement can be found in Japanese in the addition of substances to PACSs List, and the removal of substances from the PACASs List. General information can be found here in Japanese.

[1] The repeating number of repeating units is an integer 0 or more. It is limited that the number-average molecular weight of the polymer is less than 1,000.

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South Korea

Amendment to regulation on regulated quantities of toxic substances, restricted substances, prohibited substances and permitted substances (in force)

The South Korean Ministry of Environment (MoE) conducted a consultation, which ended on 13 March 2022, on amendments to the regulation on regulated quantities of toxic substances, restricted substances, prohibited substances and permitted substances (the Regulation). Following this, the upper and the lower prescribed quantities for new restricted and toxic substances were revised according to the classification of hazardous and physical hazards. The amendments include:

- adding 5 toxic substances into Annex 1 of the Regulation:
  - N,N,N-tributyl-1-butanaminium, (T-4)-butyltriphenylborate(1-) (1:1) [CAS No. 120307-06-4] – lower and upper handling limits of 20 and 400 tonnes, respectively
  - N,N,N-tributyl-1-butanaminium, (T-4)-butyltri-1-naphthalenylborate(1-) (1:1) [CAS No. 219125-19-6] – lower and upper handling limits of 20 and 400 tonnes, respectively
  - 1-(chloromethyl)-4-ethenylbenzene [CAS No. 1592-20-7] – lower and upper handling limits of 20 and 400 tonnes, respectively
  - 1,4-dioxane (CAS No. 123-91-1) – lower and upper handling limits of 5 and 200 tonnes, respectively
  - N,N-dimethyl-N-octadecyl-1-octadecanammonium chloride (CAS No. 107-64-2) – lower and upper handling limits of 20 and 400 tonnes, respectively
- adding one restricted substance into Annex 2 of the Regulation: acrylamide (CAS No. 79-06-1) with lower and upper handling limits of 20 and 500 tonnes, respectively
- updating the CAS Number of one toxic substance previously designated: epichlorohydrin (including R- and S-enantiomers) (CAS No. 106-89-8) – lower and upper handling limits of 5 and 200 tonnes, respectively
- deleting one substance previously designated: amitrole (CAS No. 61-82-5)

The Regulation regulates certain hazardous substances. If the handling limits for the substances are exceeded, chemical accident prevention management plans will need to be submitted in accordance with the Chemicals Control Act (CCA). The CCA is an act that aims to protect public health and the environment by the systematic management of chemical substances and prevention of chemical accidents.

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

Additional information on the amendment can be found here in English and Korean. More information can be found here in Korean.

Amendment to K-REACH regarding test data requirements for low volume, low risk substances (effective)

The Korean Ministry of Environment (MoE) opened a public consultation on 18 February 2022 for a draft, partial amendment to K-REACH. The amendment would remove some test data requirements for low-volume, low-risk substances under K-REACH. Although the consultation ended on 30 March 2022, the MoE issued a notice on 15 March 2022, which entered into force on 16 March 2022 and came into effect on 30 March 2022, to introduce the new rules under the Draft Partial Amendment due to its high urgency. The new rules include:

- waiving the requirement for environmental hazard data (when registering a substance under K-REACH) for a company manufacturing or importing a substance between 0.1 and 1 tonne per year; this applies if the water solubility is less than 1 milligram/liter or if the chemical substance is used as intermediate or process regulator
- oversea producers of new substances for research and development purposes, importing to South Korea in annual volumes of under 100 kilograms, may apply for an exemption from reporting without disclosing the substance's name and CAS number. The company can apply using a safety data sheet instead

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

Additional information can be found here in Korean.

Taiwan

The Taiwanese Environmental Protection Agency announces that hydrogen fluoride is a hazardous substance of concern under the Toxic and Concerned Chemicals Substances Control Act (published)

The Taiwanese Environmental Protection Agency has announced that hydrogen fluoride (CAS No. 7664-39-3) is a hazardous substance of concern and is subject to registration under the Toxic and Concerned Chemical Substances Control Act. The Act aims to prevent toxic and harmful chemicals from harming the environment and human health, as well as to manage information on domestic chemical substances. Under the Act, those that manufacture or import certain quantities of chemicals annually must apply to register hydrogen fluoride with the competent authority at least 90 days prior to manufacture or import. Additionally, containers and packaging labels for hydrogen fluoride must be labelled accurately with the name 'hydrogen fluoride', 'hydrofluoric acid', or 'fluorhydric acid' in accordance with the SDS requirements of the Act. Hydrogen fluoride is used to make refrigerants, plastics, electrical components, and fluorescent light bulbs.

Penalties for non-compliance include fines of NT$60,000 to 500,000 and suspension of the business. There is no enforcement date associated with this update.

Additional information can be found here in English and in Chinese.

Draft Restriction on Import of Asbestos-Containing Products (consultation)

The Taiwan Environmental Protection Agency (EPA) opened a consultation on 19 April 2022 for a draft regulation concerning asbestos-containing products. This draft regulation will prohibit the import of asbestos-containing products. However, exemptions can be applied for if:

- the asbestos-containing products are necessary for the protection of the public and for military purposes
- the asbestos-containing products are for research, experiment, and educational purposes
- there is difficulty finding a suitable substitute for the asbestos-containing product

After the EPA has examined and approved the application for an exemption, a certification document will be issued to the applicant. This will enable import of the asbestos-containing products under one of the three exemptions listed above.

Comments must be provided to the EPA by 18 June 2022.

Additional information can be found here in English and in Chinese.

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EUROPE

Denmark

Notice that permits exemptions for substance, mixture, or article that are solely for defense purposes or national security (in force)

On 22 April 2022, the Danish Ministry of Environment published a notice that permits exemptions for substances, mixtures, or articles that are solely for defense purposes or national security. These exemptions are provided in line with the European Union REACH and CLP (i.e., classification, labelling, and packaging) regulations. According to the notice, the application for exemption(s) must be submitted to the Danish Environmental Protection Agency no later than six months before the substance, mixture, or article is imported into or used in Denmark. Certain information needs to be provided with the application:

- basic information [e.g., chemical name and identification, and name(s) and contact details of applicants] and rationale for exemption
- information for derogation from Title II of the REACH Regulation on substance registration, Title VII on authorization, and Title VIII on restrictions on the manufacture, placing on the market, and use of certain dangerous substances, mixtures, and articles

Penalties for non-compliance include fines and imprisonment for up to two years.

More information can be found here in Danish.

European Union

The European Commission adds five substances to the REACH Authorisation List (effective)

On 11 April 2022, the European Commission (EC) added five substances of very high concern (SVHCs) to the REACH Authorisation List (Annex XIV). Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs. Substances that are included in the Authorisation List cannot be manufactured or imported in the European Union (EU)after a designated sunset date, except if the companies have obtained an authorisation for their specific use(s).

The five substances added to the Authorisation List are:

- tetraethyl lead (EC No. 201-075-4; CAS No. 78-00-2) – toxic for reproduction – used as an additive in aviation fuel
- 4,4'-bis(dimethylamino)-4''-(methylamino)trityl alcohol [with ≥ 0,1% of Michler's ketone or Michler's base] (EC No. 209-218-2; CAS No. 561-41-1) – carcinogenic – used in printing inks
- reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP-HP; with ≥ 0,1% w/w 4-heptylphenol, branched and linear) (EC and CAS Nos. not available) – endocrine disrupting properties (environment) – used in lubricants and greases

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- 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (DOTE) (EC No. 239-622-4; CAS No. 15571-58-1) – toxic for reproduction – used as a stabilizer in polymers
- reaction mass of 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4-octyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (reaction mass of DOTE and MOTE) [EC and CAS Nos. not available) – toxic for reproduction – used as a stabilizer in polymers

The additions to the Authorisation List will take effect on 28 April 2022. Companies who want to continue using the five substances listed above must apply for authorisation. The transition period for applying for authorisation ends on 1 November 2023. After 1 May 2025, the manufacture and use of these substances will be prohibited unless the company has obtained authorisation.

Penalties for non-compliance vary by Member State.

More information can be found in the Commission Regulation (EU) 2022/586 and this announcement.

The European Chemical Agency releases the annual update of the Community Rolling Action Plan under REACH, adding two substances (published)

On 22 March 2022, the European Chemicals Agency (ECHA) published the annual update of the Community Rolling Action Plan (CoRAP) under Articles 44-48 of the European Union (EU) REACH. Each spring, ECHA adopts an update of the CoRAP to establish the list of substances that have been evaluated, or will be evaluated, by an EU Member State in the respective time period.

The 2022-2024 CoRAP lists 27 substances that are suspected of posing a risk to human health or the environment. Of these substances, 25 were included in the previous CoRAP update, and 2 substances have been added. The substances that have been added are:

- 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylindeno[5,6-c]pyran (CAS No. 1222-05-5) – used in polishes and waxes
- 2-pentanone oxime (CAS No. 623-40-5) – used in coating products

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

More information on the proposal can be found in this ECHA update and in the ECHA substance evaluation CoRAP.

Regulations on fluorinated greenhouse gases and substances that deplete the ozone layer (consultation)

On 8 April 2022, the European Commission (EC) opened a consultation for a draft regulation concerning fluorinated greenhouse gases. The draft regulation will replace Regulation (EU) No 517/2014, which currently regulates fluorinated greenhouse gases in the European Union (EU). This is to better align with the European Green Deal, which aims for 2050 climate neutrality, and the international obligations on hydrofluorocarbons (HFCs) under the Montreal Protocol. Fluorinated gases ('F-gases') are man-made greenhouse gases used in various products and appliances such as air-conditioning units. Their emissions contribute to climate warming.

The EC are seeking comments on the draft regulation by 18 June 2022.

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More information on the F-gases draft regulations can be found here.

Also on 8 April 2022, the EC opened a consultation for a draft regulation concerning ozone-depleting substances (ODS). The draft regulation will replace Regulation (EC) No 1005/2009, which currently regulates ODS in the EU in line with the Montreal Protocol. Although the rules for prohibition of import, export, and use of ODS under the Regulation (EC) No 1005/2009 have been evaluated as being generally effective, the EC is introducing new improvements such as:

- simpler/clearer control measures
- greater consistency with customs rules (the 'single window' for customs)
- modified phase-out dates for the aviation sector

The EC are seeking comments on the draft ODS regulation 11 June 2022.

More information on the draft ODS regulation can be found here.

The European Chemicals Agencies opens consultation on hazard classes of ozone (draft amendment)

On 21 March 2022, the European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of ozone (EC No. 233-069-2; CAS No. 10028-15-6). This substance is used in laminating and coating.

Interested parties can give comments related to the hazard classes by 20 May 2022.

More information can be found here.

Restriction of the use of hazardous substances in electronics (consultation)

In the European Union (EU) Directive 2011/65/EU (RoHS Directive) restricts the use of hazardous substances in electrical and electronic equipment (EEE). The RoHS Directive, which currently restricts the use of 10 hazardous substances in EEE, complements Directive 2012/19/EU on waste from electrical and electronic equipment (WEEE) and addresses hazardous substances in EEE, particularly waste management challenges and workers' protection.

Following an evaluation of the RoHS Directive in 2018 and 2019, a range of issues relating to the following were identified:

- provisions and procedures on granting/renewing/revoking exemptions to substance restrictions that are complex and have in part proved to be impracticable in their application
- the process of reviewing the list of restricted substances
- enforcement difficulties
- certain unclear and outdated provisions on spare parts or scope and insufficient provisions to support the circular economy
- consistency with related EU legislation covering substance assessment and restrictions (REACH) or legislation specific to EEE (Ecodesign Directive)

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To address the issues above, the European Commission (EC) opened a public consultation on 10 March 2022 following a call for evidence. This is under an initiative that will simplify and increase the efficiency and improve the enforcement of the RoHS Directive rules. Comments must be provided to the EC by 2 June 2022.

More information can be found here.

Switzerland

Amendment to Ordinance on the Reduction of Risks associated with the use of particularly dangerous substances, preparations, and articles (effective)

On 10 March 2022, Switzerland published an amendment to the Ordinance on the Reduction of Risks to restrict use of certain particularly dangerous substances, preparations, and articles (ORRChem). Provisions relating to specific substances are detailed in Annex 1 while provisions relating product groups of preparations and articles are detailed in Annex 2. Amendments are made to the following Annexes:

- 1.1 (persistent organic pollutants)
- 1.2 (halogenated organic substances)
- 1.4 (substances that deplete the ozone layer)
- 1.5 (substances stable in the atmosphere)
- 1.6 (asbestos)
- 1.10 (substances classified as carcinogenic, mutagenic, or toxic to reproduction)
- 1.16 (perfluorinated and polyfluorinated alkyl substances, PFAS)
- 2.9 (plastics and additives)
- 2.10 (refrigerants)
- 2.11 (extinguishing agents)

The amendment adds a new Annex 1.16 on per- and polyfluoroalkyl substances (PFAS) that contains the following substances:

- perfluorooctane sulfonic acid (PFOS) [CAS No. 1763-23-1], its salts and derivatives
- perfluorohexane sulfonic acid (PFHxS) [CAS No. 355-46-4], its salts and related substances
- perfluorooctanoic acid (PFOA) [CAS No. 335-67-1], its salts and related compounds
- perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts and related substances
- fluoroalkylsilanols and their derivatives

The manufacture, placing on the market, and use of the aforementioned PFAS are prohibited. For cases where the PFAS is a constituent of another substance, in a mixture or in an article, the PFAS must not exceed the prescribed limit (see Annex 1.16 for further details).

Some other major changes to the Ordinance include:

- adding PFOA and its related compounds, pentachlorophenol (PCP) [CAS No. 87-86-5], its salts and esters, and dicofol (CAS No. 115-32-2) to the list of prohibited POPs in Annex 1.1
- adding prohibitions to the placing on the market and use of oxo-degradable plastics in Annex 2.9
- clarifying that Annex 1.16 applies to extinguishing agents containing PFOS, PFOA, C9-C14 PFCAs and PFHxS as well as their related substances in Annex 2.11

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The provisions given in the amendment to the Ordinance became effective from 1 April 2022, except for Annex 1.16, which becomes effective on 1 October 2022.

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

More information can be found here in the ORRChem amendment. More information can be found here in German, French, and Italian.

United Kingdom

Rolling Action Plan for UK REACH 2022-2024 (published)

In March 2022, Great Britain (GB) published its first Rolling Action Plan (RAP) for 2022-2024, under Article 44 of UK REACH. The RAP is the GB equivalent to the EU's Community Rolling Action Plan (CoRAP). The Health and Safety Executive (HSE) will evaluate the substances listed on the RAP within one year from the date of publication of the RAP and, where necessary, prepare a draft decision requesting further information from the registrants to clarify the identified concern(s). The RAP will be updated annually.

In this first RAP, two substances have been identified for priority evaluation in 2022:

- paraffin waxes and hydrocarbon waxes, chloro (long-chain chlorinated paraffins) (CAS No. 63449-39-8) – used in lubricants, polymer/rubber compounding, and production of cables
- 2,2'-diallyl-4,4'-sulfonyldiphenol (CAS No. 41481-66-7) – used in paper and board treatment products

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

More information can be found in the HSE announcement and here.

NORTH AMERICA

Canada

Adding Cyclohexylamine to the Domestic Substances List (consultation)

The Canadian Ministers of Environment and of Health conducted a screening assessment on cyclohexylamine (CAS No. 108-91-8) under the Canadian Environmental Protection Act, 1999 (CEPA) and identified significant new activities (SNAcs) of concern to which the substance may be subject. Cyclohexylamine is used in stain, paint, and coating products. The SNAcs relevant to the aerospace and defense industry are:

- use in consumer products at a concentration greater or equal to 0.1%

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- use in consumer products in a quantity greater than 10 kilograms in a calendar year, if present at a concentration greater or equal to 0.1%

For each proposed SNAc, the Minister must be notified at least 90 days before the activity begins.

Comments are being sought to amend the Domestic Substances List with cyclohexylamine. Interested parties should submit comments to the Department of Environment and Climate Change by 8 June 2022 via email to substances@ec.gc.ca.

More information can be found in this notice in the Canada Gazette

Order Adding Two Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999 (consultation)

On 2 April 2022, the Canadian Department of the Environment and Department of Health opened a public consultation on two proposed orders that would add benzophenone (CAS No. 119-61-9) and triarylmethane dyes to the toxic substances list, which is under Schedule 1 of the Canadian Environmental Protection Act (CEPA), 1999.

Benzophenone is used in paints, coatings, additive for plastics and adhesive formulations. During the screening assessment for benzophenone, exposure from paints and stains were found to be of particular concern to human health. Triarylmethane dyes are used in plastics and leather. Following a screening assessment, four triarylmethane dyes were found to meet the ecological criteria for toxic substances, under Section 64 of CEPA, and are listed under the proposal:

- basic violet 3 (CAS No. 548-62-9)
- malachite green (CAS No. 569-64-2)
- basic violet 4 (CAS No. 2390-59-2)
- basic blue 7 (CAS No. 2390-60-5)

Section 64 of CEPA defines a substance as toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that:

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

Comments must be provided to the Executive Director of the Department of Environment and Climate Change by 1 June 2022.

More information can be found here on benzophenone and triarylmethane dyes.

Screening assessment of 21 substances of the alcohols group and 14 substances of the esters group specified on the Domestic Substances List (consultation)

The Canadian Minister of the Environment and Minister of Health conducted a screening assessment on 21 alcohols group substances and 14 esters group substances specified on the Domestic Substances List (DSL). The DSL provides an inventory of substances in the Canadian marketplace. This falls under the Canadian Environmental Protection Act (CEPA), 1999. In Canada, the 21 alcohols group substances have uses as a solvent (in paints and polymers), an intermediate in the

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manufacture of specialty chemicals, and uses in adhesives, sealants, paint, and varnish removers. The 14 esters group substances are generally used in paints, adhesives, and paint removers.

On 11 May 2022, the Canadian government published a draft notice following the screening assessment on the 21 alcohols group substances concluding that:

- methanol (CAS No. 79-20-9), 1-butanol (CAS No. 71-36-3), and benzenemethanol (benzyl alcohol; CAS No. 100-51-6) meet one or more of the criteria set out in Section 64 of CEPA
- the other 18 alcohols do not meet any of the criteria set out in section 64 of CEPA

Then, on 18 May 2022, the Canadian government published a draft notice following the screening assessment on the 14 esters group substances concluding that:

- methyl acetate (CAS No. 79-20-9) meets one or more of the criteria set out in Section 64 of CEPA
- the other 13 substances do not meet any of the criteria set out in section 64 of CEPA

Section 64 of CEPA defines a substance as toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that:

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

Comments were due to the Minister of the Environment for the 21 alcohols group substances by 11 May 2022 and for the 14 esters group substances by 18 May 2022.

More information can be found in the Canada Gazette on the 21 alcohols group substances and the14 esters group substances.

United States

Proposed Rule on chrysotile asbestos under Section 6(a) of the Toxic Substances Control Act (consultation)

The US Environmental Protection Agency (EPA) published a Proposed Rule on 12 April 2022 for chrysotile asbestos (the only known form of asbestos currently imported into the US). This will ban the manufacture, import, processing, distribution in commerce and commercial use of chrysotile asbestos under section 6(a) of the Toxic Substances Control Act. Chrysotile asbestos, a known carcinogen, can be found in asbestos diaphragms, sheet gaskets, brake blocks, vehicle friction products, and other gaskets imported into the US.

The prohibitions relating to asbestos diaphragms and sheet gaskets for commercial use are proposed to take effect two years after the final rule's effective date. The proposed bans relating to oilfield brake blocks, vehicle friction products, and other gaskets for commercial use are proposed to take effect 180 days after the final rule's effective date.

EPA is also proposing targeted disposal and recordkeeping requirements in line with industry standards and the Asbestos National Emission Standards for Hazardous Air Pollutants. The proposed disposal and recordkeeping requirements would take effect 180 days after the final rule's effective date.

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Comments for the Proposed Rule must be submitted to the EPA by 13 June 2022.

More information can be found in the Federal Register.

Oceania

Australia

The Department of Health adds eight substances to the Australia Inventory of Industrial Chemicals (published)

The Australian Government's Department of Health published a notice on 5 April 2022 to add eight substances to the Australia Inventory of Industrial Chemicals (AIIC). Chemical substances that are listed in the AIIC can be introduced by any registered introducers (manufacturer or importer). According to the Industrial Chemicals (IC) Act 2019, which regulates the manufacture and import of industrial chemicals (chemicals used for purposes other than agriculture, veterinary, or therapeutic purposes, or in food or feed), introducers shall apply for registration before introducing an industrial chemical to Australia. For chemicals not listed in the AIIC, introducers shall apply to the Executive Director for an assessment certificate for its introduction.

The notice adds eight substances in accordance with Section 82 of the IC Act 2019, which states that the Executive Director must list an industrial chemical on the AIIC if 5 years have passed since the assessment certificate was issued. These substances are:

- fatty acids, C18-unsatd., dimers, polymers with conjugated sunflower-oil fatty acids, and glycerol, cobalt complexes (CAS No. 2761090-90-6)
- 2-propenoic acid, docosyl ester, polymer with eicosyl 2-propenoate, ethene, ethenyl acetate, and octadecyl 2-propenoate, graft (CAS No. 593253-13-5)
- poly(oxy-1,2-ethanediyl), .alpha.-sulfo-.omega.-hydroxy-, C9-11-branched, and linear alkyl ethers, sodium salts (CAS No. 160901-28-0)
- 2-propenoic acid, 2-methyl-, ethyl ester, polymer with 2-oxiranylmethyl 2-methyl-2-propenoate (CAS No. 40081-37-6)
- 1-propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-, polymer with N,N-dimethyl-2-propenamide, ammonium salt (CAS No. 103115-51-1)
- 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene and 2-hydroxyethyl 2-propenoate (CAS No. 41529-32-2)
- 1-propanaminium, N,N,N-trimethyl-3-[(2-methyl-1-oxo-2-propen-1-yl)amino]-, chloride (1:1), polymer with 2-propenoic acid, sodium salt (CAS No. 160669-20-5)
- fatty acids, tall-oil, polymers with isophthalic acid, linseed oil, pentaerythritol, and trimethylolpropane (CAS No. 2763224-53-7)

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Penalties for non-compliance include fines.

More information can be found here.

Removal of a 2,5-furandione polymer from and adding another polymer to the Australian Inventory of Industrial Chemicals (consultation)

On 8 April 2022, the Australian Department of Health opened a public consultation to remove a chemical that was wrongly listed on the Australian Inventory of Industrial Chemicals (AIIC). This was due to the misidentification of the chemical structure (the word "hydrolyzed" should not be included in the 2,5-furandione polymer's name; CAS No. 1428963-39-6). The consultation also proposes to add the correct 2,5-furandione polymer's name (CAS No. 1431957-88-8) to the AIIC.

The chemical proposed to be removed from the AIIC is 2,5-Furandione, telomer with ethenylbenzene and (1-methylethyl)benzene, hydrolyzed, 3- (dimethylamino)propyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether, 2-[(C10-16- alkyloxy)methyl]oxirane-quaternized, benzoates (salts) (CAS No. 1428963-39-6).

The chemical proposed to be added to the AIIC is 2,5-Furandione, telomer with ethenylbenzene and (1-methylethyl)benzene, 3- (dimethylamino)propyl imide, imide with polyethylene-polypropylene glycol 2- aminopropyl Me ether, 2-[(C10-16- alkyloxy)methyl]oxirane-quaternized, benzoates (salts) (CAS No. 1431957-88-8).

Chemical substances that are listed in the AIIC can be introduced by any registered introducers (manufacturer or importer). According to the Industrial Chemicals (IC) Act 2019, which regulates the manufacture and import of industrial chemicals (chemicals used for purposes other than agriculture, veterinary or therapeutic purposes, or in food or feed), introducers shall apply for registration before introducing an industrial chemical to Australia. For chemicals not listed in the AIIC, introducers shall apply to the Executive Director for an assessment certificate for its introduction.

The deadline for comments on the consultation is 3 June 2022.

More information can be found here.

SOUTH AMERICA

Brazil

Restrictions for marketing products that contain inhalant substances – resolution RDC No. 649 (published)

The Brazilian Health Regulatory Agency published a resolution RDC No. 649 on 30 March 2022, which establishes criteria and restrictions for marketing products that contain inhalant substances (substances capable of promoting depression and

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that have the potential for abuse by triggering self-administration). The main objective of RDC No. 649 is to protect human health. Products covered under this resolution are:

- glues
- thinners
- adhesives

The companies that produce or use inhalant substances in glues, thinners, and adhesives will have to identify methods and processes to replace these substances contained in the products. Further information regarding the requirements for sale/inventory control and for labelling are provided in Chapters I and III, respectively.

Penalties for non-compliance include fines (specified in Law No. 6437 of 20 August 1977).

More information can be found here in English and Portuguese.

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